Title 19

ZONING

Chapters:

Chapter 19.04

GENERAL PROVISIONS

Sections:

19.04.010 Title designated.

This title shall be known as the "zoning ordinance of the city of Altoona."
(Ord. A-56 § 1, 1970)

19.04.020 Purpose of provisions.

The regulations and restrictions established in this title have been made in accordance with a comprehensive plan and are designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, and to promote health and general welfare. These regulations also serve to provide adequate light and air, to prevent the overcrowding of land, to avoid under concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. Such regulations and restrictions have been made with reasonable consideration of the character of each district and its particular suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Ord. A-56 § 2, 1970)

19.04.030 Authority

This Title is created pursuant to the authority of Wis. Stats. § 62.23(7).

19.04.040 Conformity to Comprehensive Plan

The City of Altoona Comprehensive Plan establishes the goals, objectives and strategies that serve as a basis for this zoning Title. All regulations or amendments adopted pursuant to this ordinance shall be generally consistent with the Comprehensive Plan as adopted and revised or updated.

19.05.050 Interpretation

A. This ordinance should be interpreted as a permissive zoning ordinance, which means that the ordinance permits only those principal and accessory uses and structures that are specifically enumerated in the ordinance. In the absence of a variance or special exception, any uses or structures not specifically permitted by the ordinance are prohibited.

B. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals and general welfare.

C. Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall prevail, unless an exception to this provision is specifically noted.

D. This ordinance is not intended to abrogate any easement, covenant or other private agreement. However, this ordinance applies if it is more restrictive or imposes higher standards or requirements than an easement, covenant or other private agreement.

E. Any use, building, structure, or lot that is lawfully existing at the time of the adoption of this ordinance, or any subsequent amendment(s), may be continued, subject to the provisions in Chapter 19.60 "Nonconforming Uses".

F. A building, structure or use that was unlawful when this Title was adopted does not become lawful solely by reason of the adoption of this Title. To the extent that the unlawful building, structure or use conflicts with this Title, the building, structure or use remains unlawful under this Title.

G. In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this ordinance is required by a standard in Wis. Admin. Code ch. NR 116 or NR 117, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapter NR 116 or NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

19.05.060 Severability

A. In the event that any section of this ordinance shall be declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other sections of this ordinance, which shall be in full force and effect as if the said section or said sections were not originally a part thereof.

B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment. (Ord 3A-18, 2018).

Chapter 19.08

DEFINITIONS

Sections:

19.08.010 Accessory building.

"Accessory building" means a subordinate building the use of which is incidental to that of the main building on the same lot. (Ord. A-56 § 3(2), 1970)

19.08.020 Adult book store.

"Adult book store" means an establishment having as a predominant portion of its stock in trade, books, magazines and other periodicals, or video cassettes, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein). (Ord. 11A-93 § 3, 1993)

19.08.030 Adult motion picture theater.

"Adult motion picture theater" means an enclosed building which is significantly or substantially used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined herein) for observation by patrons therein. (Ord. 11A-93 § 4, 1993)

19.08.040 Building.

"Building" means a structure having a roof supported by columns or walls, including mobile homes, whether movable or stationary. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(1), 1970)

19.08.050 Dump or junkyard.

"Dump or junkyard" means any area used for the outdoor storage, keeping or abandonment of junk or discarded materials, rubbish, trash, cans, bottles, garbage, vehicles, machinery or parts. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(7), 1970)

19.08.060 Dwelling, multiple.

"Multiple dwelling" means a building containing more than two but less than nine dwelling units; however, buildings used for housing for older persons, as defined in Section 19.08.130, may contain more than eight units per building. (Ord. 10A-96, 1996: Ord. 11A-93 § 1 (part), 1993; Ord. 6E-93 (part), 1993: Ord. A-56 § 3((6), 1970)

19.08.070 Dwelling, two-family.

"Two-family dwelling" means a building containing two dwelling units. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(5), 1970)

19.08.080 Dwelling unit.

"Dwelling unit" means a dwelling or portion thereof providing complete living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(4), 1970)

19.08.090 Family.

"Family" means one or more persons, with their domestic servants, and with not to exceed two boarders or roomers, occupying a dwelling unit as a single, nonprofit, housekeeping unit, as distinguished from a group occupying a hotel, motel, tourist home or other tourist accommodation, boardinghouse, club, dormitory, fraternity or sorority house. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(8), 1970)

19.08.100 Garage, private.

"Private garage" means an accessory building or part of a main building used for the storage only of private motor vehicles which are owned by occupants of the main building. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(9), 1970)

19.08.110 Height of building/Height of wall.

A. "Height of building" means the vertical distance from the average elevation of the finished ground at the exterior walls of a building to the highest point of the roof or in the case of pitched roofs, to the mean level between the eaves and the highest point of the roof. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(3), 1970)

B. "Height of wall" means the vertical distance from the elevation of the finished ground at any point along the exterior, to the highest extent of the portion of the roof directly above. The linear extent

of the wall to be considered for this determination shall include all points as viewed in the four common building elevation drawings. (Ord. 5B-04, 2004).

19.08.120 Home occupation.

"Home occupation" means a customarily use carried on for gain or as a hobby entirely within a dwelling or within an accessory building by a member or members of a family therein, and which is clearly incidental and secondary to the residential use of the premises and does not change its character. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(10), 1970)

19.08.130 Home professional office.

"Home professional office" means the office or studio of a physician, surgeon, clergyman, architect, artist, engineer, attorney at law or similar professional person, located in the dwelling of the clergyman, principal practitioner, but not including any display of such use outside the dwelling. (Ord. 11A- 93 § 1 (part), 1993; Ord. A-56 § 3(11), 1970)

19.08.135 Housing for older persons.

"Housing for older persons" shall be as defined by Wisconsin Statutes Section 101.22(5m), as hereinafter amended from time to time. (Ord. 10B-96, 1996)

19.08.140 Tourist home/bed and breakfast home.

"Tourist home/bed and breakfast home" means any place of lodging that provides four or fewer rooms for rent for more than ten nights in a twelve-month period, and has a limit of not more than four weeks per individual stay, and is the owner's personal residence, and is occupied by the owner at the time of rental, and in which the meal served to guests, if any, is breakfast. (Ord. 11A-93 § 1 (part), 1993; Ord. 3B-92 (part), 1992)

19.08.150 Lot.

"Lot" means an entire parcel or tract of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefor by this title and other applicable laws. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(12), 1970)

19.08.160 Manufactured homes.

A structure built since June 15, 1976, that bears the Seal of HUD, indicating it has met the Mobile Home Construction and Safety Standards of the United States Department of Housing and Urban Development (HUD Standards) and is used as a permanent dwelling and meets the criteria established in Section 19.24.075. (Ord. 11A-94 (part), 1994)

19.08.170 Mobile home.

"Mobile home" means a detached single-family dwelling unit designed for long-term occupancy, and containing sleeping accommodation, a flush toilet, a tub or shower, and kitchen facilities and with plumbing and electrical connections provided for attachment to outside systems, which is mounted upon wheels or supports, and/or capable of being moved by its own power or transported by another vehicle, which does not meet the definition of a "manufactured home" as set forth in 19.08.160. (Ord. 11A-94 (part), 1994: Ord. A-56 § 3(13), 1970)

19.08.180 Nonconforming use.

"Nonconforming use" means a building or use, lawfully established, that does not conform to the regulations of this title. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(14), 1970)

19.08.190 Public utility.

"Public utility" means any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under public regulation to the public, electricity, gas, heat, power, steam, telephone or other communication, video, telegraph, transportation or water. (Ord. 11A-93 § 1 (part), 1993; Ord. A-56 § 3(15), 1970)

19.08.200 Specified anatomical areas.

"Specified anatomical areas" means:

A. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola;

B. Human male genitals in a discernible turgid state, even if completely and opaquely covered. (Ord. 11A-93 § 5, 1993)

19.08.210 Specified sexual activities.

"Specified sexual activities" means:

A. Human genitals in a state of sexual stimulation or arousal; or

B. Acts of human masturbation, sexual intercourse or sodomy; or

C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. 11A-93 § 6, 1993)

19.08.220 Structural alteration.

"Structural alteration" means any change in or addition to the supporting members of a structure, including any enlargement or extension of outside building dimensions or building height or depth, including repairs, alterations and reconstruction. (Ord. 11A-93 § 2 (part), 1993; Ord. A-56 § 3(16), 1970)

19.08.230 Travel trailer.

"Travel trailer" means a vehicular portable structure designed as a temporary dwelling for travel, recreations and vacation use, which does not fall within the definition of a mobile home. (Ord. 11A-93 § 2 (part), 1993; Ord. A-56 § 3(17), 1970)

19.08.232 Twin Home Dwelling Unit.

"Twin Home Dwelling Unit" means a single family dwelling unit located on a lot that shares a common wall with one other single family dwelling unit that is located on an adjoining lot and which common wall is located on the boundary line between the two lots, each dwelling unit with its own utility services. (part Ord. 1B-10, 2010).

19.08.235 Twin Lot

"Twin Lot" means a lot intended to provide for development of a zero lot line twin home with such twin home divided by a lot line to accommodate two seprate twin home dwelling units. (part Ord. 1B-10, 2010).

19.08.240 Vision clearance triangle.

"Vision clearance triangle" means a triangle bounded by the intersecting street right-of-way lines at a street intersection and a line connecting points on them twenty-five feet distant from their point of intersection. (Ord. 7H-05, 2005, Ord. 11A-93 § 2 (part), 1993; Ord. A- 56 § 3(18), 1970)

19.08.250 Yard, front.

"Front yard" means a yard extending across the full width of a lot whose depth is the shortest distance between the front line of the lot and the main building, including an enclosed or covered porch; provided, that the depth shall be measured from a future street line for a street on which a lot fronts, when

such line is shown on the district map, on an adopted street map, or as otherwise established. (Ord. 11A-93 § 2 (part), 1993; Ord. A-56 § 3(19), 1970)

19.08.260 Yard, rear.

"Rear yard" means a yard extending across the full width of a lot whose depth is the shortest distance between the rear lot line and the main building. (Ord. 11A-93 § 2 (part), 1993; Ord. A-56 § 3(21), 1970)

19.08.270 Yard, side.

"Side yard" means a yard between the side line of the lot and the main building, extending from the front yard to the rear yard, whose width is the shortest distance between said side line and the main building. (Ord. 11A-93 § 2 (part), 1993; Ord. A-56 § 3(20), 1970)

Chapter 19.12

ADMINISTRATION AND ENFORCEMENT

Sections:

Repealed and replaced on 3/8/18, Ordinance 3B-18.

19.12.010 General Provisions

A. The City Council is the governing body of the City of Altoona. The City Council is the final decision maker for text or map amendements to this Title.

B. The Administration of this Title is vested in the following three (3) offices in the City of Altoona:

1. Plan Commission
2. Board of Appeals
3. Zoning Administrator

19.12.020 Plan Commission

The Plan Commission is established by Altoona Municipal Code 2.56 as the municipal plan commission created under Section 62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.

19.12.030 Board of Appeals.

A. A Board of Appeals is established by Altoona Municipal Code 2.52. The Board shall be appointed and shall have the jurisdiction and duties as specified in Section 62.23(7)(e), Wisconsin Statutes. (Ord. A-56 § 17 (part), 1970)

B. Membership

1. The Board of Appeals has five (5) members appointed by the Mayor subject to confirmation by the City Council.
2. Each member of the Board of Appeals serves for a staggered term of three (3) years.
3. The members of the Board are removable by the Mayor for cause upon written charges and after public hearing.
4. The Mayor shall designate one (1) of the members as chairperson.
5. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
6. The Mayor shall appoint, for staggered terms of three (3) years, two (2) alternate members in addition to the five (5) standing members. Annually, the Mayor shall designate one (1) of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of such Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to the alternates.

C. Jurisdiction and Authority.

The Board of Appeals has the following jurisdiction and authority:

1. To hear and decide appeals where it is alleged that the Zoning Administrator has erred in the enforcement of this Title;

2. To hear and act upon applications for variances from the terms provided in this Title;

3. To authorize, upon appeal in specific cases, variances from the terms of this Title as will not be contrary to the public interest, where due to special conditions a literal enforcement of the terms will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done;

4. To permit, in appropriate cases, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare;

5. To interpret the words, terms, rules, regulations, provisions and restrictions of this Title where there is doubt of the intended meaning, and to determine the location of boundaries of districts as specified in this Title. In its action the Board shall impose appropriate conditions and safeguards in harmony with the general purpose and intent of this Title, any violation of which shall be considered a violation of this Title. (Ord. 2C-98, 1998; Ord. A-56 § 17(A), 1970)

D. Meetings and Rules

1. Meetings of the Board of Appeals shall be held at the call of the chairperson and at such other times as the Board may determine.

2. Public notice shall be provided consistent with the nature of the action petitioned to the Board.

3. The chairperson, or in her/his absence the acting chairperson, may administer oaths and compel the attendance of witnesses.

4. All meetings of said Board, including all deliberations on any appeal prior to reaching a decision thereon, shall be open to the public.

5. The Board shall keep minutes of its proceedings, showing the vote for each member upon each question or, if absent or failing to vote, indicating such fact. The Board shall also keep records of its examinations and other official actions. All of the Board's minutes and records shall be immediately filed with the City Clerk and shall be a public record.

6. Any person may appear and testify at a hearing, either in person or by duly authorized agent or attorney.

7. The Board shall adopt its own rules of procedure not in conflict with this ordinance or with the applicable Wisconsin Statutes.

E. Actions.

1. The concurring vote of a majority of a quorum of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Title.

2. The final disposition of an appeal shall be in the form of a written resolution or order signed by the chairperson of the Board. Such resolution or order shall state the specific facts which are the basis for the Board’s determination.

F. Appeals to Decisions of the Zoning Administrator

1. Appeals to the Board of Appeals may be taken by any person aggrieved by any decision of the Zoning Administrator.

2. An appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals.

3. The applicant shall file a notice of appeal with the City Clerk, acting on behalf of the chairperson, specifying the grounds for the appeal, including a specific reference to the terms of this Title, State or Federal law, or the State or Federal Constitution that the applicant believes were incorrectly applied.

4. The Zoning Administrator shall transmit all documents constituting the record upon which the action was appealed from was taken to the Board of Appeals.

5. Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that by reason of facts stated in the certificate, a stay would in his/her opinion cause imminent peril to life or property. In that case, proceedings shall not be stayed unless the Board of Appeals or a court of record grants a restraining order on application. A restraining order requires the applicant to show due cause and to notify the Zoning Administrator.

6. Notice. An appeal requires the following types of notice:

a. Notice by mail sent at least ten (10) days before the required public hearing to the parties in interest.

b. Publication at least seven (7) days before the required public hearing.

7. Rendering the Decision. The Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the concurring vote of a majority of quorum, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from.

8. Approval Criteria. The Board of Appeals may reverse or modify the decision appealed from if it determines that it is error based on the terms of this Title, a lawful condition of approval established under this Title, or provision of State Statue.

G. Limitation of Powers. The powers of the Board, except its power of interpretation, shall be limited to action on specific appeals and applications only. No Board action shall change or have the effect of changing any rule, regulation, provision or restriction of this Title, without following the amendment procedure established herein, but shall effect only its application in a specific case before the Board. (Ord. A-56 § 17(C), 1970).

H. All decisions and findings of the Board of Appeals are considered final administrative determinations, and are subject to judicial review as provided by law.

19.12.040 Zoning Administrator.

A. The City Council shall appoint a Zoning Administrator to administer and enforce this Title, to issue required permits, to inspect buildings and the use of land and buildings, and to order the remedying of violations of this Title. (Ord. A-56 § 19(A), 1970). The Zoning Administrator shall report to the City Administrator.

B. Duties. The Zoning Administrator shall enforce this Title, and shall exercise the duties listed below to determine compliance with this Title and to support its enforcement or administrative functions:

1. Make inspections on premises and to collect such investigative data deemed necessary to carry out his/her duties in the enforcement of Altoona Municpal Code. No person shall refuse to permit the Zoning Administrator, having reasonable cause therefore, to inspect any premise at reasonable times, nor shall any person molest or resist the Zoning Administrator in the discharge of his/her duties.

2. Issue all Zoning Certificates of zoning compliance.

3. Support the City Clerk in his/her duties to maintain permanent and current records of this Title, including but not limited to: maps, amendments, conditional uses, variances, appeals, and public records relative to matters arising out of this Title.

4. Exercise administrative discretion as provided in this Title in the evaluation of proposed development activities with regard to the applicable standards and requirements herein.

5. Receive, file and forward to the Plan Commission all applications for Rezoning, Site Plan and Conditional Use, and to evaluate and recommend action on these permits.

6. Receive, file and forward to the Board of Appeals all applications for appeals, variances or other matters on which the Board of Appeals is required to act under this Title.

7. Initiative, direct and review, from time to time, a study of this Title.

8. Make recommendations to the Plan Commission about administration and revision of this Title.

9. Refer violations of this Title to the City Attorney for prosecution. Copies of violation on floodplain and wetland regulations shall be sent ot the Wisconsin Department of Natural Resources.

10. Review and administer Title 18 "Subdivision and Land Divisions" as further defined in that Title.

11. Take other actions that are assigned under other provisions of this Title or any other Altoona Municipal Code.

C. Appeals. Any decision of the Zoning Administrator may be appealed to the Board of Appeals as specified in this Chapter.

19.12.050 Variances

A. Applicability and Initiation.

1. This section applies to any application to the Board of Appeals for a variance from the terms of this Title.

2. Any eligible applicant may file an application for a variance with the Zoning Administrator.

3. Unless otherwise specified, any person, firm, corporation or organization that has any of the following interests that are specifically enforceable in the land that is subject to the application may file an application:

a. A freehold interest;

b. A prossessory interest entitled to exclusive possession;

c. A contractual interest which may become a freehold possessory interest;

d. Any exclusive possessory interest;

e. Any unit of government which issues a relocation order or adopts a resolution of necessity of taking describing the land for which the application is sought.

B. Pre-application meeting. Before an application is filed, the applicant is strongly encouraged to attend a pre-application meeting with the Zoning Administrator to discuss, in general, the procedures and requirements for an Application.

C. Completeness Review. These procedures apply to any Application unless a different procedure is established for the Application elsewhere in this Title.

1. No Application is complete unless all of the required information is included an all application fees have been paid. The Zoning Administrator may refuse to accept an incomplete application.

2. The Zoning Administrator will make current application materials available at City Hall.

3. The Zoning Administrator may establish a schedule for filing any Application that required action by the Board of Appeals.

D. Fee. The fee shall be as established by resolution of the Common Council and illustrated in the schedule of fees in Altoona Municipal Code 3.08

E. Notice. The variance application requires the following:

1. Class 1 notice;

2. First class mail, not less than 5 days prior to the Public Hearing, to owners of record of adjoining properties.

3. Placement of a temporary sign at the project subject to the appeal may be required giving notice that a public hearing is scheduled. (Part Ord. 10A-21, 2021)

F. Decision.

1. The Board of Appeals shall hold a public hearing on each application.

2. The Board of Appeals may approve, conditionally approve, or deny a variance after a public hearing by concurring vote of the majority of a quorum of the Board. The Board of Appeals shall conduct the public hearing after it receives a complete application.

3. The concurring vote of a majority of quorum of the Board of Appeals is required to grant a variance.

4. The decision of the Board of Appeals shall include findings of fact.

5. The Board of Appeals may impose conditions on the use, development or activities subject to the variance. The Board may require conditions in order to comply with the standards in this Title, to mitigate the effect of the variance on other property in the neighborhood, and to better carry out the general intent of this Title.

6. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to twenty-five dollars ($25) per one hundred dollars ($100) of coverage. A copy shall be maintained with the variance record.

G. Approval Standards.

1. Evaluation criteria shall include, but not limited to:

a. No variance shall conflict with the purpose or intent of this Title, state statue, or with the policies of the Comprehensive Plan.

b. Consistent with Wis. Stats. § 62.23(7)(e)7.d. a property owner bears the burden of proving "unnecessary hardship," for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

c. The practical difficulty and unnecessary hardship cannot be one that would have existed in the absence of a zoning ordinance.

d. Use variances shall not be granted where the use subject to appeal is permitted or conditionally permitted under a different zoning district. Such a change in use shall require a rezoning proceeding.

e. A variance granted shall be the minimum necessary to grant relief.

f. Judgments rendered in consideration of a variance do not create precedent.

2. The Board of Appeals shall not grant a variance unless it finds that the following conditions are present:

a. There are conditions unique to the property of the applicant that do not apply generally to other properties in the district.

b. The variance is not contrary to the spirit, purpose, and intent of the regulations in the zoning district and is not contrary to the public interest.

c. For an area variance, compliance with the strict letter of the ordinance would unreasonably prevent use of the property for a use permitted or conditionally permitted, or would render compliance with the ordinance unnecessarily burdensome.

d. The alleged difficulty or hardship is created by the terms of the ordinance rather than by a person who has a present interest in the property.

e. The proposed variance shall not create substantial detriment to adjacent property or to public interest generally.

f. The proposed variance shall be compatible with the character of the immediate neighborhood. Violations existing on, or variances granted to, neighboring properties shall not require the granting of a variance.

g. In the floodplain districts, the variance shall not: grant, extend or increase any use prohibited in the zoning district; be granted for a hardship based solely or primarily on an economic gain or loss; be granted for a hardship which is self-created; or damage the rights or property values of other persons in the area.

h. In floodplain districts, the variance shall not cause an increase in the regional flood elevations or profiles, permit a lower degree of flood protection in the floodplain than the flood elevation, allow any floor, basement or crawlway below the regional flood elevation or allow actions without the required amendments.

i. In the floodplain districts, the lot for which the variance is requested, shall be less than one-half (1/2) acre and shall be contiguous to existing structures constructed below the regional flood elevation.

j. In floodplain districts, the variance shall not increase costs for rescue and relief efforts.

H. Scope of Approval

1. An order granting a variance is valid for one (1) year from the date of the order. During this time, the applicant must either lawfully commence the use or obtain a building permit and begin erecting or altering the building.

2. The scope of the variance shall be narrowly and specifically identified in the written ruling of the Board.

3. Where the plans have not been altered from those approved by the Board of Appeals, and the variance has expired, the Zoning Administrator may, after consulting to the Mayor, approve an extension up to one (1) year from the expiration date.

4. A variance granted under this Title runs with the land.

19.12.060 Zoning Certificates.

A. A zoning certificate or a conditional use permit shall be applied for and issued before the erection, construction, reconstruction, enlargement or moving of any building.

1. This Section does not apply to:

a. Alterations or repairs not involving change of use, enlargement of building footprint, or increase in building height. (part Ord 9A-22)

b. Lots without buildings or structures.

c. Lots used for public recreation purposes.

d. Accessory structures that are not used as dwelling units. (part Ord 9A-22)

e. Single Family Dwellings (part Ord 9A-22)

2. Zoning certificate as defined in this Section may also identified as a “zoning permit” in this Title.

B. Temporary permits for temporary buildings and uses incidental to and necessary for the erection, alteration, enlargement, moving and equipping of permitted buildings and uses may be issued for a duration of up to one year. (Ord. A-56 § 19(B), 1970)

C. Zoning Certificate Application

1. Each application for a zoning certificate shall be accompanied by an illustration drawn to scale, and showing the following:

a. Location and dimensions of the lot;

b. Proposed buildings in lot;

c. Existing buildings on adjoining lots or parcels;

d. Building setbacks and sized of yards around existing and proposed buildings;

e. Present and proposed uses of buildings;

f. Proposed off-street parking spaces;

g. Proposed sewer, waste disposal and water-supply systems; and

h. Other information required by the Zoning Administrator for the purposes of this Title. (Ord. A-56 § 19(C), 1970)

2. Each application shall include a narrative description of the proposed use or structure and contact information for the owner or owners.

3. Fees for required permits shall be as established by resolution of the Common Council and illustrated in the schedule of fees in Altoona Municipal Code 3.08.

D. The Zoning Administrator shall approve or deny the zoning certificate application. Approval indicates that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all provisions of this Title. Such approval is confined to those details provided in the application and does not constitute approval or endorement for approval of construction or other applicable permits.

E. No change in use shall be made until a zoning certificate has been issued by the Zoning Administrator. Every certificate shall state that the use complies with all provisions of this Title. For the purposes of floodplain regulations, this certificate shall also be known as a Certificate of Compliance. When applicable in floodplain areas, the Zoning Administrator shall require a certification by a registered professional engineer, architect or land surveyor that the fill, lowest floor, and flood elevations and other floodplain regulatory factors were accomplished in compliance with the provisions of this Title. In the floodplain areas, it shall be the responsibility of the applicant to secure all other necessary permits from all appropriate Federal and Wisconsin State agencies.

F. Applications for construction permits shall be consistent with information contained in an approved zoning certificate.

19.12.070 Reserved.

19.12.080 Reasonable Accommodation

A. Purpose

1. The purpose of this Section is to provide a procedure under which a person experiencing disability may request a reasonable accommodation in the application of zoning requirements. It is the City's policy to affirmatively provide individuals experiencing disability or similar hardship reasonable accommodation in the application of regulations and procedures to ensure equal access to housing. The City recognizes that equal opportunity is not synonymous with or necessarily result in equitable opportunity and access to housing for all people, and that reasonable deviations from otherwise appropriate zoning standards may be required to fulfill the City's mission.

2. This Section is intended to implement the Americans with Disabilities Act (ADA), Federal Fair Housing Act, Wisconsin Open Housing Law, and the housing element of the City's Comprehensive Plan where strict adherence to City ordinance results in unintended barriers to housing. It is distinct from the requirements for a variance set forth in this Title.

3. This Section shall be titled "Reasonable Accommodation Ordinance for the City of Altoona".

Note: The Amerians with Disabilities Act (42 U.S.C §§ 12101 to 12213) requires state and local units of government to take action to avoid discriminating against disabled persons in their employment practices, in public accommodations and in all programs, activties and services provided by the governmental entity. The Federal Fair Housing Act and the Wisconsin Open Housing Law require local governments to make "reasonable accommodations" in the application of zoning ordinances in order to provide equal opportunity in housing to disabled persons.

B. Definitions

1. "Person experiencing disability" or "disabled person" means a person who has a medical, physical or cognative condition that limits or substantially limits one ore more major life activities as those terms are defined in fair housing laws, anyone who is regarded as having such a condition or anyone who has a record of having such a condition.

2. "Fair housing laws" means the Federal Fair Housing Act (42 U.S.C. § 3601 and following), and the Wisconsin Open Housing Law (Wis. Stats § 106.50), including amendments or successors.

3. "Reasonable accommodation" means providing persons experiencing disability flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area

modifications for ramps, handrails or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; or building additions for accessibility. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the City or (2) require a fundamental alteration in the nature of the City's land use and zoning program.

C. Applicability

1. A request for reasonable accommodation may be made by any person experiencing disability, or their representative, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities.

2. A request for reasonable accommodation may include a modification or exceptions to the rules, standards, and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person experiencing disability equal opportunity to housing of their choice.

3. A reasonable accommodation cannot waive a requirement for a conditional use permit when otherwise required, or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.

4. A modification approved under this Chapter is considered a personal accomodation for the individual applicant and does not run with the land.

Note: The issuance of a variance is not the appropriate mechanism for granting reasonable accommodations because under Wisconsin law variances can only be granted based on the unique characteristics of the property and run with the land, whereas accommodations are created in response to a resident's circumstances.

D. Application Requirements

1. The applicant shall submit a request for reasonable accommodation on a form provided by the City. The application shall include the following information:

a. The applicant's name, address and phone number;

b. Address of the property for which the request is to be applied;

c. Current use of the property;

d. The basis for the claim that the individual is experiencing disability under fair housing laws: identification and description of the condition which is the basis for the request for accommodation, including current, written certification from a medical professional or case worker with the description of disability and its effects on the person's medical, physcial or mental limitations;

e. The zoning code regulation or procedure from which reasonable accommodation is being requested;

f. The type of accommodation sought;

g. The reason(s) why the accommodation is reasonable and necessary for the needs of the person experiencing disability or limitation. Where appropriate, include a summary of the potential means and alternatives considered in evaluating the need for accommodation;

h. Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation; and

i. Other supportive information deemed reasonably necessary by the Zoning Administrator to facilitate fair, just and expedient consideration of the request, consistent with fair housing laws.

2. Balancing rights and requirements. The City will attempt to balance (1) the privacy rights and reasonable request of an applicant for confidentiality, with (2) provision of sufficient and complete information to generate factual findings, determination of alternatives or conditions of approval, preparing written findings and maintaining records for a request for reasonable accommodation.

3. Fee. Appeals for Reasonable Accommodation shall be accompanied by the fee established by resolution of the Common Council and illustrated in the schedule of fees in Altoona Municipal Code 3.08.

E. Review Authority and Procedure

1. The Zoning Administrator shall review requests for reasonable accommodation and render written determination. To investigate the required findings and prepare the written detremination, the Zoning Administrator or designee may:

a. Solicit comment or review from any pertinent member of City Staff;

b. Require follow-up information or clarification from the applicant deemed material to generating finding of fact;

c. Conduct site visits, inspections, or other investigations.

2. The Zoning Administrator shall determine if the application is complete and inform the applicant. Incomplete applications may not be acted upon.

3. The written decision on the request for reasonable accommodation shall explain the detail of the basis of the decision, including findings on the criteria set forth herein. The written decision shall be final barring appeal. All written decisions shall inform the applicant of their right to appeal and the appeals process.

4. Concurrent Review. If the property or project for which the reasonable accommodation is being requested also requires some other discretionary approval or permit (site plan, conditional use, etc.), then the applicant shall submit the reasonable accommodation application concurrenty with that permit.

F. Required Findings

1. Written decisions to grant, grant with conditions, or deny the request for reasonable accommodation shall be consistent with the Fair Housing Acts and shall be considered based on the following criteria:

a. Whether the dwelling which is subject to the request will be inhabited or used by an individual experiencing disability as defined under Fair Housing Laws;

b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual experiencing disability under the Fair Housing Laws;

c. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City;

d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of the City land use or zoning code;

e. The potential of the reasonable accommodation to create a material adverse impact surrounding land uses;

f. Alternative reasonable accommodations which may provide a comparable level of benefit.

2. An approved request for reasonable accommodation is subject to the applicant's compliance with all other applicable zoning regulations.

3. Conditions of Approval. In granting a request for reasonable accommodation, the Zoning Administrator may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by this Chapter. Where appropriate, conditions of approval may include any or all of the following:

a. Inspection of the property periodically, as specified, to verify compliance with this Section and any conditions of approval;

b. Removal of the improvements, where the removal would not constitute an unreasonable financial burden, when the need for which the accommodation no longer exists;

c. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists;

d. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;

e. Measures to reduce impacts on surrounding land uses;

f. Measures in consideration of the physical attributes of the property or structures;

g. Other reasonable accommodation that may provide equivalent level of benefit and/or result in less modification from established standards and requirements;

h. Other conditions necessary to protect public health, safety and welfare.

G. Appeals

1. Within 90 days of the date of the written decision, the applicant may appeal the determination of the Zoning Administrator to the Zoning Board of Appeals, per the requirements of this Chapter for adjudication.

2. Appeals shall be made in writing in the format provided for administrative appeals and deliverd to the City Clerk. All appeals shall contain a statement of the grounds for appeal. (part Ord. 6B-20, 2020)

19.12.090 Enforcement.

A. All departments, officials and employees of the city who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this Title.

B. Any person, firm or corporation in violation of the provisions of this Title shall be deemed guilty of a violation of the City of Altoona Municipal Code, and upon conviction thereof, the penalty for violation shall be as provided in Chapter 1.08. Each and every day during which said violation continues shall be deemed a separate offense. (Ord. 7B-04, 2004)

C. Other measures of enforcement and remedies shall be as authorized by Section 62.23, Wisconsin Statutes. (Ord. A-56 § 20(A), (B), (C), 1970)

Chapter 19.15

ENVIRONMENTAL AND NATURAL RESOURCES

Sections:

Created 2/8/18, Ordinance 2A-18

19.15.010 Purpose.

A. Definitions.
   1. Protected environmental and natural resources means ecologically valuable or particularly sensitive natural features, flora and fauna for which adverse impact compromises protections in State Statues and/or the purposes of this Chapter.
   2. General description of these protected resource areas is provided in 19.15.030 - Environmental Corridors.
   3. Detailed definitions and descriptions of resource areas, purposes of regulation, methodology for identifying resources, and mandatory protections and standards are organized into Sections of this Chapter.

B. The environmental and natural resource protections in this Chapter are established to protect the public health, safety and welfare by minimizing adverse environmental impacts, resource degradation, and resiliency to severe weather and climate change. The provisions of this Chapter interact closely with, complement and support other zoning requirements and standards under jurisdiction of this Title.

C. Define and delineate selected natural resources within the City and its environs and establish resource protection standards to assist the City in reducing the impact proposed uses will have public health, safety, welfare, and the environment for current and future residents.

D. Conserve and protect areas which are naturally unsuitable for development or which provide valuable ecosystem services, wildlife habitat, or water resources, including floodplains, wetlands, drainageways, riparian zones, prairies, woodlands, and steep slopes.

E. Guide the location and performance of proposed land uses in order to maximize protection of natural resources.

F. Preserve and enhance natural resources for the maximum benefit and enjoyment by future generations in perpetuity.

G. In part, the provisions of this Chapter are designed to ensure the implementation of the City of Altoona Comprehensive Plan, Parks & Open Space Plan, and § 62.231, § 62.23(7)(em), and § 87.30, Wisconsin Statutes.

19.15.020 General Provisions

A. This chapter contains the standards which govern the protection, disturbance, and mitigation of disruption of environmental resources, natural communities and other permanently protected green space areas. The provisions of this chapter are intended to supplement those of the City of Altoona, Eau Claire County, the State of Wisconsin, and the Federal Government of the United States which pertain to natural resource protection. Prior to using the provisions of this Chapter to determine the permitted disruption of such areas, the requirements provided below should be reviewed. This Chapter recognizes the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the public. Each of the following Sections is oriented to each resource type, and is designed to accomplish several objectives:
   1. First, a definition of the natural resource is provided;
   2. Second, the specific purposes of the protective regulations governing each natural resource type are provided;
   3. Third, the required method of identifying and determining the boundaries of the natural resource area is given;
   4. Fourth, mandatory protection requirements are identified.

B. General Natural Resource Area Uses.
   1. For all protected natural resource areas defined in this Chapter, the following use and performance standards shall apply unless explicitly described in that Section:
      a. Cultivation
         i. Commercial cultivation shall be permitted only if designated on an approved site plan, and/or recorded plat or certified survey as an "area which may be used for cultivation".
         ii. Residential or hobby cultivation (gardening) is permitted in any privately owned protected natural area provided disturbance to the protected resource is minimal.
      b. Passive Outdoor Public Recreation Area
         i. Nonnative vegetation shall not be permitted to spread into permanently protected natural resource areas.
         ii. Disturbed areas resulting from the construction or maintenance of public facilities within protected natural resource areas should be restored with complementary native vegetation.
      c. Active Outdoor Public Recreation Area
         i. The siting and design of public recreational facilities shall be conducted to minimize impact of protected natural resource areas.
         ii. Disturbed areas resulting from the construction or maintenance of public facilities within protected natural resource areas should be restored with complementary native vegetation.
      d. Fences
         i. Fences may be permitted in protected natural resource areas as a conditional use, provided:
         ii. Fences may not impact flow of water within a 100-year floodplain, natural or constructed drainageway.
         iii. Fences are not permitted below the ordinary high-water mark.
      e. Lawn Care
         i. Definition: Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover typically comprised of non-native horticultural grasses.
         ii. Domestic lawn grasses may be use to establish a viewing or access corridor that is no greater than thirty (30) feet wide for every one hundred feet of shoreline or steep slope frontage.

iii. Nonnative ground cover shall not be permitted to spread into permanently protected natural resource areas. Clearance of understory growth shall be permitted.

f. Drainage Structure
   i. Drainage structure may be approved as a conditional use only where such structure be deemed necessary by the City Engineer;
   ii. Natural vegetation shall be restored in disturbed areas.

g. Filling
   i. Filling in the floodway shall be done only as required by a necessary road, bridge, utility or other infrastructure facility which has been deemed necessary by the City Engineer under conditions and restrictions further described in the floodplain, wetland, and shoreland Sections;
   ii. Any land disturbing activities involving filling or grading in protected natural resource areas shall be permitted only be conditional use, unless otherwise described in that Section;
   iii. Natural vegetation shall be restored in disturbed areas;
   iv. In no instance shall filling raise the base flood elevation or obstruct natural drainageways.

h. Individual Septic Disposal System
   i. No septic disposal system or appurtenance thereof may be located closer than thirty (30) feet to any permanently protected natural resource area.

i. Road and/or Bridge
   i. Private roads and/or drives may locate in or across a permanently protected resource area only in conjunction with a use deemed essential by the City Engineer where the destination area cannot be reasonably reached from another point.
   ii. Public roadways may be located in permanently protected natural resource areas if designated to provide an essential service to an activity area located within the protected areas which cannot be efficiently reached from another point;
   iii. In general, road networks shall be designed to circumvent permanently protected natural resource areas, thereby eliminating the need for intrusions and crossings.

j. Utility Lines and Related Facilities
   i. Utility facilities may locate in or across a protected natural resource area only when deemed essential by the City Engineer;
   ii. Utility facilities may locate in or across a protected natural resource area if designated to provide an essential service to an activity area which cannot be efficiently reached from another point;
   iii. In general, utility lines shall be designed to circumvent permanently protected natural resource areas, thereby eliminating the need for intrusions and crossings.

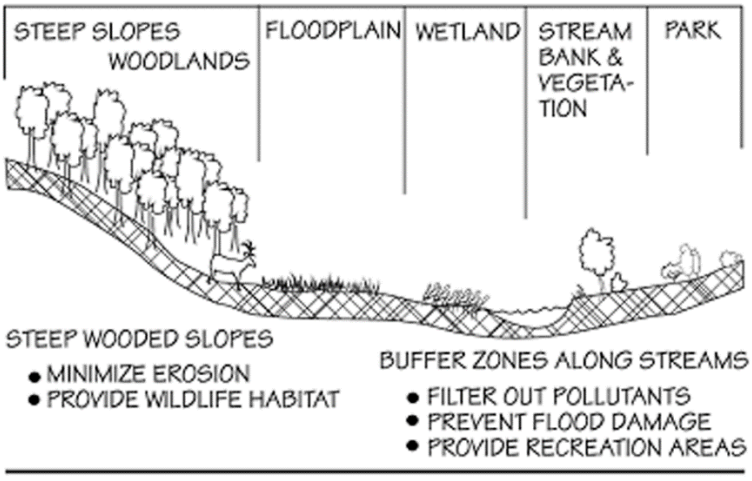
C. Interpretation
   1. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

D. Abrogation and Greater Restrictions.
   1. This Chapter supersedes all the provisions of any City of Altoona zoning ordinance enacted under § 62.23 or § 87.30, Wisconsin Statutes, which relate to environmental and natural resource as defined herein, except that where another City zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
   2. This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

3. Severability. Should any portion of this Chapter be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

19.15.030 Environmental Corridors.

A. Definition. Environmental corridors are continuous systems of open space in urban and urbanizing areas, that include environmentally sensitive lands and natural resources requiring protection from disturbance and development, and lands needed for open space and recreational use. They are based mainly on drainageways and stream channels, floodplains, wetlands, steep slopes, and other resource features, and are part of a regional system of continuous open space corridors. Buffer zones for each environmental resource as defined in this section are considered a part of that specific resource.



The schematic diagram depicts the resource elements one finds in a typical environmental corridor. Often one or more elements are found in the same locality, such as woodlands and steep slopes.

Environmental Corridor

B. Purpose of Environmental Corridor Protection Requirements. The objective is to delineate, in local and regional plans, those lands and resources, which perform important environmental functions and need to be protected from development and urbanization. Protection of these corridors in the community helps the City to protect lands needed for drainage and recreation; avoid problems from unmitigable development on steep slopes, problem soils or flood-prone areas; protect water resources and avoid pollution; and enhance scenic beauty and wildlife habitat. Once delineated and adopted, the corridors are used by the City and State and Federal agencies in making decisions on the location of urban development and major facilities. The corridors are also used as a basis or starting point for open space and recreation planning and acquisition. An important use of the corridors is in RPC/DNR review of sewer extensions and sewer service areas, to direct urban development to areas outside the corridors.

C. Determination of Environmental Corridor Boundaries. General environmental corridor boundaries are depicted on official zoning maps. The City of Altoona has worked with the West Central Wisconsin Regional Planning Commission, Eau Claire County, and neighboring local units of government to delineate the corridors, based on available information and mapping of environmental resources and open space lands (water bodies and drainageways, floodplains, wetlands, steep slopes, woodlands, areas of unique vegetation or geology, existing and proposed parks, etc.). Upon the proposal of development activity on any property, which contains an environmental corridor depicted on the official zoning map, the petitioner shall prepare a detailed site analysis per the requirements of Section 19.15.120. This analysis shall depict the location of all environmental corridor areas on the subject property as related to the provisions of subsection A of this Section.

D. Mandatory Environmental Corridor Protection Requirements. Environmental corridors shall remain in an undisturbed state except for the land uses permitted in Section 19.15.020 B. or as expressly approved by site plan or other permit.

1. Buffer zone. A buffer zone is a vegetative strip of land adjacent to a protected natural resource, such as stream, lake, wetland, and steep slope, which serves as a protection for that resource. Buffers moderate flow rates of stormwater runoff into receiving waters, stabilize banks and shorelines, filter nutrients and sediments from runoff, support fish habitat, provide habitat for other wildlife, and screen aesthetically unappealing land uses. Buffers can also serve to moderate stream temperatures, critical for some fish species such as trout.
2. Required minimum buffer zone widths for applicable environmental resources are listed in Table 19.15.030 D.3., below. The minimum buffer width shall be increased per specific requirements found in each respective Section of this Chapter.

Table 19.15.030 D.3. Minimum Buffer Zone Widths

Environmental Resource	**Minimum Buffer Zone Width**
Wetland (shoreland or inland)	75 feet from wetland edge
Perennial or intermittent streams, open channels or drainageways that are classified as *Navigable Streams by the DNR	75 feet from the ordinary high water mark
Perennial or intermittent streams, open channels or drainageways that are classified as *Nonnavigable Streams by the DNR	75 feet centered on the stream
Shoreland (lake and other water bodies)	75 feet from the ordinary high water mark
Steep Slopes	25 feet from the edge of the protected slope

* Navigability of a stream is determined by the Wisconsin Department of Natural Resources.

E. Amendments to the Environmental Corridor. Amendments to the Environmental Corridor involve amending the City of Altoona Official Zoning Maps depicting development limitations and environmental features. The Department of Natural Resources, regional planning commission, or other agencies may also need to be involved in the approval process.

19.15.040 Floodplains.

Subsections:

A Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions.
B General Standards Applicable to all Floodplain Districts
C Floodway District (FW)
D Floodfringe District (FF)
E General Floodplain District (GFP)
F Nonconforming Uses
G Administration
H Amendments
I Enforcement and Penalties
J Definitions

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

1. Statutory Authorization. This ordinance is adopted pursuant to the authorization in § 61.35 and § 62.23 and the requirements in § 87.30, Wisconsin Statutes
2. Finding of Fact. Uncontrolled development and use of the floodplains and rivers would impair the public health, safety, convenience, general welfare and tax base.
3. Statement of Purpose. This section is intended to regulate floodplain development to:
   a. Protect life, health and property;
   b. Minimize expenditures of public funds for flood control projects;
   c. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
   d. Minimize business interruptions and other economic disruptions;
   e. Minimize damage to public facilities in the floodplain;
   f. Minimize the occurrence of future flood blight areas in the floodplain;
   g. Discourage the victimization of unwary land and homebuyers;
   h. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
   i. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
   j. Maintain and restore floodplains as primary environmental corridors that sustain semi-natural ecosystems and perform critical ecosystem services.
4. Title. The ordinance from which this Section is derived shall be known as the "Floodplain Zoning Ordinance for the City of Altoona, Wisconsin."
5. General Provisions.
   a. Areas to be Regulated: This section regulates all areas that would be covered by the regional flood or base flood as shown on the flood insurance rate map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the flood insurance study (FIS) and are shown as AE, A1-30, and AH zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional flood elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
   b. Official Maps and Revisions: The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the flood insurance study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes in the boundaries of the floodplain or floodway in the FIS or on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA through the letter of map change process (see subsection H. Amendments) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the zoning administrator, city of Sun Prairie. If more than one map or revision is referenced, the most restrictive information shall apply.
      i. Official Maps: Based on the FIS:

      Flood Insurance Rate Map (FIRM), panel number 55035C0054E, 55035C0058E, and 55035C0066E dated February 18, 2009 and Flood Insurance Rate Map (FIRM), panel number 55035C0062F dated April 16, 2014; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated April 16, 2014, Volume number 55035CV000B.
      Approved by: The DNR and FEMA
      ii. Official Maps: Based on Other Studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

(a) 100-Year Dam Failure Analysis (approved by the WDNR) for the Lake Altoona Dam Eau Claire County dated January 1998 with the Hydraulic Shadow Map and Dam Break Flood Profiles.

c. Establishment of Floodplain Zoning Districts: The regional floodplain areas are divided into four districts as follows:
   i. The floodway district (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE zones as shown on the FIRM.
   ii. The floodfringe district (FF) is that portion between the regional flood limits and the floodway and displayed as AE zones on the FIRM.
   iii. The general floodplain district (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
   iv. The flood storage district (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

d. Locating Floodplain Boundaries: Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs i. or ii. below. If a significant difference exists, the map shall be amended according to subsection H. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to subsection. G.3.c. and the criteria in i. and ii. below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to subsection H "Amendments".
   i. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
   ii. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

e. Removal of Lands From Floodplain: Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to subsection H "Amendments".

f. Compliance: Any development or use within the areas regulated by this section shall be in compliance with the terms of this section, and other applicable local, state, and federal regulations.

g. Municipalities and State Agencies Regulated: Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wisconsin Statutes, applies.

h. Abrogation and Greater Restrictions:
   i. This section supersedes all the provisions of any municipal zoning ordinance enacted under § 62.23 or § 87.30, Wisconsin Statutes, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

ii. This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.

i. Interpretation: In their interpretation and application, the provisions of this section are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this section, required by ch. NR 116, Wisconsin Administrative Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.

j. Warning and Disclaimer of Liability: The flood protection standards in this section are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This section does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this section.

k. Severability: Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.

l. Annexed Areas for Cities and Villages: The Eau Claire County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wisconsin Administrative Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

B. General Standards Applicable to All Floodplain Districts. The City of Altoona shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this section and all other requirements in subsection G.1.b. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

1. Hydraulic and Hydrologic Analyses.
   a. No floodplain development shall:
      i. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
      ii. Cause any increase in the regional flood height due to floodplain storage area lost.
   b. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based

on the officially adopted FIRM or other adopted map, unless the provisions of subsection H "Amendments", are met.

2. Watercourse Alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of subsection B.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to subsection H. Amendments, the community shall apply for a letter of map revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.
3. Chapters 30, 31, Wisconsin Statutes, Development. Development which requires a permit from the department, under Chapter 30 and 31, Wisconsin Statutes, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to subsection H "Amendments".
4. Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
   a. The campground is approved by the department of health services;
   b. A land use permit for the campground is issued by the Zoning Administrator;
   c. The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
   d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
   e. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in subsection D., to remain in compliance with all applicable regulations, including those of the state department of health services and all other applicable regulations;
   f. Only camping units that are fully licensed, if required, and ready for highway use are allowed;
   g. The camping units shall not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;
   h. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this section;
   i. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
   j. All camping units that remain in place for more than one hundred eighty (180) consecutive days must meet the applicable requirements in either subsection C., D., or E. for the floodplain district in which the structure is located;
   k. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

l. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

C. Floodway District (FW).

1. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to subsection E.4.
2. Permitted Uses. The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if:
   - They are not prohibited by any other ordinance.
   - They meet the standards in subsections C.3 and C.4.
   - All permits or certificates have been issued according to subsection G.

   a. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
   b. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
   c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of subsection C.3.d.
   d. Uses or structures accessory to open space uses, or classified as historic structures that comply with subsections C.3 and C.4.
   e. Extraction of sand, gravel or other materials that comply with subsection C.3.d.
   f. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapter 30 and 31, Wisconsin Statutes.
   g. Public utilities, streets and bridges that comply with subsection C.3.c.
3. Standards for Developments in the Floodway.
   a. General:
      i. Any development in the floodway shall comply with subsection B., and have a low flood damage potential.
      ii. Applicants shall provide the following data to determine the effects of the proposal according to subsection B.1.:
         (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
         (b) An analysis calculating the effects of this proposal on regional flood height.
      iii. The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for paragraph (ii.) above.
   b. Structures: Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
      i. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
      ii. Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
      iii. Must be anchored to resist flotation, collapse, and lateral movement;

iv. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
v. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

c. Public Utilities, Streets and Bridges: Public utilities, streets and bridges may be allowed by permit, if:
i. Adequate floodproofing measures are provided to the flood protection elevation; and
ii. Construction meets the development standards of subsection B.1.

d. Fills or Deposition of Materials: Fills or deposition of materials may be allowed by permit, if:
i. The requirements of subsection B. 1 are met;
ii. No material is deposited in navigable waters unless a permit is issued by the department pursuant to Chapter 30, Wisconsin Statutes, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
iii. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading;
iv. The fill is not classified as a solid or hazardous material;

4. Prohibited Uses. All uses not listed as permitted uses in subsection C.2., are prohibited, including the following uses:

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

D. Floodfringe District (FF).

1. Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to subsection E.4. Unmapped floodplains may exist within the city. For these areas, the city may require a floodplain determination prior to the issuance of a permit for any work in such areas or prior to final approval of a building permit, site plan, or land use application. These areas shall be considered floodplain and shall be labeled as such on subdivision plats, certified survey maps, and site plans.
2. Permitted Uses. Any structure, land use, or development is allowed in the floodfringe district if the standards in subsection D.3., are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in subsection G.1., have been issued.

3. Standards for Development in the Floodfringe. Subsection B.1. shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of subsection F. The city may also require a capacity assessment and compensatory storage for fill placed within the floodfringe district.
    a. Residential Uses: Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of subsection F "Nonconforming Uses".
        i. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of subsection D.3.a.ii. can be met. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure.
        ii. The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
        iii. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in paragraph iv.
        iv. In developments where existing street or sewer line elevations make compliance with paragraph iii. impractical, the City may permit new development and substantial improvements where roads are below the regional flood elevation, if:
            (a) The City has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
            (b) The City has a DNR-approved emergency evacuation plan.
    b. Accessory Structures or Uses: Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
    c. Commercial Uses: Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of subsection D.3.a. Subject to the requirements of subparagraph f., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
    d. Manufacturing and Industrial Uses: Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in subsection G.5. Subject to the requirements of subparagraph f., storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
    e. Storage of Materials: Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with subsection G.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
    f. Public Utilities, Streets and Bridges: All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
        i. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with subsection G.5.
        ii. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
    g. Sewage Systems: All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to subsection G.5.c., to the flood

protection elevation and meet the provisions of all local ordinances and Chapter SPS 383, Wisconsin Administrative Code.

h. Wells: All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to subsection G.5.c., to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wisconsin Administrative Code.

i. Solid Waste Disposal Sites: Disposal of solid or hazardous waste is prohibited in floodfringe areas.

j. Deposition of Materials: Any deposited material must meet all the provisions of this section.

k. Manufactured Homes.

i. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

ii. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(a) Have the lowest floor elevated to the flood protection elevation; and

(b) Be anchored so they do not float, collapse or move laterally during a flood

iii. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in subsection D.3.a.

l. Mobile Recreational Vehicles: All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subsection D.3.k.ii. and iii. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

E. Other Floodplain Districts. Other floodplain districts may be established under the section and reflected on the floodplain zoning map. These districts may include general floodplain districts and flood storage districts.

1. General Floodplain District (GFP).

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

b. Permitted uses. Pursuant to subsection E.4., it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the floodway (subsection C.2.) and floodfringe (subsection D.2.) districts are allowed within the general floodplain district, according to the standards of subsection E.1.c., provided that all permits or certificates required under subsection G.1. have been issued.

c. Standards for Development in the General Floodplain District. Subsection C. applies to floodway areas, subsection D. applies to floodfringe areas. The rest of this section applies to either district.

i. In AO/AH zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

(a) At or above the flood protection elevation; or

(b) Two feet above the highest adjacent grade around the structure;

(c) The depth as shown on the FIRM; or

(d) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

d. Determining Floodway and Floodfringe Limits. Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:
    i. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.
    ii. Require the applicant to furnish any of the following information deemed necessary by the department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
        (a) A hydrologic and hydraulic study as specified in subsection G.1.b.iii.
        (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
        (c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

F. Nonconforming Uses.

1. General.
    a. Applicability: If these standards conform with § 62.23(7)(h), Wisconsin Statutes, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this section or any amendment thereto.
    b. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this section may continue subject to the following conditions:
        i. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
        ii. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this section;
        iii. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
        iv. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the

entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection D.3.a. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this paragraph;

v. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection D.3.a.

vi. If on a per event basis the total value of the work being done under paragraph (iv.) and (v.) equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection D.3.a.

vii. Except as provided in paragraph (viii.), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.

viii. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

(a) Residential Structures.

(1) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of subsection G.5.b.

(2) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

(3) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) In A zones, obtain, review and utilize any flood data available from a federal, state or other source.

(5) In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in subsection E.3.a.

(6) In AO zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) Nonresidential Structures.

(1) Shall meet the requirements of subsection F.1.b.viii.(a)(1)—(2) and (5)—(6).

(2) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in subsection G.5.a. or b.

(3) In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in subsection E.3.a.

c. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with subsection C.1., flood resistant materials are used, and construction practices and floodproofing methods that comply with subsection G.5. are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of subsection F.1.b.viii(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

2. Floodway District.

a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:

i. Has been granted a permit or variance which meets all ordinance requirements;

ii. Meets the requirements of subsection F.1;

iii. Shall not increase the obstruction to flood flows or regional flood height;

iv. Any addition to the existing structure shall be floodproofed, pursuant to subsection G.5., by means other than the use of fill, to the flood protection elevation; and

v. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

(a) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;

(b) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

(c) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(d) The use must be limited to parking, building access or limited storage.

b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, subsection G.5.c. and ch. SPS 383, Wisconsin Administrative Code.

c. No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, subsection G.5.c. and Chapters NR 811 and NR 812, Wisconsin Administrative Code.

3. Floodfringe District.

a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of subsection D.3., except where subsection F.3.b. is applicable.

b. Where compliance with the provisions of paragraph (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in subsection G.3., may grant a variance from those provisions of paragraph (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
   i. No floor is allowed below the regional flood elevation for residential or commercial structures;
   ii. Human lives are not endangered;
   iii. Public facilities, such as water or sewer, shall not be installed;
   iv. Flood depths shall not exceed two feet;
   v. Flood velocities shall not exceed two feet per second; and
   vi. The structure shall not be used for storage of materials as described in subsection D.3.e.

c. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, subsection G.5.c. and ch. SPS 383, Wisconsin Administrative Code.

d. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this section, subsection G.5.c. and ch. NR 811 and NR 812, Wisconsin Administrative Code.

G. Administration. Where a Zoning Administrator, Plan Commission or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under § 59.69, § 59.692 or § 62.23(7), Wisconsin Statutes, these officials shall also administer this section.

1. Zoning Administrator.
   a. Duties and Powers. The Zoning Administrator is authorized to administer this section and shall have the following duties and powers:
      i. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
      ii. Issue permits and inspect properties for compliance with provisions of this section and issue certificates of compliance where appropriate.
      iii. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
      iv. Keep records of all official actions such as:
         (a) All permits issued, inspections made, and work approved;
         (b) Documentation of certified lowest floor and regional flood elevations;
         (c) Floodproofing certificates.
         (d) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
         (e) All substantial damage assessment reports for floodplain structures.
         (f) List of nonconforming structures and uses.
      v. Submit copies of the following items to the department regional office:
         (a) Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
         (b) Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
         (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

vi. Investigate, prepare reports, and report violations of this section to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.

vii. Submit copies of amendments and biennial reports to the FEMA regional office.

b. Land Use Permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

i. General Information:

(a) Name and address of the applicant, property owner and contractor;

(b) Legal description, proposed use, and whether it is new construction or a modification;

ii. Site Development Plan: A site plan drawn to scale shall be submitted with the permit application form and shall contain:

(a) Location, dimensions, area and elevation of the lot;

(b) Location of the ordinary highwater mark of any abutting navigable waterways;

(c) Location of any structures with distances measured from the lot lines and street center lines;

(d) Location of any existing or proposed on-site sewage systems or private water supply systems;

(e) Location and elevation of existing or future access roads;

(f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

(g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study — either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

(h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of subsection C. or D. are met; and

(i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to subsection B.1. This may include any of the information noted in subsection C.3.a.

iii. Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the department.

(a) Zone A Floodplains:

(1) Hydrology.

A. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wisconsin Administrative Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

(2) Hydraulic Modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wisconsin Administrative Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

A. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

B. Channel sections must be surveyed.

C. Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
D. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
E. The most current version of HEC-RAS shall be used.
F. A survey of bridge and culvert openings and the top of road is required at each structure.
G. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
H. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
I. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

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

A. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
B. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(b) Zone AE Floodplains.

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

(2) Hydraulic Model. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wisconsin Administrative Code, Hydraulic Analysis: Determination of Regional Flood Elevation and the following:

A. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
B. Corrected Effective Model. The corrected effective model shall not include any man-made physical changes since the effective model date, but shall

import the model into the most current version of HEC-RAS for department review.

C. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the revised (post-project) model or to establish more up-to-date models on which to base the revised (post-project) model.

D. Revised (Post-Project Conditions) Model. The Revised (post-project conditions) Model shall incorporate the existing model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

E. All changes to the duplicate effective model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

F. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The effective model shall not be truncated.

(3) Mapping. Maps and associated engineering data shall be submitted to the department for review which meet the following conditions:

A. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or flood boundary floodway maps (FBFMs), construction plans, bridge plans.

B. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

C. Annotated FIRM panel showing the revised one percent and 0.2 percent annual chance floodplains and floodway boundaries.

D. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

E. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

F. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

G. Both the current and proposed floodways shall be shown on the map.

H. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

iv. EXPIRATION. All permits issued under the authority of this section shall expire no more than one hundred eighty (180) days after issuance. The permit may be extended for a maximum of one hundred eighty (180) days for good and sufficient cause.

c. Certificate of Compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be

occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

i. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this section;
ii. Application for such certificate shall be concurrent with the application for a permit;
iii. If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
iv. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of subsection G.5. are met.

d. Other Permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

2. Zoning Agency.
   a. The Plan Commission shall:
      i. Oversee the functions of the office of the Zoning Administrator; and
      ii. Review and advise the governing body on all proposed amendments to this section, maps and text.
   b. The Plan Commission shall not:
      i. Grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
      ii. Amend the text or zoning maps in place of official action by the governing body.
3. Zoning Board of Appeals. The zoning board of appeals, created § 62.23(7)(e), Wisconsin Statutes, is hereby authorized or shall be appointed to act for the purposes of this section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.
   a. Powers and Duties. The board of adjustment/appeals shall:
      i. Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this section;
      ii. Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
      iii. Variances. Hear and decide, upon appeal, variances from the ordinance standards.

   b. Appeals to the Board.
      i. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
      ii. Notice and Hearing for Appeals Including Variances.
         (a) Notice. The Board shall:
            (1) Fix a reasonable time for the hearing;
            (2) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and

(3) Assure that notice shall be mailed to the parties in interest and the DNR regional office at least ten (10) days in advance of the hearing.

(b) Hearing. Any party may appear in person or by agent. The Board shall:
(1) Resolve boundary disputes according to subsection G.3.c.;
(2) Decide variance applications according to subsection G.3.d.; and
(3) Decide appeals of permit denials according to subsection G.4.

iii. Decision: The final decision regarding the appeal or variance application shall:
(a) Be made within a reasonable time;
(b) Be sent to the DNR regional office within ten (10) days of the decision;
(c) Be a written determination signed by the chairman or secretary of the Board;
(d) State the specific facts which are the basis for the Board's decision;
(e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
(f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

c. Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
i. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
ii. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
iii. If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to subsection H “Amendments”.

d. Variance.
i. The Board may, upon appeal, grant a variance from the standards of this section if an applicant convincingly demonstrates that:
(a) Literal enforcement of the ordinance will cause unnecessary hardship;
(b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
(c) The variance is not contrary to the public interest; and
(d) The variance is consistent with the purpose of this section in subsection A.3.
ii. In addition to the criteria in paragraph (i), to qualify for a variance under FEMA regulations, the following criteria must be met:
(a) The variance shall not cause any increase in the regional flood elevation;
(b) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
(c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
iii. A variance shall not:
(a) Grant, extend or increase any use prohibited in the zoning district;
(b) Be granted for a hardship based solely on an economic gain or loss;
(c) Be granted for a hardship which is self-created.
(d) Damage the rights or property values of other persons in the area;

(e) Allow actions without the amendments to this section or map(s) required in subsection H "Amendments"; and

(f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

iv. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to twenty-five dollars ($25.00) per one hundred dollars ($100.00) of coverage. A copy shall be maintained with the variance record.

4. To Review Appeals of Permit Denials.
   a. The Plan Commission (subsection G.2.) or Board shall review all data related to the appeal. This may include:
      i. Permit application data listed in subsection G.1.b.;
      ii. Floodway/floodfringe determination data in subsection E.4;
      iii. Data listed in subsection C.3.a.ii.(a) where the applicant has not submitted this information to the Zoning Administrator; and
      iv. Other data submitted with the application, or submitted to the Board with the appeal.
   b. For appeals of all denied permits the Board shall:
      i. Follow the procedures of subsection G.3.;
      ii. Consider Plan Commission recommendations; and
      iii. Either uphold the denial or grant the appeal.
   c. For appeals concerning increases in regional flood elevation the board shall:
      i. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of subsection H "Amendments; and
      ii. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.
5. Floodproofing Standards for Noncomforming Structures or Uses.
   a. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA floodproofing certificate.
   b. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
      i. Certified by a registered professional engineer or architect; or
      ii. Meets or exceeds the following standards:
         (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
         (b) The bottom of all openings shall be no higher than one foot above grade; and
         (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   c. Floodproofing measures shall be designed, as appropriate, to:
      i. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
      ii. Protect structures to the flood protection elevation;
      iii. Anchor structures to foundations to resist flotation and lateral movement; and
      iv. Minimize or eliminate infiltration of flood waters.
      v. Minimize or eliminate discharges into flood waters.

6. Public Information.
    a. Place marks on structures to show the depth of inundation during the regional flood.
    b. All maps, engineering data and regulations shall be available and widely distributed.
    c. Real estate transfers should show what floodplain district any real property is in.

H. Amendments. Obstructions or increases may only be permitted if amendments are made to this section, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection H.1.

- In AE zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this section, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection H.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- In A zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this section, the official floodplain maps, floodway lines, and water surface profiles, in accordance with subsection H.1.

1. General. The governing body shall change or supplement the floodplain zoning district boundaries and this section in the manner outlined in subsection H.2. below. Actions which require an amendment to the ordinance and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:
    a. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
    b. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
    c. Any changes to any other officially adopted floodplain maps listed in subsection A.5.b.ii.;
    d. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
    e. Correction of discrepancies between the water surface profiles and floodplain maps;
    f. Any upgrade to a floodplain zoning ordinance text required by Section NR 116.05, Wisconsin Administrative Code, or otherwise required by law, or for changes by the municipality; and
    g. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
2. Procedures. Ordinance amendments may be made upon petition of any party according to the provisions of § 62.23, Wisconsin Statutes. The petitions shall include all data required by subsections E.4. and G.1.b. The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.
    a. The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the City Council. The amendment and notice of public hearing shall be submitted to the DNR regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wisconsin Statutes.
    b. No amendments shall become effective until reviewed and approved by the DNR.
    c. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the City Council.

I. **Enforcement and Penalties.**

Any violation of the provisions of this section by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than fifty dollars ($50.00), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wisconsin Statutes.

J. **Definitions.**

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

1. "A-zones" those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A zones. The A-zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH Zone. See "Area of shallow flooding."
3. AO Zone. See "Area of shallow flooding."
4. "Accessory structure or use" means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. "Alteration" means an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. "Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. "Basement" means any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. Building. See "Structure."
10. "Bulkhead line" means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the DNR pursuant to § 30.11, Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this section.
11. "Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.
12. "Camping unit" means any portable device, no more than four hundred square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.
13. "Certificate of compliance" means a certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this section.
14. "Channel" means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

15. "Crawlways" or "crawl space" means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. "Deck" means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. "Department" means the Wisconsin Department of Natural Resources.
18. "Development" means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. "Dryland access" means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. "Encroachment" means any fill, structure, equipment, use or development in the floodway.
21. "Federal Emergency Management Agency (FEMA)" means the federal agency that administers the National Flood Insurance Program.
22. "Flood insurance rate map (FIRM)" means a map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
    a. The overflow or rise of inland waters;
    b. The rapid accumulation or runoff of surface waters from any source;
    c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
    d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. "Flood frequency" means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. "Floodfringe" means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. "Flood hazard boundary map" means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.
27. "Flood insurance study" means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. "Floodplain" means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. "Floodplain island" means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. "Floodplain management" means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. "Flood profile" means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. "Floodproofing" means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. "Flood protection elevation" means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: "Freeboard.")
34. "Flood storage" means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. "Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. "Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. "Habitable structure" means any structure or portion thereof used or designed for human habitation.
38. "Hearing notice" means publication or posting meeting the requirements of Ch. 985, Wisconsin Statutes. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. "High flood damage potential" means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. "Historic structure" means any structure that is either:
    a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
    d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. "Increase in regional flood height" means a calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions

which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

43. "Land use" means any nonstructural use made of unimproved or improved real estate. (Also see "Development.")
44. "Lowest adjacent grade" means elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. "Maintenance" means the act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. "Mobile/manufactured home park or subdivision" means a parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. "Mobile/manufactured home park or subdivision, existing" means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this section. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. "Mobile/manufactured home park, expansion to existing" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.
51. "Mobile recreational vehicle" means a vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. "Model, corrected effective" means a hydraulic engineering model that corrects any errors that occur in the duplicate effective model, adds any additional cross sections to the duplicate effective model, or incorporates more detailed topographic information than that used in the current effective model.
53. "Model, duplicate effective" means a copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. "Model, effective" means the hydraulic engineering model that was used to produce the current effective flood insurance study.
55. "Model, existing (pre-project)" means a modification of the duplicate effective model or corrected effective model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the

effective model, then this model would be identical to the corrected effective model or duplicate effective model.

56. "Model, revised (post-project)" means a modification of the existing or pre-project conditions model, duplicate effective model or corrected effective model to reflect revised or post-project conditions.
57. "Municipality" or "municipal" means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
58. "NAVD" or "North American Vertical Datum" means elevations referenced to mean sea level datum, 1988 adjustment.
59. "NGVD" or "National Geodetic Vertical Datum" means elevations referenced to mean sea level datum, 1929 adjustment.
60. "New construction" for floodplain management purposes, means "new construction" structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
61. "Nonconforming structure" means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this section for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. "Nonconforming use" means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this section for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. "Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. "Official floodplain zoning map" means that map, adopted and made part of this section, as described in subsection A.5.b., which has been approved by the department and FEMA.
65. "Open space use" means those uses having a relatively low flood damage potential and not involving structures.
66. "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. "Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. "Private sewage system" means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of safety and professional services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. "Public utilities" means those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. "Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

71. "Regional flood" means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
73. "Structure" means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. "Subdivision" has the meaning given in Section 236.02(12), Wisconsin Statutes.
75. "Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
76. "Substantial improvement" means any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. "Unnecessary hardship" means where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
78. "Variance" means an authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. "Violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. "Watershed" means the entire region contributing runoff or surface water to a watercourse or body of water.
81. "Water surface profile" means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

82. "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

19.15.050 Wetlands

Subsections:

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T. Definitions

A. Statutory Authorization.

1. This Section is adopted pursuant to the authorization in Wis. Stats § 59.692, § 62.23, and § 62.231 to effectuate the policies and purposes outlined in Wis. Stats § 281.31.
2. Shoreline zoning requirements are as provided in Wis. Stats **§** 61.353 and **§** 62.233.
3. Compliance. The use and alteration of shorelands and wetlands within the city shall be in full compliance with the terms of this Section and other applicable local, state or federal regulations. (However, see subsection I of this Section, for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Section.
4. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.12(4)(a), Wisconsin Statutes, applies.
5. Abrogation and Greater Restrictions.
   a. This Section supersedes all the provisions of any city zoning ordinance enacted under § 62.23 or § 87.30, Wisconsin Statutes, which relate to wetlands, except that where another city zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
   b. This Section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

6. Severability. Should any portion of this Section be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Section shall not be affected.

B. **Findings of Fact.**

1. Uncontrolled use of the shoreland, wetlands, drainageways, and the pollution of the navigable and ground waters of the City and region would adversely affect the public health, safety, convenience, general welfare, impair the tax base, and harm natural ecosystems and the organism communities they sustain. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
   a. Promote the public health, safety, convenience and general welfare;
   b. Maintain the storm and floodwater storage capacity of wetlands;
   c. Prevent and control water pollution by filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters and to maintain storm and flood water capacity;
   d. Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;
   e. Control building sites, placement of structures and land uses; and
   f. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling wetland excavation, filling and other earth moving activities.

C. **Purpose.**

1. The quality of water is of critical importance to the public health and wellbeing of all life, human and non-human. To promote the public health, safety, convenience and general welfare, this Chapter has been established to:
   a) To establish minimum acceptable requirements for the control of land uses and design of buffers to protect the streams, wetlands, floodplains, and other surface and ground waters of the City of Altoona, its environs, and downstream neighbors;
   b) Further the maintenance of safe and healthful conditions;
   c) Ensure sufficient vigilance and proactive effort to achieve the municipal responsibilities as further described in 19.15.050 B. of this Section.
2. The title of this Section shall be the "Wetland Zoning Ordinance" for the City of Altoona, Wisconsin.

D. **Interpretation.**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 117, Wisconsin Administrative Code, and where the Section provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Section or in effect on the date of the most recent text amendment to this Section.

E. **Wetland Zoning Maps.**

The following maps are hereby adopted and made part of this Section and are on file in the office of the City Clerk:

1. Wisconsin Wetland Inventory maps stamped "FINAL" on November 15, 1993 and as amended by the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer which can be viewed on the DNR website at dnr.wi.us at https://dnrmaps.wi.gov/H5/?Viewer=SWDV.
2. Floodplain zoning maps:

a. Official maps based on the Eau Claire County Flood Insurance Study (FIS) dated February 18, 2009, volume numbers 55035CV000A:

i. The Eau Claire County Flood Insurance Rate Map (FIRM), panel numbers 55035C0054E, 55035C0058E, 55035C0065E, and 55035C0066E, dated February 18, 2009, and with corresponding profiles, all approved by the DNR and FEMA.

3. Official maps based on other studies:

a. 100-Year Dam Failure Analysis for the Lake Altoona Dam Eau Claire County dated January 1998 with the Hydraulic Shadow Map and Dam Break Flood Profiles.

4. United States Geological Survey map titled "Eau Claire East Quadrangle" of most recent date. (Ord 1C-09 (part), Ord. 4C-95 (part), 1995)

F. **District Boundaries.**

1. The Wetland Zoning District includes all shorelands of navigable waters and wetlands in the City of Altoona which are shown on any federal or state wetland inventory map, the official zoning map, or as determined by field investigation, and defined in this Chapter. Buffer zones are required for all shorelands and wetlands within the City and its environs and shall meet the minimum standards outlined in Table 19.15.030 D.3. General boundaries are depicted on the official zoning map.
2. Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the DNR for a final determination of navigability or ordinary high-water mark.
3. When an apparent discrepancy exists between the Wetland District boundary shown on the official zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the DNR to determine if the district boundary as mapped, is in error. If the DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning maps, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
4. Upon the proposal of development activity on any property, which contains a shoreland or wetland depicted on any of the official zoning maps identified in this title, or as discovered through field investigation, the petitioner shall prepare a detailed site analysis per the requirements of Section 19.15.120. This analysis shall depict the location of all shorelands, wetlands, and other protected environmental features on the subject property.

G. **Permitted Uses.**

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

1. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
   a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
   b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
   c. The practice of silviculture, including the planting, thinning and harvesting of timber;
   d. The pasturing of livestock;
   e. The cultivation of agricultural crops;
   f. The construction and maintenance of duck blinds.

2. Uses which do not require the issuance of a zoning and/or building permit and which may involve wetland alterations only to the extent specifically provided below:
    a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
    b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
    c. The maintenance and repair of existing drainage ditches, where permissible under § 30.20 Wisconsin Statutes, or of other existing drainage systems (such as tiling) to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30, Wisconsin Statutes, and that dredged spoil is placed on existing spoil banks where possible;
    d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
    e. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
    a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted in this Section, provided that:
        i. The road cannot, as a practical matter, be located outside the wetland;
        ii. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 19.15.050 R.3.;
        iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
        iv. Road construction activities are carried out in the immediate area of the roadbed only;
        v. Any wetland alteration must be necessary for the construction or maintenance of the road.
    b. The construction and maintenance of nonresidential buildings provided that:
        i. The building is used solely in conjunction with a use permitted in the wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
        ii. The building cannot, as a practical matter, be located outside the district;
        iii. The building does not exceed five hundred (500) square feet in floor area;
        iv. Only limited filling and excavating necessary to provide structural support for the building is allowed.
    c. The establishment and development of public and private parks and recreation areas, recreation trails, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
        i. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
        ii. Only limited filling and excavating necessary for the development of public boat launching ramps, public recreation trails, swimming beaches or the construction of park shelters or similar structures is allowed;
        iii. The construction and maintenance of roads necessary for the uses permitted this section are allowed only where such construction and maintenance meets the criteria in subsection G.3.a., of this section;

iv. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

d. The construction and maintenance of electric and telephone transmission lines and water, gas and sewer distribution lines, and related facilities provided that:
   i. The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the district;
   ii. Only limited filling or excavating necessary for such construction or maintenance is allowed;
   iii. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland or wetland listed in Section 19.15.050 R.3.

e. The construction and maintenance of railroad lines, provided that:
   i. The railroad lines cannot, as a practical matter, be located outside the district;
   ii. Only limited shoreland or wetland alteration necessary for such construction or maintenance is allowed;
   iii. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland or wetland as listed in Section 19.15.050 R.3.

H. **Prohibited Uses.**

1. Any use not listed in Section 19.15.050 G. of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Section in accordance with Section 19.15.050 R.
2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

I. **Nonconforming Structures and Uses.**

The existing lawful use of a structure, building or property, or its accessory use, which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

1. Notwithstanding § 62.23(7)(h), Wisconsin Statutes, the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this chapter adopted under § 62.231. Wisconsin Statutes, or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under § 62.231(5), Wisconsin Statutes. § 62.23(7)(h), Wisconsin Statures, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this Section or amendment.
2. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Section.
3. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Section adopted under § 62.231, Wisconsin Statutes, may be continued although such use does not conform with the provisions of this Section. However, such nonconforming use may not be extended.
4. The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of § 30.121, Wisconsin Statutes.
5. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

J. **Zoning Administrator**.

The Zoning Administrator as defined in Chapter 19.12 shall have the following duties and powers:

1. Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms;
2. Issue permits and certificates of compliance and inspect properties for compliance with this Chapter;
3. Keep records of all permits issued, inspections made, work approved and other official actions;
4. Have access to any structure or premises between the hours of eight a.m. and six p.m. for the purpose of performing these duties;
5. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the DNR;
6. Investigate and report violations of this Section to the appropriate city planning agency and the district attorney, corporation counsel or city attorney.

K. **Zoning Permits.**

1. When Required. Unless another subsection of this Section specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 19.15.050 T., or any change in the use of an existing building or structure is initiated.
2. Application. An application for a permit shall be made to the Zoning Administrator upon forms furnished by the City and shall include, for the purpose of proper enforcement of these regulations, the following information:
    a. General Information:
        i. Name, address, and telephone number of applicant, property owner and contractor, where applicable;
        ii. Legal description of the property and a general description of the proposed use or development;
        iii. Whether or not a private water or sewage system is to be installed.
    b. Site Development Plan: The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
        i. Dimensions and area of lot;
        ii. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
        iii. Location of any existing or proposed on-site sewage systems or private water supply systems;
        iv. Location of the ordinary high-water mark of any abutting navigable waterways;
        v. Location and landward limit of all wetlands and wetland buffers;
        vi. Existing and proposed topographic and drainage features and vegetative cover;
        vii. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
        viii. Location of existing or future access roads;
        ix. Specifications and dimensions for areas of proposed shoreland and wetland alteration; and
        x. Creation of, or alterations within existing stream buffers, including but not limited to cutting of trees or grubbing of vegetation, as required in this Chapter;
3. Expiration. All permits issued under the authority of this Section shall expire one year from the date of issuance.

L. **Certificates of Compliance.**

1. Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
   a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance;
   b. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit;
   c. The certificate of compliance shall be issued within ten (10) days after the completion of the work specified in the zoning or conditional use permit, providing the building or premises or proposed use thereof conforms with all the provisions of this Section.
2. The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established therefore, by the Common Council.
3. Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

M. Conditional Use Permits for Wetland Areas.

1. Application. Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the Plan Commission following the procedures in Sections 15.15.050 Q.3., 4. and 5., for hearing and deciding appeals.
2. Conditions. Upon consideration of the permit application and the standards applicable to the permitted uses in Section 19.15.050 G.3., the Plan Commission shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Section, as are necessary to further the purposes of this Section as listed in Section 19.15.050 C. Such conditions may include specifications for, without limitation because of specific enumeration:
   a. Type of shore cover, erosion controls increased setbacks;
   b. Specific sewage disposal and water supply facilities;
   c. Landscaping and planting screens;
   d. Period of operation;
   e. Operational control;
   f. Sureties;
   g. Deed restrictions;
   h. Location of piers, docks, parking areas and signs; and
   i. Type of construction.
   j. To secure information upon which to base its determination, the Zoning Administrator may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

N. Fees. The Common Council, by resolution, shall establish fees for permits and administrative procedures under this Chapter.

O. Recording. Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

P. Revocation. Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Plan Commission.

Q. Board of Appeals.

1. Appointment. The mayor shall appoint a Board of Appeals under Chapter 19.12 of this Code of Ordinances and § 62.23(7)(e), Wisconsin Statutes, consisting of five members subject to confirmation by the common council. The Board of Appeals shall adopt rules for the conduct of the business of the Board of Appeals as required by § 62.23(7)(e)3., Wisconsin Statutes.
2. Powers and Duties. The Board of Appeals:
   a. Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
   b. May authorize upon appeal in specific cases, such variance from the dimensional terms of the ordinance as shall not be contrary to the public interest, where owning to special conditions, unique to a property, a literal enforcement of this Section will result in unnecessary hardship as defined in Section 19.15.050 T. In the issuance of a variance, the purpose of the Section shall be observed and substantial justice done. No variance from the terms of this Section shall be granted which is contrary to the public interest. A variance may be granted where, owing to special conditions, a literal enforcement of the provisions of this Section would result in unnecessary hardship. The granting of a variance shall not have the effect of granting or extending any use of property which is prohibited in that zoning district by this Section.
3. Appeals to the Board. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement decision, or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official from whom the appeal is taken, and with the Board of Appeals, a notice of appeal specifying the reasons therefor. The Zoning Administrator or other official from whom the appeal is taken shall transmit to the board all the papers constituting the record on which the appeal action was taken.
4. Public Hearings.
   a. Before making a decision on an appeal or application the Board of appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of the hearing and the matters to come before the board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.
   b. A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the DNR at least ten (10) days prior to all public hearings on issues involving wetland zoning.
5. Decisions.
   a. The final disposition of an appeal or application to the Board of Appeals, shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application.
   b. A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the DNR within ten (10) days after the decision is issued.

R. Amending Wetland Zoning Regulations.

The Common Council may from time to time, alter, supplement or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of § 62.23(7)(d)2, Wisconsin Statutes; NR 117, Wisconsin Administrative Code; and the following:

1. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the DNR within five days of the submission of the proposed amendment to the City Plan Commission.
2. All proposed text and map amendments to the wetland zoning regulations shall be referred to the City Plan Commission, and a public hearing shall be held as required by § 62.23(7)(d)2, Wisconsin Statutes. The appropriate district office of the DNR shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
3. In order to ensure that the shoreland protection objectives in § 144.26, Wisconsin Statutes, will be accomplished by the amendment, the Common Council may not rezone a wetland in a wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
   a. Storm and floodwater storage capacity;
   b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
   c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
   d. Shoreline protection against soil erosion;
   e. Fish spawning, breeding, nursery or feeding grounds;
   f. Wildlife habitat;
   g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
4. Where the district office of the DNR determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection R.3., of this Section, the DNR shall so notify the City of its determination either prior to or during the public hearing held on the proposed amendment.
5. The appropriate district office of the DNR shall be provided with:
   a. A copy of the recommendations and report, if any, of the City Plan Commission on the proposed text or map amendment, within ten (10) days after the submission of those recommendations to the Common Council;
   b. Written notice of the Common Council's action on the proposed text or map amendment within ten (10) days after the action is taken;
   c. If the DNR notifies the City Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection R.3., of this Section, that proposed amendment, if approved by the Common Council, may not become effective until more than thirty (30) days have elapsed since written notice of the Common Council approval was transmitted to the DNR, as required by subsection 5., of this Section. If within the thirty-day period, the DNR notifies the Common Council that the DNR intends to adopt a superseding wetland zoning ordinance for the city under § 62.231(6), Wisconsin Statutes, the proposed amendment may not become effective until the ordinance adoption procedure under § 62.231(6), Wisconsin Statutes, is completed or otherwise terminated.

S. Enforcement and Penalties.

1. Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm,

association, corporation (including building contractors or their agents) shall be deemed a violation.

2. The Zoning Administrator shall refer violations to the Common Council and the city attorney who shall prosecute such violations.
3. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture as specified in Section 1.08. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the city, the state, or any citizen thereof pursuant to § 87.30(2), Wisconsin Statutes.

T. **Definitions.**

For the purpose of administering and enforcing this Section, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally.

a. "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
b. "Boathouse," as defined in § 30.121(1), Wisconsin Statutes, means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
c. "Department" means the Wisconsin Department of Natural Resources.
d. "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
e. "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
f. "Environmental control facility" means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
g. "Fixed houseboat," as defined in § 30.121(1), Wisconsin Statutes, means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchor or spudpoles attached to the bed of the waterway.
h. "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under § 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 62.231, Wisconsin Statutes, and Chapter NR 117, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
    i. Such lands are not adjacent to a natural navigable stream or river;

ii. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching;
iii. Such lands are maintained in nonstructural agricultural use.

i. "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

j. "Planning agency" means the city plan commission created under § 62.23(1), Wisconsin Statutes.

k. "Regional flood" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur or be exceeded on a particular stream because of like physical characteristics, once in every one hundred (100) years.

l. "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

m. "Shoreland-wetland district" means the zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a party of this Chapter as described in Section 19.15.050 E., of this Chapter.

n. "Special exception or conditional use" means a use which is permitted by this ordinance provided that certain conditions specified in the chapter are met and that a permit is granted by the planning agency designated by the common council.

o. "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this ordinance.

p. "Variance" means an authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.

q. "Wetland district" means the zoning district, created in this wetland zoning ordinance, comprised of wetlands shown on any federal or state wetland inventory map, or the official zoning map, and as determined by field investigation.

r. "Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. This may include "shoreland wetlands" and "inland wetlands".

s. "Wetlands alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

19.15.060 Shorelands.

A. Definition.

1. “Buffer” means a vegetated area, including trees and native herbaceous vegetation, which exists or is established to protect a stream system, lake, natural or artificial drainage, or steep slope. Alteration of this area is strictly limited.
2. "Shorelands" are lands within the following distances from the ordinary highwater mark of navigable waters: One thousand (1,000) feet from a lake, pond or flowage; three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
3. “Steams” means perennial and intermittent watercourses identified through site inspection and US Geological Survey (USGS) maps.
4. “Stream order” means a classification system for streams based on stream hierarchy. The smaller the stream, the lower its numerical classification.

5. "Stream system" is a stream channel together with one or both of the following: (a) 100-year floodplain; and/or (2) hydrologically-related wetlands.
6. The Title of this Section shall be "Shoreland Preservation Ordinance for the City of Altoona".

B. Purpose of Shoreland Protection Requirements.
1. Shorelands serve to protect land/water margins from erosion due to site disruption. Because of regular contact with wave action, currents, and runoff, such areas are highly susceptible to continuous, and in some cases, rapid erosion.
2. Shoreland protection provides a natural vegetation buffer which serves to reduce water velocities and wave energy, and filters significant amounts of water-borne pollutants and sediments.
3. Shorelands promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin.

C. Determination of Shoreland Buffer Zones.
1. A stream buffer for a stream system shall consist of a strip of land extending along both sides of a stream and its adjacent wetlands, floodplains, or slopes. The stream buffer width shall be adjusted to be inclusive of contiguous sensitive areas, such as steep slopes or erodible soils, wherever development or disturbance may adversely affect water quality, streams, wetlands, other water bodies, or protected natural communities.
2. A stream buffer shall begin at the ordinary high water mark.
3. Upon the proposal of development activity on any property which contains a shoreland or shoreland buffer area, the petitioner shall prepare a detailed site analysis per the requirements of Section 19.15.120. This analysis shall depict the location of all shoreland buffer areas on the subject property, existing conditions, and all proposed modifications. This Section does not apply to lands adjacent to an artificially constructed drainage ditch, pond or stormwater retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.

D. Zoning of Annexed Shoreland. All shorelands, including shorelands annexed to the City of Altoona after May 7, 1982 that prior to annexation were subject to the Eau Claire County Shoreland Zoning Ordinance in effect at the time of annexation, shall be subject to the following regulations:
1. All principal and accessory buildings shall be set back at least seventy-five (75) feet from the ordinary high-water mark.
2. A setback less than seventy-five (75) feet for a principal building may be allowed if all of the following apply:
    a. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building; and
    b. The principal building is constructed or placed within a distance equal to the average setback of the principal buildings on the adjacent lots if or thirty-five (35) feet from the ordinary high-water mark, whichever distance is greater.
3. Vegetative buffer zone. A vegetative buffer zone shall extend the entire length of the shoreline and thirty-five (35) feet inland. Existing vegetation within the vegetation buffer zone shall be maintained except as follows:
    a. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
    b. Vegetation may be removed in order to establish a viewing or access corridor that is no greater than thirty (30) feet wide for every one hundred (100) feet of shoreline frontage and that extends no more than thirty-five (35) feet inland from the ordinary high-water mark.

E. Mandatory Shoreland Protection Requirements.

1. Shoreland buffer zones shall remain in an undisturbed state, except for the land uses permitted in Section 19.15.020 B., or as approved by a development permit which includes completion of a detailed site analysis per Section 19.15.120, in which case uses and disturbances shall be restricted to those explicitly permitted. Land disturbing activities are prohibited in shoreland and shoreland buffer areas prior to the granting of final approval of the proposed subdivision or land development.
2. Design Standards for Stream Buffers
    a. Within the shoreland and wetland zoning districts a buffer classification system shall be established. The required minimum width for these buffers shall be as follows:
        i. In first order streams seventy-five (75) feet;
        ii. In second order streams one hundred (100) feet;
        iii. In third order streams one hundred twenty-five (125) feet.
    b. Expansion of stream buffers shall be required under the following circumstances:
        i. If there are steep slopes within, or partially within the minimum required buffer and it drains into the stream system, the steep slope and slope margin, as defined in Section 19.15.110 shall be considered to be contained within the total stream buffer; and requirements of each respective Section shall apply;
        ii. To encompass the entire 100-year floodplain and an additional twenty-five (25) feet beyond the edge of the 100-year floodplain boundary;
        iii. Where wetlands or critical areas extend beyond the edge of the minimum required buffer width, to the extent of the wetland plus a twenty-five (25) foot buffer extending beyond the wetland edge.
    c. Water Pollution Hazards. The following land uses and/or activities are designated as potential water pollution hazards, and buffer area must be expanded such that the minimum setbacks from any stream or water body by the distance indicated below:
        i. Storage of hazardous substances, two hundred (200) feet;
        ii. Above or below ground petroleum storage facilities, two hundred (200) feet;
        iii. Drainfield from on-site sewage disposal and treatment system (i.e. septic systems), one hundred fifty (150) feet;
        iv. Raised septic system, two hundred fifty (250) feet;
        v. Solid waste landfills, junkyards, demolition or salvage yards, five hundred (500) feet;
    d. Except for areas designed as City parks, the stream buffer shall be composed of three distinct zones, with each zone having its own set of allowable uses and vegetative targets as specified in this Section.
        i. Zone 0 Stream Channel
            a. The stream channel zone is all area below the ordinary high water mark.
            b. Land disturbing activities are prohibited, unless expressly permitted by the DNR.
            c. The vegetative target for the streamside zone is undisturbed native vegetation.
        ii. Zone 1 Streamside Zone
            a. The function of the streamside zone is to protect the physical and ecological integrity of the stream ecosystem.
            b. The streamside zone will begin at the ordinary high water mark and extend a minimum of twenty-five (25) feet from the top of the bank.
            c. Allowable uses in this zone are strictly restricted to:
                i. Flood control structures;
                ii. Utility rights-of-way;
                iii. Biking or walking paths;
                iv. Road crossings, where permitted
                v. The vegetative target for the streamside zone is undisturbed native vegetation.
        iii. Zone 2 Middle Zone

a. The function of the middle zone is to protect key component of the stream and to provide distance between upland development and the streamside zone.
b. The middle zone will begin at the outer edge of the streamside zone and extend a minimum of fifty (50) feet plus any additional buffer width as required 19.15.060 C.1.d.
c. Allowable uses within the middle zone are restricted to:
i. Biking or waking paths;
ii. Stormwater management facilities, with the approval of the City Engineer;
iii. Recreational uses as approved by the City of Altoona;
iv. Limited tree cutting with the approval of the City of Altoona;
v. Removal of invasive species
vi. The vegetative target for the streamside zone is undisturbed native vegetation.

iv. Zone 3 Outer Zone
a. The function of the outer zone is to prevent encroachment into the stream buffer and to filter runoff from developed areas.
b. The outer zone will begin at the outward edge of the middle zone and provide a minimum width of twenty-five (25) feet between zone 2 and the nearest permanent structure.
c. There shall be no septic systems, permanent structure or impervious cover, with the exception of paths, within the outer zone, without issuance of a conditional use permit.
d. There shall be no vegetation requirements in the outer zone, although the removal of invasive species and the planting and maintenance of native vegetation is highly encouraged.

e. Tree cutting regulations.
i. Regulation of tree cutting along the shores of navigable water is a necessity to control erosion, maintain shoreland and floodplain stability, reduce effluent and nutrient flow, and continuity of environmental corridors. These provisions shall not apply to the removal of dead, diseased, or dying trees, invasive species or to silvicultural thinning upon the recommendation of the City Forester.
a. Cutting is prohibited within zone 1 except as permitted by the City Forester.
b. No more than thirty (30) percent of the length of zone 2 shall be clear-cut, and permit review by the City Forester shall be required.
c. The remaining seventy (70) or more percent of zone 2 shall leave sufficient cover to screen structures as seen from navigable water ways and to maintain maximum continuity of canopy coverage.

ii. Natural resource preservation requirements of 19.15.080 “Woodlands” shall apply as applicable.
iii. Permit for cutting shall be not granted where undue erosion, damage to or disruption of shoreland stability may occur.

19.15.070 Drainageways.

A. Definition. "Drainageways" are navigable or nonnavigable, aboveground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following:
1. All areas within seventy-five (75) feet of the ordinary high-water mark of a "navigable stream", as classified by the DNR. Such stream may be shown as a "perennial stream", "intermittent stream", or "open channel drainageway", on U.S. Geological Survey maps, DNR maps, or official zoning maps for the City of Altoona and its environs, which includes the applicable buffer zone per Table 19.15.030 D.3.;

2. All areas within seventy-five (75) feet centered on a "nonnavigable stream", as classified by the DNR. Such streams may be shown as a "perennial stream", "intermittent stream", or "open channel drainageway", on U.S. Geological Survey maps, DNR maps, or official zoning maps for the City of Altoona and its environs, which includes the buffer zone for an intermittent stream per Table 19.15.030 D.3.

B. Purpose of Drainageway Protection Requirements.
   1. Drainageways serve in the transporting of surface runoff to downstream areas. As such, drainageways serve to carry surface waters, supplement floodplain, wetland, and shoreland water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin.
   2. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.

C. Determination of Drainageway Boundaries. General drainageway boundaries are depicted as “intermittent stream” or “open channel drainageway” U.S. Geological Survey maps, DNR maps, or official zoning maps for the City of Altoona and its environs. Upon the proposal of development activity on any property which contains a drainageway depicted on one or more of these referenced maps, the petitioner shall prepare a detailed site analysis per the requirements of Section 19.15.120. This analysis shall depict the location of all drainageway areas on the subject property as related to the provisions of subsection A., of this Section.

D. Mandatory Drainageway Protection Requirements.
   1. Drainageways shall remain in an undisturbed state except for the land uses permitted in Section 19.15.020 B.
   2. Vegetation clearing to maintain drainageway functions is permitted with the written approval of the City Engineer.
   3. All areas designated as drainageways shall be located within a public easement or dedication for maintenance purposes to preserve proper drainage flow.

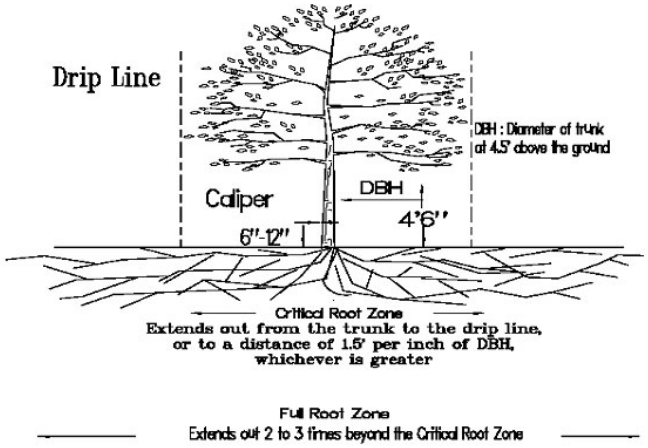
19.15.080 Woodlands.

A. Definitions.
   1. "Woodlands" are areas of native forest land comprised of mature trees whose combined canopies cover a minimum of eighty percent (80%) of an area of two acres or more, irrespective of property boundaries, shown or designated for Conservation, Parks and Open Space, or Public and Conservancy on official zoning maps or the Altoona 2022 Comprehensive Plan maps. Woodlands may be further classified as follows: (part Ord 1A-24)
      i. Class I Woodland(s) – Class I Woodlands are defined as the highest value woodland areas on the basis of an evaluation of the overall biological and hydrological ecosystem services they provide. This includes the quantity of forest interior they encompass and their locations coextensive with other valued and environmentally sensitive resources, including stream corridors, headwater areas, steep slopes, ecologically rare or valuable species, flood plain and wetland districts and associated buffers, as regulated by separate Sections.
      ii. Class II Woodland(s) – Class II Woodlands also are relatively large and coextensive with other resources, but are more linear or fragmented and include little forest interior.
      iii. Class III Woodland(s) – Class III Woodlands are smaller woodland patches, hedgerows, and fragments separated from otherwise nearby woodland corridors, and include fewer additional natural resources. Contiguous woodland areas may fall into more than one Woodland Classification.
   a. “Critical Root Zone” means an area surrounding a tree within which damage to the root system may be fatal to the specimen, and which extends out from the trunk to the canopy drip line, or to a

distance of 1.5 feet per inch of DBH, whichever is greater. For example, a 20-inch DBH tree would require a 30-foot critical root zone.

b. "Diameter Breast Height" or DBH, is a standard measurement of tree size as diameter of the tree truck at a height of 4.5 feet above the ground.

c. "Woodland Disturbance" means any activity which alters the existing structure of a woodland and/or damaging to the vitality or survivability of mature specimens in a woodland area, including but not limited to removal of mature specimens, damaging of the truck, aggressive trimming, removal of understory woody and herbaceous floor species, and land distributing activities within the critical root zone as determined by the City Forester. Due to clear limitations on a single definition of disturbance, the following criteria shall be considered:
   i. Removal of mature specimens greater than eight-inch DBH as a percentage of a contagious stand, with particular emphasis on species of especially high ecological value and large and unique trees;
   ii. Removal of tree canopy as a percentage of a canopy cover as determined by aerial photography;
   iii. Land disturbing activities that may damage critical root zones of mature specimens, including but not limited to grading;
   iv. Excluding removal of invasive species, dead or diseased individuals.



2. This Section shall be titled "Woodland Preservation Ordinance for the City of Altoona".

B. Purpose of Woodland Protection Requirements.
1. Woodlands provide a wide variety of environmental functions, and confer a variety of social and economic benefits, including but not limited to those listed in this Section.
2. Atmospheric benefits include removing air-borne pollutants, carbon dioxide uptake and storage, oxygen production, and evapotranspiration returns.
3. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities.
4. Woodlands provide unique wildlife habitats, corridors, and food sources.
5. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion.
6. Woodlands serve to reduce wind velocities which further reduces soil erosion and protection to buildings and other improvements.
7. Moderation of local air temperatures during summer.
8. Under proper management techniques, woodlands serve as regenerative fuel sources.
9. Woodlands may delineate and enhance other natural resource features, including waterways and steep slopes

10. Variety of aesthetic and cultural values including buffers between developed areas, sense of place, and complement active and passive recreation.
11. Observed positive affect on property values.
12. In order to preserve public interests and potential adverse environmental conditions resulting from disturbance of Woodland areas, the City hereby establishes use restrictions and performance standards of this Section.

C. Determination of Woodland Boundaries.
1. Upon the proposal of development activity on any property which contains woodland as defined in 19.15.080(A) the petitioner shall prepare a detailed site analysis per the requirements of Section 19.15.120. This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of subsection A., of this Section. (part Ord 1A-24, 2024)
2. The Zoning Administrator may consider modification of this standard if evidence is presented from a professional arborist, forester, landscape architect, or other expert whose qualifications are acceptable to the City, that a lesser area of woodlands should be preserved due to disease, undesirability of species, or other reason affecting the quality and health of the woodland.

D. Mandatory Woodland Protection Requirements.
1. Woodlands shall remain in an undisturbed state except for the land uses permitted in Section 19.15.020 B. and areas subject to the mitigation requirements in this Section.
   a. No area of any existing protected woodland shall be removed prior to the granting of final approval of the proposed subdivision or land development.
   b. Tree removal (30% or less) operations may be permitted with an approved site plan (Chapter 19.54) in all woodland areas, provided other all protection requirements of this Section will be utilized as conditions for evaluation and approval.
   c. Tree removal (more than 30%) is permitted as a conditional use in all woodland areas per the requirements of Section 19.15.080 D.6.
2. Preservation of large or unique trees.
   a. All healthy trees with trunks equal to or exceeding 24 inches DBH, or any tree which may be noteworthy because of its species, age, uniqueness, rarity, ecological value, or status as a landmark due to historical or other cultural associations, and which is located within the area of disturbance shall be preserved unless removal is deemed necessary. Preservation of large or unique trees as defined in this subsection shall be enforced regardless of if the specimen is within or near an established woodland area as defined in this Section. Criteria for evaluating the necessity for removal shall include the following:
      i. The health of the tree, whether it is dead or diseased beyond remedy, or whether it is likely to endanger the public or an adjoining property;
      ii. Other constraints of the site, where the applicant demonstrates to the satisfaction of the Plan Commission that no reasonable alternative exists and that removal of a tree is necessary for construction of building foundations, roads, utilities, or other essential improvements.
   b. Trees to be preserved shall be protected during construction:
      i. The area around each tree not less than the critical root zone shall be protected by securely staked fencing with a minimum height of 36 inches.
      ii. Soil disturbance within the fenced area shall be limited to the surface; compaction is prohibited, and excavating shall be strictly limited to servicing existing underground utilities.
      iii. No storage or placement of any soil or construction materials, including construction wastes, shall occur within the fenced area.
      iv. Cables, ropes, signs, and fencing shall not be placed on protected trees.
      v. Each protected tree shall feature a brightly colored ribbon indicating protected status.

c. Abrupt changes of grade shall be avoided within twenty feet of the critical root zone of any trees to be preserved.
d. Large or unique trees which cannot be preserved shall be replaced by trees of the same species, in the following manner:
    i. For every tree with a caliper of 24 inches DBH or larger, at least 5 trees with a minimum caliper of 3 to 3.5 inches DBH or at least 7 trees with a minimum caliper of 2 to 2.5 inches DBH shall be required.
    ii. The placement and spacing of the replacement trees shall be appropriate to conditions of the replacement site and is subject to the approval of the Zoning Administrator, but shall at a minimum be such as to ensure the health and longevity of the replacement trees.
    iii. Substitution of an alternative native tree species, or mix of native species, shall be considered by the Zoning Administrator in woodland areas where over fifty percent of the existing mature trees are of the species to be replaced, or if the species to be replaced is otherwise subject to active disease concern (such as emerald ash borer).
e. Where large or unique trees will be preserved within the area of disturbance, such trees may be applied toward satisfaction of landscaping requirements of Title 18, Chapter 19.54 "Site Plan" or any other City ordinance outlining minimum landscaping or tree planting.

3. Priority in woodland preservation shall be given to woodlands coextensive with other protected natural resources, including 100-year flood plains, shoreland and wetland areas, drainageways, steep slopes, areas with large or unique trees, and areas to maintain maximum continuity of regional environmental and recreational corridors.
    a. Methods that protect and enhance existing woodlands shall be given precedence over those that restore non-wooded lands or mitigate cutting of existing trees through replacement. Protection of woodlands within a project area shall be given precedence over replacement.
    b. Activities that fragment woodlands into small units shall be minimized.
    c. Natural stands or groups of mature trees shall be given priority over individual specimens.
4. The remaining woodlands shall be protected as permanently protected green space by restrictive covenants, conservation easement benefiting the City, public land dedication, or similar instrument.
5. Off-site mitigation areas may be considered to offset loss of existing woodland within the project area, provided:
    a. Off-site mitigation area shall be of similar or greater ecological value and greater extent.
    b. Off-site mitigation area shall be preserved by a preservation instrument described in Section 19.15.080 D.4. and further identified by a development agreement prior to initiation of proposed woodland disturbing activities.
    c. Off-site mitigation shall not replace preservation requirements in the proposed project area, but supplement preservation standards were other constraints reasonably limit full achievement of preservation and reforestation standards in this Section.
    d. Methods that protect and enhance existing woodlands shall be given precedence over off-site mitigation.
6. Tree removal of greater than thirty (30) percent as determined by canopy area change in any woodland area may be permitted as a conditional use, provided that:
    a. In due consideration of all protection requirements and mitigation conditions of this Chapter;
    b. All buildings and other improvements shall occur on the minimum footprint practical for the proposed, permitted use;
    c. Buildings and improvements shall be clustered to maximize open space and minimize removal or disturbance of mature specimens;
    d. Preserved open spaces shall be contiguous, and maximize continuity with woodlands and other preserved open spaces on adjoining properties and within the general woodland corridor;

e. Areas disturbed by development, including those areas within a development not previously within the protected woodland area, shall be reforested to maximize mature tree canopy;

7. A detailed site analysis per Section 19.15.120 shall be completed and accompany any site plan for any project area containing a woodland area illustrating how the mandatory woodland protection requirements shall be met, including:
   a. Delineation of primary and secondary woodland areas;
   b. Indication of dominant and co-dominant species;
   c. Location, size and species of all large or unique trees;
   d. Detailed description of tree preservation techniques and strategies;
   e. Reforestation and landscape plan, including species selection and placement;
   f. All protected natural resources within the project area, as defined by this Chapter;
8. Contested requirements or discretionary standards of this Section may be appealed to the Zoning Board of Appeals, per the requirements of Chapter 19.12 for adjudication.

E. Exceptions

The following areas, uses or activities are exempt from this Section:

1. Protected woodland areas do not include current or historical plantation or agroforestry, except where such replanting purpose was to establish or reestablish native species or habitats.
2. Removal of vegetation which constitutes as public nuisance or hazard, including damaged or diseased specimens.
3. Selected cutting or removal of invasive vegetation.
4. Development of public facilities and amenities, provided that the Plan Commission shall consider all protection requirements of this Chapter in the design of such facility and site to minimize adverse impacts.

19.15.090 Prairies.

A. Definition.

1. "Prairies" are ecosystems of one acre or more which are dominated by the presence of native grasses, including, but not limited to, Big Bluestem, Little Bluestem, Foxtail Barley, Gama Grass, Indian Grass, Switch Grass, and Prairie Cordgrass, and are designated for Conservation, Parks and Open Space, or Public and Conservancy on official zoning maps or the 2022 Altoona Comprehensive Plan. (part Ord 1A-24, 2024)
2. “Oak Savanna” is a type of native lightly forested grassland ecosystem of one acre or more where oaks are the dominant trees. Historically these ecosystems bordered prairie areas and were thoroughly fragmented and nearly totally destroyed in the early 19th century.
3. This Section shall be titled “Prairie Preservation Ordinance for the City of Altoona”.

B. Purpose of Prairie Protection Requirements.

1. Prairies and oak savannas provide unique and rare habitat which are also an important remnant component of the midwestern heritage. These habitats perform particularly valuable ecosystem services and are habitat for several native and migrating threatened and endangered species.
2. In order to preserve public interests and potential adverse environmental conditions resulting from disturbance of prairies and oak savanna areas, the City hereby establishes use restrictions and performance standards of this Section.

C. Determination of Boundaries.

1. General prairie and oak savanna boundaries may be depicted on zoning or environmental corridor maps. Upon the proposal of development activity on any property which contains a prairie or oak savanna depicted on the official zoning map or Altoona Comprehensive Plan maps, the petitioner shall prepare a detailed site analysis per the requirements of Section 19.15.120. This analysis shall depict the location of all prairie areas on the subject property as related to the provisions of subsection A. of this Section. (part Ord 1A-24, 2024)

2. Prairie and/or oak savanna areas which have been degraded due to lack of appropriate ecological management or succession by other species, and still retain indicator characteristics and species, shall be subject to this Chapter.

D. Mandatory Protection Requirements.
   1. Prairies and oak savannas shall remain in an undisturbed state except for the land uses permitted in Section 19.15.020 B.
   2. Disruption to prairie and/or oak savanna areas shall not be permitted unless:
      a. Approved as a conditional use, subject to the requirements of this Chapter;
      b. An area of equal or greater extent and equal or greater ecological value is re-established in native prairie and/or oak savanna;
      c. Re-establishment areas shall be contiguous to the parent resource area;
      d. Re-establishment area and remaining parent resource area shall be protected by a preservation instrument as described in 19.15.080 D.4.;
      e. Re-establishment shall be completed by a contractor recognized by the DNR as having the necessary experience and expertise;
      f. Re-establishment shall not replace preservation requirements, but supplement preservation standards were other constraints reasonably limit full achievement of preservation of the resource area. Methods that protect and preserve existing native prairies shall be given precedence over proposed disruption and re-establishment;
      g. All proposed disruption to, and development near, prairie and/or oak savanna areas shall be designed to accommodate prescribed management of the resource, including managed burning;
      h. Permits for proposed development adjacent or near to prairie and/or oak savanna, but not directly disrupting the existing resource, shall be reviewed to ensure indirect disruption is not likely, such as clearly separating introduced landscaping areas from native areas. Landscaping requirements of site plan (Chapter 19.54) shall prioritize and may be satisfied through expanding prairie and/or savanna areas and complementary landscaping;
      i. Any parcel proposed for development that contains degraded resource areas as described in 19.15.090 C.2. shall be restored as a condition of any permitted development;
      j. Preservation and re-establishment activities shall refer to and be consistent with the Native Vegetation Establishment and Enhance Guidelines, Minnesota Board of Water & Soil Resources (2017), or successor or similar materials per approval of the Zoning Administrator or DNR;
      k. All disruption and re-establishment shall be per the approval of the Zoning Administrator working in conjunction with the Wisconsin Department of Natural Resources.

E. Exceptions.
   1. Prairies and/or oak savanna areas created as part of a restoration process or program not otherwise required by this Chapter.
   2. Selected cutting or removal of invasive vegetation.
   3. “Undisturbed state” does not include prescribed managed burning conducted by competent professionals.

19.15.100 Other permanently protected green space.

A. Definition. "Other permanently protected green space" includes all areas designated as permanently protected green space which may or may not contain specific protected natural resources as defined in this Chapter. These areas are typically required to provide permanent green space per the requirements of subdivision review, planned community development, conservation subdivision, or other open space dedication.

B. Purpose of Protection Requirements for Other Permanently Protected Green Space. These areas are protected in order to meet minimum open space requirements or dedicated buffer areas associated with various zoning and use standards by the City of Altoona.
C. Determination of Other Permanently Protected Green Space Boundaries. Boundaries of these areas shall be as depicted in approved general implementation plans, specific implementation plans, subdivision plans and plats, conservation easements, and site plans.
D. Mandatory Protection Requirements for Other Permanently Protected Green Space.
    1. Other permanently protected green space areas shall remain in an undisturbed state except for the land uses permitted in Section 19.15.020 B. and the specific conditions or performance standards associated with the approved plan or permit creating the decided protected green space.
    2. Other permanently protected green space areas shall be maintained free of nuisance and as approved in the associated plan or permit.

19.15.110 Steep slopes.

A. Definition.
    1. "Steep slopes" are areas which contain a gradient of twelve percent (12%) or greater (equivalent to a ten-foot elevation change in a distance of eighty-three (83) feet or less). Steep slopes are divided into three categories:
        a. Moderately Steep Slopes are those areas of land where the grade is twelve (12) percent to fifteen (15) percent.
        b. Very Steep Slopes are those areas of land where the grade is fifteen (15) percent to twenty (25) percent.
        c. Prohibitively Steep Slopes are those areas of land where the grade is greater than twenty (25) percent.
    2. Slopes shall be measured as the change in elevation over the horizontal distance between consecutive contour lines and expressed as a percent. For the purpose of application of these regulations, slope shall be measured over three (3) or more two (2) foot contour intervals (six cumulative vertical feet of slope). All slope measurements shall be based on contour intervals determined by detailed topographical survey using aerial photogrammetry or actual field survey and shall be signed and sealed by a registered surveyor or engineer licensed to practice in the State of Wisconsin.
    3. “Steep Slope Margin” is the required buffer area of not less than twenty-five (25) feet of any area regulated as steep slope, measured perpendicularly to the contour of the land, beginning at and extending outward from the contour line where the steep slope no longer exceeds the minimum regulated grade as defined in this Section.
    4. This Section shall be titled “Steep Slopes Ordinance for the City of Altoona”.
B. Purpose of Steep Slope Protection Requirements.
    1. Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Beyond adversely affecting the environmental functions of these resources areas, such sedimentation also increases flood hazards by reducing the flood water storage capacity of hydrological system components, thus elevating the flood level of the drainage system in effected areas.
    2. Beyond these threats to the public safety, disruption of steep slopes also increases the likelihood of slippage and slumping, unstable soil movements which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.

3. In order to preserve public interests and potential adverse environmental conditions resulting from disturbance of steep slopes, the City hereby establishes use restrictions and performance standards of this Section.

C. Determination of Steep Slope Boundaries.
   1. General steep slope boundaries are depicted on official zoning maps, environmental corridor maps for the city and its environs as prepared by the West Central Wisconsin Regional Planning Commission and/or Eau Claire County. Upon the proposal of development activity on any property which contains a steep slope depicted on the official zoning map, as identified by city staff or the petitioner during site investigations or during plan review, the petitioner shall prepare a detailed site analysis per the requirements of Section 19.15.120. This analysis shall depict the location of all steep slope areas on the subject property as related to the provisions of subsection A., of Section.
   2. Slopes typically exist along a gradient and continuum. Restrictions in this Section apply to the area of slope determined by the incident angle, rather than uniformly across a gross area. Restrictions shall be interpreted by the Zoning Administrator or City Engineer reasonably in favor of greater restriction.

D. Mandatory Steep Slope Protection Requirements.
   1. Steep slopes shall remain in a vegetated and undisturbed state except for those conditions illustrated in this Section and for which an appropriate permit for land disturbing activity or construction has been issued.
   2. Prior to undertaking any land disturbing activities for which any part of the area of disturbance includes a steep slope or steep slope margin, a detailed site analysis consistent with Section 19.15.120 shall be completed illustrating site conditions and all slope protection requirements of this Section. This site analysis shall be reviewed and approved for sufficiently achieving slope protection requirements, and any/all other protected natural resource area requirements, by the Zoning Administrator or City Engineer prior to issuance of any land disturbance or construction permit.
   3. All proposed land disturbing activities within the steep slope and slope margin shall be reviewed to ensure no negative impact or nuisance shall be created on adjoining or nearby protected natural resource areas or properties.
      a. The smallest amount of ground may be exposed without vegetation for as short a time as possible.
      b. Grading and vegetation disturbance shall be limited to the most minimum area corresponding to approved activities or use.
      c. Steep slopes disturbed for any reason shall be restored by planting native vegetation or vegetation as approved by the sole discretion of the City. Slopes within or adjacent to Woodlands as described in this Chapter shall be reforested as described in that Section.
      d. No land disturbing activities may interfere with natural surface water drainage patterns or create a disruption for approved drainage or grading plan;
      e. Site drainage shall be designed to direct surface water movement away from steep slopes and toward improved and controlled drainageways;
      f. No more than twenty (20) percent of slope and slope margin areas with native grades greater than twenty-five (25) percent shall be stripped of vegetation or disturbed by grading without mitigation measures to a level deemed acceptable by the Altoona City Engineer (part Ord 1A-24, 2024).
      g. Wherever possible, proposed structures and improvements should follow the native contours of the land.
   4. All land disturbing activities within a steep slope or margin area shall acquire an erosion permit per Title 14 Altoona Municipal Code.

5. Protection requirements of the Section shall complement and be in addition to natural resource protection requirements elsewhere in this Title.
6. Steep slopes that are adjacent to or partially within a 100-year flood plain, shoreland or wetland buffer as defined in this Chapter, the entirety of the steep slope area shall be considered to fall within those protected resource areas. Proposed land disturbing activities shall be scrutinized and regulated accordingly and liberally construed in favor of the City and more protective requirements shall control.
7. The City Engineer may, at his or her sole discretion, require submission and satisfactory review of additional slope stability and/or erosion prevention techniques and best practices beyond those minimum requirements of Title 14 or in this Chapter, including but not limited to structural stability analysis performed by a registered engineer, as a condition of any permit approval required by this Chapter.
8. Proposed construction of retaining walls shall meet all requirements and permitting of Chapter 15.14 "Retaining Walls."
9. Contested requirements or discretionary standards of this Section may be appealed to the Zoning Board of Appeals, per the requirements of Chapter 19.12 for adjudication.

E. Exemptions.

The following areas, uses or activities are exempt from this Section:

1. Construction of public utilities and roadways, including sidewalks and trails.
2. Correction of erosion problems included in an approved stormwater management plan.
3. Constructed and stabilized slopes resulting from creation of public works or approved site plan; however, erosion and storm water provisions of Title 14 shall apply.

19.15.120 Detailed Site Analysis.

A. Purpose. The detailed site analysis required by this Chapter is designed to provide the clear identification of natural resources as described in this Chapter on a site which is proposed for development or other permitted land disturbance. The detailed survey work required to identify these areas accurately on a map is required prior to the initiation of development plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans (see Chapter 19.54) for any and all properties containing protected natural resource areas.

B. Description. The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Chapter, and as located by an on-site survey. The detailed site analysis shall meet the following requirements:

1. Scale. A minimum scale of one inch equals two hundred (200) feet shall be used.
2. Topography. Detailed topographic information is not required for any property which does not contain steep slopes. For such properties without steep slopes, topographic information with a minimum contour interval of two feet is required.
3. Specific Resources Areas. All natural resource areas which require protection under the provisions of this Chapter, including buffer zones, shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.
4. Development Pads.
    a. All site disruption (including tree removal (30% or less)) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded plat of subdivision or certified survey map.
    b. Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil within critical root zones, or otherwise damage trees beyond the area in which trees are to be removed from. All trees with calipers exceeding

three inches, which are located in areas were trees are to remain and/or whose removal is not specifically identified in the detailed site analysis, which die within a period of five years following site disruption shall be replaced by the property owner with a three inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.

5. Mitigation Areas. All mitigation areas related to the provisions of this Chapter shall be depicted on the detailed site analysis map with notations provided which describe the mitigation techniques employed.

C. Required Procedure for Submission and Review.

1. Required Timing of Submission. The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the preliminary plat of subdivision or the certified survey map; or if the proposed development does not involve a land division, then submittal is required as an attachment to a required Site Plan (see Chapter 19.54) or application for grading. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map, however, in no way does the acceptance and/or general approval of the concept plan indicate the approval of natural resource protection concepts and/or resource feature locations. A detailed site analysis map prepared for the subject property which has been previously approved by city staff, may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.
2. Review by City Staff. City staff shall review the submitted detailed site analysis map for general compliance with the following data sources:
   a. Official zoning map;
   b. Applicable West Central Wisconsin Regional Planning Commission and Eau Claire County environmental corridors maps;
   c. Air photos of the subject property;
   d. USGS quads and other sources of topographic information;
   e. Applicable FEMA and related floodplain maps;
   f. Applicable federal and state wetland inventory maps;
   g. The City of Altoona Comprehensive Plan;
   h. City of Altoona Parks & Open Space Plan;
   i. Applicable City of Altoona subarea plans;
   j. Site evaluation.
4. The Zoning Administrator shall provide the petitioner with a written evaluation of the submitted detailed site analysis map which shall indicate the acceptance by city staff, any approval conditions, or the need for further analysis work, discussion with the petitioner and/or staff-recognized experts, or a joint site visit.
3. Modification of Detailed Site Analysis Map. If necessary, as determined by city staff, revised detailed site analysis maps shall be prepared and submitted for review by city staff, until a version is deemed acceptable.
4. Acceptance of Detailed Site Analysis Map. Upon notification of acceptance by city staff (or in case of appeal, by determination of the Zoning Board of Appeals), the petitioner may proceed with the submittal of necessary development documents to acquire land disturbance or construction permits.

5. Staff review of the detailed site analysis map may be appealed to the Zoning Board of Appeals as a matter of ordinance interpretation (See Chapter 19.12).

D. Integration of Detailed Site Analysis Information with Required Development and/or Land Division Documents. Information contained on the detailed site analysis map relating to the protected natural resource areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a building permit) and on any proposed plat of subdivision or certified survey map (see also, Chapter 19.54 regarding required site plans).

F. The City Engineer or Plan Commission may require the applicant to file a security bond meeting the approval of the city attorney as a guarantee that the provisions of this Chapter and condition of the permit will be followed.

19.15.130 Enforcement.

A. Violations. Any land disturbing on construction activity hereafter conducted in violation of the provisions of this Chapter shall be deemed an unlawful building, structure, activity or use. The Zoning Administrator, City Engineer, Building Inspector, or designee, shall promptly report all such violations to the Common Council and City Attorney who shall bring an action to:
   1. Enjoin land disturbing activity and/or the erection, enlargement, alteration, repair or moving of such building or structure in violation of this Chapter; and
   2. To cause such building, structure or use to be removed, natural resource restoration activity to be completed, and be subject to a penalty as provided below.

B. General Penalty. Unless otherwise specifically provided in that Section, any person who shall violate any of the provisions of this Chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
   1. Any person who shall violate any provision of this Chapter shall, upon conviction thereof, be subject to penalty and forfeiture as provided in Chapter 1.08.
   2. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Chapter shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
   3. Other Remedies. The City shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution above.

C. In any such enforcement action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of agent or employee of the City or other City Officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by in junctional order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

D. Any person asserting grievance by an order or determination of the Zoning Administrator, or the Zoning Administrator's designee, may appeal a determination to the Zoning Board of Appeals. The procedures customarily used to effectuate an appeal to the Zoning Board of Appeals shall apply.

E. Except as may otherwise be provided by Statute or Ordinance, no officer, agent or employee of the City of Altoona charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of the individual's duties under this Chapter. Any suit brought against any officer, agent or employee of the City as a result of any act required or permitted in the discharge of the individual's duties under this Chapter shall be defended by the legal representative of the City until the final determination of the proceedings therein.

Chapter 19.16

FLOODPLAIN OVERLAY ZONE

Sections:

Repealed 2/8/18, Ordinance 2A-18 – See newly created Chapter 19.15 "Environmental and Natural Resources".

Chapter 19.17

SHORELAND-WETLAND OVERLAY ZONE

Sections:

Repealed 2/8/18, Ordinance 2A-18 – See newly created Chapter 19.15 "Environmental and Natural Resources".

Chapter 19.18

ADULT BOOK STORE, ADULT MOTION PICTURE THEATER, OR NUDE DANCING

Sections:

19.18.010 Scope.

A. This chapter shall regulate the location of the following uses and activities:

1. Adult book stores as defined in Section 19.08.020.

2. Adult motion picture theaters as defined in Section 19.08.030.

3. Nude dancing as defined in Section 5.27.020(1), (2), and (3) in the performance or engagement in any live act, demonstration, dance or exhibition by any person, employee, entertainer, or patron.

19.18.020 Adult book store, adult motion picture theater, or nude dancing.

A. Findings and Purpose. The city council finds that, due to their nature, the existence of adult book stores, adult motion picture theaters, or nude dancing has serious objectionable operational characteristics, such as an effect upon property values, local commerce and crime. Due to the deleterious effects of such uses on adjacent areas, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such regulations are contained in these standards. These standards are designed to protect the city's retail trade, maintain property values, prevent crime, and, in general, protect and preserve the quality of the city's neighborhoods, commercial districts and the quality of urban life.

B. Standards. An adult book store, adult motion picture theater, or nude dancing is permitted in the C or I district, provided that:

1. Such use shall not be located within six hundred fifty feet of an R1 district;

2. Such use shall not be located within two hundred feet of an R2 district;

3. Such use shall not be located within 1,600 feet of an R3 district;

4. Such use shall not be located within 2,500 feet of a public or private school, church, nursery or day care center;

5. Such use shall not be located within 1,700 feet of the River Prairie Mixed-Use District;

6. Such use shall not be located within 250 feet of a Public & Conservancy district;

7. Such use shall not be located within 3,000 feet of a Planned Community Development district;

8. Such use shall not be located within one thousand feet of another adult book store, adult motion picture theater, or nude dancing;

9. The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot upon which the proposed use is to be located, to the nearest point of the zoning district boundary line;

10. Violation of these provisions is declared to be a public nuisance per se;

11. Nothing in this subsection is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any city ordinance or statute of the state of Wisconsin regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof. (Part Ord 2A-15, 2015, Ord. 11A-93 § 9, 1993)

Chapter 19.20

BULKHEAD LINES

Sections:

19.20.010 Bulkhead line designated.

The description of the bulkhead line along the southerly shore of Lake Altoona at the Altoona beach site is as follows:

A line located in the northwest quarter of the northwest quarter of Section 24, Township 27 North, Range 9 West, city of Altoona, Eau Claire County, Wisconsin, being further described as follows: Commencing at the southeast corner of said northwest quarter of the northwest quarter, thence North 0° 10_ 30² West along the east line of said northwest quarter of the northwest quarter, 401.18 feet, thence South 48° 10_ West, 458 feet to the existing south shoreline of Lake Altoona and to the point of beginning, thence South 42° 45_ West, 110 feet; thence South 75° 00_ West, 178 feet; thence North 75° 15_ West, 85 feet; thence North 82° 20_ West, 166 feet to the point of terminus. (Ord. A-83 § 1, 1974)

19.20.020 Map.

A map made a part hereof and on file as set forth in Section 19.20.040 shows the existing shore and proposed bulkhead line. (Ord. A-83 § 2, 1974)

19.20.030 State Department of Natural Resources approval required.

The city clerk is directed to file three copies of this chapter, with three copies of the map made a part of this chapter, with the Department of Natural Resources of the state of Wisconsin for the approval of said department. (Ord. A-83 § 3, 1974)

19.20.040 Clerk to file copies where.

Upon receiving approval by the Department of Natural Resources, the city clerk is directed to file copies of the map and this chapter as follows:

A. One in the office of the Department of Natural Resources of the state of Wisconsin;

B. One in the office of the city clerk;

C. One in the office of the register of deeds for Eau Claire County, Wisconsin. (Ord. A-83 § 4, 1974)

Chapter 19.24

DISTRICTS—GENERALLY*

Sections:

19.24.010 Established.

A. For the purpose of implementing the community vision and goals as articulated by the City of Altoona Comprehensive Plan, consistent with Wis. Stats. § 62.23(7), the following Zoning Districts are hereby established and shall be known by the following respective symbols and names:

R-1, One-family Dwelling District;
R-2, One-family and Two-family Dwelling Districts;
R-3, Multiple Family Dwelling District;
TH, Twin Home District;
C, Commercial District;
C-1, Commercial Office District;
BP, Business Park District;
I, Industrial District;
PCD, Planned Community Development
RP, River Prairie Mixed-Use District
P, Public and Conservancy District;
LF, Former Landfill District.

B. Rezoning of territory from one district to another district shall adhere to the procedures outined in Chapter 19.68 “Amendments”. (part Ord 6C-19).

19.24.020 Map—Boundary interpretation criteria.

A. The zoning districts are shown upon the district map accompanying and made a part of this Title. Said map and all notations, references and other information thereon shall be as much a part of this Title as if they were all fully described herein.

B. District boundary lines on the distract map shall be determined as follows:

1. Where district boundary lines obviously follow road, street, water, lot or property lines, such lines shall be the boundaries;

2. In unsubdivided property or where a district boundary line divides a lot or parcel of property, dimensions on the map shall be used to locate district boundaries, and in the absence of dimensions the map scale shall be applied;

3. The Board of Appeals, upon written application, shall determine the location of boundaries where uncertainty exists after applying the rules. (Ord. A-56 § 4(B), 1970)

C. The current Zoning Map shall be on file with the City Clerk. (part Ord 6C-19).

19.24.030 Annexed area—Zoning requirements.

Lands hereafter annexed to the city shall be subject to regulations of the R-1 district, until other districts and regulations are recommended by the Plan Commission and adopted by the City Council, said adoption to be effected within one hundred twenty days of the date of annexation. (part Ord. 6C-19, Ord. A-56 § 4(c), 1970)

19.24.040 Uses generally—Conformance with district restrictions required.

A. No building shall hereafter be erected, constructed, reconstructed, altered, enlarged or moved, nor shall any building or land be used for any purpose or use other than that permitted herein in the district in which located, subject to other applicable regulations hereof including the securing of permits and conditional use permits as required by the provisions in certain sections hereof. Each building hereafter erected or moved shall be located on a lot, as defined herein, and there shall be no more than one main building on one lot, unless otherwise provided herein.

B. Each building containing dwelling units or guest rooms shall be erected on a lot at least one line of which shall abut for not less than twenty-five feet along a public street or along a permanent, unobstructed easement of access to the lot from a public street, said access being approved by the Zoning Administrator as adequate for the purpose. (Ord. A-56 § 5, 1970)

19.24.050 Temporary Buildings and Structures

A. Temporary buildings and structures may be placed on a lot and occupied only under the following conditions:

1. Temporary buildings and structures incidental to construction of, addition to, or repair of a permanent building where an active building permit has been obtained. The temporary structure shall be removed within 15 days following completion of construction activities, but in no case shall the temporary building or structure be allowed for more than 12 months unless expressly authorized in writing by the Building Inspector.

2. Commercial tents and temporary membrane structures shall be deployed according to manufacturer specifications and meet all applicable City of Altoona, International Fire Code and Wisconsin Administrative Code requirements.

3. Tents, canopies, and similar temporary membrane structures, without side walls, non-commercial in nature, customarily utilized to provide temporary shade or weather protection for outdoor seating in a residential setting, may be utilized without a permit provided:

a. The device shall be maintained in like-new condition. Damaged devices shall be promptly repaired or removed.

b. The device shall be anchored according to manufacturer specifications.

c. Outdoor storage of vehicles or any other materials is prohibited.

d. The device shall be not deployed during periods and conditions reasonably expected to result in precipitation of snow.

B. Tarp shelters or garages, or similar, that lack durable, permanent exterior as defined in Title 15 are prohibited.

1. Exceptions. Where a building permit has been issued on a lot, the Building Inspector may issue a temporary permit for a period not to exceed 90 days. The device shall be anchored according to manufacturer specifications.

19.24.060 Reserved.

19.24.070 Manufactured homes.

Manufactured and mobile homes, as defined and regulated in Title 17, shall not be used as dwellings in any district unless part of a permitted manufactured home community. (part Ord 6C-19, Ord. A-56 § 12(C), 1970)

19.24.080 Modular homes.

A. Defined. Modular home means a structure or component thereof which is intended for use as a dwelling, and:

1. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection or assembly and installation at the building site; or

2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation, on the building site and for which certification is provided by the manufacturer under the Modular Home Code of Wis. Stats §§ 101.70 – 101.77.

3. Modular home does not mean any manufactured home or mobile home under Wis. Stats § 101.91, or any building of open construction which is not subject to subsection 2, above.

4. Note: Modular homes are distinct from manufactured homes as described herein, the latter of which are constructed to meet U.S. Housing & Urban Development (HUD) code for mobile or manufactured homes, as further defined in Title 17. Modular homes are constructed and manufactured to meet the Uniform Dwelling Code.

B. Purpose. The purpose of these provisions is to establish standards governing the appearance and location of modular homes. These regulations are intended to allow a mixture of housing types in a manner which are consistent with City policies and objectives. For this reason, standards are hereby established which regulate the appearance of modular homes, allowing in residential zoning districts only those that meet or exceed all standards applicable to dwellings and are acceptably similar in appearance to site-built dwellings. (part Ord 6C-19, 2019)

C. Standards. Modular homes as defined in this Chapter, shall be considered dwellings within residential districts, provided such structures meet all standards applicaable to the dwellings in Altoona Municipal Code, including zoning, permitting, and a permanent foundation that is constructed and inspected on-site.

D. Modular homes may be utilized as an Accessory Dwelling Unit provided that all applicable requirements for modular homes and for Accessory Dwelling Units in Altoona Municipal Code are met.

E. Administration.

1. Applications for approval of modular homes shall be submitted to the Building Inspector on a standard building permit. Applications shall include all information necessary to determine the modular home's conformity with all applicable standards of the City of Altoona and certification of conformance with State of Wisconsin Modular Home Code, including: exterior dimensions, roof pitch, roofing and siding material, size of overhangs, foundation type and design and any other applicable information.

2. The building permit must be approved and issued prior to beginning any site related activities or moving the structure to the site.

19.24.090 Pole buildings.

No pole buildings shall be allowed to be constructed within any residentially zoned district. In all other districts, pole buildings shall be allowed only as a conditional use. Conditional use permits for the construction of pole buildings shall be reviewed by the plan commission in a conservative manner, to be granted only in very limited applications. (Ord. 3A-87 (part), 1987)

Chapter 19.28

R-1 ONE-FAMILY DWELLING DISTRICTS

(**Note: The previous Chapter 19.28 was repealed and replaced with revised Chapter 19.28, Ord. 4E-04, 2004).**

Sections:

19.28.010 Permitted uses.

The uses permitted in R-1 districts shall be as follows:

A. One-family dwellings;

B. Public buildings and uses, including elementary and secondary schools, school athletic fields, parks, playgrounds, libraries, museums, community and recreation centers, police and fire stations, water towers and reservoirs, pumping stations;

C. Churches, parsonages, convents, child nurseries, nursery schools and private schools for similar educational purposes as in public elementary and secondary schools;

D. Signs. See Chapter 19.58. (part, Ord. 12B-17, 2017, part Ord 7A-15, 2015)

E. Uses permitted as listed in B. and C. above shall be subject to site plan review in accordance with the requirements of Chapter 19.54 of this code. (Ord 3A-08, 2008)

19.28.020 Conditional uses.

The following uses are permitted with conditional use permit in R-1 districts:

A. Hospitals, nursing, convalescent and rest homes, homes for the aged, philanthropic and charitable institutions;

B. Golf courses, country clubs, yacht clubs, tennis courts, swimming pools, and other recreational facilities and areas, but limited to those operated for and in association with private club purposes, together with commercial enterprises such as restaurants, lounges and taverns subject to the restriction that each, such commercial enterprise be operated by or with the permission of the owner of a recreational facility or under a lease from the owner of said facility.

C. Sale, on the premises, of farm products produced on the premises;

D. Crop and tree farming, fruit and berry raising, and noncommercial plant nurseries and noncommercial greenhouses, but not general farming, dairying, and stock, animal and poultry raising and feeding;

E. For signs requiring a conditional use, see Chapter 19.58. (part, Ord 12B-17, 2017, part Ord 71A-15, 2015).

F. Clubs, lodges, fraternity and sorority houses, noncommercial in nature;

G. Tourist/bed and breakfast homes, provided that the following minimum requirements shall be met before the city will consider granting a conditional use permit:

1. Sufficient off-street parking must be provided for all guests and occupants of said home, and on-site parking of vehicles in the front yard area of said establishments shall be prohibited.

2. No tourist/bed and breakfast home may be located within one thousand feet of another such establishment.

3. Tourist/bed and breakfast homes shall meet all other zoning requirements pertaining to residential districts.

4. Tourist/bed and breakfast homes shall be subject to inspection and approval by the fire department, city-county health department and all pertinent state agencies.

5. These are minimum requirements only. The city body granting the conditional use permit hereunder may set other requirements or conditions, and meeting these minimum requirements does not automatically entitle an applicant to a conditional use permit.

6. Notwithstanding the provisions of this chapter to the contrary, any tourist/bed and breakfast home already in business as of February 1, 1992, shall be allowed to expand to up to a maximum of eight rooms, provided that all applicable state and federal regulations are met.

H. Pigeon Lofts. See Chapter 6.06 for reference.

I. Assessory buildings as provided for by 19.28.090 C.

J. Communicaton transmitters, relays and ancillary equipment installed on and/or in association with publicly owned structures. The City may also require a lease agreement approved by the Common Council. (Ord. 7A-07, 2007)

19.28.030 Yard requirements.

Yard requirements in R-1 districts shall be as follows:

A. Front yard, sixteen feet except:

1. Street-facing garage doors shall be set back not less than twenty-four feet to the nearest portion of any public sidewalk, trail, or right-of-way line that intersects with the driveway; except alley-accessed garages or additions to existing garages. (part 12B-17, 2017)

2. Street-facing garage doors are encouraged to be recessed by at least six feet behind either the façade of the ground floor portion of the principal building or covered porch or stoop measuring at least six feet projection by six feet wide on the same visual plane. (part Ord 7D-19, 2019)

B. Side yards, five feet minimum each side.

C. Rear yard, twenty-five feet.

D. Exceptions as provided in Chapter 19.56.

19.28.040 Lot area and width requirements.

A. Minimum lot area requirements shall be six thousand square feet for dwelling lot, provided that this requirement does not apply to any lot on a plat recorded prior to July 7, 1970.

B. Minimum lot width requirements shall be sixty-six feet provided that this requirement does not apply to any lot on a plat recorded prior to July 7, 1970.

19.28.050 Parking space requirements.

Parking space requirements shall be as set forth in Chapter 19.24.

19.28.060 Maximum lot coverage by buildings permitted.

A. Maximum lot coverage by the principal building and all accessory buildings shall be thirty percent of lot area.

B. Maximum lot coverage by “improved surfaces” shall be forty percent of lot area.

C. Alternative Compliance. Lot coverage of buildings may be up to forty-five percent, and improved surfaces up to sixty percent, provided all other applicable standards are met, and all additional storm water generated is accommodated on-site through rain garden or other best management practice as determined by the City Engineer. This provision applies to lots created prior to January 1, 2020. (part Ord 11A-19, 2019)

19.28.070 Minimum floor area requirements.

The minimum floor area required for a one-family dwelling shall be seven hundred twenty square feet.

19.28.080 Building and structure height limit.

The maximum height of any building in R-1 districts shall be thirty-five feet. The maximum height of any other structure or appurtenance in R-1 districts shall be seventy-five feet.

19.28.090 Accessory Buildings – Limitations

A. The combined area of all accessory buildings for which a permit is required by Section 15.04.080 B.10. shall not exceed the enclosed area of the habitable portion of the main use building. For this calculation, the following shall apply:

1. For two story dwellings, the portion of the habitable space on the second-floor level above grade may also be counted where the habitable space has headroom of at least seven feet.

2. Where a conditional use permit is issued for a space above the first-floor level of an accessory building, the area of this space must also be counted where the space has headroom of at least seven feet.

B. Except as provided in paragraph C herein, buildings which are permitted for accessory uses as described in Section 19.24.050 are subject to the following limitations:

1. The number of accessory buildings may not exceed three on a lot.

2. The combined area of all accessory buildings shall not exceed 1000 square feet.

3. Except for a gable end wall, the height of any wall of an accessory building shall not exceed eleven and one half feet at any point.

4. Where the main use building has a single story above grade, the height of an accessory use building may not exceed the height of the main use building by more than two feet.

5. Detached accessory buildings shall be required to be separated from other buildings by a minimum horizontal distance of (4) four feet between walls and (1) one foot between eaves.

6. Accessory buildings with floor levels which are not served by at least one door at or above grade shall be permitted only as a conditional use.

7. The use of any space above the first floor level of an accessory building shall require a conditional use permit except for the following:

a. Structural and architectural elements.

b. Storage areas without ladders or stairways fastened in place.

c. Storage areas with ladders or stairways fastened in place where less than 100 sq. feet of the aggregate area served has headroom of at least seven feet.

C. Pursuant to the procedure outlined in Chapter 19.59, the Plan Commission may issue a conditional use for accessory buildings that do not conform to the limitations of paragraph B above, provided that the buildings shall conform in all other aspects to this Municipal Code including paragraph A above. (Ord. 4E-04, 2004)

Chapter 19.32

R-2 ONE-FAMILY AND TWO-FAMILY DWELLING DISTRICTS

(Note: The previous Ch. 19.32 was repealed/ replaced with revised Ch. 19.32, Ord. 4F-04, 2004).
Sections:

19.32.010 Permitted uses.

Uses permitted in R-2 districts shall be as follows:

A. All uses permitted in R-1 districts;

B. Two-family dwellings, with additional lot area as required herein;

C. R-1 uses noted in Section 19.28.010 E. shall require a site plan review in accordance with the requirements of Chapter 19.54 of this code. (Ord 3B-08, 2008)

19.32.020 Conditional uses.

The following uses are permitted with conditional use permit in R-2 districts:

A. Hospitals, nursing, convalescent and rest homes, homes for the aged, philanthropic and charitable institutions;

B. Golf courses, country clubs, yacht clubs, tennis courts, swimming pools, and other recreational facilities and areas, but limited to those operated for and in association with private club purposes, together with commercial enterprises such as restaurants, lounges and taverns subject to the restriction that each, such commercial enterprise be operated by or with the permission of the owner of a recreational facility or under a lease from the owner of said facility;

C. Sale, on the premises, of farm products produced on the premises;

D. Crop and tree farming, fruit and berry raising, and noncommercial plant nurseries and non-commercial greenhouses, but not general farming, dairying, and stock, animal and poultry raising and feeding;

E. For signs requiring a conditional use see Chapter 19.58.

F. Clubs, lodges, fraternity and sorority houses, noncommercial in nature;

G. Tourist/bed and breakfast homes, the minimum requirements of tourist/bed and breakfast homes set forth in Section 19.28.020 G. shall also apply to the conditional use permit reviews under this section.

H. Radio (AM or FM) or television broadcasting stations and transmitters, limited to those operated for and in association with Churches, public or private elementary and secondary schools. Broadcast transmission structures shall not exceed 35 feet in height as required for buildings in Section 19.32.080 (Ord 4A-05, 2005).

I. Twin home dwellings.

Twin home dwellings are conditional uses in R-2 Districts and may be permitted as specified:

1. Twin lots must have a minimum width of one hundred feet at the building setback.
2. Lot area requirements shall conform to 19.32.040 A.

3. A joint or attached driveway serving attached twin home dwellings is permitted provided covenants addressing the maintenance of such driveway are in a form approved by the City.

4. A minimum fire separation complying with Comm. 21.08, Wis. Admin. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit

5. The plans, specifications, and construction shall require the installation and construction of separate sewer, water, and other utility services to each twin home dwelling.

6. Both lots containing attached twin home dwellings shall be held under the same ownership until the completion of construction of the twin home dwellings.

7. A maintenance agreement (party wall agreement), approved by the City Zoning Administrator, shall be entered into by the owners of the attached twin home dwellings in order to ensure that equal and reasonable maintenance and repairs are performed on the attached twin home dwellings. Alternatively, provisions for maintenance of common walls may be incorporated into applicable covenants to be reviewed and approved by the City.

8. Easements necessary for water, sewer, and utility services and the maintenance agreement, shall be recorded with the Eau Claire County Register of Deeds.

9. The exterior and roof materials on each attached twin home dwelling shall be of the same color, quality, and consistency.

10. A statement shall be placed on the face of all Twin Home plats creating twin home dwelling lots stating, "When two attached, single family dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenants and deed restrictions and the City of Altoona shall not be responsible for the same." (Ord 1C-10, 2010).

19.32.030 Yard requirements.

Yard requirements in R-2 districts shall be as follows:

A. Front yard, same as in R-1 districts;

B. Side yard, same as in R-1 districts;

C. Rear yard, same as in R-1 districts.

D. Exceptions as provided in Chapter 19.56.

19.32.040 Lot area and width requirements.

A. The lot area required in R-2 districts shall be not less than five thousand square feet provided, that this requirement does not apply to any lot in a plat recorded prior to July 7, 1970.

B. The lot width required in R-2 districts shall be not less than fifty feet; provided, that this requirement does not apply to any lot in a plat recorded prior to July 7, 1970.

19.32.050 Parking space requirements.

Parking space requirements shall be as set forth in Chapter 19.24.

19.32.060 Maximum lot coverage by buildings permitted.

A. Maximum lot coverage by the principal and all accessory buildings shall be thirty percent of lot area.

B. Maximum lot coverage by "improved surfaces" shall be forty percent of lot area.

C. Alternative Compliance. Lot coverage of buildings may be up to fifty percent, and improved surfaces up to sixty percent, provided all other applicable standards are met, and all additional storm water generated is accommodated on-site through rain garden or other best management practice as determined by the City Engineer. This provision applies to lots created prior to January 1, 2020. (part Ord. 11A-19, 2019)

19.32.070 Minimum floor area requirements.

The minimum floor area requirements shall be as follows:

A. One-family dwelling, seven hundred twenty square feet;

B. Two-family dwelling, four hundred fifty square feet per family.

19.32.080 Building and structure height limit.

The maximum height of any building in R-2 district shall be two and one-half stories, but not exceeding thirty-five feet in height. The maximum height of any other structure or appurtenance in R-2 districts shall be seventy-five feet.

19.32.090 Accessory buildings – Limitations.

A. Accessory buildings shall be subject to the limitations of Section 19.28.090 A.

B. Accessory buildings shall be subject to the limitations of Section 19.28.090 B.

C. Pursuant to the procedure outlined in Chapter 19.59, the Plan Commission may issue a conditional use for accessory buildings that do not conform to the limitations of paragraph B above, provided that the buildings shall conform in all other aspects to this Municipal Code including paragraph A above.

Chapter 19.36

R-3 MULTIPLE-FAMILY DWELLING DISTRICT

Sections:

19.36.010 Regulations generally.

In R-3 districts the regulations set forth in Sections 19.36.020 through 19.36.090 shall apply, except as otherwise provided herein. (Ord. A-56 § 8 (part), 1970)

19.36.020 Permitted uses.

Uses permitted in R-3 districts shall be as follows:

A. All uses permitted in R-2 districts;

B. Multiple dwellings and dwelling groups;

C. Colleges and universities;

19.36.025 Conditional uses.

The following uses are permitted with conditional use permit in R-3 districts:

A. Hospitals, nursing, convalescent and rest homes, homes for the aged, philanthropic and charitable institutions;

B. Golf courses, country clubs, yacht clubs, tennis courts, swimming pools, and other recreational facilities and areas, but limited to those operated for and in association with private club purposes, together with commercial enterprises such as restaurants, lounges and taverns subject to the restriction that each, such commercial enterprise be operated by or with the permission of the owner of a recreational facility or under a lease from the owner of said facility;

C. Sale, on the premises, of farm products produced on the premises;

D. Crop and tree farming, fruit and berry raising, and noncommercial plant nurseries and noncommercial greenhouses, but not general farming, dairying, and stock, animal and poultry raising and feeding;

E. For signs requiring a conditional use see Chapter 19.58. (part Ord. 7A-15, 2015)

F. Clubs, lodges, fraternity and sorority houses, noncommercial in nature;

G. Tourist/bed and breakfast homes, the minimum requirements of tourist/bed and breakfast homes set forth in Section 19.28.020 G. shall also apply to the conditional use permit reviews under this section. (part Ord 12B-17, 2017)

19.36.026 Site plan review.

Site plan review in accordance with the requirements of Chapter 19.54 of this code shall be required for any permitted or conditional use within this zoning district; provided, however, site plan

review shall not be required for any lot used for a single-family dwelling or a two-family dwelling. (Ord 3C-08, 2008)

19.36.030 Side yard requirements.

Side yard requirements in R-3 districts shall be the same as R-2 districts, provided that for each building of a height in excess of thirty-five feet, one additional foot of depth of rear yard is required for each four feet or portion thereof of height in excess of thirty-five feet. (Ord. A-56 § 8(C), 1970)

19.36.040 Rear yard requirements.

Rear yard requirements in R-3 districts shall be the same as R-2 districts, provided that for each building of a height in excess of thirty-five feet, one additional foot of depth of rear yard is required for each four feet or portion thereof of height in excess of thirty-five feet. (Ord. A-56 § 8(D), 1970)

19.36.050 Front yard requirements.

A front yard of not less than sixteen feet in depth is required in R-3 districts, except as provided in Chapter 19.56. (part Ord 6B-11, 2011, Ord. A-56 § 8(E), 1970)

19.36.060 Lot area requirements.

The required lot area in R-3 districts shall be:

A. Not less than eight thousand square feet for each dwelling having four dwelling units or less, provided that the area requirement shall not be greater than the lot area of any lot platted prior to July 7, 1970;

B. Not less than one thousand five hundred square feet of lot area, in addition, for each dwelling unit over four in number. (Ord. A-56 § 8(F), 1970)

19.36.070 Lot coverage requirements.

No lot coverage requirement in any R-3 district. (Ord 1A-17, 2017, A-56 § 9(G), 1970)

19.36.080 Parking space requirements.

Parking spaces requirements shall be as set forth in Chapter 19.24. Additionally, there shall be one extra parking space for every four dwelling units, to be clearly designated as "Handicapped Parking Only." (Ord. 6E-93, 1993: Ord. 10B-84 (part), 1984: Ord. A-56 § 9(H), 1970)

19.36.090 Building and structure height limit.

The maximum height of any building in R-3 districts shall be three stories, but shall not exceed forty-five feet. The maximum height of any other structure or appurtenance in R-3 districts shall be seventy-five feet. (Ord. 10A-87 (part), 1987: Ord. A-56 § 8(B), 1970)

Chapter 19.37

(TH) TWIN HOME DISTRICT

Sections:

The Twin Home District is intended to provide for development of zero lot line twin home development. Ownership of each unit will be on separate deeds. Compliance with State of Wisconsin one (1) and two (2) family Uniform Dwelling Code for attached units is required.

Twin Home Plats will be processed similar to other plats giving consideration to the requirements noted below. Provided, however, the fee for processing the plat will be half the fee established by Council in Chapter 3.08 on a per lot basis.

19.37.010 Permitted Principal Uses.

Uses permitted in Twin Home districts shall be as follows:

A. Twin homes with one (1) attached or detached garage/unit.

B. Foster homes and community living arrangements as set forth in Wisconsin Statutes.

19.37.020 Conditional Uses

The following uses are permitted with conditional use permit in R-2 districts:

A. Hospitals, nursing, convalescent and rest homes, homes for the aged, philanthropic and charitable institutions;

B. Golf courses, country clubs, yacht clubs, tennis courts, swimming pools, and other recreational facilities and areas, but limited to those operated for and in association with private club purposes, together with commercial enterprises such as restaurants, lounges and taverns subject to the restriction that each such commercial enterprise be operated by or with the permission of the owner of a recreational facility or under a lease from the owner of said facility;

C. Sale, on the premises, of farm products produced on the premises;

D. Crop and tree farming, fruit and berry raising, and noncommercial plant nurseries and non-commercial greenhouses, but not general farming, dairying and stock, animal and poultry raising and feeding;

E. Business, identification, private information and directional signs, permission for which shall be processed by the Plan Commission subject to the standards set forth in Ch. 19.58, which shall be considered to be minimum standards and such further or other conditions and limitations on the use, size and placement of signs as the Plan Commission may deem to be appropriate to impose upon signs subject to this regulation.

F. Clubs, lodges, fraternity and sorority houses, noncommercial in nature;

G. Tourist/bed and breakfast homes, the minumum requirements of tourist/bed and breakfast homes set forth in Section 19.28.020 G. shall also apply to the conditional use permit reviews under this section.

H. Radio (AM or FM) or television broadcasting stations and transmitters, limited to those operated for and in association with Churches, public or private elementary and secondary schools. Broadcast transmission structures shall not exceed 35 feet in height as required for buildings in Section 19.32.080.

19.37.030 Yard and setback requirements.

Setback requirements in Twin Home districts for each twin lot shall be as follows

A. Front Yard, not less than sixteen feet, provided:

1. Street-facing garage doors shall be set back not less than twenty-four feet to the nearest portion of any public sidewalk, trail, or right-of-way line that intersects with the driveway; except alley-accessed garages or additions to existing garages;

B. Side yard, 5 feet in minimum width on each unattached side.

C. Rear yard, not less than 20 feet.

D. Exceptions as provided in Chapter 19.56.

19.37.040 Lot area and width requirements.

A. The Twin Lot shall have a minimum area of 9,000 square feet, with not less than 4,500 square feet per single lot.

B. Twin Lots on the inside radius of a corner shall have a width of not less than 20 feet at the right of way line.

C. All other lots shall have a minimum width of 90 feet at the minimum front yard setback.

19.37.050 Parking space requirements.

There shall be provided a minimum of two off-street parking spaces for each twin home dwelling unit, one of which must be within an enclosed garage.

19.37.060 Maximum lot coverage by buildings permitted.

The maximum lot coverage for the primary and all auxiliary buildings shall be 35% of each twin lot.

19.37.070 Minimum floor area requirements.

The minimum habitable floor area requirement shall be 450 square feet per dwelling unit on one level.

19.37.080 Building height and size.

No principal building or parts of a principal building shall exceed 35 feet in height.

19.37.090 Permitted Accessory Uses

Yard and gardening equipment storage buildings not exceeding 150 square feet in area and limited to one per twin home dwelling unit.

19.37.100 Other requirements.

A. A joint or attached driveway serving attached twin home dwellings is permitted provided covenants addressing the maintenance of such driveway are in a form approved by the City.

B. A minimum fire separation complying with Comm. 21.08, Wis. Admin. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit

C. The plans, specifications, and construction shall require the installation and construction of separate sewer, water, and other utility services to each twin home dwelling.

D. Both lots containing attached twin home dwellings shall be held under the same ownership until the completion of construction of the twin home dwellings.

E. A maintenance agreement (party wall agreement), approved by the City Zoning Administrator, shall be entered into by the owners of the attached twin home dwellings in order to ensure that equal and reasonable maintenance and repairs are performed on the attached twin home dwellings. Alternatively, provisions for maintenance of common walls may be incorporated into applicable covenants to be reviewed and approved by the City.

F. Easements necessary for water, sewer, and utility services and the maintenance agreement, shall be recorded with the Eau Claire County Register of Deeds.

G. The exterior and roof materials on each attached twin home dwelling shall be of the same color, quality, and consistency.

H. A statement shall be placed on the face of all Twin Home plats creating twin home dwelling lots stating, "When two attached, single family dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenants and deed restrictions and the City of Altoona shall not be responsible for the same." (Ord 3A-21, 2021, Ord.1A-10, 2010)

Chapter 19.38

CORNER LOTS, SIDE AND REAR YARDS AND SETBACKS

Repealed and combined with Chapter 19.56 "Yards, Lot Areas and Open Spaces, Ord 12A-17, 2017.

Chapter 19.40

C COMMERCIAL DISTRICT

Sections:

19.40.005 Site plan review.

Site plan review in accordance with the requirements of Chapter 19.54 of this code shall be required for any permitted or conditional use within this zoning district. (Ord. 10C-88 (part), 1988)

19.40.010 Permitted uses.

Uses permitted in C districts shall be as follows:

A. Adult book store or adult motion picture theater (provided provisions of Chapter 19.18 are met);

B. Bakeries, confectioneries, ice cream and soft drink shops, where on-site sale and consumption shall be the emphasis of the building and site, and where production of product for distribution may also occur;

C. Health/sports club;

D. Department stores;

E. Engraving, photoengraving, photofinishing, lithographing, printing, publishing, and bookbinding plants;

F. Household equipment repair shops;

G. Laboratories, medical, dental, and optical and other laboratories of nonhazardous or inoffensive operations when accessory to permitted uses;

H. Laundries;

I. Music conservatories, dancing studios;

J. Offices and office buildings for business and professional firms including banks, medical and dental offices, and public and public utility offices;

K. Restaurants;

L. Retail stores and shops and small service businesses such as art shops, professional studios, clothing, drug, grocery, fruit, meat, vegetable, confectionery, hardware, sporting goods, stationery, music, variety and notion stores, household appliance, fixture and furnishing stores and repair shops, stores and shops for barbers, beauticians, cabinetmakers, electricians, florists, jewelers, watchmakers, locksmiths, plumbers, shoemakers, tailors, dressmakers, pressers, and photographers;

M. Other retail or wholesale sales and service uses considered to be as appropriate and desirable for inclusion within the district as those permitted above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of another property; but not including any uses excluded hereinafter. (part 3C-18, 2018, Ord. 2A-97, 1997; Ord. 11A-93 § 8, 1993; Ord. 10C-88 (part), 1988: Ord. A-73 (part), 1972: Ord. A-56 § 9(A), 1970)

19.40.020 Conditional uses.

A. The following uses are permitted in C districts with a conditional use permit consistent with the standards outlined in Chapter 19.59:

1. Bars, taverns, off-sale liquor stores;
2. Bottled gas storage for local distribution;
3. Bus, taxi terminals;
4. Commercial recreation uses;
5. Dairies, ice cream plants;
6. Food and beverage establishment with drive-through or drive-in service;
7. Gasoline service stations;
8. Hatcheries;
9. Ice plants, cold storage plants;
10. Mortuaries;
11. Artisan Workshop;
12. Theater, assembly or concert hall;
13. Hospitals and ambulatory medical facilities;
14. Hotels, motels, nursing homes, churches, parsonages, convents, child nurseries, nursery schools and private schools for similar educational purposes as in public elementary and secondary schools. (Ord. 9D-02).
15. Automobile display rooms and salesrooms, parking lots and structures, and when accessory thereto, the retail sale of automobile parts and accessories, and the washing, cleaning, greasing, and servicing of automobiles, including minor adjustments but not major repairs, overhauling, rebuilding or demolition or spray painting;
16. Salesrooms and sales lots for manufactured homes, mobile homes, and motor homes;
17. Cleaning and dyeing and laundry pickup stations, self- service laundries and cleaning shops;
18. Cleaning and dyeing plants;
19. Paint shops including sign and other painting;
20. Radio (AM or FM) or television broadcasting stations and transmitters, and microwave relay structures;
21. Repair garages and shops for motor vehicles, including parking, storage, repair, maintenance, and washing of vehicles and parts, but excluding sand or steam cleaning and manufacture of vehicles or parts;
22. Retail, wholesale and jobbing businesses;
23. Tire repair shops;
24. Mixed use residential/retail/office buildings;
25. Tourist/bed and breakfast homes pursuant to the minimum requirements of tourist/bed and breakfast homes set forth in Chapter 19.28.
26. Salesrooms and sales lots for boats, snowmobiles, motorcycles, and other similar personal recreational vehicles. (Ord. 2B-98, 1998; Ord. 2E-98, 1998; Ord. 3B-92 (part), 1992; Ord. 10C-88 (part), 1988: Ord. 10A-87 (part), 1987; Ord. 3A-80 (part), 1980; Ord. A-73 (part), 1972: Ord. A-56 § 9(B), 1970)
27. Kennel or pet boarding (Ord. 8B-05, 2005).
28. Premises wherein alcohol is both manufactured and available for sale, which may also include sale of food and other complementary retail activities, as further defined and regulated:

a. Breweries, brewery with restaurant, and brewpubs, each defined by Wis. Stat. § 125.29 and § 125.295, where fermented malt beverages are manufactured and available for sale on-premises.

b. Wineries and wine bars defined by Wis. Stat. § 125.53 were wine is manufactured and available for sale on-premises.

c. Distillery where intoxicating liquor is manufactured and available for sale or consumption on-premises and has been issued manufacturers permit under Wis. Stat. § 125.52.

d. The following standards shall also apply for conditional use permits for uses as defined in this subsection:

i. The restaurant, retail, and/or event elements shall be the emphasis of the building and site, however these elements need not be greater than production and distribution elements in physical space;

ii. Production and distribution elements visible on the exterior of the building shall be appealing and complementary;

iii. Demonstrate that production/manufacturing conducted on-site is not at a level that would be considered more of an industrial than commercial scale, and that the manufacturing activities are compatible with pedestrian-oriented commercial development;

iv. Mitigation of environmental and other off-site impacts, including but not limited to noise, odors, and reuse of water resources shall be addressed;

v. Traffic and material handling activities are of a scale typical and contextually appropriate for neighboring zones and uses;

vi. No outside storage is permitted, other than customary commercial refuse and recycling containers.

29. Urban Farm, defined as an establishment where food or ornamental crops are grown or processed to be sold or donated that includes, but is not limited to, outdoor growing operations, indoor growing operations, vertical farms, aquaponics, aquaculture, hydroponics and rooftop farms. The following standards shall also apply for conditional use permits for this use as defined:

a. Keeping of animals shall be consistent with Title 6.

b. Any equipment or supplies needed for farm operations shall be fully enclosed or otherwise effectively screened from the street and any adjacent residential uses.

c. Appropriate measures shall be taken to prevent erosion from the site, including from water, airbourne, or carried by vehicles.

d. Mechanized equipment similar in scale to that designed for household use shall be permitted. Use of larger mechanized farm equipment is generally prohibited, provided, however, that during the initial perparation of the land heavy equipment may be used to prepare the land between 7:00am and 7:00pm and where advance notice is provided to all properties within 500 feet.

e. Where the site is adjacent to residential zoned properties, shipment and delivery of products or supplies shall be limited to between 7:00am and 7:00pm and shall regularly occur only in single rear axle straight trucks or smaller vehicles normally used to serve residential neighborhoods.

f. Composting activities shall be actively managed, screened, and free from nuisance odors or effluent.

30. Solar Farm, defined as a collection of solar energy collectors designed primarily for serving off-site power needs and are the principal use of the property requiring a conditional use permit.

31. Outdoor Storage and outdoor sales lots similar to those identified in items 15, 16 and 26 above, provided the storage and sales lots must be accessory use.

32. A nonconforming off-premise sign as regulated by Section 19.58.085. (part Ord 3C-18, 2018, Ord 4A-13, part, 2013)

19.40.030 Prohibited uses.

Uses prohibited in C districts shall be as follows:

A. Any use permitted only in Industrial districts;

B. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard;

C. Junkyards;

D. Manufacturing and processing other than accessory use customarily incidental to permitted commercial sales and service uses. (Ord. 10C-88 (part), 1988: Ord. 10A-87 (part), 1987; Ord. 3A- 80 (part), 1980; Ord. A-73 (part), 1972: Ord. A-56 § 9(C), 1970)

19.40.040 Yard requirements.

Yard requirements for C districts shall be as follows:

A. Front yard: none;

B. Side yard: none required except as provided in subdivisions 1 and 2 of this subsection. When required, the width of each side yard shall be not less than ten percent of the width of the lot, with a maximum required width of eight feet and minimum permissible width of five feet:

1. Two side yards are required for a dwelling, and for any building containing dwelling units,

2. A side yard is required on that side of the lot which adjoins any residential district;

C. Rear yards: none required except as provided in subsections 1 and 2 below. When required, the depth of the rear yard shall be twenty-five percent of the depth of the lot, with a maximum required depth of thirty feet and a minimum required depth of twenty feet:

1. A rear yard is required for a dwelling and for any building containing a dwelling unit,

2. A rear yard is required on any lot, the rear or side line of which adjoins any residential district. (Ord. 10C-88 (part), 1988: Ord. A-56 § 9(D) (1—3), 1970)

19.40.050 Lot area requirements.

Lot area requirements for C districts shall be the same as R-3 districts for a dwelling and for any building containing a dwelling unit. There is no requirement for any other building unless determined through site plan review. (Ord. 10C-88 (part), 1988: Ord. A-56 § 9(D)(4), 1970)

19.40.060 Parking space requirements.

For parking space requirements for C districts see Chapter 19.52. (Ord. 10C-88 (part), 1988: Ord. 10B-84 (part), 1984: Ord. A- 56 § 9(D)(5), 1970)

19.40.070 Building height limit.

The building height limit for C districts shall be three stories but not exceeding thirty-five feet; except, however, a building may be up to seventy feet in height provided:

A. The building is used only for recreational purposes; and

B. The building is one floor only. (Ord. 7A-99, 1999: Ord. 10C-88 (part), 1988: Ord. 10A-87 (part), 1987: Ord. A-56 § 9(E), 1970)

C. The building or structure is approved as a conditional use where greater height is permitted in consideration of use, location, and distance from residential uses. (part Ord 3C-18, 2018).

19.40.080 Buffer required.

When required by the Zoning Administrator or his/her designee, a buffer or fence shall be provided by commercial property adjacent to all residential uses adjoining the commercial use where there is no intervening right-of-way. If a fence is required, it may extend (toward the right-of-way) ten feet beyond the required residential front yard (building) setback. (Ord 7L-05, 2005).

Chapter 19.41

C-1 OFFICE COMMERCIAL DISTRICT

Sections:

19.41.005 Site plan review.

Site plan review in accordance with the requirements of Chapter 19.54 of this code shall be required for any permitted or conditional use within this zoning district. (Ord. 10C-88 (part), 1988)

19.41.010 Permitted uses.

Uses permitted in C-1 districts shall be as follows:

A. Professional offices such as doctors, dentists, attorneys, chiropractors, psychologists, insurance, real estate, architects, engineers, accountants, building contractors and other similar uses;

B. Clinics, both medical and dental that could include pharmaceutical sales, provided that such pharmacies are complementary to the primary clinic use of the structure. Other similar medical or dental diagnostic or therapeutic facilities are permitted;

C. Other uses compatible with and deemed suitable for inclusion within the district. (Ord. 10C-88 (part), 1989: Ord. 4E- 82 (part), 1982)

19.41.015 Conditional uses.

Mixed use residential/office development is permitted with a conditional use permit when part of an approved area development plan. (Ord. 10C-88 (part), 1988)

19.41.020 Prohibited uses.

Uses prohibited in the C-1 district shall be as follows:

A. Any uses permitted only in the industrial (I), commercial (C) or residential districts;

B. Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard;

C. Variety retail sales, except those clearly complementary to the primary office use as identified in subdivision B of Section 19.41.010. (Ord. 4E-82 (part), 1982)

19.41.030 Yard requirements.

Yard requirements for C-1 district shall be as follows:

A. Front yard, minimum of thirty-five feet;

B. Side yard:

1. An individual side yard shall not be less than ten (10) feet.
2. A combined total of two side yards shall not be less than thirty (30) feet. (Ord. 5A-15, 2015)

C. Rear yard, minimum of thirty-five feet. (Ord. 4E-82 (part), 1982)

19.41.040 Lot area requirements.

The required lot area shall be not less than eight thousand square feet. (Ord. 4E-82 (part), 1982)

19.41.050 Parking requirements.

The parking space requirements for the C-1 district shall be:

A. One space per two hundred fifty square feet. Area shall be measured as all floor area except undeveloped basement. Additionally, there shall be two extra parking spaces clearly designated as "Handicapped Parking Only."

B. The parking or storage of construction equipment or commercial trucks rated over three-fourths ton shall not be permitted upon any property in the C-1 district or upon any right- of-way adjacent thereto. (Ord. 10B-84 (part), 1984; Ord. 4E-82 (part), 1982)

19.41.060 Building and structure height limit.

The maximum height of any building within a C-1 district shall be two and one-half stories, but shall not exceed thirty-five feet in height. The maximum height of any other structure and/or appurtenance in a C-1 district shall be seventy-five feet. (Ord. 10A-87 (part), 1987: Ord. 4E-82 (part), 1982)

19.41.070 Signs.

The placement of any signs in the C-1 district shall conform to the specifications listed within this section.

A. "Sign" means any material, structure or device, or part thereof, composed of lettered or pictorial matter, or upon which lettered or pictorial matter is placed, which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business in view of the general public.

B. Location. All signs shall be located on the wall of a structure or permanently affixed to the ground. No signs shall be located upon the roof of any structure within the C-1 district.

C. Size. No ground sign shall exceed fifty square feet in area. No wall sign shall occupy more than forty percent of the area of a building wall.

D. Illumination. Illuminated signs shall comply with the Wisconsin State electrical code. Lights shall not glare upon the street or adjacent properties. All lights not attached to a sign shall comply with the specifications of the state or local electrical code. (Ord. 4E-82 (part), 1982)

Chapter 19.42

BP BUSINESS PARK DISTRICT

Sections:

19.42.001 Statement of purpose.

A. The BP business park district is established to provide a comprehensive employment park with an attractive working environment conducive to the development of offices, research and development institutions, and light manufacturing establishments of a nonnuisance type. The district is designed to be a fully serviced development in a park-like setting, which is practical, economical, and an asset to workers, neighbors, and the community as a whole.

B. It is the intent that all parcels of land zoned BP shall have protective covenants and restrictions approved by the city and properly recorded prior to development. (Ord. 7A-89 (part), 1989)

19.42.005 Site plan review.

Site plan review in accordance with the requirements of Chapter 19.54 of this code shall be required for any permitted or conditional use within this zoning district. (Ord. 7A-89 (part), 1989)

19.42.010 Permitted uses.

The following uses are permitted in the BP district:

A. Research, development and testing laboratories and facilities and the manufacture or fabrication of products in conjunction with such research and development;

B. Offices and professional buildings, including banks and financial institutions;

C. Manufacture, production, processing, cleaning, servicing or repair of the following:

1. Technically oriented materials, goods or products generally associated with such fields as electronics, medical and dental supplies, optics, process design and software development, scientific instruments, communications, and energy and the environment,

2. Small scale products (finished weight not exceeding one hundred pounds or in fifty-five gallon containers) related to resource industries of agriculture and food production, forestry, petrochemicals and mining,

3. Other products primarily using light industrial processes which are conducted entirely within enclosed, substantially constructed buildings in which the open areas around such buildings are not used for the storage of goods or materials or for any industrial purpose other than loading and unloading operations, and which are not noxious or offensive by reason of emissions beyond the confines of the building;

D. Printing and publishing;

E. Telecommunication centers;

F. Wholesaling;

G. Restaurants, conference centers, and hotel and motel facilities not to exceed twenty percent of the gross land area of all contiguous parcels zoned B. (Ord. 7A-89 (part), 1989)

H. Retail Use. (Ord 4A-08)

19.42.015 Permitted accessory uses.

The following uses are permitted accessory uses in the BP district:

A. Educational and training centers;

B. Nursery schools and day care centers primarily for children of persons employed in the business park;

C. Temporary buildings for construction purposes, for a period not to exceed the duration of the construction;

D. Warehousing;

E. Signs as regulated by city ordinance. (Ord. 7A-89 (part), 1989)

19.42.020 Conditional uses.

The following conditional uses may be allowed in the BP district subject to the provisions of this section:

A. Warehousing not accessory to a business or industry within the business park;

B. Industrial uses that are in keeping with the statement of purpose for the BP district, but which are not permitted uses. (Ord. 7A-89 (part), 1989)

19.42.040 Height, lot widths and yard requirements.

A. The floor-area-ratio within the BP district shall not exceed 0.5.

B. No structure shall exceed fifty feet in height.

C. The following minimum requirements shall be observed subject to the additional requirements, exceptions and modifications as set forth in this section:

1. Lot area, fifteen thousand square feet,
2. Lot width, seventy-five feet,
3. Front yard, thirty feet,
4. Side yard (interior), twenty feet,
5. Side yard (corner), thirty feet,
6. Rear yard, twenty feet. (Ord. 7A-89 (part), 1989)

Chapter 19.44

INDUSTRIAL DISTRICT

Sections:

19.44.001 Purpose

A. The Industrial Distict accommodates areas of heavy and concentrated fabrication, warehousing, manufacturing, shipping, freight and industrial uses. It is the intent of this district to provide an environment for industries that is less encumbered by undersireable effects to nearby residential, civic or commercial uses. Industrial districts should be located for convenient access for existing and future arterial thoroughfares, freight routes and railway lines and may be separated from residential areas by transitional areas of business, light industry or by natural barriers. Commercial office, services or retail in this district should generally be accessory to or in support of the primary industrial purpose of the district.

B. This Chapter is established in order to:

1. To faciliate development and redevelopment consistent with the adopted goals, objectives, policies and recommendations of the Comprehensive Plan and adoped neighborhood, corridor or special area plans;
2. To protect health, safety and welfare of the public;
3. To minimize adverse impacts on air, water, land, flora and fauna;
4. Reserve adequate land for industrial development and use;
5. To provide regulations and standards for industrial uses in the City. (part Ord 3D-18, 2018)

19.44.005 Site plan review.

Site plan review in accordance with the requirements of Chapter 19.54 of this code shall be required for any permitted or conditional use within this zoning district. (Ord. 10C-88 (part), 1989)

19.44.010 Permitted uses.

Uses permitted in industrial districts shall be as follows:

A. Uses permitted in commercial districts, except any of religious, educational, charitable or medical nature and except any dwelling or lodging place for either permanent or tourist accommodations; provided, that a dwelling for a watchman or caretaker employed on the premises, and his family, is permitted;

B. Industrial-type uses consisting of manufacturing, processing, assembling, storing, distributing and transporting of materials, goods and foodstuffs, provided none of the types in Section 19.44.020 shall be permitted without a conditional use permit. (Ord. A-56 § 10(A), 1970)

C. Self-storage warehouses designed for access and storage by household consumers;

D. Motor freight facilties, rail or truck terminal;

19.44.020 Conditional uses.

The following uses permitted in the industrial district with a conditional use permit consistent with the standards outlined in Chapter 19.59: (part Ord 3D-18, 2018)

A. Auto wrecking yards, junkyards or scrap yards, or the baling of junk, scrap or rags;

B. Bag cleaning;

C. Distillation of bones, coal, tar, petroleum, refuse, grain or wood;

D. Forge plants, foundries;

E. Garbage offal, dead animal or fish reduction or dumping, or other waste dumping;

F. Inflammable gases or liquids, refining or manufacture thereof, or tank farm storage thereof;

G. Manufacture of acetylene, acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chlorine, chemicals, soda or soda compounds, kiln-made brick, pottery, terra cotta or tile; candles (except by hand), cement, gypsum, lime or plaster of paris, disinfectants, dyestuffs, emery board or sandpaper, explosives or fireworks (or storage of same), exterminators or insect poisons, fertilizers, glass, glue or size, gelatin, grease, lard or tallow (manufactured or refined from animal fat), illuminating or heating gas (or storage of same), lampblack, matches, linoleum, linseed oil, paint, oil, shellac, turpentine or varnish (except mixing only), oilcloth or oiled products, paper or pulp, pickles, sauerkraut or vinegar, plastics, potash products, rayon or similar products, rubber or gutta-percha products or treatment of same, shoddy, shoe polish, soap (other than liquid soap), soybean products, starch, glucose or dextrin, stove polish, tar roofing or waterproofing or other tar products, chewing tobacco (or treatment of tobacco), yeast;

H. Refining of petroleum, refining or smelting of ores;

I. Sawmills, planing mills;

J. Steam power plants;

K. Stockyards or slaughter of animals or poultry;

L. Stone quarries, gravel pits, stone cutting and crushing, washing and grading of stone, gravel and sand;

M. Sugar refining;

N. Tanneries;

O. Wool pulling or scouring;

P. Any other use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard;

Q. Any structure or appurtenance, other than a building, with a height exceeding seventy-five feet, if all parts of said structures or appurtenances are at least one hundred thirty-two feet from all other districts. (See Section 19.44.060(B) regarding conditional use permits regarding tall structures. See also Section 19.44.060(C) regarding maximum height limitations of structures and/or appurtenances within one hundred thirty-two feet of other districts.) (Ord. 10A-87 (part), 1987; Ord. A-56 § 10(B), 1970)

R. Kennel or pet boarding. (Ord. 8A-05, 2005).

19.44.030 Yard requirements.

Yard requirements for industrial districts shall be as follows:

A. Front yard, twenty feet;

B. Side yards, same as in C district;

C. Rear yards, twenty-five feet. (Ord. A-56 § 10(C)(1), (2), (3), 1979)

19.44.040 Lot width requirements.

Lot width requirements in the industrial districts shall be one hundred feet. (Ord. A-56 § 10(C)(4), 1970)

19.44.050 Off-street parking requirements.

Off-street parking requirements in industrial districts shall be as set forth in Chapter 19.52. (part Ord. 3D-18).

19.44.060 Building and structure height limit.

The maximum height of buildings and other structures within industrial districts shall be as follows:

A. The maximum height of any building within an industrial district shall be as follows:

1. If any part of said building is within one hundred thirty-two feet of any other zoning district, it shall be subject to the height limits applicable to the most restrictive of said nearby districts.

2. If all portions of said building are beyond one hundred thirty-two feet of any other district, the maximum height of any building shall be one hundred feet.

B. As provided for in Section 19.44.020, any non-building structure or appurtenance over seventy-five feet in height and not lying within one hundred thirty-two feet of a residential district is permitted only upon the granting of a conditional use permit. In reviewing an application for a conditional use permit regarding such tall structures and/or appurtenances, the reviewing body shall, as in all cases, consider the purposes of this Title as set forth in Chapter 19.04. Therefore, the reviewing body is directed to consider all pertinent facts as they relate to the purposes of the zoning code, including, but not limited to, the safety, aesthetic, ecological and economic impacts of said structures and/or appurtenances on other land in the surrounding area and the persons who reside on or frequent said surrounding land.

C. The maximum height of any structure and/or appurtenance within an I district, when any part of said structure or appurtenance is within one hundred thirty-two feet of any other district, shall be seventy-five feet. (Ord. 10A-87 (part), 1987: Ord. A-56 § 10(C)(6), 1970)

19.44.070 Buffer required.

A. When required by the Zoning Administrator or his/her designee, a buffer or fence shall be provided by industrial property adjacent to all residential uses adjoining the industrial use where there is no intervening right-of-way. If a fence is required, it may extend (toward the right-of-way) ten feet beyond the required residential front yard (building) setback. (Ord. 7J-05, 2005, Ord. A-56 § 10(C)(7), 1970)

B. In all Industrial Districts, all storage except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened with buildings, screening fence or barrier between six (6) and eight (8) feet in height. No storaged materials within fifty (50) feet of such screening shall exceed the maximum height of the screening. (part Ord 3D-18, 2018)

CHAPTER 19.45

WELLHEAD PROTECTION AREA OVERLAY DISTRICT

Sections:

Created Ord 4A-24, Wellhead Protection Area Overlay District - April 11, 2024

19.45.010 Purpose.

The residents of the City of Altoona depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to establish a Wellhead Protection Area Overlay District to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply providing protection for the aquifer and municipal water supply of the City of Altoona and promoting the public health, safety and general welfare of City residents.

19.45.020 Authority.

Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in §59.97(1) {which has since been renumbered as §59.69(1)} and §62.23(7)(c), Wis. Stats., to the statutory authorization for county and municipal planning and zoning to protect the public health, safety and welfare. In addition, under §61.35, Wis. Stats., the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

19.45.030 Application.

The regulations specified in this Wellhead Protection Ordinance shall apply within the area surrounding each municipal water supply well that has been designated as a "wellhead protection area" by the City in the most recent & up to date wellhead protection plan, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.

19.45.040 Wellhead Protection Area Overlay District.

The location and boundaries of the zoning districts established by this chapter are set forth in the City of Altoona' most recent and up to date wellhead protection plan on the map titled "Wellhead Protection Area" [on file in the City of Altoona office] incorporated herein and hereby made a part of this ordinance. Said figures, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. This ordinance and thus promotes public health, safety, and welfare. The Wellhead Protection Area Overlay District is intended to protect the groundwater recharge area for the water supply from contamination.
Note: Wellhead protection areas are derived from hydrologic studies and are based on the area

surrounding a well where groundwater takes 5-years or less to travel from the land surface to the pumping well.

19.45.050 Permitted Uses

The following uses are permitted in the Wellhead Protection Overlay District, subject to the separation distances in Section 19.45.080 of this chapter:

1. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this us.
2. Playgrounds.
3. Wildlife areas.
4. Non-motorized trails, such as bike, skiing, nature and fitness trails.
5. Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production may not exceed 20 gallons or 160 pounds at any time.
6. Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

19.45.060 Conditional Uses.

The following uses may be conditionally permitted in the Wellhead Protection Overlay District in accordance with § 19.59 and subject to the separation distances in Section 19.45.080.

1. Petroleum, hydrocarbon or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA under 29 CFR 1910.1200(c) and by OSHA under 40 CFR Part 370.)
2. Motor vehicle services, including filling and service stations, repair, renovation, and body work.
3. All mining operations including sand and gravel pits.
4. Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production exceeds 20 gallons or 160 pounds at any time.

19.45.070 Prohibited Uses.

The following uses are prohibited in the Wellhead Protection Overlay District.

1. Cemeteries.
2. Chemical manufacturers (Standard Industrial Classification Major Group 28).
3. Coal storage.
4. Dry cleaners.
5. Industrial lagoons and pits.
6. Landfills and any other solid waste facility, except post-consumer recycling.
7. Manure and animal waste storage except those facilities regulated by the County.
8. Pesticide and fertilizer dealer, transfer or storage facilities.
9. Railroad yards and maintenance stations.
10. Rendering plants and slaughterhouses.
11. Bulk storage of Salt or deicing material.
12. Salvage or junk yards.
13. Septage or sludge spreading, storage or treatment.
14. Septage, wastewater, or sewage lagoons.
15. Private on-site wastewater treatment systems or holding tanks receiving 12,000 gallons per day or more.
16. Stockyards and feedlots.

17. Stormwater infiltration basins without pre-treatment, including vegetative filtration and/or temporary detention.
18. Wood preserving operations.
19. Any other use determined by the city council to be similar in nature to the above-listed uses.

19.45.080 Separation Distances.

The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained within the Wellhead Protection Area Overlay District.

1. Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110.
2. Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
3. Two hundred feet between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
4. Three hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
5. Three hundred feet between a well field and any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of commerce or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
6. Four hundred feet between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.
7. Six hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring

for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

8. One thousand feet between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
9. Twelve hundred feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

19.45.090 Conditional Use Permits.

Individuals and/or facilities may request the City in writing, to permit additional land uses in the Groundwater Protection Overlay District under § 19.59 of this chapter.

A. STANDARDS FOR CONDITIONAL USE. The City Council shall apply the following factors:

1. The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
2. The degree to which the proposed land use practice, activity or facility may threaten or degrade groundwater quality in the City or the recharge area for the City municipal wells.
3. The economic hardship which may be faced by the landowner if the application is denied.
4. The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.
5. The proximity of the applicant's property to other potential sources of contamination.
6. The then existing condition of the City's groundwater public water well(s) and well fields, and the vulnerability to further contamination.
7. The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.
8. Any other hydrogeological data or information which is available from any public or private agency or organization.

9. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

B. TYPES OF CONDITIONS WHICH THE CITY COUNCIL MAY REQUIRE. The City Council may stipulate conditions and restrictions including but not limited to the following:

1. A requirement for periodic environmental and safety sampling, testing, and reporting to establish the continued protection of the public water supply. The City may require an application to install one or more groundwater monitoring well(s), at the expense of the applicant.
2. The establishment of safety structures to prevent groundwater contamination.
3. The establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and stormwater runoff management to prevent groundwater contamination.
4. Written policies and procedures for reporting and cleaning up any spill of a hazardous material.
5. The provision of copies of all federal, state and local facility operation approval or certificates, and on-going environmental monitoring results to the City.
6. A written agreement pursuant to which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination.
7. Bonds and/or securities satisfactory to the City for future monitoring and cleanup costs if groundwater contamination occurs in the future.
8. The foregoing conditions are listed for illustration purposes and are not exclusive.

19.45.100 Existing Non-Conforming Uses.

Non-Conforming Uses, the lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order so as to comply with the provisions of this chapter.

Chapter 19.46

RIVER PRAIRIE MIXED USE DISTRICT

Sections:

19.46.010 Statement of Purpose.

The River Prairie Mixed Use District (RPMU) District is established to provide mixed use development on and adjacent to property within the City of Altoona commonly known as River Prairie. The Development is specifically intended to reflect the concepts and values of the River Prairie Framework Development Plan prepared by Schreiber Anderson and dated January 2005.

19.46.020 Permitted Uses.

Uses permitted in any other zoning district within the City of Altoona are allowed in the River Prairie Mixed Use District subject to the procedural requirements of the River Prairie Mixed Use Zone Standards and Guidelines

19.46.025 Conditional Uses.

The following uses are permitted in the River Prairie Mixed Use District with a conditional use permit:

A. Bars, taverns, off-sale liquor stores, as defined as those establishments requiring or holding a Combination "Class B" liquor license. (part 6C-16, 2016)

19.46.030 River Prairie Mixed Use Zone Standards and Guidelines hereby adopted.

The River Prairie Mixed Use Zone Standards and Guidelines (the Standards), are hereby approved, adopted and incorporated by reference herein. The Standards set forth the procedural and technical requirements within the River Prairie Mixed Use District.

19.46.040 Amendments to River Prairie Mixed Use Zone Standards and Guidelines.

Amendments may be made to the River Prairie Mixed Use Zone Standards and Guidelines after being reviewed by the Plan Commission and being approved by a 2/3rds majority vote of the Council. Any future amendments to the Standards are hereby adopted and incorporated. (Ord. 6A-07, 2007)

19.46.050 Completeness Required.

A. The Zoning Administrator or his/her designee shall review the adopted Final Implementation Plan and all related approval conditions for consistency with materials submitted to construction permits.

1. Construction permits shall not be issued unless the construction permitting documents are consistent with approved Final Implementation Plan, approval conditions, and any other applicable ordinance requirements and standards;

2. Any minor alterations, as defined by the River Prairie Design Guidelines and Standards, between the approved plans and materials submitted to acquire permits may be approved by the Zoning Administrator and/or City Engineer, provided these changes are consistent with all approval conditions and other applicable ordinances and standards;

3. Substantial alterations shall follow the procedure illustrated in River Prairie Design Guidelines and Standards prior to obtaining any construction permits.

B. Satisfactory completion all elements illustrated in an adopted or amended Specific Implementation Plan, including all approval conditions, shall be complete within 60 days of final building occupancy inspection.

C. The penalty for violation of any provision of this Chapter shall be as provided in Chapter 1.08.

D. Exceptions. A separate completion date may be approved where:

1. Specific elements of a plan are included at the time of initial approval with a different completion or phasing date;

2. Adverse weather or construction conditions require additional time for completion, as approved in writing by the Zoning Administrator.

19.46.060 Application and Review Fee.

All Specific Implementation Plan applications must be accompanied by a fee established by resolution of the City Council and illustrated in Altoona Municipal Code 3.08. (Ord 1C-18, 2018)

Chapter 19.48

(P) PUBLIC AND CONSERVANCY DISTRICT*

Sections:

* Editor's Note: The title of this chapter was amended by Ord. 1L-82.

19.48.010 Permitted uses.

Uses permitted in P districts shall be as follows:

A. Management of forestry, wildlife and fish;

B. Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds;

C. Fishing and trapping;

D. Facilities and structures for drainage, flood control, hydroelectric power, power transmission, ponding, conservation, erosion control, reclamation and fire prevention;

E. Parks and open recreational areas;

F. Uses accessory or customarily incidental to any of the above facilities;

G. All uses on city owned or public school district property normally performed or used by municipalities or public school district. (Ord. 1L-82 (part), 1982; Ord. A-56 § 11(A), 1970)

19.48.020 Conditional uses.

Uses permitted with conditional use permit in P districts shall be as follows:

A. Gravel pits, stone quarries, and washing and grading of products;

B. Fuel transmission lines and related facilities. (Ord. 1L- 82 (part), 1982; Ord. A-56 § 11(B), 1970)

C. Communication transmitters, relays and equipment installed on and/or in association with publicly owned structures. The city may also require a lease agreement approved by the common council. (Ord 7G-05, 2005).

19.48.025 Site plan review.

Site plan review in accordance with the requirements of Chapter 19.54 of this code shall be required for any use permitted in by Sections 19.48.010 D, E, F and G or for any conditional use allowed within this zoning district. (Ord 3D-08, 2008).

Chapter 19.50

LF OPEN DEVELOPMENT-FORMER LANDFILL DISTRICT

Sections:

19.50.010 Permitted uses.

Uses permitted in LF districts shall be as follows:

A. Management of forestry, wild life and fish;

B. Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds;

C. Fishing and trapping;

D. Facilities for drainage, flood control, power transmission, conservation, erosion control, reclamation and fire prevention;

E. Parks and open recreational areas;

F. Uses accessory or customarily incidental to any of the above facilities;

G. Streets, sidewalks, and utilities, provided the city engineer deems said improvements can safely be installed. (Ord. 1J- 82 (part), 1982)

19.50.020 Conditional uses.

All other uses of lands within LF districts shall be allowed only with the prior granting of a conditional use permit by the appropriate city government body. Regarding said conditional use permit:

A. No city body may grant a conditional use permit under this chapter unless the Wisconsin Department of Natural Resources or its successor in the management of landfills first gives its written approval of the granting of said conditional use permit.

B. The applicant for the conditional use permit and all owners of said property must deliver to the city, in a form approved by the city attorney, an agreement under which all such parties promise to indemnify and hold the city harmless from all liabilities the city might incur from the granting of said conditional use permit. Further, said agreement must bind not only the parties to said agreement, but also their successors, assigns, and heirs.

C. The city may require the applicant for a conditional use permit under this chapter to retain a licensed engineer, who shall be approved by the city in advance, to inspect the property and give his or her opinion as to whether the proposed use for said property will pose any undue dangers because of the existence of an abandoned landfill in the area of said property.

D. An applicant for a conditional use permit under this chapter shall be entitled to a public hearing before the city council if he or she is unhappy with the city's initial determinations regarding an application for a conditional use permit.

The purpose of this chapter is to protect the health, property, and safety of the public from any undue dangers caused by the existence of vacated landfills within the city. (Ord. 1J-82 (part), 1982)

Chapter 19.52

PARKING AND LOADING SPACES

Sections:

Repealed and replaced 5/10/18 (Ord 5A-18).

19.52.010 Administration

A. Scope.

1. No parking area shall be constructed or reconstructed following the effective date of this ordinance without an approved Site Plan meeting the minimum requirements of this Chapter.

a. The Zoning Administrator may approve applications for which the exclusive extent is to construct or reconstruct ten or less automobile parking spaces and associated site work. This parking area plan need only address the extent of the parking area, access and driving areas, pedestrian walkways, drainage, and adjacent landscaping and fixtures as defined and required by this Title.

2. Intensification of Use. When the intensity of any use is increased through the addition of dwelling units, gross floor area, capacity or other unit measurement used for determining parking and loading requirements, parking and loading facilities shall be provided for such intensification as specified in this Chapter, as determined by the Zoning Administrator.

3. The parking and loading provisions set forth in this Chapter shall apply to all land uses, except as otherwise provided in this Zoning Title. Certain zoning districts may articulate parking standards and restrictions in addition to those in this Chapter.

4. Editor's Note: These standards should be read in conjunction with Zone District and Site Plan standards.

B. Purpose.

1. This Chapter establishes minimum and maximum parking requirements, promote flexibility and recognize that excessive off-street parking conflicts with the City's policies related to transportation, land use, urban design, and sustainability.

2. Manage spillover of on-street parking in neighborhoods.

3. Encourage shared parking arrangements.

4. Facilitate and encourage bicycle transportation by providing adequate storage space for bicycles.

5. Encourage reduction of surface parking as a means of:

a. Fostering compact development patterns and traditional streetscapes;

b. Facilitate safe and convenient pedestrian, bicycle and transit circulation;

c. Manage space such that the private automobile is an accessory or option for mobility rather than a requirement, in recognition of automobile use burdens on public infrastructure and other impacts;

d. Reducing dependence on private automobiles and reducing the pollution and congestion that are associated with automobile use;

e. Improve overall visual and aesthetic conditions of the City;

f. Reduce barriers to investment in existing neighborhoods and commercial districts;

g. Reduction of impervious surface to control run-off.

C. Title.

1. This Chapter shall be known as "The Parking Ordinance for the City of Altoona."

19.52.020 Definitions

In this Chapter the following words shall have the meaning defined below, unless it is apparent from the context that different meanings are intended.

A. "Bicycle Parking, Long Term" means bicycle storage locations in an enclosure, garage or building protected from the weather for residents or employees of the property.

B. "Bicycle Parking, Short Term" means bicycle storage locations meeting design and fixture requirements that are prominently placed for convenient temporary use by customers and visitors to the property.

C. "Bicycle Space" means a parking location for a single bicycle at a bicycle rack that meets the requirements of this Chapter.

D. "Bicycle Rack" means a fixture which parks one or more bicycles which:

1. Supports the bicycle in at least two places, preventing it from falling over;

2. Allows locking of the frame and one or both wheels with a U-lock;

3. Is securely anchored to the pavement or building;

4. Resistes cutting, rusting and bending or deformation;

5. Provides sufficient space and arrangement for a bicycle to be safely stored such that moving bicycles in and out of the rack and rack area will not damage other bicycles.

E. "Bicycle Rack Area" means a site layout and arrangement of multiple bicycle racks and related access, appurtanances, signage, and landscaping.

F. "Driveway" means an improved surface maintained for motor vehicle access and paking, connecting vehicle storage areas to approved access from a public right-of-way.

G. "Driveway Approach" or "Driveway Apron" means the connection between a driveway and the automobile travel area of a street, in the public right-of-way, including any sidewalk area abutting thereon.

H. "Driving Area" means the designated hard surfaced area utilized by automobiles to access parking spaces or otherwise circulate through a site. Driving areas are distinguished from parking areas as driving areas are not located or delineated for regular parking of vehicles.

I. "Parking Pad" means an uncovered automobile parking space distinguished from a driveway in that the parking pad is intended for vehicle storage and does not terminate or clearly lead to a garage. (part Ord. 6A-20, 2020)

J. "Parking Space" means a location for short-term storage of a single automobile or vehicle that meets the requirements of this Chapter.

K. "Signage" in this Chapter means site-based visual display where the location and purpose is to direct circulation of pedestrians, bicyclists, and automobiles safetly through the site as intended.

L. "Structured Parking" means a covered struture or portion of a covered structure that provides parking areas for motor vehicles. The structure can be a sole purpose commercial parking facility or may be accessory to multi-family residential, commercial, or institutional structure. A structure that is accessory to a one- or two-unit residential structure, or similar free-standing single-level at-grade accessory building serving multiple dwellings, is a "garage" and is not included as structured parking.

M. "Vehicle" means automobiles, trucks, motorcycles, boats, recreational vehicles, motor homes, and all trailers. Bicycles and human-powered platforms are regarded separately in the definition of this Chapter.

19.52.030 Off-Street Parking Requirements.

A. Table 19.52A and Table 19.52B establish the minimum number of automobile parking spaces required and the maximum number of automobile parking spaces permitted, for the uses indicated. Compliance with this Chapter is required in the case of any change in use or occupancy. Where the Zoning Administrator determines the minimum or maximum parking requirement, consideration shall be given to the expected number of public visiting the site, as well as the number of persons employed or residing on the site. Where uses and structures exist at the date of this ordinance, maximum parking requirements shall not require reduction in parking area.

B. Computation.

1. Fractional space requirements of up to one-half space shall be rounded down to the next whole number and greater than one-half rounded up to the next whole number.

2. Number of Employees. Where number of employees is used to determine parking, it shall be based on the number of employees on the maximum working shift at the time the occupancy permit is requested. Parking requirements based on number of employees will not change unless new construction or expansion is proposed.

3. Capacity of Persons. Where required parking spaces are determined on the basis of capacity of persons, such requirement shall be based upon the maximum number of persons that can avail themselves of the goods or services of a use at any one (1) time year round, as determined by the required floor space per person established in the building code.

4. Floor Area Calculation. Floor area used to calculate parking and loading requirements is defined as the sum of the gross horizontal areas of the floors or parts of a building devoted to the use, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. It does not include porches, garages, or space in a basement or cellar when used for storage or incidental uses.

5. Multiple Uses. Where there are two (2) or more separate principal uses on a site, the required parking and loading for the site shall be the sum of the required parking an dloading for each use, except as otherwise specified in this Chapter.

6. Unspecified Uses. Where buildings are constructed without uses specified, the use with the highest minimum parking requirement among all permitted uses specified for the zoning district where the site is located shall be used to calculate off-street parking requirements.

7. Conditional Uses. Parking requirements may be established as a condition of approval following standards of review provided herein.

8. Unlisted Uses. For uses not listed in Table 19.52A or Table 19.52B, the Zoning Administrator also may consider the following:

a. Documentation regarding the actual parking and loading demand for the proposed use;

b. Evidence in available planning and technical studies relating to the proposed use;

c. Required parking and loading for the proposed use as determined by comparable jurisdictions;

d. Examination of the parking and loading requirements for uses most similar to the proposed use.

C. Parking Requirements for Persons with Disabilities. The provisions contained in Wis. Stats. § 101.12, § 346.503, and § 346.56 and any related Wisconsin Administrative Code sections are hereby adopted by reference and made applicable to all parking facilities whenever constructed, reconstructed, or resurfaced.

D. Bicycle Space Minimim. Bicycle parking shall be provided at not less than one space per ten automobile spaces. A minimum number of four (4) bicycle spaces (the equivalent of two (2) two-sided bike racks) is required for nonresidential uses.

E. Maintenance.

1. All vehicle or bicycle parking, driving area, and pedestrian walkways shall be adequately maintained, free of refuse and debris, and keeping it as free as possible from snow and ice or other obstruction. Pedestrian walkways and bicycle parking areas shall be kept as similarly cleared of snow and ice as any parking area on the site.

2. All signs, markers or painting or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a coherent and clearly legible condition.

3. Landscape areas shall be maintained in healthy and growing condition. Trees and shubbery damaged or removed shall be replaced.

Table 19.52A Residential Off-Street Parking Requirements

	USE	AUTOMOBILE MINIMUM	AUTOMOBILE MAXIMUM
1	Single Family Detached	2	4 outside spaces
2	Single Family Attached	1	2 outside spaces
3	Two Family	1 per D.U. less than 600 sf^2; 2 per D.U. otherwise	2 outside spaces per D.U.
4	Multiple-Family	1 per D.U. less than 600 sf^2; 1.5 per D.U. otherwise	2.5 per D.U.
5	Adult family, senior living home	0.75 per D.U.	2.5 per D.U.
6	Accessory Dwelling Unit (ADU)	0	1 outside space
7	Assisted living, congregate care, convalescent, skilled nursing facility	1 per 4 beds plus 1 per 2 employees on major shift	1 per 3 beds plus 1 per employee on major shift
8	Co-housing Community, Housing Cooperative, or Community Living Arrangement	Determined by Zoning Administrator	

Table 19.52B Commercial Off-Street Parking Requirements

	USE	AUTOMOBILE MINIMUM	AUTOMOBILE MAXIMUM
1	General Office; Financial Services	1 per 400 ft^2	1 per 250 ft^2
2	Personal Services	1 per 400 ft^2	1 per 200 ft^2
3	Clinic, medical, dental or optical; medical laboratory; physical, occupational or massage therapy; veterinary clinic, animal hospital	1 per 400 ft^2	1 per 200 ft^2
4	Restaurant, Tavern, Coffee Shop	1 per 250 ft^2	1 per 100 ft^2
5	Day care center, nursery school	1 per 15 clients plus 1 per 2 employees	200% minimum
6	General Retail	1 per 400 ft^2	1 per 200 ft^2
7	Large Format Retail (greater than 25,000 ft^2)	1 per 500 ft^2	1 per 250 ft^2
8	Retail stores selling furniture, appliance, or home improvement products	1 per 500 ft^2	1 per 250 ft^2
9	Automobile fueling and convenience store	1 per 400 ft^2	1 per 200 ft^2
10	Automobile service station, body shop, repair station	1 per 2,000 ft^2 of floor area excluding service bays + 2 spaces per service bay	1 per 1,000 ft^2 of floor area excluding service bays + 2 spaces per service bay
11	Automobile sales and rental (excluding sales lot	1 per 1,000 ft^2 floor	1 per 500 ft^2 floor

	spaces)	area + 2 spaces per service bay, if any	area + 4 spaces per service bay
12	Theater or other place of assembly	1 per 6 seats, or 1 per 200 ft^2 of assembly space	1 per 3 seats, or 1 per 50 ft^2 of assembly space
13	Mortuary or Funeral Home	1 per 200 ft^2 of assembly space	1 per 50 ft^2 of assembly space
14	Bowling Alley (exclusive of restaurant or event space)	3 per alley	5 per alley
15	Lodging Establishment	0.75 per room	1.5 per room
16	Lodging Establishment with Event Space	75% maximum	1 per guest room plus 1 per 75 ft^2 of assembly space
17	Hospital	1 per 4 beds, or parking study	1 per bed, or parking study
18	Mixed Use	calculated based on separate components	calculated based on separate components
19	Industrial manufacturing, logistics, warehousing	1 space per 2 employees on largest shift	180% of minimum
CIVIC AND INSTITUTIONAL			
20	Place of worship	1 per 6 seats or 10 lineal feet of seating area in the main worship space. If no fixed seats, 1 per 200 ft^2 of floor area in main worship space	200% of minimum
21	School	Determined through Site Plan review	Determined through Site Plan review

19.52.040 Adjustments to Minimum Number of Required Spaces

Where minimum parking is required, the following adjustments may be made:

A. Deferred Provision of Parking - Any use may defer installation of all or a portion of the required parking until such parking is needed. The approved site plan shall depict the minimum number of required parking spaces, and illustrate which spaces deferred. Deferral will be re-evaluated with a change in use or an addition to an existing use. Deferment shall be at the sole discretion of the Plan Commission during Site Plan or Conditional Use review, and recorded with the action.

B. Shared Parking - The Zoning Administrator may authorize a reduction in the minimum number of parking spaces required for two of more uses jointly providing off-street parking when their respective hours of peak operation do not overlap, resulting in lower anticipated peak demand, utilizing generally accepted calculation procedures. The minimum number of bicycle spaces shall be provided.

C. Reduction in the minimum number of automobile parking spaces required may be granted through the following procedures:

1. The parking requirement may be reduced by the lesser of (5) parking spaces or ten percent (10%) through Site Plan review by the Plan Commission, or by the Zoning Administrator where a Site Plan is not required by this Title.

2. The parking requirement may be further reduced by Conditional Use.

3. A parking reduction request must be initiated by the owner, who must submit information to support the position for reducing the required number of spaces. Factors to be considered include but are

not limited to: availability and accessibility of alternative parking; impacts on adjacent residential neighborhoods; existing or potential shared parking agreements; proximity to transit routes and/or bicycle paths and provision of bicycle parking; the characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street parking that will be provided; retrofit of an existing structure where space is not available for expanded off-street parking; and whether the proposed use is new or an addition to an existing use.

D. The amount of required bicycle parking may be reduced by the Zoning Administrator under the following circumstances:

1. A bicycle parking reduction shall be initiated by the owner, who shall submit information to support a reduction. Factors to be considered by the Zoning Administrator include but are not limited to: availability, proximity, and use characteristics of public bike parking in the public right of way within two hundred (200) feet of the subject property; existing or potential shared parking agreements; proximity to existing or planned transit routes and/or multi-use paths; characteristics of the use, including hours of operation and peak parking demand times; design and maintenance of off-street bicycle parking, and whether the use is existing or is an addition to an existing use.

E. In Blocks 1, 2, 7, and 8 of the original plat of East Eau Claire, now City of Altoona, the minimum automobile parking requirement for commercial uses shall be fifty percent (50%) of those minimums set forth in Table 19.52A and Table 19.52B.

19.52.050 Parking in Excess of the Maximum Number of Spaces.

A. Underground or structured parking may exceed the maximum requirement in Table 19.52A and Table 19.52B.

B. Surface parking exceeding the maximum may be allowed as follows:

1. An increase of up to the lesser of five (5) spaces or ten percent (10%) of the maximum may be approved through Site Plan review by the Plan Commission, or by the Zoning Administrator where a Site Plan is not required by this Title.

2. An additional increase of more than five spaces or ten percent (10%) of the maximum parking requirement may be approved by Conditional Use.

C. Approval of surface parking exceeding the maximum shall be granted only after considering the following:

1. Documentation regarding the actual parking demand for the proposed use.

2. The impact of the proposed use on the parking and roadway facilities in the surrounding area.

3. Whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use.

4. The availability of non-automobile forms of transportation and actions being taken by the applicant to enhance or promote those modes, such as provision of bicycle parking above the minimum required.

5. Structured parking, rain gardens or other bioretention facilities, additional landscaping, pervious pavement, or other mitigation measures may be required as conditions for an exception.

6. Provision of outdoor use areas associated with the site, such as outdoor dining or event space.

7. Whether the proposed use is new or is an alteration, addition or expansion of an existing use.

D. Zoning lots and uses that exceed maximum parking requirements as of the effective date of this ordinance may continue to maintain existing parking but shall not increase that parking without Conditional Use approval.

19.52.060 Bicycle Parking

A. Parking Designation. Minimum bicycle parking quantity requirements are as described in 19.52.030 and shall be designated as long-term or short-term parking.

1. For all residential uses, including those in combination with other uses, at least ninety percent (90%) of required resident bicycle parking shall be designed as long-term parking. Any guest parking

shall be designed as short-term parking. Except as allowed in subsections (G)-(I) in this Section below, bicycle parking shall be ground mount non-vertical, and have a six (6) foot vertical clearance.

2. For all other uses, at least ninety percent (90%) of all bicycle parking shall be designed as short-term parking.

B. Required short-term bicycle parking spaces shall be located in a convenient and visible area at least as close as the closest non-accessible automobile parking and within fifty (50) feet of a principal entrance, and wherever possible, sheltered from weather by building overhang, canopy, or self-supporting structure. An alternative location may be approved by the Zoning Administrator where proximity to the entrance is not practical, or in a location that maximizes attainment of placement benefits such as sheltered, accessibly, and visibility. With written permission of the City Engineer, bicycle parking may be located in the public right-of-way.

C. Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users.

D. Bicycle rack selection.

1. All racks shall accommodate cable locks and "U" locks.

2. All racks shall be “inverted U” or substantially similar in form and function. Alternative fixtures may be permitted upon written approval of the Zoning Administrator upon presentation of manufacturer specifications.

3. The Association of Pedestrian and Bicycle Professionals “Bicycle Parking Guidelines, 2nd Edition” (2010), “Essentials of Bike Parking: Selecting and Installing Bike Parking that Works” (2015) or successor documents shall be utilized when evaluating fixture selection and placement.

E. Bicycle parking spaces shall be located on paved or pervious, dust-free surface with a slope no greater than three percent (3%). The bicycle parking area shall be designed and maintained to be mud, snow and obstruction-free year-round. Surfaces shall not be gravel, landscape stone, or wood chips.

F. Bicycle parking spaces shall be a minimum of two (2) feet by six (6) feet. There shall be an access aisle a minimum of five (5) feet in width. Each required bicycle parking space must be accessible without moving another bicycle, and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures.

G. Up to twenty-five percent (25%) of required bicycle parking may be structured parking, vertical parking or wall mount parking, provided there is a five (5) foot access aisle for wall mount parking.

H. Bicycle parking not meeting fixture, dimensional or access aisle requirements may be installed but shall not count towards a minimum bicycle parking requirement.

I. Bicycle parking substituted for automobile parking may be horizontal or vertical, as long as dimensional requirements are met.

J. For multi-building development, bicycle parking shall be provided for each building.

K. For uses providing indoor or covered automobile parking shall provide the required bicycle parking in a similar fashion.

L. Provision of indoor or sheltered bicycle parking for employees of non-residential uses exceeding five thousand (5,000) square feet is recommended.

19.52.070 Parking Design and Location

A. Parking for automobiles and other motor vehicles in all zoning districts shall be designed according to the requirements of Chapter 19.54 Site Plans, zoning district, any other applicable standards provided in this Title, and the following general standards.

B. Asphalt concrete, portland cement concrete or approved pavers shall be required for all off street parking and loading spaces as allowed in this Title. (Ord 3E-08, (part), 2008).

1. Any driving area must be surfaced as described in this Section. (Ord 3E-08, (part), 2008).

2. Any unsurfaced parking, parking access areas or other driving areas existing prior to the approval date of this ordinance shall be surfaced as described in this Section within 2 years of receiving notice from the City. (Ord 3E-08, (part), 2008).

C. Residential Yard Parking. The parking of any vehicle upon a lot used for one-family or two-family dwelling shall be in compliance with the following standards:

1. Vehicle parking areas shall be located behind or beside the principal building, within a garage, below the building, or in a common parking court in the interior of a block.

2. The parking of any vehicle within the front yard or street side yard shall be on an improved surface driveway or parking pad. The remainder of any front yard and street side yard setback less than thirty (30) feet shall not be considered a part of the permitted parking area and shall be landscaped and maintained in an erosion and nuisance free condition.

3. No parking pad shall be allowed in the front yard or street side yard setback less than thirty (30) feet, except one additional parking pad up to ten (10) feet wide may be added directly abutting a single width or double width driveway leading to an approved parking area provided the parking pad shall not be located between a dwelling and the public right-of-way.

D. Parking is prohibited within street terraces, sidewalks, driveway approach and aprons, or any other areas located within a public right-of-way not explictly designated by the Director of Public Works.

E. Landscaping and Screening. All off-street parking and driving areas shall be landscaped and screened according to the standards of 19.54 Site Plans, except those in conjunction with single-family detached or two-family dwellings.

19.52.080 Residential Driveway Design and Location

A. Purpose

1. It is recognized that uncontrolled residential off-street parking, specifically in residential front yards, is a public nuisance. The purpose of this section is to provide for the regulation of residential off-street automobile parking and storage and to specify the requirements as they pertain to the appearance and the health, safety and welfare of the City. (part Ord. 6A-20, 2020)

2. Implement the purposes of this Chapter as applied to one- and two-family dwellings.

B. Scope

1. Driveways serving one- and two-family uses shall be designed according to the requirements of Chapter 12.12 Driveway Approaches, by zoning district, and the following standards.

2. All driveways shall be surfaced as required of parking and driving areas by this Chapter.

3. The standards and regulations in this Section shall only apply to new construction, and modifications to existing driveways, parking pads and other parking areas serving one- and two-family dwellings. It is explicitly understood that this section shall not apply to paved driveways and parking areas, and single vehicle width gravel driveways (not greater than twelve feet in width) on one- and two-family dwellings existing at the time this ordinance is adopted (Ord 9A-10, 2010).

4. Unless specifically stated, the standards of this Section ("front yard" and "street side yard") refer to the first thirty (30) feet of lot depth, or actual building setback, whichever is less.

C. Standards for the Installation of Driveways

1. Driveways shall serve to connect the driveway apron or approach with approved parking areas consisting of garage(s) and or parking pad(s) or a combination thereof. The parking areas that are to be accessed by the driveway shall not be located within the front yard or street side yard unless otherwise specifically provided for by this Title.

2. No parking pad shall be allowed in the front yard or street side yard if sufficient space is available in any rear or interior side yard. Sufficient space means a ten-foot by twenty-foot area per vehicle, and reasonable access means any eight-foot or wider area which can be graded to 15% slope or less. (part Ord 6A-20, 2020)

3. Width.

a. A driveway running from the street access to a single garage or single-width parking pad shall not exceed twelve (12) feet in width. (part Ord 8A-21, 2021)

b. A driveway running from the street access to a double garage or double-width parking pad or combination thereof, shall not exceed twenty four (24) feet in width. (Part Ord 8A-20, 2021, Ord 7A-09, 2009 part)

c. A driveway running from the street access to a triple garage or triple-width parking pad, or combination thereof, shall not exceed thirty-four (34) feet in width; provided, however, if three parking spaces are proposed, one must be in a garage. (part Ord 8A-21, 2021).

d. Driveways serving two-family attached dwellings ("twin homes"), where garages are adjoined, shall not exceed the garage door opening width plus 2 feet, or 40 feet, whichever is less.

e. The width of a driveway where it meets the sidewalk or public right-of-way line shall match the width of a driveway approach as regulated by Chapter 12.12.

4. Area.

a. Driveways serving single-family dwellings shall not exceed 850 square feet in imprevious (paved) area. Other impervious areas, including roofs, from which storm water is directed to the driveway shall not exceed 300 square feet (aggregate total) except as may be approved by the City Engineer.

b. Driveways serving two-family attached dwellings, where garages are adjoined, shall not exceed 1270 square feet in imprevious area. Other impervious areas, including roofs, from which storm water is directed to the driveway shall not exceed 440 square feet (aggregate total) except as may be approved by the City Engineer.

c. A maximum of forty percent (40%) of the front yard setback may be paved and used for driveway and parking purposes, provided total lot coverage requirements are not exceeded.

5. Where a driveway is constructed so as to turn or change in width within thirty (30) feet of lot depth, it shall be constructed so as not to turn or widen at an angle that is greater than forty five (45) degrees in deviation from a line perpendicular to the property line at the driveway approach.

6. Driveways shall be oriented in a perpendicular fashion to the street from which they take access, and shall cross required setbacks in a perpendicular fashion, to the extent feasible.

7. Driveways are encouraged to be shared between lots, provided that appropriate easements or other agreements are established, in order to minimize curb cuts, total pavement area, and associated stormwater impacts. Shared driveways shall meet the minimum and maximum width requirements of his Section.

8. Where alley access is available, driveway and parking area access from the alley is strongly encouraged in place of a separate street access.

D. Administration

1. The Zoning Administrator may grant minor deviations from the standards under this Section wherein site constraints reasonably necessitate flexibility, or where standards within this Chapter appear to conflict. Any devitation shall be limited in its application, and provided the purposes of the Chapter and Section are maintained. Those constraints are lots dimensions or total area is equal to or below the minimum standards of that Zoning District.

Note: This waiver is distinct from a variance in that the stated deviation may relate to the intended use of the site and not soley to the unique physical characteristics of the land.

2. Any decision concerning driveway standards, front yard or street side yard parking under this Section may be appealed to the Plan Commission. The Plan Commission may approve, approve with conditions, or deny an appeal upon findings that any deviation or waiver is necessary to enable use of the property that does not violate the purpose of this Secton or Chapter. (part Ord. 6A-20, 2020)

19.52.090 Commercial Parking Dimensions

A. Driveway approach or apron shall be designed according to the requirements of Chapter 12.12 Driveway Approaches.

B. Parking Space Dimensions

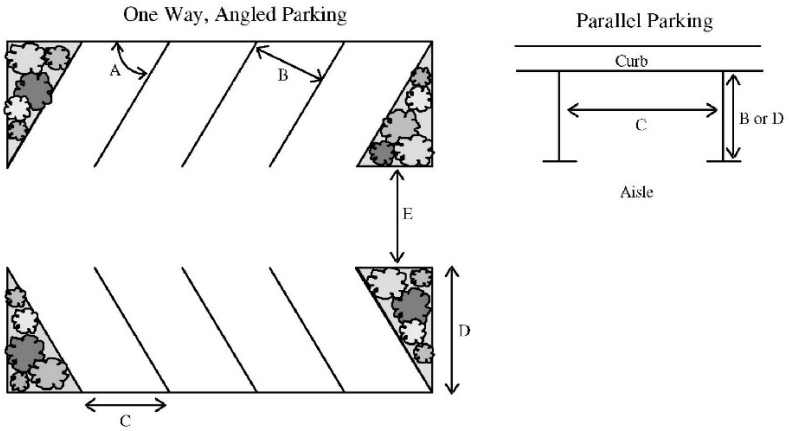
1. The minimum dimensions for off-street parking spaces are illustrated in Table 19.52C, Minimum Parking Space and Aisle Dimensions, and Figure 19.52-1, Parking Dimension Diagram. These minimum dimensions are exclusive of access drives or aisles, ramps, or columns.

2. At least seventy-five (75) percent of the required parking spaces shall comply with the minimum dimensions for standard spaces. The remaining spaces shall comply with the minimum dimensions for compact spaces. Compact spaces shall be clearly labeled as such.

Table 19.52C Minimum Parking Space and Aisle Dimensions

Angle (A)	Type	Width (B)	Curb Length (C)	Stall Depth (D)	1 Way Aisle Width (E)	2 way Aisle Width (E)
0 (Parallel)	Standard	8' 6"	21'	8' 6"	12'	22'
45	Standard Compact	8'6" 8'	12' 11' 4"	18' 9" 16' 3"	12'	22'
60	Standard Compact	8'6" 8'	9' 10" 9' 3"	19' 10" 17'	18'	22'
90	Standard Compact	8'6" 8'	8' 6" 8'	18' 15'	20'	22'
Note: Letters A, B, C, D, and E are displayed in Figure 19.52-1 Parking Dimension Diagram below						

Figure 19.52-1 Parking Dimension Diagram



C. Marking of Parking Spaces. The location of each parking space and the location and direction of movement along the driveways providing access thereto shall be clearly indicated on the pavement, using paint or another marking devices approved by the City Engineer. Such markings shall conform to the approved site plan and shall be maintained in a clearly legible condition. No parking facilities shall be marked in a manner which shall reduce the number of parking stalls to less than the number required by this Chapter or approved plan.

D. A structurally sound abutment, including but not limited to bumper blocks, curb, retaining wall, or alternative wheel stop device identified in an approved Site Plan, shall be installed around each side of a parking area exceeding five stalls. The length of the parking space and use of wheel stops shall be implemented in a manner that assures vehicle overhang will avoid contact with abutting objects such as landscaping, fences, walls, fixtures, and prohibit vehicle intrusion on walkways. Discontinuous cubs and inlets are encouraged to provide rainwater to enter the bioretention planting areas. Ribbon or mountable curb may be permitted in limited areas to direct snow to snow storage areas, where specifically approved by site plan.

19.52.100 Truck Parking and Loading Space Requirements.

Any use which has a floor area of ten thousand (10,000) square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.

A. Location. All loading berths shall be located twenty-five (25) feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street side yard setback area. All loading areas shall be located on private property and shall not be located within, or interfere with, any public right-of-way.

B. Size of Spaces. A required off-street loading space shall be at least ten (10) feet wide by at least thirty-five (35) feet in length for structures less than twenty thousand (20,000) square feet in floor area, and at least ten (10) feet wide by fifty (50) feet in length for larger structures. The above areas shall be exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.

C. Shared Loading. Two or more uses on adjacent zoning lots may share a loading area.

D. Uses for which off-street facilities are otherwise required but which are located in structures of less than twenty thousand (20,000) square feet of floor area may use drive aisles or other suitable areas on the same lot for loading purposes.

E. Surfacing. All open off-street loading areas shall be paved in accordance with City of Altoona standards and specifications.

F. Idling. Vehicles shall not have idling engines for more than five (5) minutes except when actively loading.

G. Screening. Loading areas shall be screened from adjacent residential properties and public right-of-ways.

19.52.110 Supplemental parking and loading space requirements.

A. Reserved.

Chapter 19.54

SITE PLANS

Sections:

19.54.010 Purpose and intent.

The purposes of the site plan requirements set forth below are as follows:

A. To maintain and improve the quality of the urban environment;

B. To better assure that new development is designed and constructed in a manner most compatible with adjacent and nearby land use;

C. To help assure that all potential site planning problems are identified and solved prior to the preparation of final construction plans;

D. To help assure that new development is approved and constructed in accordance with the availability of public facilities;

E. To more effectively administer all adopted city ordinances and standards with respect to new development;

F. To clarify the procedural and submittal requirements of site plans for the benefit of potential applicants and the general public;

G. To provide the plan commission with the important, relevant information needed in order to thoroughly and effectively analyze proposed site plans according to the review criteria adopted herein;

H. To provide a uniform procedure and set of submittal requirements; and

I. To facilitate and improve the efficiency of city review of site plans.

It is further intended that the planning bodies of the city be given a greater role in reviewing the impact of proposed developments within and adjacent to the site plan review districts with the end of preserving and enhancing the value, use and enjoyment of property within these areas. (Ord. 3A-87 (part), 1987)

19.54.020 When required.

Whenever a site plan is required under Title 19 or any other ordinance or resolution adopted by the city council, this shall mean a site plan under this chapter, unless the context thereof clearly indicates otherwise.

A. Site plans shall be submitted, reviewed and approved by the plan commission prior to the issuance of building permits for all new developments (as defined below) in the R-3, C-1, C, I and P zoning districts, and for conditional uses within those districts.

B. New developments meeting the following definition shall submit a site plan according to the requirements set forth in Section 19.54.050. “New developments” is defined as follows:

1. New construction (excluding one and two-family detached dwelling units) or additions to structures or a change of use(s) of a building where said construction modifications would require:

a. Two or more parking stalls which are in addition to the number required by the existing use(s); or

b. Any additional storage of vehicles temporarily, such as, but not limited to, drive-in or drive-up facilities; or

2. As required, by ordinance or otherwise, as a condition of approval by the plan commission or the city council; or

3. Construction or paving of any privately owned parking lot containing more than ten parking stalls which is not otherwise part of an approved site plan; or

4. Conversion of any structure or portion thereof to a licensed rooming house. (Ord. 2A-95, 1995; Ord. 3A-87 (part), 1987)

19.54.030 Plan commission jurisdiction.

The city plan commission shall review all site plans required under this section. Any member of the city staff may be called upon to assist the plan commission in site plan review. A majority of the quorum of plan commission members is required to take action for approval, conditional approval, or denial of a site plan. (Ord. 3A-87 (part), 1987)

19.54.040 Procedure.

The procedure for site plan review shall be as follows:

A. Preapplication Conference. Those preparing site plans are strongly encouraged, but not required to meet with city staff and/or the plan commission to discuss preliminary plans prior to formal submittal of a site plan. The purpose of this conference is to assist the applicant by providing him/her with suggestions and answering his questions regarding the site plan requirements, city development standards, and the capacity of the city to serve his/her development. At the conference the commission may waive any submittal requirements for site plan review required under Section 19.54.050, where it finds that the inclusion of such requirements would serve no useful purpose. The preapplication conference can be scheduled by contacting the zoning administrator.

B. Formal Site Plan Review.

1. All maps, written material and other information required in Section 19.54.050 shall be submitted in full to the zoning administrator at least ten days prior to the scheduled plan commission meeting. Said submittal items shall be distributed by the zoning administrator to the members of the plan commission.

2. The proposed site plan shall be reviewed by the plan commission at a scheduled meeting as soon as reasonably possible following receipt of the full site plan. The applicant shall be notified by the zoning administrator of the time and place of the commission meeting. The applicant or his/her representative should be present at the meeting. The commission shall make its determination for approval, conditional approval or denial based upon the review criteria set forth in Section 19.54.060.

3. Following approval or conditional approval of the site plan and prior to the issuance of a building permit, the applicant shall submit two copies of the final, approved site plan to the zoning administrator, which includes all changes or other pertinent information required by the plan commission, if any.

4. Any significant changes or amendments to the approved site plan shall be reviewed and decided upon using the same procedure as set forth herein. (Ord. 10C-88 (part), 1989; Ord. 3A- 87 (part), 1987)

19.54.050 Submittal requirements.

Site plan submittal requirements shall be as follows:

A. Ten copies of a site plan which contain at least the following information on as many sheets as are necessary for clarity, neatness and ease of interpretation:

1. Title;
2. Legend;
3. North arrow;
4. Map scale, ranging from $1^2 = 10\_$ to $1^2 = 100\_$;
5. Date of preparation;
6. Address and legal description of site to be developed;
7. Name of the proposed development, if applicable;

8. Name, address and phone number of the person responsible for preparing the site plan and the owner(s) of the site;

9. Vicinity sketch at a scale of $1^2 = 100\_$ to $1^2 = 400\_$ showing the location of the subject site in relation to adjacent existing or proposed (if known) structures, streets, or alleys;

10. Notation of total number of dwelling units, gross floor area, building height and dimensions, type(s) of occupancy or uses, square footage of usable floor area by each category of use, or other relevant data to indicate the type, density and/or intensity of use on the site both before and after project completion;

11. Property boundaries and dimensions;

12. Notation indicating total area of the subject property;

13. Location of existing and proposed structures, additions, parking stalls, trash containers, fire hydrants, utilities, walkways, access drives, landscaping, screening, easements, rights- of-way, and any other features of, or affecting the site which are relevant to the proposed development of the site;

14. When required under the city's erosion control ordinance, an erosion control plan;

15. Other information requested by the plan commission as necessary and reasonable;

16. A site plan application fee shall be charged, the applicable amount listed within the City of Altoona's abbreviated fee schedule found in Chapter 3.08 of the City of Altoona code. (Ord 5A-05, (part), 2005, Ord. 3A-87 (part), 1987)

19.54.060 Review criteria.

During the course of its review of any site plan, the plan commission shall use generally accepted site planning and design principles in making its determination of approval, denial or conditional approval. The scope of the review shall include, but not be limited by the following list of objectives:

A. Ingress, egress and traffic circulation on the site can be accomplished with safety for motorists, bicyclists, and pedestrians, and without causing or contributing to traffic congestion or difficult turning movements both on the site and in the immediate vicinity. Where sufficient evidence is presented by an applicant to justify allowing fewer off-street automobile parking spaces than those identified by Chapter 19.52, Section 19.52.020, the Plan Commission shall have the authority to reduce the number of required spaces. If a reduction is granted, a written statement describing the determination of the Plan Commission shall be prepared by the zoning administrator, shall be recorded and shall be provided to the property owner. The statement shall inform the owner that any additional parking spaces required by Section 19.52.020 shall be installed if the Plan Commission determines at any time in the future that a need exists. If such determination is made, the owner shall be provided notice by regular mail and shall be given up to a maximum of sixty (60) days to construct and pave the additional parking spaces (barring frost conditions). (Ord 9B-12 (part), 2012.

B. Adequate provisions have been made for accepting expected drainage from other properties, for controlling drainage on the site and for directing it to the storm sewer system in a manner acceptable to the city.

C. The necessary easements have been provided for both existing and proposed utilities.

D. Landscaping.

1. Emphasis should be placed upon landscaping to achieve a pleasant setting. Landscape design and planting is to be an integral part of the area and site design concept, and not merely an afterthought added onto the plans.

2. Existing trees are to be preserved whenever possible, with any necessary removal approved as part of the landscape plan. The owner shall take all steps necessary to effectively protect such existing trees during and after clearing, grading and construction.

3. Sufficient trees and shrubs along with grasses shall be required to accomplish a pleasant appearance, visual screening, border definition, drainage and other environmental relationships. If a site does not have an adequate number or stand of mature trees appropriately situated, several of the trees to be planted shall be of a diameter of at least two and one-half to three inches. The minimum number of such trees shall be three for a site of two acres or less, plus one such additional tree for each additional

acre or fraction thereof. The plan commission may require more at its discretion. The planting of street trees to city specifications shall be required.

4. One of the uses of landscaping will be for screening purposes. This can be accomplished by architecturally complementary wing walls, mounds, nonmetallic fences, or vegetation. All front yards shall have at least a ten-foot depth of landscaping, including landscaping to effectively screen parking lots and loading docks from public streets, joint driveways, and neighboring properties. Landscape block, structural concrete, prefabricated metal siding and other simulated siding are especially discouraged for such facade areas. The use of these materials shall be in a manner approved by the plan commission.

5. The front yard and the side yards abutting the front one- third of a building shall have a minimum of a six-foot strip of landscaping immediately adjacent to the building. Paved pedestrian walks to building entrances may cross such strips.

6. The street and side yard lawns must be sodded. Proper seeding procedures may be used elsewhere. The lawn and as much of the other landscaping as the season permits shall be installed as an integral part of the building project. All remaining landscaping to complement completed buildings shall be installed during the next planting season.

7. There shall be ten-foot heavy planting buffer strip along the common property line between the commercial and residential zoned portions.

E. Lighting and its visual effects are to be considered an element of building and site designs.

Lighting may be used to emphasize landscaping, trees, or a portion of the building. Lighting is not to be used as a form of advertising, except as prescribed in subsection F of this section. All lighting shall be shielded and confined within property lines.

Signs.

F. All signs visible from the exterior of any building shall be considered. Signing is limited to advertising the names of the companies or business operating the use conducted on the site. Signs shall not rotate, gyrate, blink, or move in any animated fashion. Illumination of signs shall be indirect or shielded and shall not constitute a nuisance to surrounding property.

Except as otherwise provided herein, four types of nongovernmental signs shall be permitted:

1. Wall Signs. A wall sign shall be a sign attached to or erected on the exposed face of a building or structure in a plane approximately parallel with the plane of the exterior wall, and in elevation view shall not extend beyond the cornice or edge of the building face on which the sign is located, nor shall it exceed one hundred fifty square feet in area. The city plan commission may require a smaller sign area for a particular building. Individual letters and/or symbols applied directly shall be measured by calculating the area within the rectangle that circumscribes the lettering and/or symbols. Cumulative sign copy area shall comply with Section 19.58.080 C.

2. Ground Signs. One ground sign, either single or double faced, shall be permitted, shall be integrated with the landscaping and shall not unduly interfere with traffic visions. One ground sign may be erected for each principal building. Principal buildings abutting more than one street may have one ground sign located on each street frontage if such signs are designed to be read from only one frontage. Ground signs shall not exceed twenty-five feet in height and one hundred fifty square feet in copy area. The maximum copy area will be counted so that a double-faced sign shall not exceed seventy five square feet per sign face. A monument style ground sign must be set back at least five feet from the lot line. Such sign shall be in lieu of any ground sign permitted for the street frontage and shall not exceed thirty-two square feet in copy area or six feet in height.

3. Entry and Directory Signs. Entry and directory signs may be erected so long as such signs are designed and erected in a fashion and in locations consistent with the overall intent of this chapter. This provision applies to any sites where more than one building is constructed. Such signs shall be subject to the approval of the plan commission.

4. On-site Temporary Ground or Wall Signs. Two per site, shall be permitted for purposes of describing a construction or improvement project or advertising the sale or lease of a site or building. The signs shall be no larger than thirty-two square feet and shall remain no longer than completion of such construction, sale or lease.

G. Outdoor Storage—Motor Vehicle Pools. Outdoor storage or operation to include motor vehicle pools shall be located to the rear of the building or in the interior side yard beyond the front yard setback and enclosed or screened as specified by the plan commission. Walls or nonmetallic fencing may be made a mandatory part of such screening.

H. Utilities. All utility service lines on the property shall be placed underground.

I. Lot Coverage. The maximum lot coverage shall be fifty percent for buildings and structures.

J. Buildings.

1. The front facade and street and joint driveway facades shall be of brick, stone, modular metal, or wood in a vertical or horizontal pattern and/or glass including curtain walls. Unfaced concrete block, structural concrete, prefabricated metal siding, and other simulated siding are especially discouraged for such facade areas. The use of these materials shall be in a manner approved by the plan commission.

2. All elevations of buildings shall be designed in a consistent and coherent architectural manner. Where a change in material, color or texture is specifically permitted, the demarcation area shall occur at a natural division point of the building and separation shall be a continuous line (e.g., no intermeshing or overlapping block and brick rows). Wing walls may be used to accomplish such a change and also may be coordinated effectively in the screening of parking.

3. All electrical and air conditioning structures, including blowers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping or by decorative screening materials which form an integral part of the design. Ord 2A-12, (part), 2012; Ord. 10C-88 (part), 1988; Ord. 3A-87 (part), 1987)

Chapter 19.56

YARDS, LOT AREAS AND OPEN SPACES

Sections:

(Note: Chapter 19.56 was Repealed and Replaced to combine Chapters 19.38 "Corner Lots, Side and Rear Yards and Setbacks" with Chapter 19.56). Ordinance 12A-17, 2017

19.56.010 Lots not served by sewer—Area and width requirements.

The minimum lot area permitted for dwellings shall be one-half acre and minimum lot width shall be one hundred feet for any lot or parcel not served by city sanitary sewer or by a community-type sewage disposal system approved by the city council as adequate for the purpose. (Ord. A-56 § 16(A), 1970)

19.56.020 Yard and lot area to be measured from future street line.

Measurements for determining required lot area and required depth or width of a yard adjoining a future street shall be made from such future street line as may be established by this title and shown on the district map, or as may be established otherwise and shown on an adopted street map instead of from the existing street line. (Ord. A-56 § 16(B), 1970)

19.56.030 Lots abutting controlled-access highway—Yard size and setback requirements.

On lots abutting a controlled-access highway, a setback distance of seventy feet from the highway right-of-way line shall be required and no yard depth or width shall be less than seventy feet in such location. (Ord. A-56 § 16(C), 1970)

19.56.035 Lots abutting alleys

A. Purpose. Alleys are an access arrangement and technique to provide efficient use of property by sharing a narrow public or private corridor between properties. An alley shall be defined as the easement dedicated access corridor centered approximately on the boundary between two or more properties, or where no such easement exists, the width of the paved area used as a shared access corridor.

B. In computing the depth of a rear or side yard for any building where the line of the lot adjoins an alley, one-half of the width of such alley may be included as the minimum yard setback, provided that all vertical property improvements shall have a minimum one foot setback from the alley and in no way obstruct or impede passage to the alley.

C. A vehicle garage which is entered directly from an alley where the garage doors are or are nearly parallel to the alley and the vehicle entry angle is or nearly perpendicular to the alley, the garage door shall not be closer than ten feet to the alley.

D. Garage doors which are or are very nearly perpendicular to the alley may abut the alley in a nearly perpendicular arrangement along a side wall with a minimum one foot setback, provided all other applicable property setbacks are met. (part Ord 12A-17, 2017)

19.56.040 Lot area requirements—Exception.

Single lots on an approved subdivision plat, where the owner owns no adjoining lot or parcel, are excepted from the lot area requirements herein. (Ord. A-56 § 16(D), 1970)

19.56.043 Corner Lots

A. Where properties have frontage at the more or less perpendicular intersection of two public streets, the minimum front yard setback of the effective zoning shall apply to each frontage:

1. The narrower width of an undeveloped lot shall be considered the front.
2. Nonconforming Setbacks and Obstructions Permitted elsewhere in this Title; (part Ord 12A-17, 2017)

19.56.044 Requirements for Double Frontage Lots.

Where properties have frontage on two more or less parallel streets:

A. All sides of said lots that abut streets shall be considered frontage and shall be considered front yards.

B. The yard opposite the frontage from which the principal structure is addressed may feature fences and accessory buildings consistent with all other City Ordinances, provided:

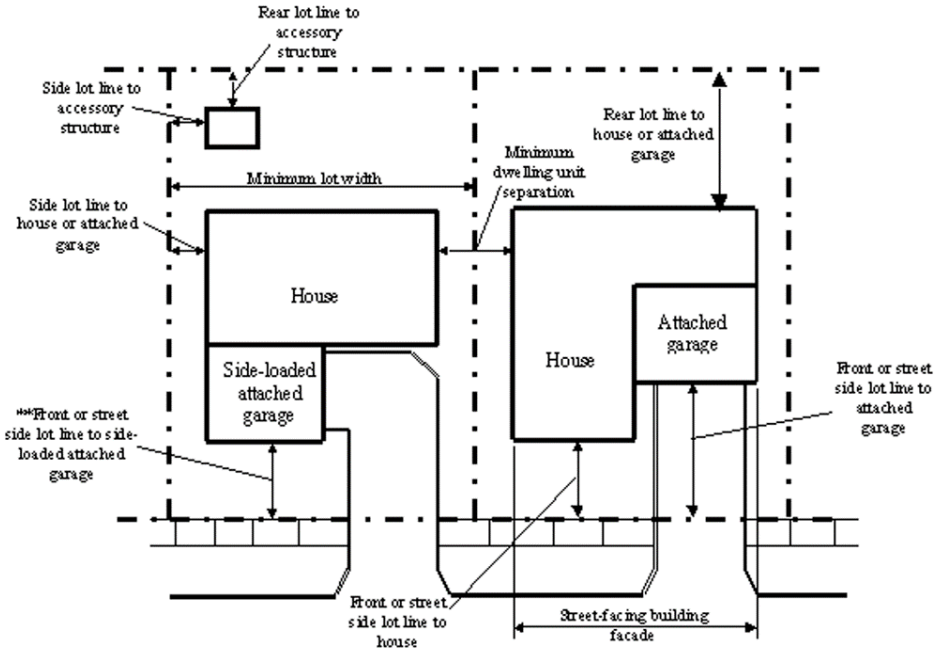
1. Screening fences may be erected up to the minimum front yard setback for the zoning classification.
2. The minimum setback of accessory buildings shall be the minimum front yard setback for the zoning classification. (part Ord 12A-17, 2017)

19.56.045 Nonconforming Setbacks

A. Purpose. This Section encourages buildings in general alignment with each other along a street and visual corridor, promote traditional neighborhood design, and to enable development flexibility in the general neighborhood context of site surroundings. For the purpose of this Section, an attached garage shares a common wall with the principal structure.

B. Where a permit for new construction or addition is proposed within any zoning district, the minimum front yard setback may be modified to be consistent with existing, legally constructed buildings within 500 feet along the same public frontage or visual plane, subject to the following conditions:

1. Street-facing garage doors shall be set back not less than twenty-four feet to the nearest portion of any public sidewalk, trail, or right-of-way line that intersects with the driveway; except alley-accessed garages or additions to existing garages;
2. No additions or new construction will be allowed within a nonconforming front yard or street-fronted side yard setback of 15’ feet or less without a variance, except as provided in Section 19.56.050;
3. No additions or new construction will be allowed within a nonconforming interior side-yard setback of five feet or less;
4. The proposed use, yard and site conditions must be consistent with all other applicable Altoona Municipal Codes;
5. The request will be denied, if, in the written opinion of findings of the Zoning Administrator, extension of the nonconforming setback may compromise public health, safety or welfare or may lead to additional city expense at any time. (part Ord 7D-19, 2019, part Ord 12A-17, 2017, part Ord 6B-11, 2011)



19.56.050 Required yards—Obstructions permitted when—Requirements.

Every part of a required yard or court shall be open and unobstructed by a building or structures, from its lowest point upward, except as follows:

A. Accessory buildings are permitted in a rear or interior side yard and shall be not closer than four feet to any lot line, when not more than fifteen feet in height, with one additional foot of distance required for each three feet of additional height to a height limit of twenty-four feet.

B. Sills, cornices, buttresses, eaves, openwork fire balconies and fire escapes, chimneys, flues and similar building appurtenances may extend not more than four feet into a required yard provided that it is not closer than two feet to a property line.

C. Uncovered porches, unenclosed decks and landings serving building entrances may extend not more than five feet into any required front yard. Steps may extend an additional four feet for a total not to exceed nine feet.

D. Unenclosed covered porches and landings serving building entrances may extend not more than ten feet into any required front yard. Steps may extend an additional four feet.

E. Porches, decks and landings shall terminate not less than four feet from a street-abutting property line. (part Ord 12A-17, 2017)

F. Porches, unenclosed decks**,** and steps to building entrances may extend not more than twelve feet into any required rear yard and not more than three feet into any required side yard or court but not closer than two feet to a property line. (Ord. 2B-05, 2005).

G. ADA accessibility ramps may extend into a required yard but no closer than four feet to a property line. (part Ord 12A-17, 2017)

H. Walks, steps for negotiating ground slopes, retaining walls (as regulated by Chapter 15.14), hedges, natural growth, fences, paved terraces, paved areas, structures used ornamentally, for gardening or for private recreation purposes, and structures for essential services, all accessory to and customarily incidental to the principal use, are permitted in yards and courts, provided that a sideyard strip one foot in width adjoining the side line of the lot shall be unobstructed by any structure or feature, except a fence or retaining wall, that is higher than two feet above ground level. No closely grown hedge or other type of landscaping shall be more than seven feet in height in any rear yard, or in any side yard which is immediately adjacent to a street, or more than six feet in height in any other side yard, or more than five feet in height in any front yard.

19.56.055 Corner Vision Triangle.

No fence, hedge, or other type of landscaping in any yard of a corner lot within twenty-five feet of the corner of such lot that is at the street intersection shall be higher than thirty (30) inches above the level of the curb directly opposite. Landscape fences with a fifty (50) percent or greater degree of transparency, as determined by the Zoning Administrator or his/her designee shall be permitted within such area to a maximum height of thirty (30) inches. (Ord. 8C-05, 2005; Ord. 3, 1977; Ord. A-56 §16(E), 1970)

19.56.060 Building and structure height limit exceptions.

A. Established height limits shall not apply to belfries, cupolas, spires, monuments, home radio or television antennas under seventy-five feet, flat poles, chimneys or flues, water towers, or to poles, towers and other structures for necessary and essential public services.

B. When permitted in a district, public buildings, community buildings, schools, churches, hospitals and other institutions, public utility and public service buildings and those for essential services may be erected to a height not exceeding seventy-five feet. (Part Ord 12A-17, 2017, Ord. 10A-87 (part), 1987; Ord. A-67 § 16(H), 1970)

19.56.070 Fences and Walls.

A. The intent of this section is to provide for the coordination of design and location of fences and walls to maximize the positive interrelationship of building and public street, maintain visual access and security due to lines of sight. For the purposes of this Section a "fence" is defined as a barrier of any material intended to prevent ingress or egress. (part Ord 12-17, 2017)

B. No person shall hereafter construct or cause to be constructed or erected within the city, any fence without first paying a fee, the applicable amount listed within the City of Altoona's abbreviated fee schedule found in Chapter 3.08 of the City of Altoona code and obtaining a building permit from the building inspector issued in compliance with the following minimum requirements:

1. All boundary line fences shall be located entirely on private property of the person constructing or causing the construction of such fence, unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the boundary line of the respective properties.

2. Every fence shall be constructed in a workmanlike manner and of substantial material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in good repair and aesthetic condition and shall not be in a condition of disrepair or constitute a hazard or nuisance, public or private. Any fence which is dangerous to the public safety, health or welfare shall constitute a public nuisance and the building inspector shall commence proper proceedings for the abatement thereof.

3. Every fence shall be installed in such a manner so that it has a finished surface that faces the exterior of the lot upon which the fence is located. In this subdivision, "finished surface" means that side of a fence which does not contain any exposed supporting posts or framing members; provided, that in the case of a double-sided fence, where an equal amount of supporting posts and framing members are visible on both sides of the fence, each side shall be considered to be a finished surface.

4. Materials.

a. The design and materials for walls and fences shall be coordinated with the design and materials of the principal buildings and should have substantially similar detail. This is not intended to require identical materials and design. (part Ord 12A-17, 2017)

b. Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, polyethylene and similar materials approved by the Zoning Administrator. Wire mesh fencing is not permitted within required front yard or street yard areas. Vinyl coated chain link fencing may be installed on a corner lot within the side street yard area subject to the requirements of Section 19.56.043. (Part Ord 5C-25, 2025)

c. Barbed wire fencing is prohibited in any location. (part Ord 9A-14, 2014)

d. Pressure treated lumber shall not be permitted unless stained or painted. Plywood or similar unfinished wood panel is not permitted.

e. Smooth faced concrete blocks or non-architectural poured walls used to construct a wall shall be covered with brick or some other decorative block or dimensional materials such as a stained block product. Painted or colored smooth faced concrete bricks or blocks shall not be considered decorative block.

f. Temporary fencing, including the use of wood or plastic snow fences, is allowed without a permit for the purposes of protection of excavation and construction sites, and the protection of plants during grading and construction, provided such a fence is removed once the construction activity is complete.

g. Alternative fencing materials not listed in this subsection may be considered with the approval of a conditional use permit, provided:

i. The proposed fence is decorative in appearance and appropriate for use in the proposed setting;

ii. The proposed fence will be constructed of appropriate durable materials for its intended use and setting;

iii. The proposed fencing is determined to be equal to or higher in aesthetic quality than what would otherwise be permitted in its proposed location. A sample of the proposed fencing material and design shall be provided by the applicant for evaluation at the time of application filing.

5. Fences greater than 36 inches that completely encloses any portion of property shall feature not less than one gate such that egress may be granted by a manner other than through a structure. Fences that abut an alley shall feature a gate that provides egress from the alley. Gates may feature a locking mechanism of the owner's selection. All hinged gates shall swing in toward the lot on which the fence is erected.

6. No advertising or signs shall be permitted on any fence in any zoning district.

C. In all residential districts, fences are permitted, subject to the following requirements and limitations:

1. Except as provided in paragraph 5 below, fences are allowed no closer than thirty feet from a public right-of-way or up to the point where the building line of the principal building would intercept, whichever is less. (Part Ord 12A-17, 2017)

2. Fences on all corner lots shall not interfere with the vision triangle as set forth in Section 19.56.055. Fences on corner lots shall comply with both the front yard set back and the side street side yard set back as set forth in Section 19.56.043.

3. Fences may be constructed to a height of no more than eight feet. (Ord. 5A-10, 2010)

4. No fence shall be erected within three feet of an alley right-of-way.

5. Fence materials may be used as landscaping in front yards and in side street side yards on corner lots where fences are otherwise prohibited subject to the following:

a. Material must be installed with an open, non-screening, aesthetically ornamental pattern. Examples would be a split rail design or a picket design if at least 50% open.

b. Material is limited to 36 inches at any point above grade.

c. A minimum two (2) foot setback at the right of way shall be required. Landscaping fences within a vision triangle shall comply with Section 19.56.055.

6. Fences on Corner Lots

a. Where residential property is a corner lot as defined in this Chapter and has non-conforming rear or interior side setback, a fence may be permitted up to a distance of one-half of the required minimum building setback on the street-facing side yard, provided no such fence may be higher than six feet at any point, constructed entirely of decorative material greater than 66% open, non-screening, aesthetically ornamental pattern. Such a fence is not permitted within the front yard as defined in 19.56.043, nor within the portion of the side street yard that is perpendicular to the front building elevation. (part Ord 12A-17, 2017)

b. Fences on corner lots shall be subject to all other provisions of this Chapter.

7. The plan commission may issue a conditional use for a front yard screening fence or side street side yard screening fence in residential districts where the residential property is directly across the intervening right-of-way from an industrial district as determined by a line perpendicular to the traveled portion of the right-of-way. In this subsection "screening fence" means a fence that is opaque and not in compliance with Section 19.56.070 C. 5.a. The installation of such fence shall be subject to the conditions outlined in a. through c. below, and to such other conditions as the plan commission shall impose.

a. The fence may be constructed to a height to protect health, safety and welfare.

b. A minimum ten (10) foot setback from the right-of-way shall be required.

c. Such residential district fence shall only be conditionally permitted so long as there is no screening fence approved by the zoning administrator or by the plan commission on the corresponding industrial district property. At such time that an approved screening fence is installed on the industrial district property, the front yard screening fence on the corresponding residential district property shall be removed. (Ord 12C-05, 2005 (part)), (Ord 5A-10, 2010).

D. Boundary line fences within all commercial districts.

1. Fences shall not exceed six feet in height except that the plan commission may issue a conditional use permit for a higher fence provided:

a. The applicant has an approved open sales lot; or

b. An open sales lot classified as a nonconforming use; or

c. A commercial operation which has approved storage of equipment outside the building; or

d. The use could be dangerous to the public; or

e. The use is for aesthetic screening.

f. The applicant can show that for security reasons a fence six feet in height will not be adequate.

2. Front yard fences and side-street side yard fences are prohibited except where approved as ornamental landscaping fences by plan commission plan review.

3. Undeveloped properties may be fully enclosed by a fence for screening and security purposes as determined by the Zoning Administrator. Said fences may be located on the property lines to ensure full property screening and enclosure. (part Ord. 5C-25, 2025)

4. Fences abutting R districts shall conform to the provisions of section 19.40.080.

E. Boundary line fences in all industrial districts

1. Fences shall not exceed eight feet in height, except that the plan commission may issue a conditional use permit for a higher fence where the applicant can show that it is for a security reason. Fences which are primarily erected as a security measure may have arms projecting into the applicant's property on which barbed wire may be fastened, commencing at a point at least seven feet above the ground.

2. Front yard fences and side-street side yard fences are prohibited except where approved by plan commission plan review. (Part 5C-25, 2025)

3. Fences abutting R districts shall conform to the provisions of section 19.44.070.

F. Non-conforming fences in all districts.

1. "Nonconforming fence" defined: Fences legally existing as of the effective date of this ordinance which do not conform to the provisions of this section, shall be legal nonconforming fences.

2. "Alteration" defined: For purposes of this section, alteration of a fence is considered to be any change to the exterior appearance of any part of the fence.

3. "Maintenance" defined: For purposes of this section, maintenance of a fence consists of ordinary and customary repairs and upkeep of the existing appearance of the fence which results in absolutely no change in the appearance of the fence from that originally existing.

4. Alterations prohibited: No legal nonconforming fence shall be altered or moved to a new location without being brought into compliance with the requirements of this section.

5. Maintenance permitted: Legal nonconforming fences may be maintained. (Ord. 8D-05, 2005).

19.56.080 Lots Bordering Jurisdictional Boundaries

A. Purpose: The purpose of this ordinance is to implement measures to establish permanent buffers between property within the City of Altoona and residential development in any neighboring municipality in order to provide for a transition between City of Altoona development and residential development in neighboring jurisdictions.

B. Standards for Pre-Existing Buffers:
   1. Upon initial clearing and grading of property (the Property) within the City of Altoona that abuts residential development in another jurisdiction, the property owner / developer shall leave an undisturbed buffer at least ten (10) feet in width on the perimeter of the Property abutting said residential development in the neighboring municipality.
   2. The established buffer shall remain undisturbed until individual lots on the Property are built upon.
   3. Prior to construction of buildings on individual lots on the Property, existing trees and vegetation within the buffer shall be preserved whenever possible. All removal of trees and other vegetation within the buffer shall only be approved by the Altoona City Planner as part of a submitted landscape plan. The developer shall take all steps necessary to effectively protect such existing trees during and after clearing and grading. If clearing and grading activity harms trees and/or vegetation in the established buffer the developer shall replace damaged vegetation with fresh plantings at a caliper of at least two and one half (2.5) inches.
   4. Owners building on individual lots within the new development (Owners) shall have the following options with respect to the established buffer:
      a. If the buffer contains a minimum of three mature trees per 35 lineal feet of width adjacent to the neighboring jurisdiction, the Owner has the following options:
         i. The Owner may elect to keep the buffer in place as is.
         ii. The Owner may elect to replace the vegetation in the buffer with other plantings to meet a standard of two approved trees and three approved shrubs per thirty-five (35) lineal feet of perimeter (the Standard). City approval as described in 19.56.080(C), shall be required prior to clearing the existing buffer.
         iii. Subject to the standards in 19.56.080(C) below, the Owner may elect to remove the buffer vegetation and install an approved fence that is at least six (6) feet tall, but no taller than eight (8) feet.
      b. If the buffer does not contain vegetation that contains a minimum of three (3) mature trees per 35 lineal feet of width, Owners shall have the following options with respect to the buffer:
         i. Owners may plant vegetation within the buffer to meet the required Standard subject to the requirements and restrictions in 19.56.080(C).
         ii. The Owner may elect to install an approved fence that is at least six (6) feet tall, but no taller than eight (8) feet in line with the standards in 19.56.080(C) below.

C. Standards and Procedure for Replacement Buffers or Replacement Plantings:
   1. After initial establishment of a qualifying buffer, future property owners shall have the right to replant or add to said buffer with eligible plantings or fencing of their choice. Prior to clearing the original buffer, the property owner shall submit a landscape or fencing plan to the Altoona City Planner for City approval. The replacement buffer shall match the approved landscape or fence plan.

2. Replacement buffers shall be exclusively vegetative buffers, except in instances where the abutting pre-existing neighborhoods allow construction of fencing. All buffers, planted or fenced, shall be reviewed and approved by the City Planner prior to installation.
3. If a fence buffer is used instead of vegetation, the fence shall be at least six (6) but no more than eight (8) feet in height. Any fence shall be constructed of solid, opaque fencing material with barbed wire or chain link not permitted. Where there is an existing fence on the abutting boundary side the Altoona side fencing material shall match.
4. All vegetation shall be a variety of non-invasive tree species native to the midwest, from an approved planting list provided by the City of Altoona with a minimum caliper size of at least two and one half (2.5) inches for trees. This list may be updated as deemed necessary by the City of Altoona.

D. Timeline for Installation: Replacement buffers, new buffers or fences shall be installed within one (1) year of building permit approval on individual lots. If required buffers are not installed within said year shall be subject to penalty as provided in Chapter 1.08.

E. Maintenance: The buffer must be maintained in perpetuity and in good condition. The burden of maintenance shall be on the property owner or homeowners' association. If buffers are not kept maintained the owner(s) shall be subject to penalty as provided in Chapter 1.08.

F. Duplication of Ordinance Standards: Where a buffer is already required by another section of this ordinance, the requirements of this section shall substitute for those standards when it applies. (part Ord 1A-24, 2024)

Chapter 19.58

SIGNS

Sections:

Repealed and replaced 2/23/12

19.58.005 Scope.

This chapter provides the legal framework to regulate all on-premise signs and all off-premise signs in the city. In districts where more restrictive signing requirements are in place, the more restrictive rule will apply. Such regulations may include, but are not limited to, Sections 19.28.010 D, 19.41.070, 19.42.015 E, 19.46.030, 19.54.060 F, and 19.59.030 G as well as property covenants that may be in place.

Off-premise signs and poster panels are prohibited in all districts except where provided for in A. and B. below.

A. P (public and conservancy). See Sec. 19.58.095.

B. C (commercial), C-1 (office), BP (business park) and I (industrial). See Section 19.58.115.

C. C (commercial). See Section 19.58.085 regarding the lawful use of a nonconforming off-premise sign in a commercial district. (Ord 4A-13, part, 2013)

19.58.010 Purpose and intent.

Exterior signing has a clear impact on the character and quality of the city. As a prominent part of the urban environment, signs may attract or repel the viewing public, affect the safety of vehicular and pedestrian traffic, and help set the tone of the neighborhood and the city. This code establishes minimum standards to promote the health, safety, welfare, convenience and enjoyment of the public by regulating the design, quality of materials, construction, location, electrification and maintenance of all on- premise signs, bulletin boards, and advertising devices visible from public rights-of-way. (Ord. 1B-93 (part), 1993)

19.58.020 Administration and enforcement.

The administration and enforcement of this chapter shall be the responsibility of the zoning administrator/building inspector. (Ord. 1B-93 (part), 1993)

19.58.030 Definitions.

In this chapter the following words shall have the meaning defined below, unless it is apparent from the context that different meanings are intended.

"Abuts." Used in reference to determining when an exterior building wall abuts a street which is adjacent to the premises. A wall facing a street abuts the street if its exterior face is parallel to or forty-five degrees or less of being parallel to the street.

"Awning" means a type of hood or covering over doors or windows, and including two categories: (a) Fixed awnings means awnings constructed of light metals or plastics mounted on frames which are not adjustable or movable; (b) Adjustable awnings means awnings constructed of light metals, plastics, fabric, or equivalent material mounted on frames which are adjustable and movable.

"Awning sign" means a sign which is painted, sewn or similarly affixed on an awning.

"Banner" means a sign made of flexible material that is secured at all corners to a post or structure. (part Ord 1B-17, 2017)

"Billboard" (see "Changeable copy sign") (part Ord 7A-15, 2015)

"Building" means a structure having a roof supported by columns or walls.

"Building wall" means a wall of a principal building as defined by the building code. Where separate facades of a building are oriented in the same direction or in a direction within forty- five degrees of one another, such facades are to be considered one wall.

"Business sign" means a sign which directs attention to a business, profession, person, activity, commodity, or service located on a premise where the sign is installed and maintained.

"Canopy" means a permanent roof-like structure extending from part or all of a building face, constructed of some durable material such as metal or wood, and which is supported from the ground.

"Changeable copy sign" (including "Readerboard" signs and "EMC's *i.*e Electronic message centers") means a sign which is constructed as a wall or ground sign and designed so that individual letters, characters, illustrations, (or any reflected, internal, or direct lighting associated with the sign), can be changed or rearranged manually, mechanically, or electronically.

"Construction sign" means a temporary sign which warns persons of construction or demolition for a project or which describes the project and identifies the builder, architect, financial institution, or others involved in the project.

"Copy" means the lettering, representations, emblems, or other figures used to convey a message.

"Copy Area" means the entire area within a single continuous perimeter enclosing the extreme limits of the sign. Structural members which are not an integral part of the display or not used as a background for the display shall not be included for the purpose of this definition. (part Ord 1B-27, 2017)

"Directional Sign" means a ground sign for the sole purpose to direct the flow of traffic to an identified destination, limited to the destination name and directional arrow. (part Ord 8A-16).

"Directory sign" means a sign which is limited to the listing and identification of four or more businesses within a principal building, shopping center, office park, business park, or industrial park.

"Election campaign sign" means a sign that contains a "political message" and is a temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or other election. A "political message" means a message intended for a political purpose or a message which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.

"Electrical sign" means any sign which contains electric wiring. This shall not include reflectively illuminated signs.

"Electronic Message Centers (EMC's). A sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs or a fliper matrix.

"Flag Sign" means a sign, banner, or pennant comprised of flexible material which is not securely affixed at all points which enables sign movement, undulation, or rotation. (part Ord 1B-17, 2017)

"Flashing sign" means any "Changeable copy sign" which does not:

1. 'Freeze' each change of display for a minimum of two seconds, or,
2. Maintain a minimum ratio of eight (8) to one (1) corresponding to the time a display is "frozen" when compared with the time during which the display is allowed to transition to the the next fixed display.

"Ground sign" means a sign supported by one or more uprights, poles, pylons, or braces placed in or upon the ground surface, and not attached to any part of any building. Such sign may also be referred to as a freestanding sign, pole sign, detached sign or pylon sign.

"Identification sign" means a sign that identifies the activity, business, building name, owner, or resident of the premise to which the sign relates and/or the street address of said premises and which sets forth no other advertisement.

"Illuminated sign" means a sign designed to give forth any artificial light, or designed to reflect such light deriving from any source. Such signs are divided into three categories: (a) reflected lighting means lighting from a source which is reflected from the surface of the sign; (b) internal lighting means lighting for which the source of light is located in a manner that the light must travel through a translucent material other than the bulb or tube necessary to enclose the light source, which material has the effect of dispersing the light before it strikes the eye of the viewer; (c) direct lighting means lighting where the source of the light, such as the bulb, is visible to the viewer. Exposed neon lighting and electronic copy are included in the meaning of signs that utilize direct lighting.

"Mansard" means a permanent sloped structure attached to a wall of a building having an interior angle greater than forty- five degrees from the horizontal and which derives part or all of its support from the building wall to which it is attached.

"Motor fuel pump island canopy" means a roof-like shelter which may be either attached or unattached to the principal building and is supported by one or more uprights or poles mounted in or upon the ground which is erected over a fuel pump island where motor fuel is dispensed for retail sale.

"Neighborhood or Subdivision Sign" means a sign used for the sole purpose of providing identification of a designated named area. (part Ord 8A-16).

"Nonconforming sign" means a sign which does not comply with one or more provisions of this chapter.

"Off-premise sign" means a sign which directs attention to a business, profession, person, activity, commodity, or service which is conducted, sold or offered at a location other than the premises on which the sign is located.

"Portable sign" means a sign mounted on wheels or on a trailer with removable wheels, an A-frame type of sign, or other signs which are not permanently affixed to the ground, a building, or other structure and which may be readily moved from place to place but excluding temporary construction signs identified in this chapter.

"Premise" means a designated lot, parcel, tract or area of land established by plat, subdivision, or otherwise permitted by law to be used, developed, or built upon under single or joint control.

"Principal building" means the main or principal building located upon a premise in which the principal use or uses of the premise is conducted. A shopping center shall be considered as one principal building.

"Reader board sign" (see "Changeable copy sign").

"Real estate sign" means a temporary on-premise sign pertaining to the sale, lease or rental of land or buildings.

"Roof line" means the top of the building wall or the top of the parapet. For buildings with sloped roofs, roof line shall include that which forms the top line of the building silhouette excluding any projections such as chimneys.

"Roof sign" means a sign erected upon or above any portion of a roof or parapet wall of a building, and which is wholly or partially supported by said building.

"Shopping center" means two or more retail or service businesses which are located within the same building or within buildings that are connected and at which tenants share private, off-street parking areas.

"Sign" means any object, device, display, or structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

"Sign height" means the distance measured vertically from the average grade of the finished ground elevation to the highest point of the sign, for ground signs this shall include visual appurtenances which may extend above the sign.

"Temporary sign" means a banner, pennant, poster or advertising display intended to be displayed for a limited period of time.

"Vision triangle" means the area formed by measuring from the intersection of two property lines at the intersection of two streets to points twenty-five feet along said property lines and then connecting these two points with a straight line. (Ord. 7I-05, 2005).

"Wall sign" means a sign which is attached directly to or painted upon a building wall, with the exposed face of the sign in a plane approximately parallel to the building wall. A canopy, marquee, window, projecting or awning sign shall not be considered a wall sign. A sign mounted on a sloped roof of a commercial building which is an integral part of the design of such roof and building shall be considered a wall sign. (Ord. 1B-93 (part), 1993)

"Window Sign" means a sign directing attention to the principal business, profession or industry attached to or within three (3) feet of the inside of the window upon the premises where the sign is displayed, or to the type of products sold, manufactured or assembled, or to services or entertainment offered on said premises. (part Ord 8A-16).

19.58.040 Permits for signs.

Signs may be erected, moved, enlarged or reconstructed within the city upon issuance of a permit for such sign subject to the provisions herein.

A. Permit Required. Except as otherwise provided in this chapter, it is unlawful for any owner, tenant, or agent to erect, construct, enlarge or modify any sign as regulated in this chapter without first obtaining a permit.

B. Application for Permit. Application for a permit shall be made to the city administrator and shall be accompanied by such information as may be required to assure compliance with all applicable regulations, including:

1. Name and address of the owners of the sign and premises;

2. Clear and legible drawings showing the location of the sign and all other applicable signs on the same premises and all ground signs within one hundred feet of the proposed sign if the permit is for a ground sign;

3. Information regarding applicable items such as: dimensions, colors, copy, constructions supports, materials, and method of support.

C. Permit Issuance. The city administrator will examine the plans and premises and issue or deny a permit within ten (10) working days of the application's filing. Permits become void if work has not commenced within one hundred eighty days after the date of issuance of a permit.

D. Permit Fees. All fees shall be payable to the city treasurer. The fee for any sign which requires a permit shall be established by resolution of the Common Council each year;

E. Permit Revocable at Any Time. All rights and privileges acquired under the provisions of this chapter are revocable at any time by the city administrator upon proof of a violation of the rules of this chapter. If a permit is revoked or canceled or application is withdrawn, the applicant is not entitled to a refund of all or any part of the fee. (Ord. 1B-93 (part), 1993)

19.58.050 Permits not required.

Permits shall not be required for:

A. Change of copy, including the replacement of sign panels in an existing sign cabinet, provided no structural change is made.

B. Painting, repairing, cleaning or maintaining of an existing sign unless a structural change is made. (Ord. 1B-93 (part), 1993)

19.58.060 Maintenance and repair.

All signs, including their supports, braces, guys and anchors shall be kept in good repair at all times. (Ord. 1B-93 (part), 1993)

19.58.070 Requirements by type of sign.

The provisions set forth below shall apply to all applicable signs unless otherwise specified in this chapter:

A. General Provisions.

1. Wind Pressure. All non-temporary signs shall be designed and constructed to withstand horizontal wind pressures of not less than thirty psf;

2. Identification. Every sign requiring a permit hereafter erected shall have conspicuously marked thereon the name of the installer and manufacturer, and the voltage of any electrical apparatus used therewith;

3. Obstructing Access. No sign or sign structure shall be fastened or anchored to any fire escape, chimney or stand pipe, nor shall it be erected so as to cover a required doorway or window, or so as to prevent or hinder the raising or placing of ladders against such building for rescue or fire suppression purposes;

4. Signs Adjacent to Residential Districts.

a. Front Yard Setbacks. Any sign or sign structure located on a lot abutting a residentially zoned lot which fronts on the same street as said lot shall be set back so as to meet the front yard requirements of the residentially zoned lot if that requirement is greater than that of the district in which the sign is to be located;

b. Side and Rear Yard Setbacks. No sign surface or area facing the side or rear lot lines of a residentially zoned lot shall be located within fifty feet of such side or rear lot line;

c. Illuminated Signs. No directly illuminated signs shall be located within one hundred feet of a dwelling located within any residential district.

B. Illuminated Signs. Electric signs shall be considered electrical fixtures, and the signs as well as the parts thereof shall conform with NEC requirements as well as State Administrative Code Chapter DSPS 316 (electrical) requirements.

1. Glare. All signs shall be so designed and located as to prevent the creation of a public nuisance or safety hazard resulting from glare or direct light from artificial illumination upon the adjacent street and surrounding property;

2. Exposed Neon Lighting. Neon lighting installed on the exterior of a building or on a sign structure shall be a minimum of eight feet above grade;

3. Flashing signs, directly illuminated signs, and building illumination shall not be used in such a manner that they will be confused with traffic devices or emergency vehicle services.

C. Wall Signs.

1. Projection From Wall. No wall sign shall extend more than twelve inches from the building wall to which it is attached. Any appurtenances of a wall sign, such as lighting fixtures, shall not extend more than twenty-four inches from the same wall and shall have a clearance of at least eight feet;

2. Sign Height. No wall sign shall extend above the roof line or parapet wall of the building to which it is attached;

3. Signs Attached to Mansards. A sign attached to a mansard wall be considered a wall sign. Such signs shall either be mounted flat against the mansard or parallel with the building wall which supports the mansard. In no case shall such a sign extend above the top of the mansard.

D. Ground Signs.

1. Spacing. A ground sign shall be no closer than one hundred feet from any other ground sign unless a conditional use permit is granted by the Plan Commission. Signs on the opposite side of a street shall not be considered in this measurement. In granting a conditional use permit the Plan Commision must find one of the following:

a. The placement of such sign more than one hundred feet from another ground sign is not reasonably practicable,

b. Complying with the one-hundred-foot requirement would require placement of the sign in a location that would obstruct or block buildings, or conflict with traffic circulation, parking areas, or drives, or

c. Clustering such signs closer than one hundred feet would provide a more unified signage theme within the area.

In granting such a conditional use permit, the Plan Commission may impose appropriate conditions in keeping with the purpose and intent of this chapter pertaining to but not limited to the signs's height, location, design, copy area, removal of nonconforming signs on the property and appropriate site improvements.

2. Construction. Ground signs over ten feet in height or which are electrical signs shall be constructed of noncombustible materials.

3. Clearance. If the location or design of a ground sign may result in a conflict with pedestrian or vehicular traffic on the premise, the city administrator may require a clearance of up to ten feet from the finished grade level or curb elevation to the lowest part of such sign.

4. Vision Triangle. No ground sign which exceeds three feet above the curbs to which it is adjacent shall be erected within the vision triangle unless such sign provides at least ten feet of clearance from the curb elevations to the lowest part of the sign and the sign structure is of a design that minimizes any vision restriction within this area.

5. Extending Over Right-of-Way. No ground sign shall extend over any property line into a public right-of-way.

6. Setback and Height. Ground signs shall comply with the setback and height requirements of this chapter. Required setbacks shall be measured from the property line to either the sign or sign structure, whichever is nearest.

7. Churches, Parsonages and Convent Signs. Ground signs applicable to churches, parsonages, and convents shall not exceed thirty two (32) square feet per sign side in area for a church, parsonage, or convent on the property on which located.

E. Roof Signs.

1. Construction. All roof signs shall be constructed entirely of noncombustible materials as defined in state codes. Uprights, supports and braces which support roof signs shall be of noncorrosive metal. No sign shall be placed on any roof so that the stresses on any portion of said roof exceed standards under the state building code. No roof sign shall be placed on the roof of any building so as to prevent the free passage from one part of the roof to any other, or interfere with any openings in such roof;

2. Clearance From Roof. If it is the determination of the city administrator or city fire chief that a roof sign may impede accessibility to the roof for fire suppression purposes, such sign shall be so

constructed to leave a clearance of not less than four feet between the roof level and the lowest part of the sign and at least five feet of clearance between the vertical supports thereof;

3. Projection From Building Wall. No roof sign, attachments thereof, or sign structure shall project beyond the exterior building wall or parapet;

4. Illumination. No roof sign or part thereof shall be a flashing sign;

5. Height. No roof sign shall exceed twelve feet in height above the roof line of the building.

F. Projecting Signs.

1. Projection From Wall. A projecting sign shall project no more than ten feet from the building wall to which it is attached;

2. Sign Height. No projecting sign shall extend above the roof line of parapet wall of the building to which it is attached;

3. Clearance. If the location of a projecting sign results in the obstruction of pedestrian or vehicular traffic on the premises, the city administrator shall require a clearance of up to ten feet from the finished grade level to the lowest part of such sign. (Ord. 11B-93 (part), 1993)

G. Neighborhood or Subdivision Sign. (Part Ord 8A-16).

1. Character, materials, dimensions, text and location shall be reviewed and approved by the Plan Commission.

2. Construction. All components of the neighborhood or subdivision sign shall consist of durable and high-quality permanent materials of appealing character intended to convey public pride and distinct sense of place.

19.58.080 Provisions for signs by zoning district.

Identification signs and business signs shall be permitted as set forth below by zoning district.

A. Signs in Residential Districts. Within R-1, R-2, R-3, and PCD residential districts only those signs listed paragraphs 1. And 2. below shall be allowed.

1. This list identifies signs that are permitted without a Conditional Use. Only identification signs shall be allowed, and such signs shall identify only those uses listed in this subsection and which are actually being conducted on the premise. Such signs may be either wall or ground signs. Except for official traffic signs, such signs may be illuminated by only reflective light. Any ground sign shall not exceed six feet in height and not be located closer than ten feet to any property line. These provisions shall apply unless otherwise stated herein or in any other section of this chapter. Such signs shall be allowed as follows:

a. Mailbox and fire-protection identification.

b. Official traffic signs.

c. One only sign not more than twelve square feet in area pertaining to the lease, hire or sale of the land or building on which located, and not more than six square feet for the sale of farm products from the premises.

d. One readerboard, and one other wall or ground sign; (each) not more than thirty two (32) square feet per sign side in area for a church or school on the property on which located.

e. One nameplate of not more than one square foot in area pertaining to a home occupation, home professional office or other permitted use.

f. Day Care Centers. One nonilluminated sign not exceeding three square feet in area for any day care center.

g. Community-Based Residential Facilities having up to fifteen residents. One nonilluminated sign not exceeding nine square feet in area. (part Ord. 1B-16, 2016, part Ord 2A-15, 2015)

h. Community-Based Residential Facilities having sixteen or more residents, hospitals, skilled nursing facilities, convalescent and rest homes, residential care apartment complexes and homes for the aged. One freestanding sign or wall sign shall be permitted for each main use building. Such sign shall not exceed 24 square feet per sign face. If the sign is a freestanding sign it may be double faced so as to be viewed from more than one direction. A freestanding sign shall not exceed six feet in overall height above grade.

i. Multiple Family Residential Projects.

One nonilluminated sign per street frontage not exceeding nine square feet in area for a multiple family building containing more than five residential units.

For multiple family developments which consist of sixteen or more residential units in a single or multiple buildings on a single tax parcel, one wall or ground sign per street frontage not exceeding 24 feet in area. (part Ord 1B-17, 2017)

j. Mobile Home Parks. One sign not exceeding thirty-two square feet in area for each major entrance to any mobile home park.

B. Signs in C-1 (Office) Districts. Within the C-1 districts, signs shall be permitted subject to the provisions stated herein; such signs may be illuminated by reflected or internal sources and shall only be identification signs.

1. One wall, or awning sign as well as one ground sign shall be permitted for each principal building where the building has been constructed for business use. Each sign shall not exceed fifty square feet in copy area. The height of a ground sign shall not exceed fifteen feet. Such ground sign may be placed anywhere on the subject property provided that it is no closer than ten feet to the existing street curb, three feet from an existing public sidewalk, or ten feet from any property line that does not abut a public sidewalk or street. (Ord 4A-16, 2016)

2. A conditional use permit may be granted by the Plan Commission to permit greater copy area than allowed herein.

C. Signs in River Prairie Mixed Use Zone District shall be as regulated by the adopted Standards and Guidelines pursuant to Section 19.46.030.

D. Signs in C (Commercial) and I (Industrial) Districts. Within the C districts and I districts, signs shall be permitted subject to the provisions stated herein and may be illuminated by reflected, internal, or direct sources of light.

1. Wall Signs.

a. Number of Signs. The number of wall signs permitted for a premises shall be as follows:

"Single-Tenant Buildings". Principal buildings constructed for occupancy for one tenant are allowed two signs for each street frontage the principal building abuts,

One additional sign may be erected on a building wall exceeding one hundred fifty feet in length which abuts a street,

One additional sign may be erected on a building wall having a public entrance which does not abut a street.

"Multiple-Tenant Buildings".

Tenants which have a public entrance only by means of a hallway, corridor, or mall, thus having no public entrance in an exterior building wall providing direct access to such tenant shall be permitted one sign for each street frontage which the owned or leased premises abuts. Tenants whose occupancy does not have an exterior building wall abutting a street shall be permitted one sign, not exceeding twenty-five (25) square feet in area.

Tenants having a public entrance in an exterior wall which provides direct access to such tenant shall be permitted one sign for each such public entrance on such wall, plus one wall sign for any exterior wall abutting a street which has no public access,

A tenant having exterior walls exceeding one hundred fifty feet in length and which abut a street may erect one additional sign on such wall;

b. Alternate location. A wall sign that is allowed by the regulations of C. 1. a. may be installed on a building wall which does not abut a street and which does not have a public entrance, if, in the opinion of the zoning administrator such sign will not adversely affect the value and enjoyment of nearby properties. (Ord 1D-10, 2010).

c. Copy Area. The total copy area of all wall signs on a building wall shall not exceed 2.5 square feet for each lineal foot of building wall to which the signs will be attached and in no case shall any individual sign exceed one hundred fifty square feet in area.

2. Ground Signs. One ground sign may be erected for each principal building. Principal buildings abutting more than one street may have one ground sign located on each street frontage if such signs are designed to be read from only one frontage. Ground signs shall not exceed twenty-five feet in height and one hundred fifty square feet in copy area. The maximum copy area will be counted so that a double-faced sign shall not exceed seventy five square feet per sign face. A monument style ground sign must be set back at least five feet from the lot line. Such sign shall be in lieu of any ground sign permitted for the street frontage and shall not exceed forty-five (45) square feet in copy area or eight (8) feet in height.

3. Changeable copy signs. Changeable copy signs in C (Commercial) and I (Industrial) Districts may be used only for the purpose of a directory sign and shall be subject to the following regulations:

a. The directory sign shall be limited to such information as is defined for an identification sign.

b. The sign shall be a monument style sign not exceeding eight (8) feet in overall height and shall be set back from a property line not less than five (5) feet. The copy area shall be limited to forty-five (45) square feet.

c. The operation of electronically controlled changeable copy shall be limited as follows:

- The display will only contain static/stable text.
- Any message on the display will remain static/stable for a period of not less than six (6) seconds.
- The transition from one static message to another will be direct and immediate without any special efffets, except scrolling or fading.
- The sign's luminance (the brightness being emitted) will be regulated so that the display will not exceed a maximum of 500 NITS during the nighttime and 7,500 NITS during the daytime.
- EMC Illuminance and Measurement Criteria: (Illuminance is the brightness intercepting an object, such as a measuring device, at a given distance from the light source) The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpindicular to the face of the EMC at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table.

Sign Area Versus Measurement Distance	
Area of Sign – Square Feet	Measurement – Distance
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67

- EMC Illumination Limits: The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles.
- Dimming Capabilities: All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

4. (*RESERVED for Canopy, Marquee, Window, Projecting or Awning signs*) Note that a canopy, marquee, window, projecting or awning sign is not considered a wall sign by definition.

5. Roof signs

a. A sign mounted on a sloped roof of a commercial building which is an integral part of the design of such roof and building shall be considered a wall sign (see definition). Such a sign shall be subject to site plan review by the Plan Commission.

b. (*RESERVED for other Roof signs).*(part Ord. 7A-15, 2015).

E. Signs in Public and Conservancy Districts. Within Public and Conservancy districts only those signs listed paragraphs 1. and 2. below shall be allowed.

1. For municipally owned property, where one or more buildings as defined by Section 19.58.040 have been constructed, one readerboard, and one other wall or ground sign not more than thirty two square feet per sign side in area may be installed on the property on which the building or buildings are located without a Conditional Use. Such signs may be illuminated by only reflective light. Any ground sign shall not exceed six feet in height and not be located closer than five feet to any property line.

2. In addition to the signs permitted in paragraph 1 above, the Plan Commission may grant approval for a conditional use to install signs as described in a. b. and c. below:

a. A readerboard sign with internal lighting, or when installed as an Electronic Message Center. If such a sign is installed as an Electronic Message Center, it shall be subject to the operation criteria of Section 19.58.080 D.3.c.

b. Signs that do not conform to the limitations of paragraph 1. above with respect to the location, the height, the number of signs, or the size of the copy area.

c. Any sign advertising off-premise businesses or products. (part, Ord 6C-16, 2016)

F. Conditional Use Signs

In addition to the signs permitted in 19.58.080 A. – E., the Plan Commission may conditionally grant approval for signs described below in accordance with Section 19.59 "Conditional Uses":

1. Churches and Schools may install a readerboard sign with internal lighting or to install such a sign as an Electronic Message Center. The sign copy area shall not be larger than thirty two (32) square feet. Such a sign shall be subject to the operation criteria of Section 19.58.080 D. 3. c.

2. Signs that do not conform to the limitations of Section 19.58.080 A. 1. d. with respect to the number of signs and the size of the copy area (i.e. more than two signs and/or larger signs.)(part Ord 6C-16, 2016)

3. For properties which abutt Federally designated highways, a sign may be conditionally permitted which does not conform to Section 19.58.080 with respect to zoning classification, height, placement or copy area if the applicant can demonstrate that the unique characteristics and use of the premise justify the permit. Signs shall adhere to all other provisions of this Chapter. (part Ord 1B-17, 2017).

19.58.085 Nonconforming off-premise sign(s) in a Commercial District

This section shall provide for the regulation of a sign or signs that have been lawfully established in a Commercial District as a nonconforming use according to the meaning of the term as described in Chapter 19.60 of this Code. The use shall be subject to the terms of A through E below.

A. The lawful use of such a sign may continue according to the provisions of Chapter 19.60 Section 19.60.010 A.

B. The use or alteration of such a sign other than as described in the provisions of Chapter 19.60 Section 19.60.010 A. shall be subject to regulation by the Plan Commission as a conditional use.

C. The aggregate copy area of the sign shall not be increased.

D. The existing maximum height of the sign shall not be increased.

E. The existing distance of setback from the public right of way shall not be diminished. (Ord. 4A-13, part, 2013)

19.58.090 Special district sign regulations.

The city council may establish sign regulations which differ from the provisions of this chapter for a designated area within the city. Such districts shall be of substantial size, and possess certain unique characteristics to warrant sign regulations which differ from one or more of the provisions of this chapter. If, and to the extent that special district regulations are approved by the city council, such regulations shall be observed by the persons affected in lieu of compliance with the provisions of this chapter. However, those provisions of this chapter which are not affected by the special district sign regulations shall continue to apply in the designated district. Nothing in this section or elsewhere in this chapter shall prevent the establishment of special district sign regulations which are more stringent that those set forth in this chapter. (Ord. 11B-93 (part), 1993)

19.58.095 Special District Sign Regulations for Municipally-owned Property.

The Common Council, under its authority pursuant to Sec. 19.58.090, establishes sign regulations for, and creates a district consisting of, all municipally-owned property zoned P (public and conservancy). The Common Council has determined that certain off-premise signs are, under appropriate circumstances, beneficial to the character and quality of the city. (Ord. 12G-06, 2006)

A. The City Administrator or his/her designee is authorized to enter into agreements and establish fees allowing off-premise signs to be erected on municipally-owned property zoned P (public and conservancy). (Part Ord. 5B-10, 2010)

B. Any entity or individual seeking to erect a sign on municipally-owned property zoned P, must enter into a contract and meet any and all requirements set forth in the contract provided by the City. (Part Ord. 5B-10, 2010).

C. Fees for such signs shall be established by the Altoona Common Council as set forth in Addendum "A" to Chapter 3.08 of Altoona Municipal Code. Provided, however, this fee may be waived by the City Administrator if the banner is being displayed in consideration of a donation to the City of other non-profit organization in an amount meeting or exceeding the fee established by Council. (Part Ord. 5B-10, 2010).

19.58.100 Temporary signs.

The following temporary signs shall be permitted in addition to the signs allowed within other sections of this chapter according to the provisions and table herein. Such signs shall be subject to all provisions of this chapter unless otherwise specified herein. Sign permits shall be issued for those temporary signs indicated below.

A. Construction Signs. On-premise signs may be erected only after issuance of all building permits and shall be removed upon completion of construction; (permit not required).

B. Real estate signs, including open house directional signs (permit not required).

C. Holiday decorations (permit not required).

D. Grand Opening Decorations. Pennants, ribbons, spinners, balloons and other similar devices may be displayed for a period not to exceed sixteen calendar days only for the purpose of a grand opening for a new business (permit required)

E. Promotional Banners. A single banner made of flexible materials such as cloth, plastic, or vinyl may be displayed on-premise by a business to promote a product, sale or event. Such a banner may be a maximum of 40 sq. ft. and may only be displayed on the wall of the principal building except that the Plan Commission may approve another location. A banner may be displayed for a maximum of sixty calendar days per year; (Ord 3F-08, (part), 2008).(permit required).

F. Temporary Impacting Conditions. Temporary promotional banners, identification signage, directional signage, or flags located to promote visibility of business operations may be permitted during construction where such construction activities, or other verified temporary circumstance, impair normal business activities. Construction in this context means demolition, grading or building of adjoining or nearby roadways, or adjoining or nearby properties, following determination of the Zoning Administrator, subject to the following conditions:

1. Temporary signs must obtain temporary sign permit and include business name and contact information, responsible person, detailed rationale, location and duration of temporary signage, description and illustration of temporary signage.

2. Signage must be located on the affected property where the business is conducted, unless otherwise provided by this chapter.

3. Promotional banners may not be placed more than 30 days prior to verified beginning of impacting circumstance and must be removed no later than 60 days following official completion or resolution of impacting circumstance, unless otherwise permitted by the Plan Commission.

4. Temporary off-premise directional signs, on private property or public right-of-way, must be approved by the Zoning Administrator and shall be considered to minimum standards and such further or other conditions and limitions on size, height, placement, material and duration of signs such as to not impede the safety, circulation or visual obstruction of vehicles, pedestrians or cyclists, or impact visibility or operations of other firms;

5. Unless otherwise provided in 19.58.100 (F), temporary signs must adhere to all other provisions of this ordinance. (Part Ord 8A-16).

G. Balloon Signs. Helium, hot air, or similar balloons which are lighter than air may be displayed by a business on premises not more than four times per year with each period not exceeding three calendar days; (permit required).

H. Election Campaign Signs and signs communicating political messages must be located on private property. Such signs are allowed only during the election campaign period as defined by §12.04 (1) (a) and must be removed no later than two days after such election campaign period. Such signs shall not endanger traffic or pedestrian safety. Such signs shall be subject to the provisions and limitations of 1 and 2 below:

1. Such signs shall not exceed eleven (11) square feet in area except where such a sign is attached to a dwelling or other building and does not extend beyond the perimiter of the building structure.

2. The City of Altoona recognizes that certain off-premise commercial signs (billboards) were established prior to zoning regulations and, therefore, may constitute non-conforming uses of record. Political messages on such signs shall be limited to an election campaign period.

I. Thrift Sale Signs. Such signs are not to be displayed more than three times per year with each period not exceeding nine consecutive calendar days. (Ord. 1B-93 (part), 1993)

J. Non-profit and Not-for-Profit Special Event Signs. Temporary signs are permitted to promote non-profit and not-for-profit organization special events or for advertisement at such special events. Signs promoting such events may only be placed a maximum of two weeks prior to such event and must be removed immediately following the event. Signs used for advertisement at such events must be removed immediately following the event. (Ord 3F-08, (part), 2008).

19.58.110 Prohibited signs.

The following signs are prohibited except as otherwise provided in this chapter:

A. Signs in the public right-of-way;

B. Nuisance Posters. Signs or posters which are visible from the public right-of-way which are tacked, posted, or otherwise affixed to trees, poles, posts, fences and other similar structures;

C. Signs reducing traffic safety;

D. Portable signs, except for temporary construction signs as set forth in this chapter;

E. Projected Signs. Any lighted message, lettering, picture, or similar advertising display projected on a surface but originating from another source. (Ord. 1B-93 (part), 1993)

F. Flashing signs. (part, Ord. 7A-15, 2015)

G. Flag signs, except:

1. Temporary signs as defined in 19.58.100;

2. Flags, pennants, or insignia of any nation, state, county, city, or other political unit, school or college, or any church or religious organization.

3. Flags, pennants, or insignia of any professional or collegiate sports team or professional association. (part Ord 1B-17, 2017)

19.58.115 Off-premise business signs.

In addition to those sign(s) regulated in Section 19.58.080 C, one off-premise business sign may be installed to serve a parcel, subject to the provisions of A through C below.

A. The parcel benefits from a legally established (ingress or egress) easement within an adjacent parcel. The access must be paved and currently in use.

B. The off-premise sign must be placed only within the adjacent parcel area and may be incorporated with a sign serving such adjacent premises. The sign may be a freestanding sign or the message may be combined and included within a sign serving the property upon which the easement is located (subject to the limitations in Section 19.58.080 C.)

C. The copy area shall be limited to sixteen (16) square feet. A double-sided sign may have sixteen (16) square feet of copy area per side.

19.58.120 Removal of certain signs.

The city administrator may remove or cause to be removed any and all defective, unsafe, abandoned, unmaintained, or illegal nonconforming signs when the owner or agent has failed to comply with all orders issued by the city. Such removal shall be completed by the city or the city's agent, and such shall be billed to the owner of the premises. (Ord. 1B-93 (part), 1993)

19.58.130 Appeal authority.

The Plan Commission shall have the authority to review and make determination on all appeals, conditional use applications, and requests for interpretation pertaining to the provisions set forth in this chapter. The Zoning Board of Appeals shall have the authority to review and make determination on applications for variance and requests for interpretation pertaining to the provisions set forth in this chapter. All such review by the Plan Commission shall be made in strict accordance with the purpose and intent of this chapter. (Ord. 9G-02, 2002), 1B-93 (part), 1993)

Chapter 19.59

CONDITIONAL USES

Sections:

19.59.010 Purpose.

The conditional use procedure is established to provide an appropriate review of certain uses herein listed which may be detrimental to adjacent property, the general neighborhood or the comprehensive plan. (Ord. 2D-98 (part), 1998)

19.59.020 Procedure.

A. Prior to the issuance of a conditional use permit for the establishment or construction of a conditional use, the applicant shall obtain approval from the plan commission in accordance with the procedures and rules set forth in this chapter.

B. An application for a conditional use along with a fee established by resolution of the Common Council each year shall be submitted with forms and other required items to the plan commission. A list of the required items to be submitted for a conditional use is available at the main counter at the City Hall, 1303 Lynn Avenue, Altoona, Wisconsin. Applicant is encouraged to discuss with the responsible staff persons the suitability of the conditional use. (Ord. 8B-01)

C. The application shall be scheduled for public hearing before the plan commission in accordance with the procedures established in Section 62.23 of the Wisconsin Statutes. Notice of the hearing shall be published as a Class 2 notice under Ch. 985 of the Wisconsin Statutes. Notice shall be provided to all persons within two (200) hundred feet of the property. The application constitutes agreement by the property owner to the placement of a temporary sign at the property in a visible location along an improved public right-of-way giving notice that a public hearing is scheduled. Failure to notify a property owner or placement of a sign will not invalidate any city action. (Part Ord 10A-21, 2021, Ord 11B-09, 2009, Ord. 10C-04, 2004)

D. The plan commission shall review the application in accordance with the provisions of this chapter. The plan commission shall approve, approve with conditions, or deny the application in accordance with such provisions.

E. A conditional use shall lapse and become void one year after approval by the commission unless substantial construction or use of the permit has actually occurred. The plan commission may extend this time as a condition of approval for the application or applicant may request extension of this time from the plan commission prior to the one year expiration date. The plan commission, in reviewing such time extensions, shall consider any changes in city policy or regulations, or in conditions of the site or area that may warrant additional conditions of approval or denial of the time extension. Time extensions shall be on a year- by-year basis.

F. If the terms of a conditional use have been violated, or the use is substantially detrimental to persons or property in the neighborhood, the plan commission shall hold a hearing on the revocation of the conditional use. Such hearing shall be preceded by due notice to the permittee and shall be held in accordance with Section 62.23 of the Wisconsin Statutes. If the plan commission finds the terms of the conditional use have been violated or the use is detrimental to the area, it may revoke, modify or leave such conditional use unchanged.

G. Unless otherwise specified in the conditions of approval, a conditional use issued under this section shall remain in effect as long as the authorized use continues. Any use which is discontinued for

twelve consecutive months shall be deemed to be abandoned. Prior to the reestablishment of an abandoned use, a new conditional use shall be obtained under the terms of this chapter.

H. No application for a conditional use permit which has been denied wholly or in part by the plan commission shall be resubmitted for a period of one year from the date of such denial, except on the grounds of new evidence or proof of change of conditions is found to be valid by the plan commission. (Ord. 2D-98 (part), 1998)

19.59.030 Authority to impose conditions.

The plan commission, in order to achieve the provisions of this chapter, may attach certain conditions to the conditional use, including:

A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor;

B. Establishing a special yard or other open space or lot area or dimension;

C. Limiting the height, size or location of a building or other structure;

D. Designating the size, number, location or nature of vehicle access points;

E. Increasing the amount of street dedication, roadway width, or improvements within the street right-of-way;

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area;

G. Limiting or otherwise designating the number, size, location, height or lighting of signs;

H. Limiting the location and intensity of outdoor lighting or requiring its shielding;

I. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for installation or maintenance of the facility:

J. Designating the size, height, location or materials for a fence;

K. Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources;

L. Specifying other conditions to permit development of the city in conformity with the intent and purpose of the comprehensive plan. (Ord. 2D-98 (part), 1998)

19.59.040 General provisions.

No application for a conditional use shall be granted by the plan commission unless the plan commission finds all of the following general provisions, applicable to all conditional uses, are present:

A. That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to or endanger the public health, safety, morals or general welfare;

B. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;

C. That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

D. That adequate utilities, access road, off-street parking, drainage and other necessary site improvements have been or are being provided;

E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard in the public streets;

F. That the conditional use shall conform to all applicable regulations of the district in which it is located;

G. That the proposed use is in conformance with the purpose of the zoning district in which it is located and complies with the provisions and policies of the comprehensive plan; and

H. That the specific provisions applicable to the conditional use listed in this chapter are or will be satisfied. (Ord. 2D-98 (part), 1998)

Chapter 19.60

NONCONFORMING USES

Sections:

19.60.010 Nonconforming uses permitted when.

A. The lawful use of a building or premises existing at the time of the adoption or amendment of the ordinances codified in this title may be continued although such use does not conform to the provisions hereof. Such nonconforming use may not be expanded. The total structural repairs or alterations in such a nonconforming building shall not during its life exceed fifty percent of the assessed value of the building unless permanently changed to a conforming use. If such nonconforming use is discontinued for a period of twelve months, any future use of the building and premises shall conform to this title. (Ord. A-56 § 14, 1970)

B. See Chapter 19.58, Section 19.58.085 for regulation of nonconforming off-premise signs in a Commercial District. (Ord. 4A-13, part, 2013)

Chapter 19.61

ACCESSORY BUILDINGS AND USES

Sections:

***Note Ordinance 6D-19, Chapter 19.61 created 6/27/19**

19.61.010 Purpose.

A. An Accessory Building or Accessory Use is a building, structure or use which may be permitted or conditionally permitted in addition to principal uses if customarily and clearly accessory and incidental to the conduct of the principal use; is subordinate to and serves a principal building or use; and is subordinate in area, extent and purpose to the principal building or use served. Such building or structure shall be built upon, and the use conducted upon, the same lot as the principal use.

B. Enable the flexibility of use and enjoyment of property within the City while managing those uses and associated effects that may create negative impacts on health, safety, and general welfare.

19.61.020 Determination

A. The Zoning Administrator shall make the initial determination as to whether a building, structure or use is accessory to a principal use. (part Ord 9A-22, 2022)

B. The accessory use determination shall be based upon the relationship of the building, structure or use to the permitted principal structure or use. An accessory use shall be habitually or commonly established as reasonably incidental to the principal use and located and conducted on the same lot as the principal use. In determining whether a use is accessory, the following factors shall be used:

1. Zoning designation;
2. Size of the lot;
3. Nature of the principal use;
4. Potential for adverse impact on adjacent property.

C. The Zoning Administrator shall apply standards set forth in this Chapter, as well as standards illustrated by zoning district, where applicable, in the review procedure.

D. Those accessory uses or structures identified as a conditional use shall follow procedure set forth in Chapter 19.59.

E. The Board of Appeals, upon written application, may consider appeals to the determination of the Zoning Administrator consistent with Altoona Municipal Code Chapter 19.12.

19.61.030 General Provisions

A. Placement. Unless otherwise specified in this Chapter or by zoning district requirements, accessory buildings may be located in the following locations:

1. Residential Districts

a. In a rear yard or interior side yard, a minimum of four (4) feet setback from any property line.

b. In the front or street side yard setback of a corner lot, the minimum distance from the property line equal to the setback required for a principal building in the district, or actual setback of the principal building, whichever is less.

c. Accessory buildings are not permitted between the principal building and the street, except where the accessory building may be placed greater than thirty feet from the property line and meet all other placement requirements.

d. A minimum of four (4) feet from any principal building and any other accessory building.

e. Obstructions and encroachments into required setbacks as described in Chapter 19.56.

2. Commercial and Industrial Districts

a. Placement of accessory uses and structures shall be consistent with building setbacks of non-residential uses unless otherwise specified.

B. Establishment.

1. A building permit application shall not be required for structures less than 200 square feet in size. (part Ord 9A-22, 2022)

2. An accessory use or structure shall not be established or constructed upon a property until the accompanying principal use or structure is established.

3. Exceptions. Certain accessory uses may be permitted primary uses where specified in this Chapter or by Zoning District.

C. Number

1. Regulatory limit on the number of accessory buildings or uses shall be determined by Zoning District, principal use, and specific standards of the accessory building or use.

19.61.040 Specific Standards

The following specific form, performance, and procedural standards shall apply to those accessory uses as defined and listed. These standards shall be in addition to those defined by Zoning District. Where a construction or building alteration takes place, building permits are required unless otherwise specified.

1. Accessory Building, General

a. General accessory buildings and structures include any permanent structure constructed on site or manufactured and moved to the site that is not otherwise specified in this Chapter. These include, but not limited to: sheds, storage containers, and canopies.

b. All accessory structures shall match the design and materials of the primary building.

c. Accessory structures must be four (4) sided and fully enclosed. (part Ord 9A-22, 2022)

2. Accessory Dwelling Unit

a. Definition

i. An accessory dwelling unit (ADU) means a dwelling unit with complete living facilities (e.g., sleeping area, kitchen, bathroom, egress) sharing the parcel of a larger, principal dwelling struture, is clearly accessory and subordinante to that principal dwelling, and has been designed or configured to be used as a separate, independent dwelling unit established by permit.

ii. ADU versus Duplex. For the purposes of this Chapter, the distinction between an internal or attached ADU versus a duplex is that a duplex is purpose-built as a two-unit structure and/or those units are comperable in size, as defined herein.

iii. Three types of ADUs are defined: internal, attached, and detached (see illustration and description in this Section).

b. Purpose.

i. The purpose of this subsection is to allow for the establishment of a subordinante accessory dwelling unit in conjunction with a single family or two-family dwelling as the principal structure.

ii. Accessory dwelling units are a means of providing more affordable housing opportunities for young families, single persons, and encourage additional investment in property with scale, context and character compatible to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long-term basis; improving diversity in size and supply of housing options; and allowing more efficient use of large homes and sites.

c. General Provisions. The following shall apply to all Accessory Dwelling Units.

i. An ADU shall not be considered a separate principal residential structure.

ii. ADUs shall meet all requirements of the Uniform Dwelling Code, and comply with all applicable site design, architecture and form, access and other standards applicable in the zoning district where the ADU will be located.

iii. There shall be no more than one ADU per lot.

iv. No subdivision of land or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the principal dwelling unit.

v. Where the ADU's principal entrance faces an interior lot line, the building setback for such entrance shall be ten feet from the subject lot line.

vi. All ADUs shall have separate street addresses that are visible from the street and that clearly identify the location of the ADU.

vii. No home occupations, day care centers, or adult foster homes shall be permitted in ADUs.

viii. Where off-street parking is proposed, no additional curb cut or driveway along the same frontage, and subject to approval by the Director of Public Works.

ix. Where off-street parking is provided, no additional curb cut or driveway shall be permitted.

x. Area calculations shall exclude any garage, porch, or similar area.

xi. Manufactured homes not meeting the definition of modular home, campers, camper buses, travel trailers and recreational vehicles shall be prohibited for use as an accessory dwelling unit.

d. Accessory Dwelling Unit, Internal

i. Internal ADUs are created by renovating a space within the existing envelope of a principal structure, without increasing the volume of the existing building.

ii. Maximum floor areas shall be the lesser of six hundred (600) square feet or fifty (50) percent of the remaining habitable floor area of the principal dwelling.

iii. Exterior stairways leading to an upper story internal ADU shall not be on street facing yard, and the finish of the stairway and railing shall match the finish or trim of the principal structure. Durable materials are required, raw or unfinished lumber shall not be permitted on an exterior stairway.

iv. The entire interior ADU shall be located on one level.

e. Accessory Dwelling Unit, Attached

i. Attached ADUs are created by adding space onto the envelope of a principal structure, including additions above attached garages.

ii. Exterior materials and design shall match those, and be otherwise indistinguishable from, the principal structure.

iii. Where the attached ADU necessitates a horizonal addition to the principal structure, a permanent foundation is required.

iv. Attached ADUs shall share a common building wall with the principal dwelling that is not less than ten feet in length.

v. Attached ADUs shall feature an entrance independent and separate from the principal dwelling.

vi. The maximum floor area shall not exceed the lesser of eight hundred (800) square feet or fifty (50) percent of the habitable area of the principal dwelling in existance prior to construction.

vii. A minimum fire separation complying with Comm. 21.08, Wis. Admin. Code, providing a vertical separation of all areas from the lowest level to flush against the underside of the roof, is required between each dwelling unit.

f. Accessory Dwelling Unit, Detached

i. Detached ADUs are freestanding structures subordinate to and spatially separate from the principal structure and may be the sole use of the accessory structure or in conjunction with a garage. A detached ADU may be created through new construction, or the conversion, addition or renovation to an existing accessory structure.

ii. Detached ADUs shall feature a permanent foundation or basement.

iii. Exterior materials shall be durable and residentially compatable, including or similar to finished masonry, brick, stone, wood, wood composite, cement-based siding, or glass; and need not match the design, color, pattern or material of the principal dwelling.

iv. Maximum footprint of the detached ADU shall not exceed the lesser of eight hundred (800) square feet or ten percent of the total lot.

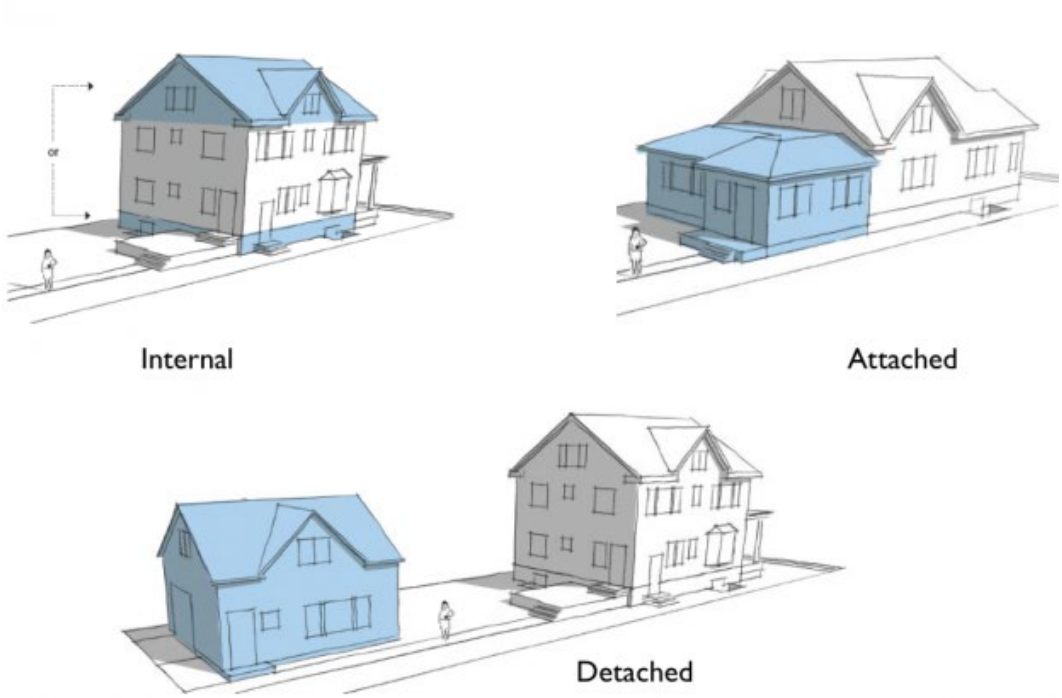
v. Total habitable floor area shall not exceed one thousand (1000) square feet, and; floor area shall not exceed seventy-five (75) percent of the habitable floor area of a principal structure that is a one-family dwelling, or seventy-five (75) percent of the habitable floor area of the larger unit of a two-family dwelling principal structure.

vi. The height shall not exceed the height of the principal dwelling nor any height limit of the zoning district.

vii. The ADU shall be not less than ten feet away from the principal dwelling, and meet all other accessory building setback requirements of the zoning district.

viii. Exterior stairways leading to an upper story detached ADU shall not be on a side or rear yard relative to the ADU, and the finish of the stair and railing shall match the finish or trim of the detached ADA. Durable materials are requried, raw or unfinished lumber shall not be permitted on an exterior stairway.

Figure 19.61-1 Accessory Dwelling Units



g. Approvals

i. ADUs are a permitted use in all zoning districts where the permitted, principal use is a one-family or two-family structure.

ii. A Zoning Certificate must be applied for and granted prior to establishing an ADU. Application for a Zoning Certificate for an ADU shall include a residential site plan illustrating setbacks, building or renovation plans, materials, and any other detail required by the Zoning Administrator. Applications shall demonstrate that the ADU complies with all applicable standards of this Title. (part Ord 9A-22, 2022).

iii. No ADU shall be permitted to be added to, created within, or constructed on the same lot as the principal structure to which it is accessory without certification from the City Engineer that the utilities serving the site are adequate.

iv. The Zoning Administrator shall conduct the administrative review of all applications for an ADU and issue an appropriate Zoning Certificate, except for those requiring Site Plan review by the Plan Commission. All finding and decisions of the Zoning Administrator shall be final, subject to appeal to the Board of Appeals.

v. Creation of an ADU without the appropriate Zoning Certificate shall be a violation of this Title and subject to pentalty and enforcement consistent with Chapter 1.08.

h. Homesteading – R-1 Zone District

i. In the R-1 zoning district, the registered owner of the parcel must occupy at least one (1) dwelling unit as their primary place of residence, as defined by the State of Wisconsin.

ii. Zoning Certificate applications for an ADU in the R-1 zoning district shall be considered by the Plan Commission as a Site Plan. Public notice shall be provided to the owner of record of all parcels within 250-foot radius not less than 10 days prior to the corresponding meeting of the Commission.

3. Beekeeping. Refer to Title 6.

4. Deck

a. A deck is a building appurtenance constructed of horizonal planks of wood or wood composite materials elevated from the adjoining land.

b. Decks require a building permit, shall be constructed according to the Uniform Dwelling Code.

c. All requirements for building appurtinances in that zoning district shall be met.

5. Day Care Home, Family

a. Defined. A dwelling licensed as a day care center by the Wisconsin Department of Health and Human Services and is the principal place of residence of the provider, as defined by Wis. Admin. Code Ch. DCF 250.

b. The use shall have a current license as defined and adminstered by the State of Wisconsin.

c. Operational Requirements.

i. The current license shall be posted in a location where it is visible to visitors of the property at all times. The date and results of the most recent licensing inspection shall be posted consistent with Wis. Admin. Code.

ii. Meet all requirements applicable to a Home Occupation in this Chapter.

6. Farm Stand.

a. Reserved.

7. Fences. Refer to Chapter 19.56.

8. Flagpoles

a. The vertical element of a flagpole greater than six (6) feet in height shall be not less than four (4) feet from any property line.

9. Garage

a. A garage is an accessory structure designed for the access and storage of automobiles or other motorized vehicles as its principal function.

b. Any detached accessory structure featuring doors sufficiently large to enable motor vehicle access shall be defined as an accessory garage.

c. Shared Garages. A detached garage may be constructed across one or more lot lines by abutting property owners, where a garage is permitted within four (4) feet of the lot line, provided:

i. A joint driveway shall serve the garage, meaning the driveway shall have a single driveway apron as defined by ordinance.

ii. The property owners shall provide a joint access and maintenance agreement for the use of the garage, and such agreement shall be recorded with each property.

10. Gardening

a. Recreational or home gardening and crop growing may be an accessory use on any lot with a principal structure, or the principal use on any vacant lot or parcel.

b. Growing of fruits, vegetables, and non-invasive ornmental specimens are an encouraged accessory use of landscape areas on commercial properties.

11. Greenhouse

a. A greenhouse is an accessory building clad primarily or substantially of glass or hard plastic for the purpose of cultivating plants.

b. Where the greenhouse is permanently attached to the principal structure, the greenhouse shall be regulated as an appurtance to that structure and meet all applicable codes and standards thereof.

12. Heating Appliance

a. Solid fuel (wood burning and other) heating appliances serving one and two family dwellings as regulated by the Uniform Dwelling Code Comm 23.045 shall not be located outside the dwelling. (Ord 10A-05, 2005).

13. Home Occupation

a. Purpose. To define and encourage small business, enterprises, and similar activities occuring in residences, while managing anticipated undesireable impacts on the public or nearby properties.

b. Defined. The office or studio, service establishment or homecrafts located in the dwelling of the principal practitioner, but not including any display of such use outside the dwelling.

c. The home occupation shall be clearly incidental and secondary to the principal use of the dwelling for dwelling purposes so as to manage potential impacts of commercial activities in proximity to residential structures.

d. A home occupation shall not involve on-site wholesaling, manufacturing or assembly, a limousine, towing or cartage business, or auto service or repair for any vehicles other than those registered to residents of the property.

e. No more than twenty-five percent (25%) of the floor area of the dwelling may be devoted to such home occupation. Day care and home care are excempt from this provision.

f. Only the residents of the dwelling unit, and not more than one (1) nonresident employee, shall be employed by or engaged in the conduct of the home occupation on the premises. For the purpose of this section, “nonresident employee” shall include an employee, business partner, independent contractor or other person affiliated with the home occupation who is not a resident of the dwelling unit, but visits the site as part of the home occupation. Not more than one (1) nonresident employee shall be permitted per dwelling unit or two-family dwelling unit, regardless of the number of home occupations.

g. Neighborhood Impacts

i. The exclusive indication of the home occupation shall be a non-illuminated nameplate a maximum of two (2) square feet in area.

ii. There shall be no fumes, smoke, odors, glare, vibrations, excessive noise, electrical or audible interference generated by the home occupation, or any similar nuisance that may pose a risk to health, safety or property of the residents, nearby properties, or the public.

iii. No combustibles, oxidizers or other potentially flamable, explosive, or otherwise dangerous supplies or equipment shall be stored on premises. Hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use shall be prohibited. Such determination shall be made by the Building Inspector, Fire Chief, or designee.

h. Within the requirements herein, examples of permitted home occupation include, but is not limited to:

i. Child care;

ii. Home offices or studio;

iii. Home crafts;

iv. Production of direct sale food items, known as “cottage foods”, pursuant to Wisconsin Law.

i. Prohibited Home Occupations - Example

i. Motor vehicle repair, service or painting, or any repair or servicing of vehicles or equipment with internal combustion engines;

ii. Welding or metal working shops;

iii. Machine, tool and die, or similar shops;

iv. Storage of heavy equipment on residental property, defined as backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes, forklifts, or similar type equipment;

v. Pet boarding, grooming, or similar business activities wherein three (3) or more animals that require a licence, as defined in Title 6, are present simultaneously.

vi. Restaurant;

vii. Retail activities, including "garage sales" more than four (4) times per calendar year;

viii. Any similar use that would create a substantive negative impact on health, safety, and welfare of adjacent or nearby properties.

14. Laundry Drying Fixture

a. Laundry drying fixture (clothing line, etc.) are permitted in all areas of rear and side yards; and in front yards provided no part of the structure is less than four (4) feet from any property line.

15. Mobile Food Establishment.

a. A Mobile Food Establishment means a restaurant or retail food establishment where food is served or sold from a mobile food truck, mobile food trailer, mobile sidewalk cart, or temporary food booth, tent or stand.

b. See Chapter 5.20 for operational standards and requirements.

16. Outdoor Storage. Reserved.

17. Pigeon Lofts. Refer to Title 6.

18. Recreational Equipment.

a. Defined. Recreational equipment includes, but not limited to, climbing gyms, swings, and similar products utilized primarily by children for active play.

b. Recreational equipment is permitted in all areas, provided that in the front yard or street side yard setback said equipment does not constitute a permanent structure.

19. Retaining Walls. Refer to Chapter 15.14.

20. Signs. Refer to Chapter 19.58.

21. Short Term Rental.

a. Purpose. To ensure health, safety and welfare of the public is preserved through creation and enforcement of State and local dwelling and sanitation standards; to define standards for the gainful short-term lease of residential dwellings; to minimize reasonably anticipated nuisance activities; ensure business equity in room tax remittance; and to create a permit and enforcement mechanism.

b. Defined. A "short term rental" (STR) is the rental of a whole or part of a residential dwelling unit for a period less than twenty-nine days. The term "tourist rooming house" is the corresponding term utilized in Wis. Admin. Code. STRs shall not include hotel, motel, or bed and breakfast establishments. There are two key variables utilized to categorize short term rentals: occupancy; and lease term.

i. Hosted. A hosted STR means an owner-occupied property in which the owner is present during the lease term.

ii. Unhosted. An unhosted STR means an owner-occupied property in which the owner is not present during the lease term.

iii. Vacation Rental. A vacation rental means a residential dwelling available as a STR that is not the owner's legal residence.

iv. "STR-S" (short). A short term rental lease term to any one party that is six consecutive nights or less.

v. "STR-L" (long). A short term rental lease term to any one party that is seven consecutive nights or longer, consistent with WI Stats. § 66.1014.

vi. For the purpose of this Section, owner-occupied means the owner in title of the property resides on site and is the owner's legal residence. This includes property that is a two-unit dwelling or that includes an accessory dwelling unit.

c. Prior to Occupancy as a short term rental, the following shall be obtained:

i. State of Wisconsin toursit rooming house license from Eau Claire County Health Department, as required by Wis. Admin. Code ch. DHS 195;

ii. State of Wisconsin sales and use tax permit;

iii. City of Altoona short term rental permit;

d. City of Altoona Short Term Rental Permit (STRP)

i. Initial application. A submittal for a STRP shall include the following:

1. Completed STRP application on a form established by the City;
2. Application & review fee as set forth in Addendum "A" to Chapter 3.08 of Altoona Municipal Code;
3. Proof of insurance coverage for STR activities;
4. Description of the presmise area subject to STR;
5. Determination of maximum permitted occupancy;
6. Legal name and 24-hour contact information for the owner, and, if appropriate, property manager;
7. Determination of inspection and results thereof.

ii. City Inspection. Approval of an initial STRP shall require general building code inspection and fire code inspection. Determination of occupancy, if applicable, may be made in conjunction with inspection. Issuance of STRP shall require resolution of any outstanding inspection items.

iii. Renewal. A STRP is valid for one year and shall expire on June 30 of the calendar year, except that a permit initially issued during the period beginning on April 1 expires June 30 of the following year. A STRP may be renewed on an annual basis. Proof of applicable State of Wisconsin license and permits, and compliance with room tax collection and remittance shall be furnished. Vacation rentals shall submit City building and fire inspection reports annually.

iv. Display. The STRP shall be visible from the exterior of the principal structure and shall clearly indicate the name and telephone number of the owner in title to the property.

e. Permit – Administration

i. STRP shall be reviewed and approved by the Zoning Administrator; denied applications may be appealed to the Zoning Board of Appeals.

ii. STRP are issued to a specific owner in title of a specific property. STRP shall be terminated when the permit holder sells or transfers the real property to which the STRP is attached, except for a change in ownership where the title is held in survivorship or transfers on the owner's death.

iii. The Plan Commission may, at their sole and absolute discretion, hold a public hearing to review the status of a STRP upon presentation of substantial evidence to suggest that the STRP standards and requirements are not being adhered to, or there are problems associated with the STR that warrant review. STRP may be terminated based on the findings of the Plan Commission.

iv. "Three Strike Provision". Upon receipt of a third substantiated nuisance, permit or code violation, the status of a STRP shall be automatically referred to the Plan Commission for a public hearing, wherein the action shall be to terminate the STRP unless, upon review of the evidence, the Plan Commission finds the violations unsubstantiated or unrelated to the operation of a STR.

v. Properties subject to a terminated STRP may not be granted a STRP until the following permit year, subject to successful application review.

vi. The STRP holder shall maintain a registry available for inspection, indicating the legal name and address of any person renting the property, number occupants, dates and length of stay, monetary amount or consideration paid for the lease, and acknowledgement of permit holder presence or absence during stay. The registry shall include all information from the current registry year and the year immediately prior.

f. Operational Notice

i. A notice shall be posted at the STR, provided to the guests and a copy submitted with the application for a STRP. Notice shall include the following minimum information:

5. Contact information for the STRP holder.

6. Non-emergency contact information for the City police and fire departments.
7. Maximum occupancy.
8. Automobile parking area.
9. Quiet hours of 10:00 p.m. to 6:00 a.m.
10. Outdoor burning regulations.
11. Copy of the State of Wisconsin tourist rooming house license.

g. Specific Standards

i. Permitted by Right: All zoning districts.

ii. All STR-S shall be Hosted as defined in this Section.

iii. STR-L may be Hosted, Unhosted, or Vacation Rentals.

iv. The Operational Notice shall be posted in a conspicuous area of the STR at all times.

v. Parking. Not fewer than one off-street automobile parking space as defined in Chapter 19.52 shall be provided per bedroom. This requirement may be reduced by one space where on-street parking is allowed.

vi. Aside from posting the STRP, there shall be no exterior indication of the presence of the STR on-site.

vii. STR shall comply with all requirements of this ordinance, Uniform Dwelling Code, and all other applicable standards of Altoona Municpal Code.

viii. The maximum number of occupants in STR shall not exceed two occupants per bedroom plus two additional occupants, or as determined in conjunction with the STRP inspection.

ix. Additional reasonable standards and conditions may be imposed by the Zoning Administrator consistent with the purpose of this Section.

h. Violations.

i. Failure to comply with any of the provisions of this Section shall constitute a violation of Altoona Municipal Code and subject to enforcement consistent with Chapter 1.08 and as illustrated in this Section. Penalties for each separate violation may be imposed.

ii. Disturbances or nuisances caused by the tenants of an approved STR which violate Altoona Municipal Code, including but not limited to, excessive noise, shall also consitute a violation.

iii. Violations shall be substantiated through documentation, such as, but not limited to, police reports of noise complaints; photo or video.

iv. Persistent unresponsiveness by the owner to contact by the City by the information provided on the STRP shall constitute a violation of the STRP.

v. Failure to remit fees or room taxes within 45 days shall constitute a violation of this Section. The burden shall be on the permit holder to show that all applicable fees and taxes have been paid. (Ord 7C-19, 2019)

22. Solar Array

a. Defined. A solar array is a system or device that is roof or building mounted, or ground-mounted with poles or racks, used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.

b. Building-mounted arrays are permitted in all zoning districts.

c. Ground mounted arrays are a permitted accessory structure in all zoning districts, provided setbacks and height requirements for accessory structures in that zoning district shall be met.

d. Solar access.

i. Owners of a permitted solar array are hereby granted relief from impermissible interference as defined by Wis. Stat § 62.0403.

ii. It shall be the responsibility of property owners to trim or prune any vegetation that creates impermissible interference to any permitted solar array, provided the array was permitted and installed prior to the planting of the vegetation.

iii. This solar access provision is adopted pursuant to the authority contained in Wis. Stat. § 66.0401(2).

iv. Remedies for impermissible interference shall be as provided by Wisconsin Statues.

23. Swimming Pool

a. Swimming pools are permitted accessory uses in all zoning districts.

b. Swimming pools shall be permitted and constructed pursuant to Chapter 15.05.

24. Wind Energy Conversion System

a. Defined.

i. A wind energy conversion system is a mechanical device, including pole or tower mounting fixture, used to collect kinetic energy of air movement for use in the system's energy transformation process.

ii. For the purposes of this section, all definitions constained within Wis. Stat. §§ 66.0401 & 66.0403, Wis. Admin. Code §§ PSC 196.378 and PSC 128.01 apply.

b. Authorization. This Section is adopted pursuant to authority contained in Wis. Stat. §§ 62.23(7) & 66.0401 and Wis. Admin. Code ch. PSC 128.

c. Zoning Districts.

i. Wind Energy Conversion Systems that have a total installed nameplate capacity of not greater than 10 kilowatts are accessory uses permitted by Conditional Use permit in residential zoning districts.

ii. Wind Energy Conversion Systems that have a total installed nameplate capacity of not greater than 100 kilowatts are a permitted accessory use in non-residential zoning districts. Units with nameplate capacity greater than 10 kilowatts require Conditional Use permit.

iii. All installations shall be subject to the application requirements in this Section.

d. The height of the wind energy conversion system, including the rotor, shall not exceed the height limits for appurtinances in the district in which it is located nor shall the height exceed the distance of the base of such system to any lot line of adjacent residential properties, or the distance to existing structures on non-participating, non-residential properties.

e. Setbacks shall be consistent with procedures and standards established by Wis. Admin. Code ch. PSC 128.60.

f. Appropriate maintenance and abandonment agreements shall be provided.

g. The relationship of the system to public utility structures shall be considered and adequate provisions for interconnection with, and parallel generation in connection with, the public electric utility shall be required where applicable.

h. Noise and electromagnetic interference created by the system shall not adversely impact surrounding uses, as defined by Wis. Admin. Code ch. PSC 128.

i. Wind resource access.

i. Owners of a permitted Wind Energy Conversion System are hereby granted relief from impermissible interference as defined by Wis. Stat § 62.0403.

ii. It shall be the responsibility of property owners to trim or prune any vegetation that creates impermissible interference to any permitted Wind Energy Conversion System, provided the device was permitted and installed prior to the planting of the vegetation.

iii. This solar access provision is adopted pursuant to the authority contained in Wis. Stat. § 66.0401(2).

iv. Remedies for impermissible interference shall be as provided by Wisconsin Statues.

j. Application and notice requirements shall be as provided by Wis. Admin. Code ch. PSC 128.

k. Applications for Conditional Use approval shall include or be accompanied by the following materials shown on Site Plan or otherwise:

i. Location of wind energy conversion system base;

ii. Property lines;

iii. Location of existing structures and above ground utilities within a radius of 125 percent of the total height of the system;

iv. Schematic of electrical system associated with the system including all existing and proposed electrical interconnections;

v. Dimensional representation of the structural components of the tower including the base and footings;

vi. Manufacturer's specifications and installation and operation instructions or specific wind tower design data;

vii. Certification by a registered professional engineer (or manufacturer's or state certification) that the tower design and wind machine is sufficient to withstand wind load requirements for structures as defined by the applicable codes.

viii. Evidence of insurance coverage (binder or equivalent) insuring the installation and the owner against risk of property damage or personal injury.

l. Permitting.

i. The owner of the Wind Energy Conversion System shall submit copies of all necessary state and federal permit approvals.

ii. An owner may not make a material change in the approved design, location or construction of a Wind Energy Generation System without the prior written approval of the City.

iii. The City may monitor compliance by the owner of an approved Wind Energy Generation System to assess if the facilities are maintained in good repair and operating condition, consistent with Wis. Admin. Code ch. PSC 128.36. (Ord 6D-19, 2019)

Chapter 19.64

PCD—PLANNED COMMUNITY DEVELOPMENTS

Sections:

(The current Chapter 19.64 was repealed and replaced with revised Chapter 19.64. Ord. 12D-05, 2005)

19.64.010 Purpose.

A planned community development is intended to comprehensively correlate the provisions of this chapter and other ordinances of the city, to permit developments which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land, will result in a more efficient, aesthetic and desirable use of open area; to permit flexibility in design, type of use or buildings, use of open spaces, circulation facilities, and off-street parking areas; and to best utilize the site's potential characterized by special features of geography, topography, size or shape and to implement the city's comprehensive and city-approved neighborhood plans.

19.64.020 Definitions.

For use in a PCD district exclusively certain terms and words are defined and shall have the following meaning unless otherwise defined:

A. "Accessory use" means one which is subordinate to and serves a principal building or principal use; is subordinate in area, extent or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served with the exception of such accessory off-street parking facilities as are permitted to locate on the same zoning lot with the building or use served.

B. "Applicant" means the owner of a site presented for approval for use as a planned community development under the provisions hereof, appearing personally or by authorized agent.

C. “Common open space” means a parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a planned community development, designed and intended for use or enjoyment of all the residents of the planned community development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents of the PCD including common club houses, pools, tennis courts and similar facilities, but shall not include:

1. Areas reserved for the exclusive use or benefit of an individual tenant or owner, such as fenced yards or private residential yards;
2. Dedicated streets, alleys and other public rights-of-way;
3. Vehicular drives, parking, loading and storage areas; and
4. Areas reserved for nonresidential uses.

D. “Dwelling unit” means a building or portion thereof, but not including a housetrailer or mobile home, designed or used exclusively for residential occupancy, in which not more than two persons per unit other than members of the family, are lodged or boarded for compensation at any one time, including one-family dwelling units, two-family dwelling units, and multiple-family dwelling units, but not including hotels, motels, boardinghouses or lodginghouses.

1. “Single-family dwelling” means a detached building arranged or designed to be occupied by one family, the structure having only one dwelling unit.
2. “Two-family dwelling” means a building designed to be occupied by two families, the structure having only two dwelling units.
3. “Multiple-family dwelling” means a building or portion thereof, designed for occupancy by three or more families living independently of each other.

E. “Family” is one or more persons related by blood, marriage or adoption, living together and maintaining a common household and occupying a single dwelling unit, but not including sororities, fraternities or other similar groupings.

F. “Nonresidential uses” are uses which are of a religious, cultural, commercial, industrial, etc., character.

G. “Plan” means the proposal for development of a PCD, including a plat or subdivision, all covenants, grants of easement and other conditions relating to use, location, project size and area, open space and public facilities. The plan shall include such information as required by this chapter of the zoning title.

H. “Planned community development” means an area to be developed as a unified project and single entity for a group of structures and a number of dwelling units primarily for residential use, the plan for which does not necessarily correspond in lot size, type of dwelling, lot coverage or open space to the regulations in any one district established in this title.

I. “Mixed use development” means a development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, commercial, entertainment, service, civic, parks, open space or employment consistent with standards and guidelines provided in adopted comphrehensive and neighborhood development plans.

19.64.030 Standards governing project approval.

The plan commission shall consider the proposed PCD plan from the point of view of the standards and purposes of the regulations governing the planned community development so as to achieve a maximum of coordination between the proposed development and the surrounding uses, the conservation of woodland and the protection of watercourses from erosion, siltation and pollution, and a maximum of safety, convenience, and amenity for the residents of the development. To these ends the plan commission and the city council shall consider the location of buildings, parking areas and other features with respect to the topography of the area and existing features such as streams and large trees; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green area provided; the adequacy, location, and screening of the parking area; if the planned development is consistent with the comprehensive plan; if the planned development can be

planned and developed to harmonize with any existing or proposed development in the area surrounding the project site, and such other matters as the plan commission and city council may find to have a material bearing upon the stated standards and objectives of the PCD zone regulations.

19.64.040 Minimum project size and area.

A. The minimum project size permitted in a PCD shall be limited to not less than twelve dwelling units for single family purposes or six dwelling units for two family purposes or four dwelling units for multiple family purposes.

B. The minimum project area shall be adaptable to unified development and shall have within or through the residential area of the PCD no major thoroughfare or other physical feature which will tend to destroy the neighborhood or community aspect.

19.64.050 Uses permitted.

No building, structure or land shall be used, and no building, or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for one or more of the uses specifically specified below:

A. Residential Uses. Single-family, two-family and multiple-family dwelling units in detached, semidetached, attached or multistoried structures, or any combination thereof, excluding all home occupations;

B. Nonresidential Uses. Nonresidential uses of a religious, educational, industrial, commercial or recreational character to the extent that they would promote improved environmental design. The nonresidential permitted uses shall be allowed only to the extent that the plan commission finds them to be compatible and harmoniously incorporated into the unitary design of the PCD;

C. Accessory Uses. Uses which are customarily accessory and incidental to permitted principal uses.

D. Mixed Use Development. Mixed use development as defined in Section 19.64.020 I.

19.64.060 Lot area, lot width, side yard, rear yard, front yard, lot coverage and building height requirements.

In the PCD district, the requirements for lot area, lot width, side yard, rear yard, front yard, lot coverage and building height shall be consistent with basic planning and zoning principles and designed to encourage and promote improved environmental design and economic vitality. Such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plat itself, construed to be and enforced in accordance with this chapter.

19.64.070 Character and intensity of land use.

In a PCD district, the uses proposed, also their intensity and arrangement on the site shall be of an aesthetic and operational character which:

A. Are compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space;

B. Produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicability compatible with the general development plans for the area as established by the community;

C. Not adversely impact school or other municipal services, including public parks and recreational areas;

D. Not create a traffic or parking demand incompatible with the existing or proposed facilities;

E. Grant the plan commission the right to exclude from a plat any lot or lots which by reason of size, shape, location, or for other good cause are not reasonably consistent with basic planning and zoning principles.

19.64.080 Economic feasibility and impact.

The proponents of a planned community development district application shall provide evidence satisfactory to the plan commission and city council of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the city or the values of surrounding properties.

19.64.090 Engineering design standards.

The width of the street right-of-way, width and location of street or other paving, outdoor lighting and streetlights, location of sewer and water lines, provisions for stormwater drainage or other environmental engineering consideration shall be satisfactory to the plan commission; provided, however, that in no case shall public standards be less than those necessary to insure the public safety and welfare as determined by the city.

19.64.100 Usability, preservation and maintenance of open space.

In a planned community development district, no open space may be delineated or accepted as open space under the provisions of this chapter unless adequate provision shall be made to meet the following standards:

A. The location, shape, size and character of the common open space must be suitable to the PCD.

B. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the PCD, considering its size, density, expected population, topography and the number and type of dwellings to be provided.

C. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common space and must conserve and enhance the amenities of the common open space having regard to its topography and unimproved condition.

D. The development schedule which is part of the development plan must coordinate the improvement of the common open space, the construction of buildings, structures, and improvements in the common open space and the construction of any residential dwellings in the PCD.

E. If the final development plan provides for buildings, structures and improvements in the common open space, the developer must provide a bond for fifty percent of the cost of the improvements or other adequate assurance that the buildings, structures or improvements will be constructed.

F. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the city as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for noncommercial, recreation, or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of the city council following approval of building, site and operational plans by the plan commission.

G. It may be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the planned unit development. The common open space must be conveyed to the trustees subject to covenants to be approved by the plan commission which restrict the common open space to the uses specified on the final development plan, and which provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

H. The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the city and shall be included in the title to each property.

I. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the city and made a part of the conditions of the plan approval.

19.64.110 Signs.

In the planned community development district, signs shall be classified and permitted in accordance with such requirements as are made a part of the final implementation of such plan and construed to be and enforced as a part of this chapter.

19.64.120 Off-street parking.

In the planned community development district, off-street parking facilities shall be provided in accordance with applicable regulations herein set forth in Chapter 19.52 or any applicable overlay zoning district, and such requirements as are made a part of an approved, recorded, precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this chapter. There shall be two extra parking spaces clearly designated as "Handicapped Parking only" in each parking lot.

19.64.130 Screening requirements.

Opaque screening shall be required when property for nonresidential uses or structures in a PCD district abuts property for a residence or residentially zoned districts, or when parking or loading areas abut a public street. Screening shall include decorative fences, walls, vegetation, berms, or a combination of similar features. Walls and fences shall include durable, high quality materials such as native stone, masonry, wrought iron, or similar materials. Chain link fences shall not be considered an appropriate screening material along public street frontage. Such screening shall be done in accordance with an approved landscape plan to ensure the compatibility of the proposed landscape with the visual character of the city, with surrounding parcels, and with existing and proposed features of the subject property.

19.64.140 Preapplication conference and review procedures.

Before submitting an application for a PCD, an applicant is required to attend a pre-application conference with city staff to obtain information and guidance regarding the review procedures. The conference shall be used to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. The review procedures are intended to explicitly state the requirements at each stage of the review process. Each applicant shall have the option to submit an application for approval of the PCD at either the preliminary or final development plan stage, if the requirements are fulfilled according to this chapter.

19.64.150 Implementation schedule.

The proponents of a planned community development district shall submit a reasonable schedule for the implementation of the development to the satisfaction of the city council including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

19.64.160 Zoning procedure.

The procedure for zoning to a planned community development district shall be the same as required for any other zoning district, except that in addition thereto, the zoning may only be considered in conjunction with a development plan, and shall be subject to the following additional requirements:

A. General Development Plan. The applicant shall file with the plan commission a general development plan which shall include the following information:

1. A statement describing the general character of the intended development;

2. An accurate map of the project area including its relationship to surrounding properties and existing topography and key features;

3. Grading plan and storm drainage system;

4. Brief analysis of the social and economic impacts on the community of the project, and commitment and conformance with the community comprehensive plan and city-approved neighborhood plans.

5. A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in subdivision h of this subsection:

a. Public and private roads, driveways and parking facilities.

b. The patterns of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character,

c. General architectural character plan showing at least the following information:

1. Types, size, and location of structures.

2. Proposed building materials.

3. Scale and character.

4. Statement on compliance with adopted design guidelines that are included in city-approved neighborhood plans or overlay zoning ordinances.

d. A utility feasibility study and utility plan.

e. The location of recreational and open space areas and facilities, specifically describing those that are to be reserved or dedicated for public acquisition and use.

f. General landscape treatment plan showing at least the following information:

1. Proposed treatment of exterior spaces.

2. Proposed method(s) of protecting existing vegetation and other landscape features.

3. Proposed treatment, including preservation and enhancement, of existing natural and man-made site features.

4. Screening plan which at a minimum depicts plant and other materials used to buffer properties and parking areas.

5. Compliance with adopted design guidelines that are included in city-approved neighborhood plans or overlay zoning ordinances.

g. Appropriate statistical data on size of the development, density/intensity of various parts of the development, ratio of various land uses, economic analysis of the development, expected staging, and any other plans or data required by the plan commission or common council.

h. General outline of the intended organizational structure for a property owner's association, if any; deed restrictions and provisions for common services, if any.

19.64.170 Approval of zoning and general development plan.

Approval of the rezoning and related general development plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a final implementation plan, and shall not make permissible any of the uses as proposed until a final implementation plan is submitted and approved for all or a portion of the general development plan.

19.64.180 Final implementation plan—Submittal.

The final implementation plan shall be submitted to the plan commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

A. An accurate map of the area covered by the plan, including the relationship to the total general development plan;

B. The pattern of public and private roads, driveways, walkways and parking facilities;

C. Detailed lot layout and subdivision plat where required;

D. The arrangement of building groups, other than single-family residences, and their architectural character;

E. Sanitary sewer and water mains;

F. The location and treatment of open space areas and recreational or other special amenities;

G. The location and description of any areas to be dedicated to the public;

H. General landscape treatment;

I. Proof of financing capability;

J. Projected city review and costs associated with the development;

K. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin,

2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin,

3. The anticipated rate of development,

4. The approximate date when the development of each of the stages will be completed, and

5. The area and location of common open space that will be provided at each stage;

L. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned community development and any of its common services, common open areas or other facilities;

M. Any other plans, documents or schedules requested by the city.

19.64.190 Final implementation plan—Approval.

A. Following a review of the final implementation plan, the plan commission shall recommend to the council that it be approved as submitted, approved with modifications, or disapproved.

B. Upon receipt of the plan commission's recommendation, the council may approve the plan and authorize the development to proceed accordingly, add or modify approval conditions, or disapprove the plan and send it back to the plan commission for further negotiation with the developer.

C. In the event of approval of the final implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with the city offered or required with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time, as determined by the city council, in the county register of deeds' office. This shall be accomplished prior to the issuance of any building permit.

D. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Zoning Administrator or his/her designee and if, in the opinion of the Zoning Administrator, such change or addition constitutes a substantial alteration of the original plan, the procedure provided in Section 19.64.160, and in this subsection shall be required.

E. If, after approval of the final implementation plan, any portion or stage of the proposed development schedule established under subsection K of Section 19.64.180 is not met, then the plan commission may initiate the appropriate action to rezone the property which has not been developed in accordance with such development schedule to an appropriate zoning district or districts compatible with the surrounding area, as determined by the plan commission. (Ord 12D-05, 2005).

19.64.200 Completeness Required.

A. The Zoning Administrator his/her designee shall review the adopted Final Implementation Plan and all related approval conditions for consistency with materials submitted to construction permits.

1. Construction permits shall not be issued unless the construction permitting documents are consistent with approved Final Implementation Plan, approval conditions, and any other applicable ordinance requirements and standards;

2. Any minor alterations between the approved plans and materials submitted to acquire permits may be approved by the Zoning Administrator and/or City Engineer, provided these changes are consistent with all approval conditions and other applicable ordinances and standards;

3. Substantial alterations shall follow the procedure illustrated in Section 19.64.160 prior to obtaining any construction permits.

B. Satisfactory completion all elements illustrated in an adopted or amended Final Implementation Plan, including all approval conditions, shall be complete within 60 days of final building occupancy inspection.

C. The penalty for violation of any provision of this Chapter shall be as provided in Chapter 1.08.

D. Exceptions. A separate completion date may be approved where:

1. Specific elements of a plan are included at the time of initial approval with a different completion or phasing date;

2. Adverse weather or construction conditions require additional time for completion, as approved in writing by the Zoning Administrator.

19.64.210 Application and Review Fees.

All Final Implementation Plan (Specific Implementation Plan) applications must be accompanied by a fee established by resolution of the City Council and illustrated in Altoona Municipal Code 3.08. (Ord 1D-18, 2018)

Chapter 19.65

APARTMENT OWNERSHIP

Sections:

19.65.010 Apartment Ownership Act.

This Act shall be known as the "Apartment Ownership Act." Further, all condominium projects shall conform with Sections 19.64.030 and 19.64.090. (Ord. 5D-84 (part), 1984)

19.65.020 Definitions.

As used in this Act, unless the context otherwise requires:

A. "Apartment" means a part of the property intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof) in a building, and with a direct exit to a public street or highway or to a common area leading to such street or highway.

B. "Apartment owner" means the person or persons owning an apartment in fee simple absolute and an undivided interest in the fee simple estate of the common areas and facilities in the percentage specified and established in the declaration.

C. "Apartment number" means the number, letter, or combination thereof, designating the apartment in the declaration.

D. "Association of apartment owners" means all of the apartment owners acting as a group in accordance with the bylaws and declaration.

E. "Building" means a building, containing five or more apartments, or two or more buildings, each containing two or more apartments, with a total of five or more apartments for all such buildings, and comprising a part of the property.*

F. "Common areas and facilities," unless otherwise provided in the declaration or lawful amendments thereto, means and includes:

1. The land on which the building is located;

2. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;

3. The basements, yards, gardens, parking areas and storage spaces;

4. The premises for the lodging of janitors or persons in charge of the property;

5. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

6. The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

7. Such community and commercial facilities as may be provided for in the declaration; and

8. All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

G. "Common expenses" mean and include:

1. All sums lawfully assessed against the apartment owners by the Association of Apartment Owners;

2. Expenses of administration, maintenance, repair or replacement of the common areas and facilities;

3. Expenses agreed upon as common expenses by the Association of Apartment Owners;

4. Expenses declared common expenses by provisions of this Act, or by the declaration or the bylaws.

H. "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

I. "Declaration" means the instrument by which the property is submitted to the provisions of this Act, as hereinafter provided, and such declaration as from time to time may be lawfully amended.

J. "Limited common areas and facilities" mean and include those common areas and facilities designated in the declaration as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

K. "Majority" or "majority of apartment owners" means the apartment owners with fifty-one percent or more of the votes in accordance with the percentages assigned in the declaration to the apartments for voting purposes.

L. "Person" means individual, corporation, partnership, association, trustee or other legal entity.

M. "Property" means and includes the land, the building, all improvements and structures thereon, all owned in fee simple absolute and all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this Act. (Ord. 5D-84 (part), 1984)

* Recommended definition conforms with the current FHA minimum eligibility requirements. Definition may be broadened to meet conventional condominium needs.

19.65.030 Application of Act.

This Act shall be applicable only to property, the sole owner or all of the owners of which submit the same to the provisions hereof by duly executing and recording a declaration as hereinafter provided. (Ord. 5D-84 (part), 1984)

19.65.040 Status of apartments.

Each apartment, together with its undivided interest in the common areas and facilities, shall for all purposes constitute real property. (Ord. 5D-84 (part), 1984)

19.65.050 Ownership of apartments.

Each apartment owner shall be entitled to the exclusive ownership and possession of his apartment. (Ord. 5D-84 (part), 1984)

19.65.060 Common areas and facilities.

A. Each apartment owner shall be entitled to an undivided interest in the common areas and facilities in the percentage expressed in the declaration. Such percentage shall be computed by taking as a basis the value of the apartment in relation to the value of the property.

B. The percentage of the undivided interest of each apartment owner in the common areas and facilities as expressed in the declaration shall have a permanent character and shall not be altered without the consent of all of the apartment owners expressed in an amended declaration duly recorded. The percentage of the undivided interest in the common areas and facilities shall not be separated from the apartment to which it appertains and shall be deemed to be conveyed or encumbered with the apartment even though such interest is not expressly mentioned or described in the conveyance or other instrument.

C. The common areas and facilities shall remain undivided and no apartment owner or any other person shall bring any action for partition or division of any part thereof, unless the property has been removed from the provisions of this Act as provided in Sections 19.65.160 and 19.65.260. Any covenant to the contrary shall be null and void.

D. Each apartment owner may use the common areas and facilities in accordance with the purpose for which they were intended without hindering or encroaching upon the lawful rights of the other apartment owners.

E. The necessary work of maintenance, repair and replacement of the common areas and facilities and the making of any additions or improvements thereto shall be carried out only as provided herein and in the bylaws.

F. The Association of Apartment Owners shall have the irrevocable right, to be exercised by the manager or board of directors, to have access to each apartment from time to time during reasonable hours as may be necessary for the maintenance, repair or replacement of any of the common areas and facilities therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the common area and facilities or to another apartment or apartments. (Ord. 5D-84 (part), 1984)

19.65.070 Compliance with covenants, bylaws and administrative provisions.

Each apartment owner shall comply strictly with the bylaws and with the administrative rules and regulations adopted pursuant thereto, as either of the same may be lawfully amended from time to time, and with the covenants, conditions and restrictions set forth in the declaration or in the deed to his apartment. Failure to comply with any of the same shall be ground for an action to recover sums due, for damages or injunctive relief or both maintainable by the manager or board of directors on behalf of the Association of Apartment Owners or, in a proper case, by an aggrieved apartment owner. (Ord. 5D-84 (part), 1984)

19.65.080 Certain work prohibited.

No apartment owner shall do any work which would jeopardize the soundness or safety of the property, reduce the value thereof or impair any easement or hereditament without in every such case the unanimous consent of all the other apartment owners being first obtained. (Ord. 5D-84 (part), 1984)

19.65.090 Liens against apartments—Removal from lien—Effect of part payment.

A. Subsequent to recording the declaration as provided in this Act, and while the property remains subject to this Act, no lien shall thereafter arise or be effective against the property. During such period liens or encumbrances shall arise or be created only against each apartment and the percentage of undivided interest in the common areas and facilities, appurtenant to such apartment, in the same manner and under the same conditions in every respect as liens or encumbrances may arise or be created upon or against any other separate parcel of real property subject to individual ownership; provided, that no labor performed or materials furnished with the consent or at the request of an apartment owner or his agent or his contractor or subcontractor shall be the basis for the filing of a lien pursuant to the Lien Law against the apartment or any other property of any other apartment owner not expressly consenting to or requesting the same, except that such express consent shall be deemed to be given by the owner of any apartment in the case of emergency repairs thereto. Labor performed or materials furnished for the common areas and facilities, if duly authorized by the Association of Apartment Owners, the manager or board of directors in accordance with this Act, the declaration or bylaws, shall be deemed to be performed or furnished with the express consent of each apartment owner and shall be the basis for the filing of a lien pursuant to the Lien Law against each of the apartments and shall be subject to the provisions of subsection B of this section.

B. In the event a lien against two or more apartments becomes effective, the apartment owners of the separate apartments may remove their apartment and the percentage of undivided interest in the common areas and facilities appurtenant to such apartment from the lien by payment of the fractional or proportional amounts attributable to each of the apartments affected. Such individual payment shall be computed by reference to the percentages appearing on the declaration. Subsequent to any such payment, discharge or other satisfaction, the apartment and the percentage of undivided interest in the common areas and facilities appurtenant thereto shall thereafter be free and clear of the lien so paid, satisfied or discharged. Such partial payment, satisfaction or discharge shall not prevent the lienor from proceeding to enforce his rights against any apartment and the percentage of undivided interest in the common areas and facilities appurtenant thereto not so paid, satisfied or discharged. (Ord. 5D-84 (part), 1984)

19.65.100 Common profits and expenses.

The common profits of the property shall be distributed among, and the common expenses shall be charged to, the apartment owners according to the percentage of the undivided interest in the common areas and facilities. (Ord. 5D-84 (part), 1984)

19.65.110 Contents of declaration.

The declaration shall contain the following particulars:

A. Description of the land on which the building and improvements are or are to be located;

B. Description of the building, stating the number of stories and basements, the number of apartments and the principal materials of which it is or is to be constructed;

C. The apartment number of each apartment, and a statement of its location, approximate area, number of rooms, and immediate common area to which it has access, and any other data necessary for its proper identification;

D. Description of the common areas and facilities;

E. Description of the limited common areas and facilities, if any, stating to which apartments their use is reserved;

F. Value of the property and of each apartment, and the percentage of undivided interest in the common areas and facilities appertaining to each apartment and its owner for all purposes, including voting;

G. Statement of the purpose for which the building and each of the apartments are intended and restricted as to use;

H. The name of a person to receive service of process in the cases hereinafter provided, together with the residence or place of business of such person which shall be within the city or county in which the building is located;

I. Provision as to the percentage of votes by the apartment owners which shall be determinative of whether to rebuild, repair, restore, or sell the property in the event of damage or destruction of all or part of the property;

J. Any further details in connection with the property which the person executing the declaration may deem desirable to set forth consistent with this Act;

K. The method by which the declaration may be amended, consistent with the provisions of this Act. (Ord. 5D-84 (part), 1984)

19.65.120 Contents of deeds of apartments.

Deeds of apartments shall include the following particulars:

A. Description of the land as provided in Section 19.65.110 of this Act, or the post office address of the property, including in either case the liber, page and date of recording of the declaration;

B. The apartment number of the apartment in the declaration and any other data necessary for its proper identification;

C. Statement of the use for which the apartment is intended and restrictions on its use;

D. The percentage of undivided interest appertaining to the apartment in the common areas and facilities;

E. Any further details which the grantor and grantee may deem desirable to set forth consistent with the declaration and this Act. (Ord. 5D-84 (part), 1984)

19.65.130 Copy of the floor plans to be filed.

Simultaneously with the recording of the declaration there shall be filed in the office of the recording officer a set of the floor plans of the building showing the layout, location, apartment numbers and dimensions of the apartments, stating the name of the building or that it has no name, and bearing the verified statement of a registered architect or licensed professional engineer certifying that it is an accurate copy of portions of the plans of the building as filed with and approved by the municipal or other governmental subdivision having jurisdiction over the issuance of permits for the construction of buildings. If such plans do not include a verified statement by such architect or engineer that such plans fully and accurately depict the layout, location, apartment numbers and dimensions of the apartments as built, there shall be recorded prior to the first conveyance of any apartment an amendment to the declaration to which shall be attached a verified statement of a registered architect or licensed professional engineer certifying that the plans theretofore filed, or being filed simultaneously with such amendment, fully and accurately depict the layout, location, apartment numbers and dimensions of the apartments as built. Such plans shall be kept by the recording officer in a separate file for each building, indexed in the same manner as a conveyance entitled to record, numbered serially in the order of receipt, each designated "apartment ownership," with the name of the building, if any, and each containing a reference to the liber, page and date of recording of the declaration. Correspondingly, the record of the declaration shall contain a reference to the file number of the floor plans of the building affected thereby. (Ord. 5D-84 (part), 1984)

19.65.140 Blanket mortgages and other blanket liens affecting an apartment at time of first conveyance.

At the time of the first conveyance of each apartment, every mortgage and other lien affecting such apartment, including the percentage of undivided interest of the apartment in the common area and facilities, shall be paid and satisfied of record, or the apartment being conveyed and its percentage of undivided interest in the common areas and facilities shall be released therefrom by partial release duly recorded.* (Ord. 5D-84 (part), 1984)

* The suggested provision implements present FHA requirements concerning the removal of individual apartments from blanket mortgages. The provision may be deleted, or other provisions added, to meet
conventional condominium needs.

19.65.150 Recording.

A. The declaration, any amendment or amendments thereof, any instrument by which the provisions of this Act may be waived, and every instrument affecting the property or any apartment shall be entitled to be recorded. Neither the declaration nor any amendment thereof shall be valid unless duly recorded.

B. In addition to the records and indexes required to be maintained by the recording officer, the recording officer shall maintain an index or indexes whereby the record of each declaration contains a reference to the record of each conveyance of an apartment affected by such declaration, and the record of each conveyance of an apartment contains a reference to the declaration of the building of which such apartment is a part. (Ord. 5D-1984 (part), 1984)

19.65.160 Removal from provisions of this Act.

A. All of the apartment owners may remove a property from the provisions of this Act by an instrument to that effect, duly recorded; provided, that the holders of all liens affecting any of the apartments consent thereto or agree, in either case by instruments duly recorded, that their liens be transferred to the percentage of the undivided interest of the apartment owner in the property as hereinafter provided.

B. Upon removal of the property from the provisions of this Act, the property shall be deemed to be owned in common by the apartment owners. The undivided interest in the property owned in common which shall appertain to each apartment owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities. (Ord. 5D-84 (part), 1984)

19.65.170 Removal no bar to subsequent resubmission.

The removal provided for in Section 19.65.160 shall in no way bar the subsequent resubmission of the property to the provisions of this Act. (Ord. 5D-84 (part), 1984)

19.65.180 Bylaws—Requirement.

The administration of every property shall be governed by bylaws, a true copy of which shall be annexed to the declaration and made a part thereof. No modification of or amendment to the bylaws shall be valid unless set forth in an amendment to the declaration and such amendment is duly recorded. (Ord. 5D-84 (part), 1984)

19.65.190 Bylaws—Contents.

The bylaws may provide for the following:

A. The election from among the apartment owners of a board of directors, the number of persons constituting the same, and that the terms of at least one-third of the directors shall expire annually; the powers and duties of the board; the compensation, if any, of the directors; the method of removal from office of directors; and whether or not the board may engage the services of a manager or managing agent;

B. Method of calling meetings of the apartment owners; what percentage, if other than a majority of apartment owners shall constitute a quorum;

C. Election of a president from among the board of directors who shall preside over the meetings of the board of directors and of the Association of Apartment Owners;

D. Election of a secretary who shall keep the minute book wherein resolutions shall be recorded;

E. Election of a treasurer who shall keep the financial records and books of account;

F. Maintenance, repair and replacement of the common areas and facilities and payments therefore including the method of approving payment vouchers;

G. Manner of collecting from the apartment owners their share of the common expenses;

H. Designation and removal of personnel necessary for the maintenance, repair and replacement of the common areas and facilities;

I. Method of adopting and of amending administrative rules and regulations governing the details of the operation and use of the common areas and facilities;

J. Such restrictions on and requirements respecting the use and maintenance of the apartments and the use of the common areas and facilities, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective apartments and of the common areas and facilities by the several apartment owners;

K. The percentage of votes required to amend the bylaws;

L. Other provisions as may be deemed necessary for the administration of the property consistent with this Act. (Ord. 5D- 84 (part), 1984)

19.65.200 Books of receipts and expenditures—Availability for examination.

The manager or board of directors, as the case may be, shall keep detailed, accurate records in chronological order, of the receipts and expenditures affecting the common areas and facilities, specifying and itemizing the maintenance and repair expenses of the common areas and facilities and any other expenses incurred. Such records and the vouchers authorizing the payments shall be available for examination by the apartment owners at convenient hours of week days. (Ord. 5D-84 (part), 1984)

19.65.210 Waiver of use of common areas and facilities—Abandonment of apartment.

No apartment owner may exempt himself from liability for his contribution towards the common expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of his apartment. (Ord. 5D-84 (part), 1984)

19.65.220 Separate taxation.

Each apartment and its percentage of undivided interest in the common areas and facilities shall be deemed to be a parcel and shall be subject to separate assessment and taxation by each assessing unit and special district for all types of taxes authorized by law including but not limited to special ad valorem levies and special assessments. Neither the building, the property nor any of the common areas and facilities shall be deemed to be a parcel. (Ord. 5D-84 (part), 1984)

19.65.230 Priority of lien.

A. All sums assessed by the Association of Apartment Owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only:

1. Tax liens on the apartment in favor of any assessing unit and special district; and
2. All sums unpaid on a first mortgage of record.*

B. Such lien may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosure shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid in the apartment at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Suit to recover a money judgment for unpaid common expenses shall be maintainable without foreclosing or waiving the lien securing the same.

C. Where the mortgagee of a first mortgage of record or other purchaser of an apartment obtains title to the apartment as a result of foreclosure of the first mortgage, such acquirer of title, his successors and assigns, shall not be liable for the share of the common expenses or assessments by the Association of

Apartment Owners chargeable to such apartment which became due prior to the acquisition of title to such apartment by such acquirer. Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the apartment owners including such acquirer, his successors and assigns. (Ord. 5D-84 (part), 1984)

* Sponsors of legislation may wish to add to the list of liens which will have priority over the assessments by the Association of Apartment Owners.

19.65.240 Liability of grantor and grantee for unpaid common expenses.

In a voluntary conveyance the grantee of an apartment shall be jointly and severally liable with the grantor for all unpaid assessments against the latter for his share of the common expenses up to the time of the grant or conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, any such grantee shall be entitled to a statement from the manager or board of directors, as the case may be, setting forth the amount of the unpaid assessments against the grantor and such grantee shall not be liable for, nor shall the apartment conveyed be subject to a lien for, any unpaid assessments against the grantor in excess of the amount therein set forth. (Ord. 5D-84 (part), 1984)

19.65.250 Insurance.

See insurance discussion in Commentary attached to the end of this chapter. (Ord. 5D-84 (part), 1984)

19.65.260 Disposition of property—Destruction or damage.

If, within_____days of the date of the damage or destruction to all or part of the property, it is not determined by the Association of Apartment Owners to repair, reconstruct or rebuild, then and in that event:

A. The property shall be deemed to be owned in common by the apartment owners;

B. The undivided interest in the property owned in common which shall appertain to each apartment owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities;

C. Any liens affecting any of the apartments shall be deemed to be transferred in accordance with the existing priorities to the percentage of the undivided interest of the apartment owner in the property as provided herein; and

D. The property shall be subject to an action for partition at the suit of any apartment owner, in which event the net proceeds of sale, together with the net proceeds of the insurance on the property, if any, shall be considered as one fund and shall be divided among all the apartment owners in a percentage equal to the percentage of undivided interest owned by each owner in the property, after first paying out of the respective shares of the apartment owners, to the extent sufficient for the purpose, all liens on the undivided interest in the property owned by each apartment owner. (Ord. 5D-84 (part), 1984)

19.65.270 Actions.

Without limiting the rights of any apartment owner, actions may be brought by the manager or board of directors, in either case in the discretion of the board of directors, on behalf of two or more of the apartment owners, as their respective interests may appear, with respect to any cause of action relating to the common areas and facilities or more than one apartment. Service of process on two or more apartment owners in any action relating to the common areas and facilities or more than one apartment may be made on the person designated in the declaration to receive service of process. (Ord. 5D-84 (part), 1984)

19.65.280 Personal application.

A. All apartment owners, tenants of such owners, employees of owners and tenants, or any other persons that may in any manner use property or any part thereof submitted to the provisions of this Act

shall be subject to this Act and to the declaration and bylaws of the Association of Apartment Owners adopted pursuant to the provisions of this Act.

B. All agreements, decisions and determinations lawfully made by the Association of Apartment Owners in accordance with the voting percentages established in the Act, declaration or bylaws, shall be deemed to be binding on all apartment owners. (Ord. 5D-84 (part), 1984)

Commentary on Model Statute for
Creation of Apartment Ownership

The attached suggested form of statute is intended as a guide to persons or groups interested in legislation which would permit Section 234 (condominium) mortgage insurance in a particular jurisdiction. The model statute represents what FHA regards as the best framework within which to obtain the objectives of condominium ownership. However, in order for this statute (or any variation thereof which would achieve the same objectives as this model) to be legally effective, it is advisable that the sponsors of such legislation analyze the other laws of their jurisdiction (e.g., statutes concerning taxation, real property, mortgages, future interests, recording, subdivision platting, liens, insurance, zoning, etc.) to determine in what way such statutes may have to be amended to permit and establish the condominium objectives of the model statute. Recognizing that variations may be necessary, the Cooperative and Condominium Housing Section of the Office of the General Counsel will welcome opportunities to discuss amendments, improvements and additions. Since condominium is a field which is being pioneered in the United States, FHA is most anxious to consider any suggestions which would improve the model statute. It is our intention to make continual changes in the model as experience and new ideas indicate such changes are beneficial in the furtherance of an effective condominium housing program.

Highlights of the model statute are discussed below:

Type of Construction—Eligibility. By definition the terms “apartment,” “building,” “common areas and facilities,” and “property” are made broad enough to cover high-rise structures as well as projects consisting of row or semi-detached houses and garden-type projects. The definitions are flexible enough to permit a rearrangement of items generally considered to be common areas and facilities so that they may be a part of the apartment held in fee. See Section 19.65.020 A, E, F and M.

Type of Ownership. Each apartment and its appurtenant undivided interest in the common areas and facilities may be dealt with in all respects as real property. It may be conveyed, mortgaged or leased. To be eligible for FHA mortgage insurance, the apartment and its undivided interest in the common areas and facilities (which include the land) must either be held in fee or under a long term lease approved by the FHA. See Sections 19.65.020 B, 19.65.040 and 19.65.050.

Limitation of Lien Liability. Limited liability and satisfaction of same by payment of the pro rata share attributable to each apartment is provided in order to alleviate hardships and to achieve equitable treatment for all apartment owners. See Section 19.65.090.

Priority of Liens. In order to protect first mortgagees of record, liens for unpaid Association assessments are made subordinate to taxes and to first mortgages of record. The Association is protected and has rights comparable to those of a second mortgagee. Although a first mortgagee may extinguish the inferior lien of the Association by foreclosure, the continued financial stability of the condominium is aided by providing that after foreclosure, any unpaid assessments against a particular unit may be prorated against all of the apartment owners, including the party obtaining title by foreclosure. see Section 19.65.230.

Limitation of Grantee's Liability. A grantee may limit his liability by obtaining a statement of unpaid assessments by the Association of Apartment Owners. See Section 19.65.240.

Insurance. FHA recommends that sponsors of condominium legislation discuss this problem with their insurance authorities. It may be useful to use as a basis for such discussions the advisability of including in the proposed legislation the following provision:

“The manager or the Board of Directors, if required by the declaration, by-laws or by a majority of the apartment owners, or at the request of a mortgagee having a first mortgage of record covering an apartment, shall have the authority to, and shall, obtain insurance for the property against loss or damage by fire and such other hazards under such terms and for such amounts as shall be required or

requested. Such insurance coverage shall be written on the property in the name of such manager or of the Board of Directors of the Association of Apartment Owners, as trustee for each of the apartment owners in the percentages established in the declaration. Premiums shall be common expenses. Provision for such insurance shall be without prejudice to the right of each apartment owner to insure his own apartment for his benefit." See Section 19.65.250.

Destruction or Damage to the Building. The declaration must contain a provision setting forth the procedure by which the apartment owners shall determine to rebuild, restore or repair the destruction or damage, or to sell the property. See Section 19.65.110.

Where, in accordance with the provision in the declaration, it is determined not to rebuild, then the model statute provides for the conversion of the whole property into ownership in common, the transfer of liens to the resulting undivided interests in the property, and for the partition, the sale, and the distribution of sale and insurance proceeds. See section 19.65.260.

Basic Provisions. In addition to the foregoing highlights, the basic condominium provisions relating to the inseparability of the apartment and its undivided interest in the common areas and facilities, the rights of the apartment owners to exclusive use and possession, separate taxation for each apartment and its undivided interest, the method of establishing the undivided interest and voting rights and the administration of the property by the Association of Apartment Owners under the By-laws and in accordance with the declaration and the statute are included in the model statute.

Chapter 19.68

AMENDMENTS*

Sections:

*** Prior history: Ords. A-56 and 8A-80.**

19.68.010 Compliance with state statutes required.

This title may be amended by changing any of the regulations hereof, or the district map or any of the districts thereon, in accordance with Section 62.23, Wisconsin Statutes. (Ord. 5B-97 (part), 1997)

19.68.020 Amendment initiation.

Proposals for amendments or rezonings may be initiated by the council on its own motion, or by petition of one or more owners of property or persons showing proprietary interest in the proposed amendment or rezoning. (Ord. 5B-97 (part), 1997)

19.68.030 Procedure.

A. A petition for amendment for rezoning, together with a completed and signed application and fee established by resolution of the Common Council each year, shall be filed with the city clerk. (Ord 10C-03, 2003)

B. Upon receipt of a petition for amendment or rezoning, the city clerk shall notify the city council of such petition, and the city council shall set a date for a public hearing to be held upon such proposed amendment following publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes. The hearing shall be not less than eight days after publication of the second notice.

The council shall further send the petition for amendment or rezoning to the plan commission for their recommendation, to be given to the council prior to the public hearing.

The city clerk shall also provide notice to all property owners, (as set forth on the preceding years property tax roll), within two hundred feet of the property involved in the rezoning. The notice shall be by mail. The city clerk shall also provide notice to property owners who have requested such rezoning notice as provided for by Wisconsin State Statutes 66.23 (7)(d) or as amended from time to time. The application constitutes agreement by the property owner to the placement of a temporary sign at the property in a visible location along an improved public right-of-way giving notice that a public hearing is scheduled. Failure to notify a property owner or placement of a sign will not invalidate any city action. (Part Ord. 10A-21, 2021, Ord. 11C-09, 2009).

C. No petition for rezoning which has been denied by council shall be resubmitted in substantially the same form within a one- year period from the date of denial, unless a change in condition of the site or the surrounding area exists.

D. If a valid protest is timely filed, as provided in Section 62.23(7)(d)2m.a., Wisconsin Statutes, rezoning shall require a three-fourths favorable vote of the members of the council voting on the proposed change. (Ord. 5B-97 (part), 1997)

19.68.040 Conditions may be attached.

In the case of a rezoning, the plan commission may recommend and the council may approve such petitions with conditions of approval. (Ord. 5B-97 (part), 1997)

19.68.050 Factors to be considered.

In deciding upon any petition for an amendment or rezoning, factors which a council may consider include, but are not limited to, the following:

A. Whether the requested amendment is justified by a change in conditions since the original title is adopted or by an error in the original text;

B. The precedence, and the possible effects of such precedence, which might likely result in approval or denial of the petition;

C. The ability of the city or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved;

D. The possibility of any significant and negative environmental impacts which would reasonably occur if the petition zoning changed or resulting permitted structures were built; including, but not limited to, surface water drainage problems, waste water disposal problems, or the loss of locally valuable natural resources;

E. The compatibility of the proposed uses associated with the petitioned zoning change to existing or planned uses with the immediate area;

F. The effective approval of the petition on adopted development policies of the city;

G. The compliance of the proposed rezoning with the policies of the comprehensive plan of the city. (Ord. 5B-97 (part), 1997).