

# Plan Commission Agenda

Tuesday, February 13, 2024 - 7:00 PM

Hybrid Meeting

In Person: City Hall Council Chambers

Remote: [zoom.us](https://zoom.us) Meeting ID: 858 3795 0023 Passcode: 548573

Posted on the City's web site at [meetings.cityofmiddleton.us](https://meetings.cityofmiddleton.us)

## Call to Order & Roll Call

## Approval of Minutes

- 1.) Plan Commission Minutes of January 23, 2024

## Agenda Items

- 1.) **Extraterritorial Certified Survey Map (CSM) - Dan and Dallas Ziegler, 5031 Church Rd., Town of Springfield (PC-2665)**

**BACKGROUND:** Approval of this CSM would carve off a 2 acre parcel from the family farm to enable the applicants to build a single-family residence. The CSM includes a right-of-way dedication of 33 feet, but because the lot fronts a town road there is no need for Common Council approval. There are no engineering staff comments. (M.O.)

**RECOMMENDATION:** Approve the extraterritorial CSM as submitted contingent on the addition of a note on the CSM indicating, "An airport and a quarry are located approximately one mile from the property."

**ENCLOSURE:** CSM and related application materials

- 2.) **Design Review - Pleasant View Storage, 2010 Pleasant View Rd. (PC-2656)**

**BACKGROUND:** In September, the Plan Commission reviewed a Concept Review for this storage facility. The previous concept showed a shared entrance with the Mobil to the east, but this version shows a separate driveway entrance along Pleasant View Rd, and no shared entrance with the Mobil. The building complies with all setbacks, lot coverage/impervious surface and building heights in the current Middleton Zoning Code - and with the proposed code for Industrial-Medium (I-M), which is the zoning district proposed for this site. The building also complies with current and proposed lighting ordinances.

Regarding parking, the building provides 12 stalls which is the minimum required in the current Off-Street Parking Area Standards for this zoning district. The future zoning would only require 1 space per 2 employees. There is some landscaping noted on the photometric plan, but no other details related to landscaping was found in the plans. According to the City's Off-Street Parking Area Standards, they will need to have one canopy tree and landscaping to fulfill 130 points for the 12 parking spaces provided.

Finally, engineers noted that Plan Commission should weigh in on whether the driveway should have a sidewalk built into it (see page C103), so when a sidewalk is built in this area it would seamlessly connect through the driveway. (D.X.)

RECOMMENDATION: Staff recommend approval of the design contingent upon:

1. Resolution of engineering staff comments
2. Staff approval of a landscaping plan submitted at a later time
3. Determination of sidewalk need at this location

ENCLOSURES: Storage facility plans,

**3.) Design Review - Lakeview Village Apartments Solar Canopy, 6223 Maywood Ave. (PC-0611)**

**BACKGROUND:** The applicant is proposing a solar canopy structure to reduce the utility costs for older apartments in Middleton as part of the Efficiency Navigator project managed by the City's Sustainability Coordinator, Kelly Hilyard. They would like approval for both options, in case one is found to be less feasible down the line. Option 1 would be installed over grass and turned into a gazebo-like area with a patio underneath for residents to enjoy, but it would remove a mature tree. This is the option currently preferred by the applicant because it is a larger array that can handle more energy, but it may also require a stormwater plan if the patio underneath is impervious. Option 2 would put a carport over approximately 13 parking stalls. Both options comply with height and setback requirements for the zoning of the property. (D.X.)

RECOMMENDATION: Staff recommend approval of both options, with Option 1 contingent upon submittal of a stormwater plan or staff approval of the patio as a pervious area.

ENCLOSURES: Solar Canopy submittal

**4.) Concept Review - 6300 Mixed Use, 6300 University Ave. (PC-2666)**

**BACKGROUND:** The applicant is looking to redevelop 6300 University Ave using the Mixed-Use Avenue (MU-A) district in the proposed Zoning Code. They are concerned with the design guideline limiting building facade lengths to 250ft and would like feedback on their concept before moving forward with a formal submission. The current plan shows two buildings connected by a pedestrian bridge on the 2nd, 3rd, and 4th floors as well as underground parking along the entire length of the two buildings. Building A is also proposed to be mostly first-floor parking serving the first-floor retail space at 220ft in length. Building B is proposed to be fully residential and 247 ft in length. The developer is seeking guidance on a proposed drive-through as part of their first-floor retail for Building A. (D.X.)

RECOMMENDATION: Staff recommend providing input on the orientation, scale, and length of the building as it is currently designed, as well as the need for a conditional use permit for the drive-through and multiple buildings on a single lot.

ENCLOSURE: Letter of Intent, 6300 University Concept

**5.) Parmenter Street Reconstruction - Real Estate Acquisition Update and Design Preference (09-117) (PBTC 02/08/24, PWC 02/12/24)**

**BACKGROUND:** The City's design engineering consultant is requesting guidance on how to proceed if real estate negotiations cannot be completed by the end of February. Note the six options they included in their January 29 memo to Shawn Stauske. If real estate interests identified in the Transportation Project Plan can't be secured, it may not be possible to



construct some of the planned median, bike lanes, multi-purpose path, or sidewalk along the street. Re-designing the roadway to eliminate any of those transportation features could jeopardize the \$1 million of State funding. Considering our complete streets policy, the City may not be interested in pursuing the project if pedestrian and bicycle accommodations can't be provided.

City staff are asking several city committees to recommend to the Common Council a preference for continued design with a modified cross section, or delay or termination of this project in the event some of the real estate interests can't be secured to support construction of the cross-section currently endorsed by the City. If the City supports modification of the cross-section in areas where we can't reach agreement with property owners on acquisition of real estate interests, staff will contact WisDOT for consideration of the proposed scope change, and their issuance of a new State-Municipal Agreement if they approve.

Citing a WisDOT traffic count in 2022 indicating an average of 4,800 total trips (both directions) between the Century and Graber/Tribeca intersections, the Ped/Bike/Transit Committee voted unanimously to recommend the "road diet" option that is most closely represented by Option #4. This would mean forgoing a wide median while retaining on-street bike lanes in both directions, a sidewalk on one side, and a shared-use path on the other side. (M.O.)

RECOMMENDATION: A redesign based on Option 4 appears to be the best way to move forward with the project given existing right-of-way constraints, the City's adopted "Complete Streets" policy, and the decision to construct Belle Fontaine Blvd. as a two-lane roadway. Although traffic volumes will certainly increase with the construction of the Belle Farm and Redtail Ridge neighborhoods, there is ample capacity to accommodate increased traffic based on national "road diet" design guidelines.

ENCLOSURE: Memo from the City's consultant dated 1/29/24; Images showing varying R/W widths and traffic volumes

**6.) Subdivision Ordinance Rewrite - Agreement for Consultant Services (PC-2657)**

BACKGROUND: Planning staff asked Vandewalle & Associates to provide the enclosed scope of services so that the subdivision ordinance and related documents are in sync with the City's new zoning ordinance. Vandewalle proposes to partner with Strand Associates, an engineering firm that also has decades of experience working with the City. Given these firms' extensive familiarity with city ordinances, plans, and procedures, staff feels that it would be very difficult for any other firm to accomplish the tasks at a lower cost to the city. The 2024 approved budget includes \$60,000 for undertaking this project. (M.O.)

RECOMMENDATION: Recommend that the Common Council enter into an agreement with Vandewalle & Associates Inc. for up to \$59,800 to undertake this project.

ENCLOSURE: Proposed scope of services dated 2/8/24.

**7.) Zoning Ordinance (Chapter 10) and Official Zoning Map: Changes Since the Commission's Previous Recommendation (PC-2611)**

BACKGROUND: As indicated in the 1/25/24 staff memo enclosed in the packet, the Common Council referred the three ordinances to the PC and will be holding a public

hearing on 2/20/24 given the number of substantive changes made since the hearing held by the PC on 11/14/23. This practice is consistent with the procedure outlined in Wis. Stats. 62.23(7)(d). (M.O.)

**RECOMMENDATION:** Planning staff recommend that commissioners focus on the changes made since their Dec. 12 recommendation, as indicated by the red text in the memo. On 2/1/24, the Airport Commission recommended 4-1 that the PC delete section 10.03.10(23)(e) of the zoning ordinance, which reads: “In the AIR district, this land use (referring to Restaurants/Taverns/Indoor Commercial Entertainment) shall only be allowed within a terminal building.” (The Plan Commission had recommended on 12/12/23 that the ordinance include this provision.) Planning staff see no harm in keeping this provision in the ordinance at this time. The removal of this language could be considered when other ordinance adjustments are determined to be necessary based on staff’s experience administering the new ordinances.

**ENCLOSURES:** Planning staff memo dated 1/25/24; Final draft of zoning ordinance

**8.) Sign Ordinance (Chapter 22): Changes Since the Commission's Previous Recommendation (PC-2611)**

**BACKGROUND:** See Zoning Ordinance agenda item.

**RECOMMENDATION:** Planning staff recommend that commissioners focus on the changes made since their Dec. 12 recommendation, as indicated by the red text in the memo.

**ENCLOSURE:** Final draft of sign ordinance.

**9.) Outdoor Lighting Ordinance (Chapter 33): Changes Since the Commission's Previous Recommendation (PC-2611)**

**BACKGROUND:** See Zoning Ordinance agenda item.

**RECOMMENDATION:** Planning staff recommend that commissioners focus on the changes made since their Dec. 12 recommendation, as indicated by the red text in the memo.

**ENCLOSURE:** Final draft of lighting ordinance.

**Adjourn**

**Posted** 2/9/24 12:30 pm

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at this meeting to gather information; however, no action will be taken by any governmental body at this meeting other than the governmental body specifically referenced in this notice.

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact the City Administrator at (608) 821-8350, 7426 Hubbard Ave., Middleton, WI at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

**PLAN COMMISSION**  
**City of Middleton**  
**Tuesday, January 23, 2024**

**MEETING MINUTES**

Meeting materials available at: <https://www.cityofmiddleton.us/112/Agendas-Minutes>

Video recording available at: [https://www.youtube.com/watch?v=R3Yf4\\_jCksc](https://www.youtube.com/watch?v=R3Yf4_jCksc)

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**CALL TO ORDER & ROLL CALL**

Vice-Chair Janairo called the meeting to order at 7:00 p.m.

**Members Present at City Hall:** Nick Adams (PRFC representative), Randy Bruce, Gretchen Erdmann-Hermans, Chris Harp, Lisa Janairo (Council representative)

**Members Online:** Emily Kuhn (Mayor)

**Members Absent:** Erin Summers

**Staff Present:** Abby Attoun, Mark Opitz, Daphne Xu

**MINUTES OF JANUARY 9, 2024**

There were no requests for changes, and Janairo declared the meeting minutes accepted as prepared.

**AGENDA ITEMS**

**Item #1: Set a Public Hearing for an Amendment to the Comprehensive Plan for the City of Middleton, Future Land Use (FLU) Map Change for 7617 Terrace Avenue (PC-2644)**

**Moved** by Bruce, seconded by Adams, to set the public hearing for Tuesday, March 12, at 7:00 p.m. **Motion passed** 6-0.

**Item #2: Set a Public Hearing for a Rezoning from R-2 (Residential, Two-Family Attached Units) Current Ordinance to MU-D (Downtown Mixed Use) Proposed Zoning Ordinance, Property South of 7621 Terrace and West of 1726 Aurora St. & 7617 Terrace Ave. (PC-2644)**

**Moved** by Adams, seconded by Bruce, to set the public hearing for Tuesday, March 12, at 7:00 p.m. **Motion passed** 6-0.

**Item #3: Specific Implementation Plan (SIP) Modification for Sign Design Review – Middleton Glen, 6720 Century Ave (PC-1528)**

Per Xu's staff report, this application pertains to replacing pole signs with three monument signs. The sign marked as GMN-2 may be very close to a 6 ft utility easement that runs between Middleton Glen and the parking lot for the commercial spaces along Frank Lloyd Wright Ave. The

applicant will need to verify that the sign location is not located on the easement, and that any electricity wired to the sign does not cross the easement.

**Moved** by Bruce, seconded by Janairo, to approve the design of the three signs as a minor SIP modification contingent upon verification of sign GMN-2 outside of the 6 ft utility easement.

**Motion passed** 6-0.

**Item #4: Sign Design Review - Future Foam, 2314 Parview Rd, 2210 Parview Rd, and 8430 Murphy Dr (PC-2622)**

This application pertains to replacing two monument signs and installing a third monument sign at 2314 Parview Rd. Xu stated that the applicant has clarified that the third sign will be moved to the southern driveway.

**Moved** by Adams, seconded by Harp, to approve the three signs. **Motion passed** 6-0.

**Item #5: Specific Implementation Plan (SIP) Modification for Apartments at Middleton Valley, Lots 1 & 2 of Redtail Ridge (PC-2658 and PC-2659)**

Per Xu's 1/19/24 staff report, the applicant is requesting an SIP modification to address staff comments and contingencies of approval at the 10/10/23 PC meeting, along with a few other plan revisions. Staff recommends Multi-Family High Density (MR-H) zoning upon adoption of the City's new zoning map because the buildings are about 57 ft tall, which is 9 ft taller than what is allowed in MR-M.

Matt Tills (Knothe & Bruce Architects) and Andy Crooks (Middleton Valley LLC) provided an overview of the plan revisions and responded to commissioner questions regarding the landscaping plan (particularly trees along street frontages and use of native plants), the solar panel installation timeline, and connectivity/circulation between Lot 2 and future development to the east.

**Moved** by Bruce, seconded by Erdmann-Hermans, to approve the plan set as a minor SIP modification for both Lots 1 and 2 with the following contingencies:

1. Resolution of all staff comments provided in the Plan Set dated 2023-12-13.
2. Approval of the access and site layout by public safety (Fire/EMS/Police).
3. Approval of the Certified Survey Map for Lot 1.
4. Approval of the Certified Survey Map for Lot 2.
5. Applicant will support the City assigning the Multi-Family High Density (MR-H) zoning classification (or its equivalent) at the time the City adopts its new zoning map.
6. Addition of canopies over the additional building entrances.
7. City Forester approval of revised landscaping plan to add trees along the west side of Lot 2.

**Motion passed** 6-0.

**Item #6: Certified Survey Maps (CSM) for Apartments at Middleton Valley, Lots 1 & 2 of Redtail Ridge (PC-2658 and PC-2659)**

**Moved** by Adams, seconded by Janairo, to approve the CSMs for Lots 1 and 2 contingent upon resolution of engineering staff comments. **Motion passed** 6-0.

**Item #7: Specific Implementation Plan (SIP) - Middleton Shores Redevelopment, 6140 Century Ave. (PC-2648)**

Per Opitz's 1/19/24 staff report, this application pertains to replacing an existing 2-story multifamily building with a 7-story multi-family building containing 116 dwelling units. (This item was previously discussed at the 1/9/24 PC meeting.) Opitz noted that the Common Council on 1/16/24 removed or modified two contingencies of approval of the General Implementation Plan, and the Water Resources Management Commission has approved the fee-in-lieu request. He advised modifying Contingency #7 of the staff recommendation to reflect the need to address engineering staff comments in two plan sets. Janairo advised rephrasing Contingency #6.

**Moved** by Bruce, seconded by Adams, to determine that the SIP is reasonably consistent with the GIP and recommend approval to the Common Council contingent on:

1. Completion and city engineer acceptance of a traffic impact analysis and the developer addressing to the satisfaction of the city engineer any findings of the TIA prior to issuance of any zoning or building permits.
2. City engineer approval of the stormwater management plan and developer payment of fees-in-lieu-of-infiltration, with the fee amount to be determined by staff after the project design is finalized.
3. The on-site provision of 84 in-building bicycle parking spaces (including those in the bicycle storage room) and 12 short-term bicycle parking spaces within 100 feet of the main building entrance, with all racks designed according to the standards in Section 10.06.06(7)(i) of the City's new zoning ordinance.
4. The installation of art (such as a mural) or some other design element(s)—to be approved by the Plan Commission—for the purpose of softening the southwest building corner.
5. City approval of a Certified Survey Map pertaining to the entire Middleton Shores property prior to issuance of any zoning and building permits (including early-start permits).
6. Future approval of signage details as a minor SIP modification.
7. Submittal prior to Council approval a revised SIP addressing all engineering staff comments and recommendations as indicated in the plan set returned to the developer on 01/02/24 and on the plan set the developer submitted on 01/10/24.

**Motion passed 6-0.**

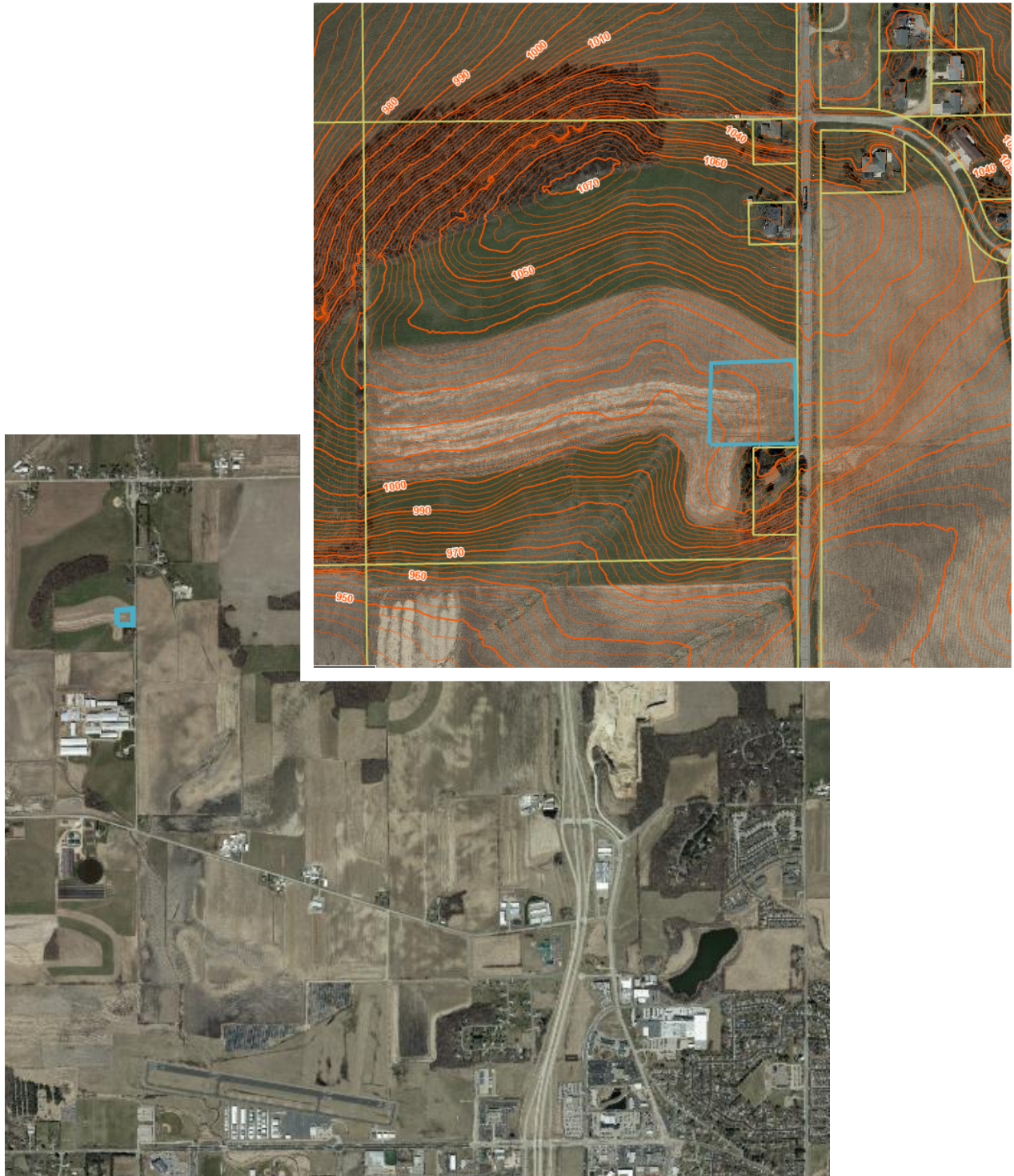
**ADJOURNMENT**

Janairo declared the meeting adjourned at 7:37 p.m.

*Note: These minutes were prepared by Mark Opitz and are not final until they are formally approved at a subsequent meeting.*



## Ziegler CSM Location





# CERTIFIED SURVEY MAP

## WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the Southeast 1/4 of the Southeast 1/4 of Section 28, T8N, R8E, Town of Springfield, Dane County, Wisconsin.

### NOTES:

1.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJOINERS AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.

2.) WETLANDS AND FLOOD PLAIN, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.

3.) ALL SECTION TIES FOR THE EAST 1/4 CORNER AND THE SOUTHEAST CORNER OF SECTION 28, T8N, R8E HAVE BEEN CHECKED AND VERIFIED PER THE LATEST TIE SHEET ON RECORD.

SCALE 1" = 100'



### PREPARED FOR:

DAN AND DALLAS ZIEGLER  
4985 CHURCH ROAD  
MIDDLETON, WI 53562

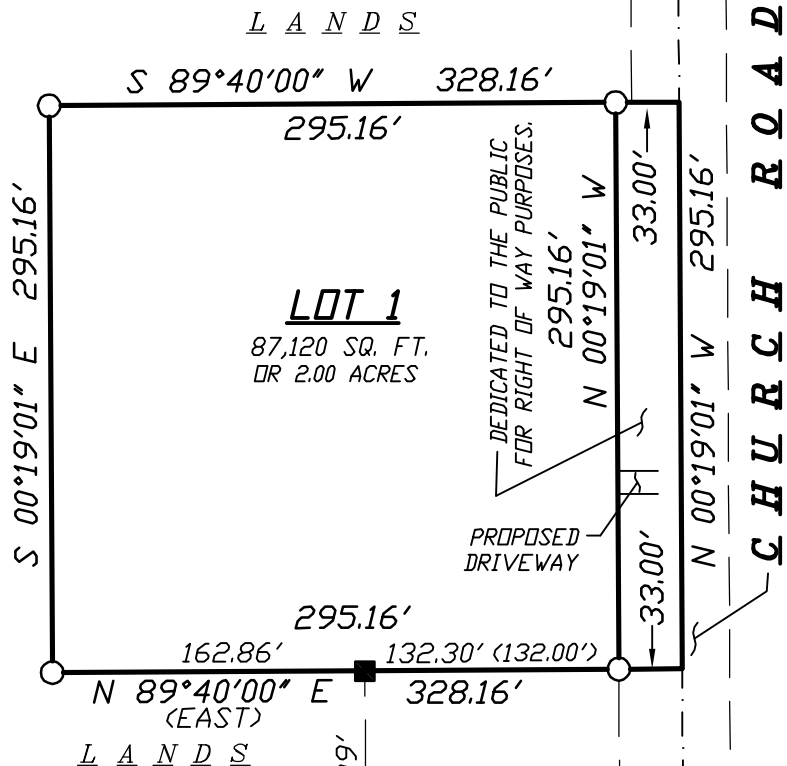
### AREAS:

TOTAL C.S.M.  
96,860 SQ. FT. OR 2.22 ACRES  
LOT 1  
87,120 SQ. FT. OR 2.00 ACRES  
ROAD DEDICATION  
9,740 SQ. FT. OR 0.22 ACRES

### LEGEND

- = SET 3/4"x24" REBAR  
WT 1.5 LB PER LIN FT
- = FOUND 1 1/4" IRON PIPE
- ⊕ = FOUND SECTION CORNER  
(AS NOTED)
- ( ## ) = RECORDED AS

L A N D S



TOTAL SECTION LINE = N 00°19'01" W 2,654.83'

DOCUMENT NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

SURVEYORS SEAL

W.C.S. - DANE ZONE  
BEARINGS ARE REFERENCED TO THE  
EAST LINE OF THE SE 1/4 OF SECTION 28.  
LINE TO BEAR = N 00°19'01" W  
(SOUTH 264.00')

LOT 1  
C. S. M. N o.  
5 2 4





# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the Southeast 1/4 of the Southeast 1/4 of Section 28, T8N, R8E, Town of Springfield, Dane County, Wisconsin.

### **SURVEYOR'S CERTIFICATE**

I, Noa T. Prieve, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of the Town of Springfield, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land being part of the Southeast 1/4 of the Southeast 1/4 of Section 28, T8N, R8E, Town of Springfield, Dane County, Wisconsin, more particularly described as follows:

Commencing at the Southeast Corner of said Section 28; thence N 00°19'01" W along the east line of said Southeast 1/4 of the Southeast 1/4, 332.50 feet to the northeast corner of Certified Survey Map No. 524, the centerline of Church Road and to the point of beginning.

Thence continue N 00°19'01" W along said east line and centerline, 295.16 feet; thence S 89°40'00" W, 328.16 feet; thence S 00°19'01" E, 295.16 feet; thence N 89°40'00" E, 328.16 to northeast corner of said Certified Survey Map No. 524 and the point of beginning. This parcel contains 96,860 sq. ft. or 2.22 acres and is subject to a road right of way over the easterly side.

Williamson Surveying and Associates, LLC  
by Noa T. Prieve

Date \_\_\_\_\_

\_\_\_\_\_  
Noa T. Prieve S-2499  
Professional Land Surveyor

### **OWNERS' CERTIFICATE:**

As owners, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. I also certify that this certified survey map is required to be submitted to the Town of Springfield for approval.

WITNESS the hand seal of said owners this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

*Leo A. Ziegler and Carol K. Ziegler Joint  
Revocable Trust dated February 10, 2004.*

\_\_\_\_\_  
Authorized Representative

STATE OF WISCONSIN)  
DANE COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the above named \_\_\_\_\_ to me known to be the person who executed the foregoing instrument and acknowledge the same.

\_\_\_\_\_ County, Wisconsin.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

Sheet 2 of 3

**SURVEYORS SEAL**

23W-415



# CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS  
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Located in the Southeast 1/4 of the Southeast 1/4 of Section 28, T8N, R8E, Town of Springfield, Dane County, Wisconsin.

### **TOWN BOARD RESOLUTION**

Resolved that this certified survey map and dedication for right of way purposes is hereby acknowledged and approved by the Town of Springfield on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Dianah Fayas  
Town Clerk

### **CITY OF MIDDLETON APPROVAL**

Resolved that this certified survey map in the Town of Springfield is hereby acknowledged and approved by the City of Middleton on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mark Opitz  
Zoning Administrator

### **REGISTER OF DEEDS:**

Received for recording this \_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_ o'clock \_\_\_M. and recorded in Volume \_\_\_\_\_ of Dane County Certified Surveys on pages \_\_\_\_\_ through \_\_\_\_\_.

\_\_\_\_\_  
Kristi Chlebowski  
Register of Deeds

<b>SURVEYORS SEAL</b>

DOCUMENT NO. \_\_\_\_\_

CERTIFIED SURVEY MAP NO. \_\_\_\_\_



# PLAN COMMISSION APPLICATION

CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

Plan Commission usually meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7 p.m. in the Council Chambers of Middleton City Hall. The following **must be submitted at least FOUR weeks** prior to any Plan Commission meeting for staff review and agenda placement. Failure to submit a complete package may result in the return of all items, a resubmittal fee, and a delay of your project. Larger and more complex projects will require additional review time, and staff will be in contact regarding the agenda and timeline.

1. Plan Commission Application & Checklist (this packet).
2. Required (nonrefundable) fee(s) **and deposit (see chart below)**.
3. One (1) electronic copy of the submittal emailed to [planning@cityofmiddleton.us](mailto:planning@cityofmiddleton.us).

**Project Address/Name:** Dan and Dallas Ziegler

Applicant: Dan and Dallas Ziegler		
Address: 5031 Church Road, Middleton WI 53562		
Phone: 608-438-5042	Fax:	Email: dallasziegler6@gmail.com

Owner: leo A. Ziegler and Carol K. Ziegler Joint revocable Trust dat3ed February 10, 2004		
Address: 5031 Church Road, Middleton, WI 53562		
Phone:	Fax:	Email:

**Project Description:** Dan and Dallas Ziegler would like to create a lot to build a home on their family farm in the Town Springfield.

**Owner/Applicant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

- Note:**
- City ordinances are on the City website at <https://www.cityofmiddleton.us/115/City-Code-of-Ordinances>
  - Applicants must check with the Building Inspection Dept. to determine if any permits are required.

Fees (check what applies):	
Certified Survey Map (+GIS fees)	\$400 + \$55/lot
Concept Review	\$50
Conditional Use Permit	\$500
Design Review	\$200
Design Review Revisions	\$50
Final Plat (+GIS fees)	\$900 + \$80/lot
Preliminary Plat	\$400 + \$50/acre
Rezoning	\$500-\$2,000**
Sign Design Review	\$50
Sign Variance	\$500
SIP/SIP Modification*	\$50-\$500**
Future Land Use Map Amendment	\$200
* Specific Implementation Plan in Planned Development District = \$500. Minor Modification = \$300, SIP Major Modification = \$500, SIP Modification (revision) = \$50	
** Fee based on cost of project. <b>For Rezoning</b> s: single lot or project = \$500, larger projects and PDD rezoning requests = \$2,000	

Deposit
An Escrow Deposit of \$5,000 is required per Ord. 10.128(2) to cover project review costs by outside consultants when necessary. See attached excerpt from City Ordinances.
Waiver authorized: <input type="checkbox"/> _____ date _____
<b>TRAFFIC IMPACT ANALYSIS</b> Required Yes <input type="checkbox"/> No <input type="checkbox"/>



# CITY OF MIDDLETON CERTIFIED SURVEY MAP/PLAT CHECKLIST

Project Name:	Submitted By:
Project Address:	Date Submitted:

**Note:** Include on the plan sheets each applicable item listed below with all formal plan submittals. This list is not intended to show all applicable requirements. All spaces should be checked, or marked "N/A" if the item does not apply. One electronic submittal of these plans should be emailed to [planning@cityofmiddleton.us](mailto:planning@cityofmiddleton.us) no later than 4:30 pm, Tuesday, three weeks prior to presentation at Plan Commission.

- \_\_\_ 1. Include Environmental Assessment Checklist.
- \_\_\_ 2. **Park Improvement Fee**, if applicable: (2018 rates) \$ \_\_\_\_\_  
 1 bedroom unit or less multi-family - \$746  
 All other dwelling types - \$1,244  
**Park Dedication Fee**, if applicable: (2018 rates) \$ \_\_\_\_\_  
 1 bedroom unit or less - \$1,741  
 All other dwelling types - \$2,901
- \_\_\_ 3. Show Wisconsin County Coordinate System NAD 83(1991), for a minimum of two section corner or quarter corner monuments.
- \_\_\_ 4. Show perimeter bearings such that the traverse of the perimeter proceeds in a clockwise direction.
- \_\_\_ 5. Include the phrase: "Dedicated to the Public as Right-of-Way" for all new street dedications.
- \_\_\_ 6. Provide a right angle jog (as opposed to a taper) in new right-of-way dedications at any locations where right-of-way width changes.
- \_\_\_ 7. Provide new right-of-way dedications to result in standard even whole number increments: 60', 66', 70', 80', 90', etc.
- \_\_\_ 8. Label any new easements as to their specific use.
- \_\_\_ 9. Show setback dimensions from property lines to any existing improvements on parcels.

Responsible party shall return to the City a recorded copy of the CSM/Plat within 30 days of recording.

<b>Staff Contacts</b>		
<b>Abby Attoun, AICP</b>	<b>Mark Opitz</b>	<b>Daphne Xu, AICP</b>
Planning & Community Development Director	City Planner Zoning Administrator	Associate Planner
(608) 821-8343	(608) 821-8394	(608) 821-8377
Email: <a href="mailto:aattoun@cityofmiddleton.us">aattoun@cityofmiddleton.us</a>	Email: <a href="mailto:mopitz@cityofmiddleton.us">mopitz@cityofmiddleton.us</a>	Email: <a href="mailto:dxu@cityofmiddleton.us">dxu@cityofmiddleton.us</a>
<b>Planning &amp; Community Development Department</b> Phone: (608) 821-8370 Email: <a href="mailto:planning@cityofmiddleton.us">planning@cityofmiddleton.us</a>		

# CSM / PLAT TRACKING FORM

Description: \_\_\_\_\_

**Note:** Applicants for a CSM or Plat that requires Plan Commission approval must obtain the following staff approvals prior to signing of the document.

First Draft (Received ___ / ___ / ___)			
Reviewer	Approved (Y/N)	Date	Comments
Abby / Mark			
Tom			
Erik			
Mike Meier			
Curt Sauser			

Second Draft (Received ___ / ___ / ___)			
Reviewer	Approved (Y/N)	Date	Comments
Abby / Mark			
Tom			
Erik			

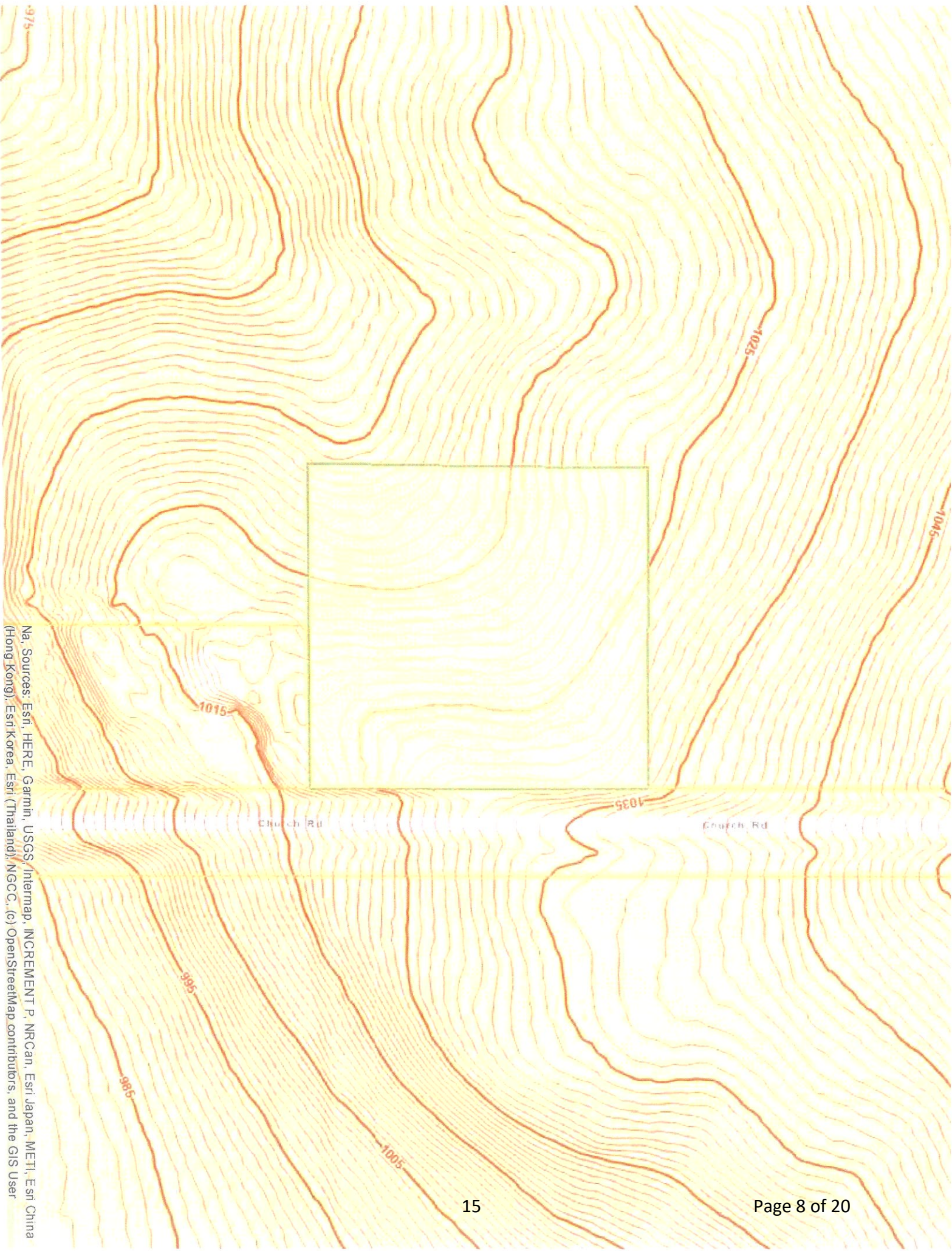
Remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Plan Commission File Number:





Na. Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User

LAND DIVISION AND SUBDIVISION

PRELIMINARY CHECKLIST FOR ENVIRONMENTAL ASSESSMENT OF PLATS AND LAND DIVISIONS AND COMMUNITY DEVELOPMENT PLANS

(all yes, answers must be explained in detail by attaching maps and supporting documentation describing the impacts of the proposed development).

		yes	no
I. Land Resources. Does the project site involve:			
A.	Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals).		X
B.	A landform or topographic feature of local or regional interest.		X
C.	A floodplain (If yes attach two (2) copies of a typical stream valley cross section showing the channel of the stream, the 100 year floodplains limits and the floodway limits (if officially adopted), of each side of the channel and a cross section of area to be developed		X
D.	An area of soil instability - greater than 18% slope and/or organic soils, peats, or mucks at or near the surface		X
E.	An area of bedrock within 6 feet of the soil surface		X
F.	An area with the groundwater table within 10 feet of the soil surface		X
G.	An area with fractured bedrock within 10 feet of the soil surface		X
H.	Prevention of gravel extraction		X
I.	a drainageway for 5 or more acres of land		X
J.	Lot coverage of more than 50% impermeable		X



## SUBDIVISION

## LAND DIVISION AND

		yes	no
K.	Prime agricultural land		
L.	Wetlands and <b>Marshes</b>		X
M.	Land elevation above 950 (NAVD '88 Datum)	X	
N.	Mapped environmental corridors		X
II. WATER RESOURCES. Does the proposed project involve:			
A.	Location within an area traversed by a navigable stream or dry run		X
B.	Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within 1 mile		X
C.	The use of septic tank-soil absorption fields for on-site waste disposal	X	
D.	Lowering of water table by pumping or drainage		X
E.	Raising of water table by altered drainage patterns		X
F.	Lake frontage		X
III. BIOLOGICAL RESOURCES. Does the project involve:			
A.	Critical habitat for plants and animals of community interest		X
B.	Endangered, unusual or rare species of:		X
	1. Land animals		X
	2. Birds		X
	3. Plants		X
C.	Removal of over 25% of the present trees		X

December 4, 1994

Chapter 19 - 19

SUBDIVISION

LAND DIVISION AND

		yes	no
IV. HUMAN AND SCIENTIFIC INTEREST. Does the project site involve:			
A.	An area of archeological interest		X
B.	An area of geological interest		X
C.	An area of hydrological interest		X
D.	An area of historical interest		X
	1. Historic buildings or monuments		X
	2. Buildings or monuments of unique architecture		X
E.	An area of identified community recreation use		X
V. ENERGY, TRANSPORTATION AND COMMUNICATIONS			
A.	Does the development increase the traffic flow in any collector system by more than 10%		X
B.	Is the development traversed by an existing or planned utility corridor? (gas, electricity, water, sewer interceptor, communications, storm sewer)		X
VI. POPULATION.			
A.	Does the development increase by more than 10% the school population of any school serving the development		X
VII. COMMENTS ON ANY OF THE ABOVE WHICH MAY HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT			
VIII. APPENDICES AND SUPPORTING MATERIAL			

# Submittal Requirements

Before submitting your proposal, please check to make sure it includes all the information which is required for your particular proposal.

## A. Information Required for All Changes of Comprehensive, Conditional Use Permits or Land Divisions.

### 1. APPLICANT

Name: Dan and Dallas Ziegler

Phone: 608-438-5042

Address: 5031 Church Road, Middleton, WI 53562

If not owner, state authority to apply for this change:

### 2. OWNER (if different than Applicant)

Name: Leo A. Ziegler and Carol K. Ziegler Joint Revocable Trust dated February 10, 2004

Phone: \_\_\_\_\_

Address: 5031 Church Road, Middleton, WI 53562

### 3. PROFESSIONAL SERVICES REPRESENTATIVES (Surveyor, Landscape Architect, Engineer, Attorney, Contractor, Accountants. Please List Them All)

Name: Williamson Surveying Name: \_\_\_\_\_ Name: \_\_\_\_\_

Phone: 608-255-5705 Phone: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: 104 A. West Main St Address: \_\_\_\_\_ Address: \_\_\_\_\_

Profession: Surveyor Profession: \_\_\_\_\_ Profession: \_\_\_\_\_

### 4. LOCATION & DESCRIPTION OF LAND

Current Zoning: A-1 ex

Parcel Number: 0808-284-9520-9

Current Parcel Size: \_\_\_\_\_

Parcel Address: NA

Legal Description: Part of the SE 1/4 of the SE 1/4 of Section 28

Soil Type: Provide Dane County Soils Map \_\_\_\_\_

Current use: **Residential** / Cropland / Other (explain) \_\_\_\_\_

### 5. ACTION REQUESTED (Circle requested changes & complete the information.)

A. Zoning change from A-1ex to SFR for 2.22 acres (Acreage of total parcel \_\_\_\_\_)

B. Conditional Use Permit for NA acres.

C. Land Division ( Certified Survey Map,  Preliminary Plat,  Final Plat)

### 6. WRITTEN DESCRIPTIVE STATEMENT providing the following information relating to the applicant's request must be attached to this form.

- A description of the project stating purpose, need that is being met, relationship to surrounding properties and other information describing the project.
- A time schedule for development.
- Reasons why the property is suitable for the proposed use.
- Are other sites available for the proposed use?
- What circumstances justify the need for the proposed use at this location?
- Are there currently any violations of Town of Springfield or Dane County Ordinances on the property at present time?

- g. Is the property to be improved? When? What improvements?
- h. Will the requested conditional use be in harmony with the adjacent neighborhood and Town of Springfield Comprehensive Plan?
- i. Any major comprehensive changes adjacent to the subject property? New road or highway, new dam, or adjacent comprehensive change, etc.
- j. Will the proposed use be located so that it will not impact or limit neighboring farm operations.
- k. An explanation of the objectives to be achieved by the planned development, including building descriptions, sketches or elevations as may be required to describe the objectives.
- l. Initial development-phasing timetable indicating the approximate date when construction of the planned development or stages of the development can be expected to begin and be completed.
- m. A listing of all permitted uses within the planning area.
- n. The density and type of dwellings. Gross square footage and ground coverage of all nonresidential structures (Floor Area Ratio).
- o. The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public right-of-ways.
- p. The location, height, and size of proposed signs, lighting and advertising devices.
- q. A description of the proposed method of providing ongoing (permanent) maintenance of all commonly owned or publicly dedicated buildings, facilities, areas and thoroughfares.

**7. SCALE DRAWING OR MAP** of the parcel must be included with this form. Include as much detail as possible. All current and proposed structures, sewage systems and roads must be shown. A crude sketch will not be accepted. See submittal requirements.

**8. ADDRESSES OF NEIGHBORING LAND OWNERS** List the names and addresses of surrounding landowners.

**9. FEE SCHEDULE:** All fees are due at the time the application is submitted. Applications will not be considered or approved until fees are paid.

Application Fees:

CSM	\$250 + \$50/lot	Plat—Preliminary	\$250 + \$50/lot
		Plat—Final	\$500

Retainer Fees: (Depending on the complexity of the project additional fees could be required or any unused funds will be returned)

CSM	\$1,000	Single Commercial Plat	\$1,000	Site Plans	\$1,000
Subdivision Plans	\$7,500	Multi Commercial Plat	\$7,500		

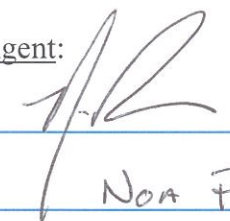
\*\*\*For all requests, professional service fees from the Town Engineer and Attorney are the costs of the applicant/agent.

**10. I hereby certify that the information provided on this notice is true and correct. I understand that failure to provide all required information should be grounds for denial of my request.**

Property/Land Owner:

Agent:

Signature: \_\_\_\_\_

 - WILLIAMSON SURVEYING  
 \_\_\_\_\_  
 NOAH PRIEVE

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

01-10-2024

**A. CERTIFIED SURVEY MAP**

(1) Does the CSM show the following:

YES	NO	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CSM Number
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Surveyor's Statement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Scale / North Arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Date of Preparation
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location by Township & Range
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distance / Bearing on Boundary
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Legal Descriptions of all new & remaining lots
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Total Area
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot Area
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjoining Lots / Streets
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Adjacent Comprehensive & Zoning
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Setbacks
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floodplain
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Environmental Protection Areas
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjacent Survey Monuments
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public facilities locations and proposed dedication areas
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Open space areas/Trails/Parks/ Recreation Facilities

(2) Attach the following information (\* if public improvements are included)

- a. Certified Survey Map 12 Copies
- b. Site Assessment Checklist 12 Copies
- c. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the development and any of its common or public areas.
- d. Electronic text document containing the legal land descriptions for each new and remaining parcel.
- e. Any other information deemed appropriate by the Town of Springfield representative for complete review of the application.

(3) Each CSM for all new home sites created in the Ag Preservation area must include the following note/restriction, "Regardless of zoning, Lot X may not be further divided except by approval of the Town following verification that such division is consistent with the Town comprehensive plan, including its residential density policy."



TOWN OF SPRINGFIELD LAND DIVISION ORDINANCE

**SITE ASSESSMENT CHECKLIST**

*(To be prepared by applicant)*

ITEM OF INFORMATION	YES	NO
<b>I. Land Resources. Does the proposed development site include or is it adjacent to:</b>	<input type="checkbox"/>	<input type="checkbox"/>
A. Slopes of 12% or greater? (See comprehensive plan Map 4 or complete on-site survey)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Slopes of 20% or greater? (See comprehensive plan Map 4 or complete on-site survey)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. A floodplain, as designated by FEMA? (If Yes, attach map of the 100-year floodplain limits)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Bedrock within 10 ft. of surface? (See County soil survey or based on on-site soil borings)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Groundwater within 5 ft. of surface? (See County soil survey or based on on-site soil borings)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Soils having severe or very severe limitations for private on-site waste disposal (septic) systems? (See comprehensive plan Map 13 or based on on-site perc tests)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. A brownfield/contaminated site? (DNR Contaminated Lands Web Database or site assessment)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H. Mineral rights owned by someone aside from the lot owner? (If yes, provide more info)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I. A mineral extraction operation or asphalt batch plant, whether approved, in operation or both?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. Group I or II agricultural soils? (See comprehensive plan Map 2 or County Soil Survey) class III List soil types on property: PoB	<input type="checkbox"/>	<input checked="" type="checkbox"/>
K. Development adjacent to an existing farm operation? (If yes, setbacks, buffer yards and/or covenants may be required over the new subdivisions) Field	<input type="checkbox"/>	<input checked="" type="checkbox"/>
L. Wetlands? (see WisDNR Wisconsin Wetland Inventory or based on on-site survey)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
M. Exposed hill or ridgetops? (see comprehensive plan, including Maps 4 and 5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N. Open space/environmental corridors or Conservancy District? (See Maps 6 and 7 of comp plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
O. A grassland/prairie management area, or a prairie or oak savanna remnant? (see Map 39 of the North Mendota)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P. Existing or planned paths? (See comprehensive plan, Dane County Park and Open Space Plan, Dane County Bicycle System Plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Q. Existing trails for motorized vehicles, such as snowmobile routes? (See County Park Plan, club or commercial trail maps)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>II. Water Resources. Does the proposed development site include or is it adjacent to:</b>	<input type="checkbox"/>	<input type="checkbox"/>
A. An area traversed by a navigable creek or stream, intermittent stream, or dry run?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Within 300 feet of a river or stream or 1,000 feet of lake, pond, or flowage?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. The Upper Pheasant Branch Creek subwatershed? (See DNR database: <a href="http://dnr.wi.gov/org/gmu/gmu.html">http://dnr.wi.gov/org/gmu/gmu.html</a> or	<input checked="" type="checkbox"/>	<input type="checkbox"/>
D. The Pheasant Branch Marsh subwatershed? (thermally sensitive watersheds)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. The Upper Black Earth Creek subwatershed? (thermally sensitive watersheds)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. An existing stormwater storage or transmittal system, either natural or human-made?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
G. An area with extreme or high susceptibility of shallow aquifers to groundwater contamination? (see Wisconsin	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H. An area with high groundwater recharge rates (rating of 9 or higher) in the report Hydrology of Dane County, 1999, Wisconsin Geological and Natural History Survey?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I. Use of a private group waste treatment system, holding tanks, or other non-traditional means of sanitary waste treatment and disposal?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
J. A high-capacity well? (defined by as a well with withdrawal > 100,000 gallons per day)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
K. Development within a wellhead protection area for a municipal well? (Middleton or Waunakee)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
L. Development within 1,200 feet of any open or closed landfill site? (See Map 6 of comprehensive plan and WisDNR landfill database)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

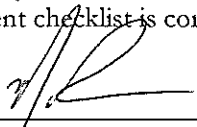
ITEM OF INFORMATION	YES	NO
<b>III. Biological Resources. Does the development site include or is it adjacent to:</b>	<input type="checkbox"/>	<input type="checkbox"/>
A. A section of land that the WisDNR Wisconsin Natural Heritage Inventory identifies as containing endangered or rare plant or animal species? (see Map 38 of the North Mendota FUDA ECR of comprehensive plan--if yes, you must submit an Endangered Species (NHI) Review Request Form (Form 1700-047) )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Trees with a diameter of 12 or more inches at breast height?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Areas with a continuous woodland canopy of 5 acres or greater?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>IV. Human and Scientific Interest. Does the project site include or is it adjacent to:</b>	<input type="checkbox"/>	<input type="checkbox"/>
A. An archeological site, such as a Native American site? (See State Historical Society Archeological Site Inventory database, Map 3 of comprehensive plan, or through a site inventory if performed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. A historic site or building, including those listed or eligible for listing on the State or National Register of Historic Places? (see State Historical Society American Heritage Inventory or Map 3 of comprehensive plan)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. An area or structures that reflect the agricultural heritage of the Town, such as stone rows, fence lines, tree lines, or agricultural buildings such as farmsteads, barns, and silos?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>V. Energy, Transportation and Communications. Is the development site:</b>	<input type="checkbox"/>	<input type="checkbox"/>
A. Abutting or traversed by an existing or planned roadway corridor, as shown on the town, county, or adjacent city comprehensive plan; an official map; or a state, county, adjacent city, or town highway plan? PHEASANT BRANCH II	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Within a highway noise impacted area (within 500 feet of a state or federal highway)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Traversed by or abutting an existing or planned utility corridor or structure, including but not limited to gas, electrical, water, sewer, storm, and telecommunications? OVER HEAD UTILITIES	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Yes answers must be explained in detail by attaching maps and supportive documentation on the type, location, and extent of the identified feature, and the impact that the subdivision or land division is expected to have on that feature.

The completed site assessment checklist and the attached information will be used by the Town as a basis for determining the suitability of the land for subdivision or land division, and for evaluating whether the project meets other requirements of the Town's subdivision ordinance and comprehensive plan. Adjustments to the proposed subdivision to minimize or mitigate the impact of yes answers may be required.

**CERTIFICATION:**

I hereby certify that I have researched the listed reference sources and that the information supplied on and included with this site assessment checklist is correct to the best of my knowledge.

  
 \_\_\_\_\_  
 Signature of subdivider, engineer, or surveyor

NOAH PRIEVE S-2499  
 \_\_\_\_\_  
 Printed Name and registration/license number

1/10/24  
 \_\_\_\_\_  
 Date





# WILLIAMSON SURVEYING & ASSOCIATES, LLC

104A WEST MAIN STREET, WAUNAKEE, WI 53597

NOA T. PRIEVE and CHRIS W. ADAMS

PHONE: 1-608-255-5705 WEB: WILLIAMSONSURVEYING.COM

## Descriptive Statement

**A.) A description of the project stating purpose, need that is being met, relationship to surrounding properties and other information describing the project.**

This rezone and certified survey map is being requested by the Ziegler family for Dan and Dallas to build a new home. The land is part of the existing home farm and is zoned A-1EX. They are requesting the new lot to be rezoned to SFR and this lot would be 2.00 acres.

**B.) A time schedule for development.**

They would like to build a new home this year.

**C.) Reasons why the property is suitable for the proposed use.**

The site already adjacent to existing residential homes and is located on lands owned by the family.

**D.) Are other sites available for the proposed use?**

Not that is desired.

**E.) What circumstances justify the need for the proposed use at this location?**

The proposed rezone is simply going to allow them to build a new home on the family farm.

**F.) Are there currently any violations of Town of Springfield on the property at present time?**

No violations of Town or County Ordinances are known on this site.

**G.) Is the property to be improved? When? What improvements?**

They plan to build a new home.

**H.) Will the requested conditional use be in harmony with the Town of Springfield Land Use Plan?**

The requested use should coincide with the neighborhood and the Town of Springfield Land Use Plan.

**I.) Any major land use changes adjacent to the subject property?**

There are no major land use changes known on the adjacent properties.

**J.) Will the proposed use be located so that it will not impact neighboring farm operations.**

This C.S.M. is designed to coincide with, and not impact or limit neighboring farms operations.

**K.) An explanation of the objectives to be achieved by the planned development, including building descriptions, sketches or elevations as may be required to describe the objectives**

The site will be developed as a single-family residential use.

**L.) Initial development-phasing timetable indicating the approximate date when construction of the planned development or stages of the development can be expected to begin and be completed.**

They would like to build a new home this year.

**M.) A listing of all permitted uses within the planning area.**

Town of Springfield SFR zoning -

**N.) The density and type of dwellings. Gross square footage and ground coverage of all nonresidential structures (Floor Area Ratio).**

One single family home is being planned. Unknown size of proposed home

**O.) The internal traffic and circulation systems, off-street parking areas, service areas, loading areas, and major points of access to public right-of-ways.**

The major point of access to public right of ways is on Church Road. location is approved by Town.

**P.) The location, height, and size of proposed signs, lighting and advertising devices.**

There is no need for any signs, lighting or advertising at this time. No use change.

**Q.) A description of the proposed method of providing ongoing (permanent) maintenance of all commonly owned or publicly dedicated buildings, facilities, areas and thoroughfares.**

There will be a right of way dedication of 33 feet for church Road. The current width is 49.5 feet and this dedication to provide a typical width (66') for public roadway on the Ziegler's parcel.

## **Adjoining Land Owners:**

Leo & Carol Ziegler  
5031 Church Rd  
Middleton, WI 53562

Ziegler Dairy Farms  
5137 Church Road  
Middleton, WI 53562

St. Peter Church  
7125 County Highway K  
Middleton, WI 53562

Andrew and Lisa Bindi  
7109 Meier Road  
Middleton, WI 53562

**TOWN OF SPRINGFIELD JURISDICTION REVIEW FORM**

**COMPLETE THIS FORM BEFORE STARTING THE ZONING APPLICATION**

If your property is subject to Dane County's jurisdiction, the Town cannot grant your zoning change without Dane County's approval. If the answer to any of the Jurisdictional Questions is "Yes", the Town cannot proceed with your application unless Dane County indicates that the County does not have jurisdiction over zoning the parcel.

Applicant/Agent/Contractor: Neil Bortz-Agent neil@williamsonsurveying.com Email: \_\_\_\_\_

Address: 104A W. Main Street City/State/Zip: Wauunakee, WI 53597 Phone: 255-5705

Parcel ID Number(s): 056/0808-284-9520-9

CSM or Plat Information, if any: \_\_\_\_\_

Proposed activity on the property: Creating a new single family residential lot

Is the property enrolled in CRP or any other farm programs?  No  Yes

If "Yes" is checked, identify the program and file identification number(s): \_\_\_\_\_

**JURISDICTIONAL QUESTIONS**

1. Is your proposed project located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage?  
 No  Yes

2. Is your proposed project located within 300 feet of the ordinary high-water mark of a navigable river, stream or creek?  
 No  Yes

3. Is your proposed project located within a floodplain?  No  Yes

4. Is your proposed project located within a wetland?  No  Yes

5. Will your project involve disturbing more than 4,000 square feet of land by excavating, grading or filling?  
 No  Yes (If Yes, you may need a Dane County erosion control and/or stormwater permit)

6. Do the maps showing wetlands, floodplains and shorelands at <https://dcimapapps.countyofdane.com/lwrviewer/> indicate that there are any floodplain, wetland or shoreland areas on your property or an adjacent parcel?  
 No  Yes

**STATEMENT OF APPLICANT**

The answers above were made after reviewing the facts pertaining to my property. I am aware that if my proposed project is located within a floodplain, shoreland or wetland area, the project must be reviewed by Dane County. Any approvals obtained in error will be void, and all expenses incurred in seeking those approvals will be lost.

Dated: 12-26-2023 By: Neil Bortz

If the answer to any jurisdictional question is "Yes," the applicant must submit this request to the Dane County Department of Planning and Development for a determination of whether the project is subject to Dane County Jurisdiction.

**DETERMINATION BY DANE COUNTY**

The undersigned, acting by authority of Dane County, indicates that the parcel identified in this Jurisdictional Review Form is not subject to shoreland, floodplain or wetland zoning regulations of Dane County.

Dated: \_\_\_\_\_ By: \_\_\_\_\_

# ZONING CHANGE APPLICATION

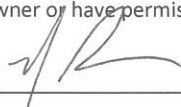
TOWN OF SPRINGFIELD • 6157 CTH P • DANE, WI 53529  
 PHONE (608) 849-7887 • [www.town.springfield.wi.us](http://www.town.springfield.wi.us)

PERMIT #:	
Permit Fee: \$ _____	Fee Paid: <input type="checkbox"/>
Approved By: _____	
Approval Date: _____ / _____ / _____	

Items that must be submitted with your application:

- **Written Legal Description of the Proposed Zoning Boundaries**  
 Legal description of the land that is proposed to be changed. The description may be a lot in a plat, Certified Survey map, or an exact metes and bounds description. A separate legal description is required for each zoning district proposed. The description shall include the area in acres or square feet.
- **Scaled Drawing of the Location of the Proposed Zoning Boundaries**  
 The drawing shall include the existing and proposed zoning boundaries of the property. All existing buildings shall be shown on the drawing. The drawing shall include the area in acres or square feet.

OWNER	AGENT (Contractor, Coordinator, Other)
NAME Dan and Dallas Ziegler	CONTACT NAME Noa Prieve
BUSINESS NAME or CO-OWNER'S NAME (if applicable)	BUSINESS NAME (if applicable) Williamson Surveying and Associates LLC
MAILING ADDRESS 5031 Church Road	MAILING ADDRESS 104A W. Main St.
CITY, STATE, ZIP Middleton, WI 53562	CITY, STATE, ZIP Waunakee, WI 53597
DAYTIME PHONE # 1-608-438-5042	DAYTIME PHONE # 1-608-255-5705
EMAIL dallasziegler6@gmail.com	EMAIL Noa@williamsonsurveying.com

LAND INFORMATION	
Town: <u>Springfield</u>	Parcel Numbers Affected: <u>056/0808-284-9520-9</u>
Section: <u>28</u>	Property Address or Location: <u>Southeast 1/4 of the Southeast 1/4</u>
Zoning District Change (To / From / # of acres) <u>A1-EX / SFR / 2.22 acres</u>	
Soils classification of area (percentages) Class I Soils: _____ % Class II Soils: _____ % Other: <u>100</u> %	
Narrative: (reason for change, intended land use, size of farm, time schedule)	
<input type="checkbox"/> Separation of buildings from farmland	<input checked="" type="checkbox"/> Creation of a residential lot
<input type="checkbox"/> Compliance for existing structures and/or land uses	<input type="checkbox"/> Other
Dan is going to be building an new house on the new residential lot.	
I authorize that I am the owner or have permission to act on behalf of the owner of the property.	
Signature: <u></u>	Date: <u>01/10/2024</u>





# PLAN COMMISSION APPLICATION

CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

Plan Commission usually meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7 p.m. in the Council Chambers of Middleton City Hall. The following **must be submitted at least FOUR weeks** prior to any Plan Commission meeting for staff review and agenda placement. Failure to submit a complete package may result in the return of all items, a resubmittal fee, and a delay of your project. Larger and more complex projects will require additional review time, and staff will be in contact regarding the agenda and timeline.

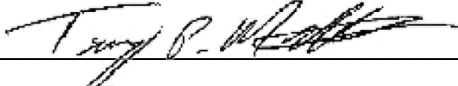
1. Plan Commission Application & Checklist (this packet).
2. Required (nonrefundable) fee(s) **and deposit (see chart below)**.
3. One (1) electronic copy of the submittal emailed to [planning@cityofmiddleton.us](mailto:planning@cityofmiddleton.us). The plan set must include streetscape and site landscape plans.

**Project Address/Name:** \_\_\_\_\_

Applicant:		
Address:		
Phone:	Fax:	Email:

Owner:		
Address:		
Phone:	Fax:	Email:

**Project Description:** \_\_\_\_\_

**Owner/Applicant Signature:**  \_\_\_\_\_ **Date:** \_\_\_\_\_

- Note:**
- City ordinances are on the City website at <https://www.cityofmiddleton.us/115/City-Code-of-Ordinances>
  - Applicants must check with the Building Inspection Dept. to determine if any permits are required.

Fees (check what applies):	
Certified Survey Map (+GIS fees)	\$400 + \$55/lot
Concept Review	\$50
Conditional Use Permit	\$500
Design Review	\$200
Design Review Revisions	\$50
Final Plat (+GIS fees)	\$900 + \$80/lot
Preliminary Plat	\$400 + \$50/acre
Rezoning	\$500-\$2,000**
Sign Design Review	\$50
Sign Variance	\$500
SIP/SIP Modification*	\$50-\$500**
Future Land Use Map Amendment	\$200
<small>* Specific Implementation Plan in Planned Development District = \$500. Minor Modification = \$300, SIP Major Modification = \$500, SIP Modification (revision) = \$50                      ** Fee based on cost of project. <b>For Rezoning</b>: single lot or project = \$500, larger projects and PDD rezoning requests = \$2,000</small>	

Deposit
An Escrow Deposit of \$5,000 is required per Ord. 10.128(2) to cover project review costs by outside consultants when necessary. See attached excerpt from City Ordinances.
Waiver authorized: <input type="checkbox"/> _____ date _____
<b>TRAFFIC IMPACT ANALYSIS</b> Required Yes <input type="checkbox"/> No <input type="checkbox"/>
PC 2656

# CITY OF MIDDLETON ESCROW DEPOSIT, GIS FEE, & STORMWATER MANAGEMENT FINANCIAL GUARANTEE

Section 10.128(2) **Escrow Deposits** of the City of Middleton Code of Ordinances is hereby created to read as follows:

(a) In addition to the fees specified in sub (1), applicants for all **Rezoning, Conditional Use Permits, Design Review and Specific Implementation Plan Modifications** shall be responsible to pay the actual cost of review of the application by outside consultants hired by the City including but not limited to, Federal, State or County Departments and Madison Metropolitan Sewerage District, Attorneys, Engineers or Planners. Upon application, the applicant **shall deposit \$5,000** to be held in escrow upon which the City shall draw to pay for said costs as they are incurred during the course of reviewing the application. Itemized statements reflecting the amounts drawn from the deposit shall be sent to the applicant each month. In the event that the escrow deposit has been drawn down to twenty-five percent (25%) of the required amount, the applicant shall replenish the escrow deposit to its original amount. If any funds remain in the escrow deposit following final determination of the application, such remaining funds shall be returned to the applicant within sixty (60) days of the determination together with an accounting of the deposits and draws on the escrow.

(b) Applicants may obtain a pre-application waiver of the required escrow deposit from the City Administrator if in the City Administrator's sole discretion he/she determines that no consultant review will be required. Said waiver shall not preclude the City Administrator from employing an outside consultant, charging the costs of any consultant review to the applicant or requiring an escrow deposit at any time after application.

Similar language pertaining to **Land Divisions** appears in Section 19.04(7)(c).

**THIS DEPOSIT WILL BE DUE ONE WEEK PRIOR TO THE PLAN COMMISSION MEETING WHERE THIS ITEM WILL BE DISCUSSED, UNLESS THE DEPOSIT HAS BEEN WAIVED BY THE CITY ADMINISTRATOR OR HIS DESIGNEE. IF A WAIVER IS GRANTED, THE APPLICANT WILL BE NOTIFIED BEFORE THE SUBMITTAL DEADLINE. FAILURE TO PAY THIS DEPOSIT MAY RESULT IN THE RETURN OF ALL ITEMS, A RESUBMITTAL FEE, AND A DELAY OF YOUR PROJECT.**

## Fee Schedule under Section 3.12 relating to Fees for Updating of Geographical Information System (GIS) Records

Procedure for Dividing Land 19.04(7)(b)	Fees to defray administrative expenses - GIS and records update, Plats	\$500 + \$30/lot
Procedure for Dividing Land 19.04(7)(b)	Fees to defray administrative expenses - GIS and records update, CSM	\$200 + \$30/lot
Procedure for Dividing Land 19.04(7)(b)	Fees to defray administrative expenses - GIS and records update, Public Improvements	\$0.75 x total pipe length (i.e., total footage of all public Pipes + private storm Water conveyances)

Section 26.10(6) – **Warranty and Financial Guarantee** of the City of Middleton Code of Ordinances requires the submittal of financial guarantee in every instance where the estimated cost of stormwater practices exceeds \$5,000. The financial guarantee must be provided prior to stormwater management permit approval. The amount of the Installation Financial Guarantee shall be determined by the City Engineer and shall not exceed the total estimated construction costs of the approved storm water management practices, plus 25%.

# CITY OF MIDDLETON PLAN SUBMITTAL CHECKLIST

Project Name: Middleton Self Storage	Builder/Developer: 1784 Holdings, LLC
Project Address: 2010 Pleasant View Rd	Phone: 602-510-3654

**Note:** Include on the plan sheets each applicable item listed below with all formal plan submittals. All spaces should be checked, or marked "N/A" if the item does not apply. Please submit this checklist with your application. **Staff will reject any application they deem incomplete.**

- 1. Show the planned improvements in the context of the surrounding properties and include existing buildings and driveways on **all** adjoining properties.
- 2. Show existing and proposed contours at an interval (minimum 1') suitable to the topography and project. Contours should extend a minimum of 20' beyond property lines and nearby berms and swales and at least to the backs of curbs.
- 3. Show square footage (area) of:
  - a. Lot or parcel
  - b. Existing impervious surface
  - c. Proposed total impervious (existing plus current proposal)
  - d. Existing building
  - e. Proposed total building (existing plus current proposal)
  - f. Existing parking and pavement
  - g. Proposed total parking and pavement (existing plus current proposal)
- 4. Show all relevant dimensions including:
  - a. Buildings
  - b. Setbacks to buildings and other improvements.
  - c. Parking stalls
  - d. Driveway widths
  - e. Parking lot aisles, turnarounds, turning radii, etc.
  - f. Distance from driveway to street corner if less than 200'
  - g. Sidewalk, walkway and handicap ramp widths and locations with respect to street and right-of-way
  - h. Widths of abutting R.O.W.'s, roadways, and terraces.
- 5. Show dimensions and bearings of property lines.
- 6. Show North Arrow and scale of drawing.
- 7. Show site elevations to NAVD '88 vertical datum. Survey catalogued city benchmarks in the area of the site and adjust to NAVD '88.
- 8. Label all existing and proposed surface materials (grass, bituminous, concrete, etc.)
- 9. Show total number of required and proposed parking stalls.
- 10. Show handicap parking stall and ramp locations.
- 11. Show up or down arrows on loading or other ramps.



- 12. Show existing, proposed, & adjoining driveway approaches.
- 13. Show removal and replacement to City Specifications of concrete curb and gutter for all new curb cuts or as otherwise required.
- 14. Show rim and invert elevations of all drainage structures.
- 15. Show location and screening of refuse and recycling containers.
- 16. Design surface drainage to bypass refuse and recycling containers.
- 17. Indicate proposed direction of roof drainage and show on grading plan the location of all roof gutter downspouts.
- 18. Show all existing and proposed public and private utility locations on and adjacent to site.
- 19. Show location of nearest existing City of Middleton fire hydrants and proposed City and private fire hydrants.
- 20. Show proposed lighting for site including location, pole height, luminaire type and manufacturer's specifications.
- 21. Provide drawings of proposed building with elevation views showing proposed materials and colors.
- 22. Include elevation view of rooftop mechanicals and required screening design, materials, and colors.
- 23. Include statement of historical landmark designation status.
- 24. Include name of designer, P.E. stamp and signature on final plans.
- 25. Include Erosion Control Plan. Include note on plan stating: "Additional erosion control measures will be installed as needed."
- 26. Include Landscape Plan. See separate checklist for landscape plan requirements.

<b>Staff Contacts</b>		
<b>Abby Attoun, AICP</b>	<b>Mark Opitz</b>	<b>Daphne Xu, AICP</b>
Planning & Community Development Director	City Planner Zoning Administrator	Associate Planner
(608) 821-8343	(608) 821-8394	(608) 821-8377
Email: <a href="mailto:attoun@cityofmiddleton.us">attoun@cityofmiddleton.us</a>	Email: <a href="mailto:mopitz@cityofmiddleton.us">mopitz@cityofmiddleton.us</a>	Email: <a href="mailto:dxu@cityofmiddleton.us">dxu@cityofmiddleton.us</a>
<b>Planning &amp; Community Development Department</b> Phone: (608) 821-8370 Email: <a href="mailto:planning@cityofmiddleton.us">planning@cityofmiddleton.us</a>		

## LANDSCAPE PLAN SUBMITTAL CHECKLIST

**Note:** Please include each applicable item listed below with all formal plan submittals. All spaces should be checked or marked "N/A" if the item does not apply.

- 1. Show existing and proposed contours at an interval (minimum 1') suitable to the topography and project. Contours should extend a minimum of 20' beyond property lines and nearby berms and swales at least to the backs of curbs
  
- 2. Show number of required:
  - a. Parking stalls
  - b. Landscaping points and size of landscaping elements
  - c. Additional canopy trees
  
- 3. Show total number of provided:
  - a. Parking stalls
  - b. Landscaping points and size of landscaping elements
  - c. Additional canopy trees
  
- 4. Show North Arrow and scale of drawing.
  
- 5. Include name of designer on final plans.
  
- 6. Show existing/proposed hydrants, sanitary laterals, water services, light poles, power poles, and other significant topographic features in landscaped areas.
  
- 7. Show all relevant dimensions.



Middleton  
Concept Review Comments

FILE	PAGE	COMMENTS	RESPONSE
Site Plan- Supporting Document File	2	Rotate text for improved legibility	The Site Plan has been rotated clockwise to allow the linework to fit better on the sheet at a smaller scale, and to make the text more readable.
Site Plan- Supporting Document File	2	Shift notes to clear of conflicting lines/ leaders/ test for legibility	Text background masking has been added to make the text legible. See Sheet C101
Site Plan- Supporting Document File	2	Verify need/ intent for access easement on site or clarify if benefit is for another site	Driveway access to the lot has been moved to the north to provide a completely separate entrance to the property. This shared driveway access point is no longer planned to be used or developed as part of this project.
Site Plan- Supporting Document File	2	Show proposed building floor elevation	This elevation is shown on the Grading Plan Sheet C200.
Site Plan- Supporting Document File	2	Document access easement across gas station property	An easement does not exist. Driveway access to this lot has been moved to the north.
Site Plan- Supporting Document File	2	Label area intended for stormwater management	The new stormwater basin area is now shown on the civil plan sheets.
Site Plan- Supporting Document File	2	Proposed water/sewer laterals	These laterals are shown on the Utility Plan Sheet C300.
Site Plan- Supporting Document File	2	Separate text from dimensions to clarify extents of easement	Text background masking has been added to make the text legible. See Sheet C101
Site Plan- Supporting Document File	2	Improve legibility of the label for this lines	Text size and background masking has been added to make this label legible. See Sheet C101
Site Plan- Supporting Document File	2	Clarify if this label is also of the 50' setback	Yes. Text size and background masking has been added to make this label legible. See Sheet C101
Site Plan- Supporting Document File	2	Show ATC easement along OH route at USH 14	Both shown on Sheet C101.
Site Plan- Supporting Document File	2	Improve legibility of the label for this lines	Text size and background masking has been added to make this label legible. See Sheet C101
Site Plan- Supporting Document File	2	Limits of 10' Util. Esmt?	Linework formatting updated on Sheet C101 to make the easement edge stand out from the background linework. This easement extends along the south, east, and north sides of the property.



**1784 Holdings LLC  
Middleton Self-storage  
Project Narrative  
12/11/23**



**Location**

2010 Pleasant View Rd, Middleton, WI 53562

**Request**

Proposal for the development of a self-storage facility on an approximate 4.86-acre site located at 2010 N Pleasant View Rd, Middleton, WI 53562, Property Map App parcel number 070810242052 (the "Property"). The Property is a vacant parcel zoned Industrial (I). 1784 Holdings LLC (the "Applicant") is seeking Design Review for site plan approval to develop the proposed climate-controlled storage facility.

The project team includes the following consultants:

**CIVIL ENGINEER**

**Burse Surveying and Engineering**

Brian Beaulieu  
608-250-9263  
bbeaulieu@bse-inc.net

**DEVELOPER/OWNER**

**1784 Capital Holdings, LLC**

Kirk Tuhowski  
866-828-6009  
ktuhowski@1784holdings.com

**ARCHITECT & SITE PLANNING**

**EAPC Architecture**

Michelle Bach  
509-669-7946  
Michelle.bach@eapc.net

**PROJECT MANAGER (PRIMARY CONTACT)**

**Nimble Consulting, LLC**

Jessi Ray  
602-510-3654  
jessi@nimbleconsulting.llc

**LANDSCAPE**

**Evergreen Design Group**

Eric Shipley  
319-377-1629  
eric@evergreendesigngroup.com

**Applicant Information**

Established in 2013, 1784 Holdings LLC is committed to establishing the highest standards within the self-storage industry through state-of-the-art construction, compatible architectural design, professional management, and enhanced security. Based in Scottsdale, Arizona, the Applicant intends to fulfill the growing demand for quality storage in vibrant regions throughout the U.S.

**Adjacent Land Uses**

The adjacent zoning and uses are as follows:

North: Industrial District (I) – Commercial building  
East: Highway Business District (B3) – Gas station & Retail  
South: USH-14 (University Avenue)  
West: Industrial District (I) – Office building

**Project Description**

The Applicant proposes to construct and manage an approximate 122,808 square foot climate-controlled drive thru self-storage facility, in which use is permitted within the Industrial (I) zoning district.

The proposed site plan has a single building 2 stories above grade with a maximum height of 35-feet of internalized self-storage units. The building will provide access to the 1,000 square foot office and primary interior drive-thru loading area from the east side of the building. Customer parking is provided on the east side of the building adjacent to the office. The building, loading area are secured and accessed by customers with a keypad and unique code. The one-way drive-thru loading area is accessed through automatic roll-up doors on the east and west sides of the building. Adjacent to the loading area is the office with open window features to allow on-site management monitoring of loading activities.

Access to the Site will be through one 30-foot driveway located off N Pleasant View Rd. There are 12 parking spaces including 1 ADA space for customer use along the east side of the building,

adjacent to the office, and primary loading access point to the building, which exceeds the 6 required parking spaces for a facility of this size.

Landscape and retention are proposed around the perimeter of the property. The landscape design will include a low water use palette with a variety of tree types, shrubs, and ground cover to complement the architectural design. A vast assortment of flora will be utilized in the proposed development to create a landscape that is suitable for color, shade, and texture throughout the year.

The necessary setback areas for landscaping are established in accordance with the adjacent uses and rights-of-way, including a 50 feet setback from the adjacent US-14 highway. The use of rooftop equipment will be concealed from street view by a parapet wall that will serve as the screen.

The proposed office hours are 8 am to 6 pm, seven days a week. Keypad entry will be available to customers to access the secured building from 5 am to 10 pm, seven days a week. The facility will be managed by 1-2 employees that are on-site during office hours. The Site will be monitored 24/7 by a state-of-the-art video security system.

The proposed use creates fewer vehicle trips per day when compared to other commercial uses. This type of facility has low water and sewer use given the low number of customer trips per day to the facility and employees on Site.

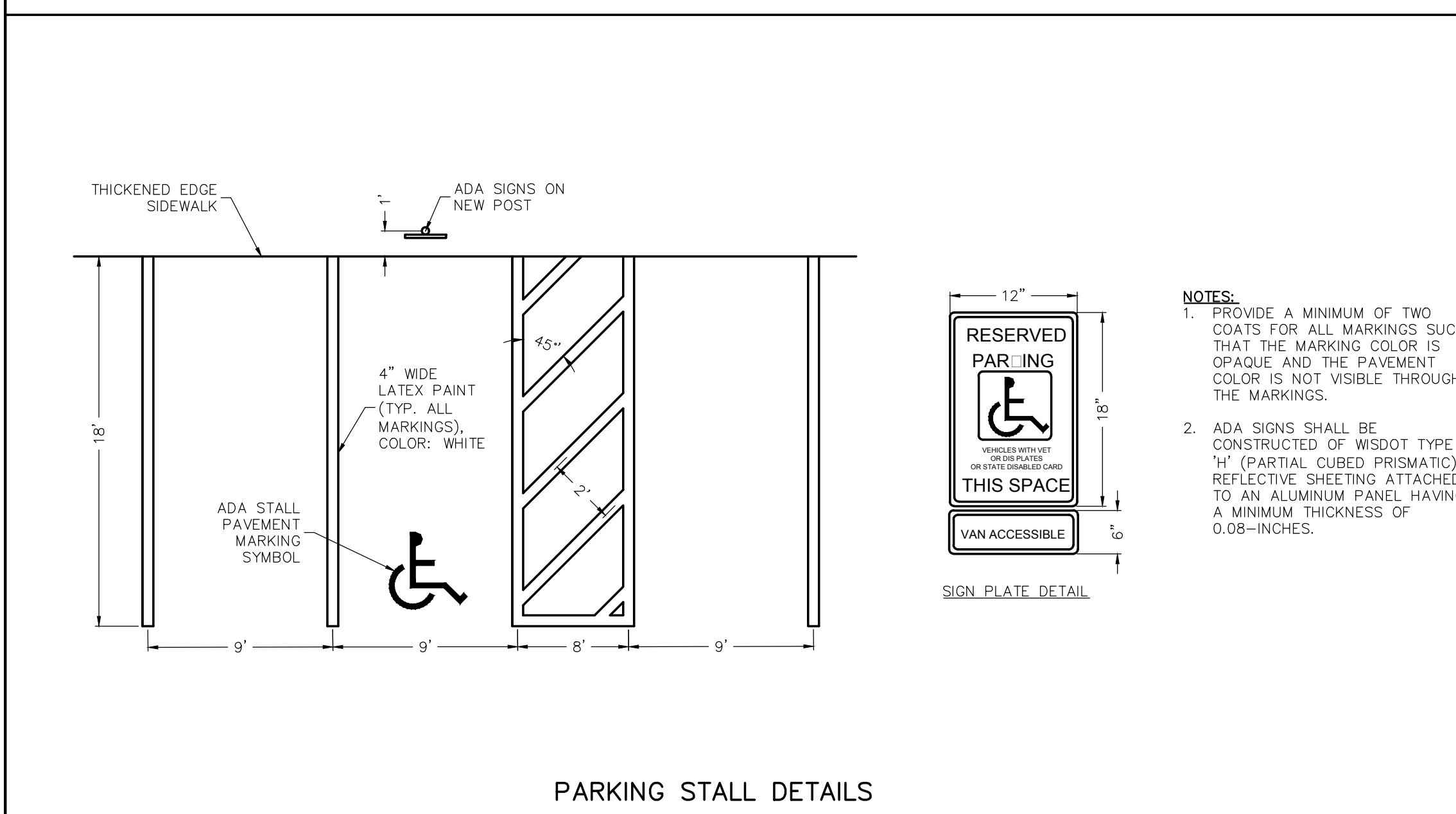
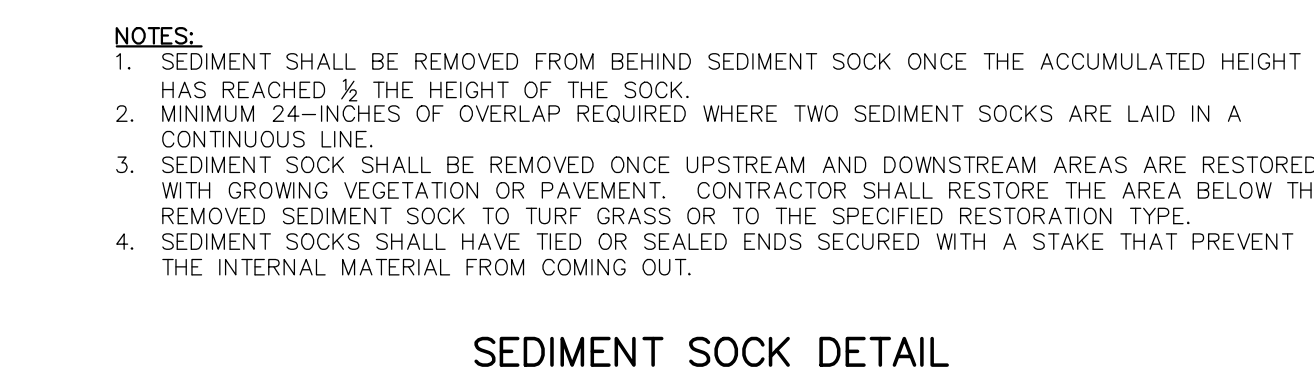
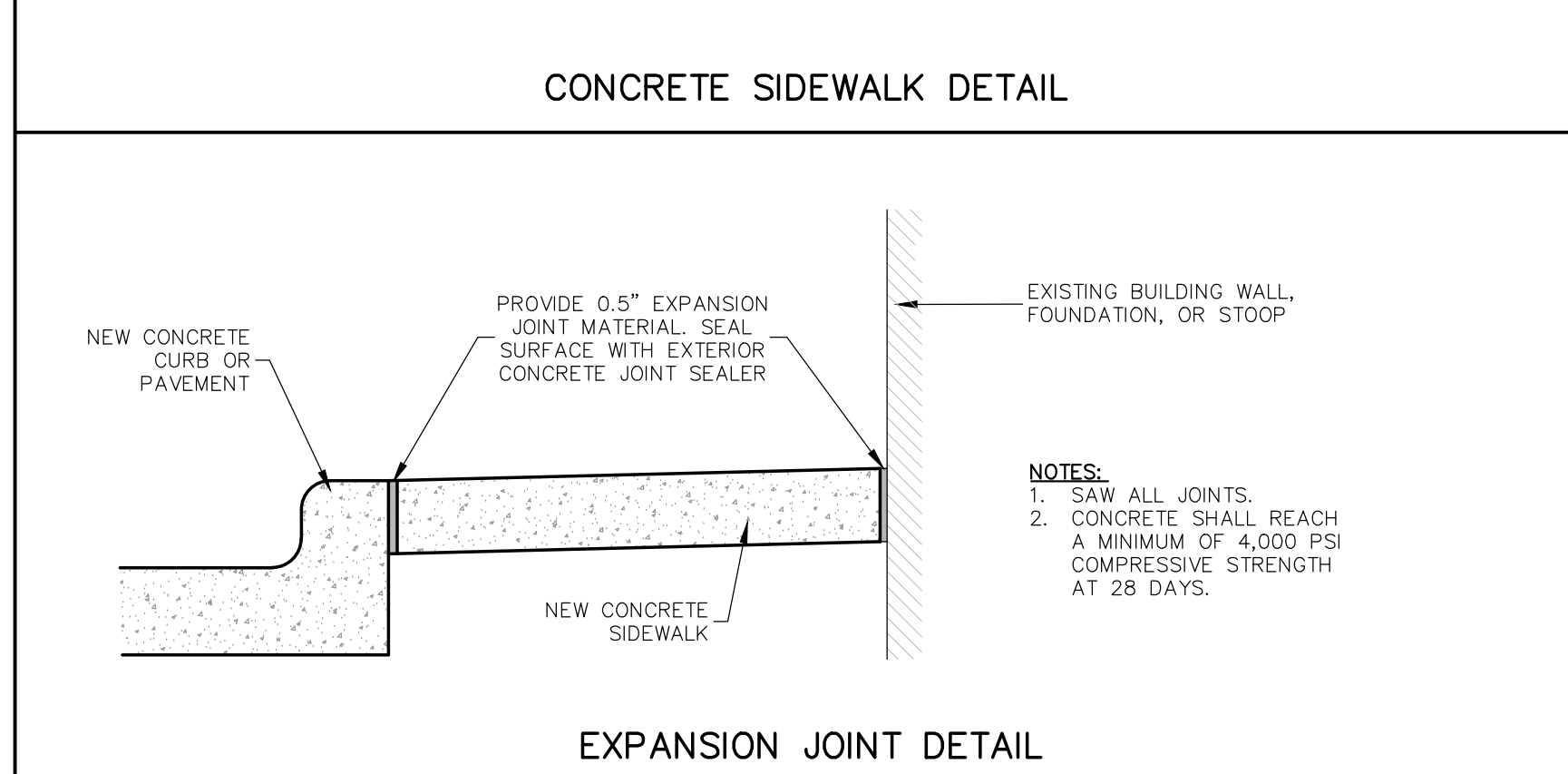
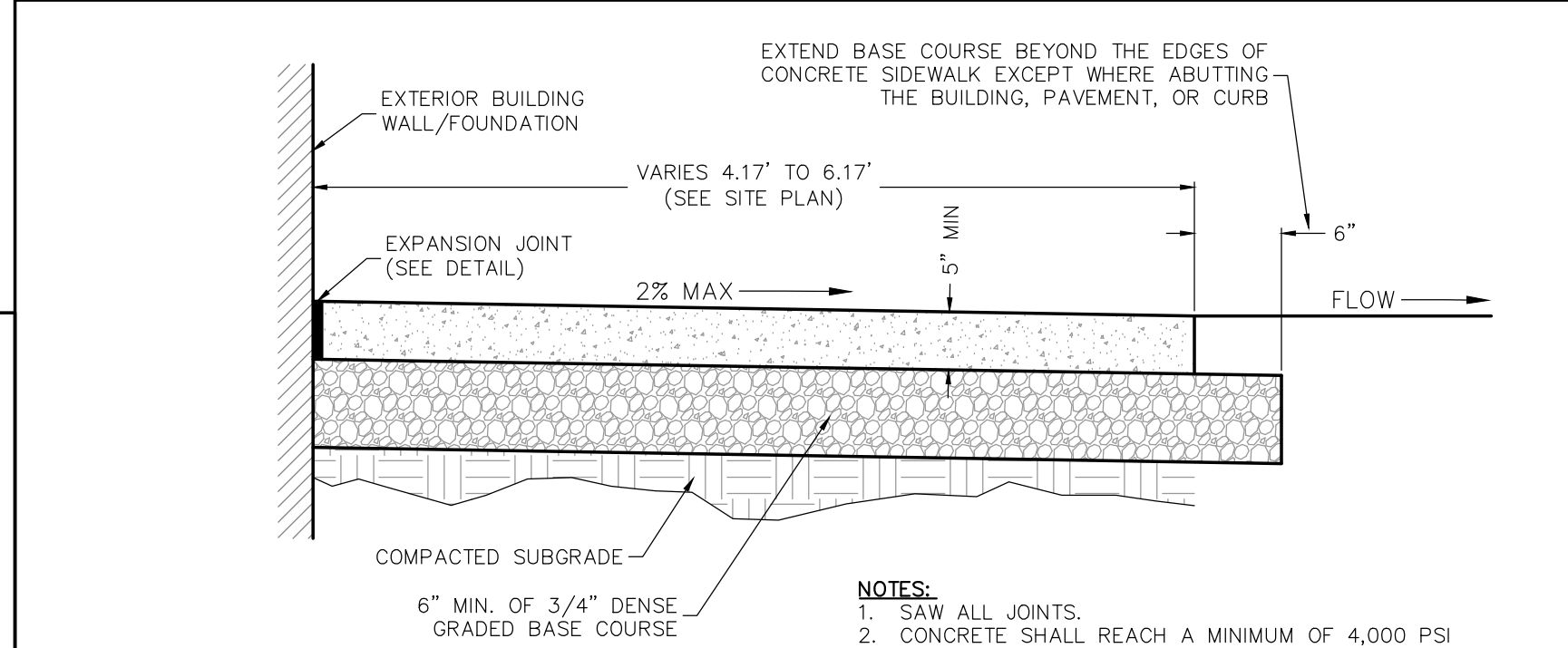
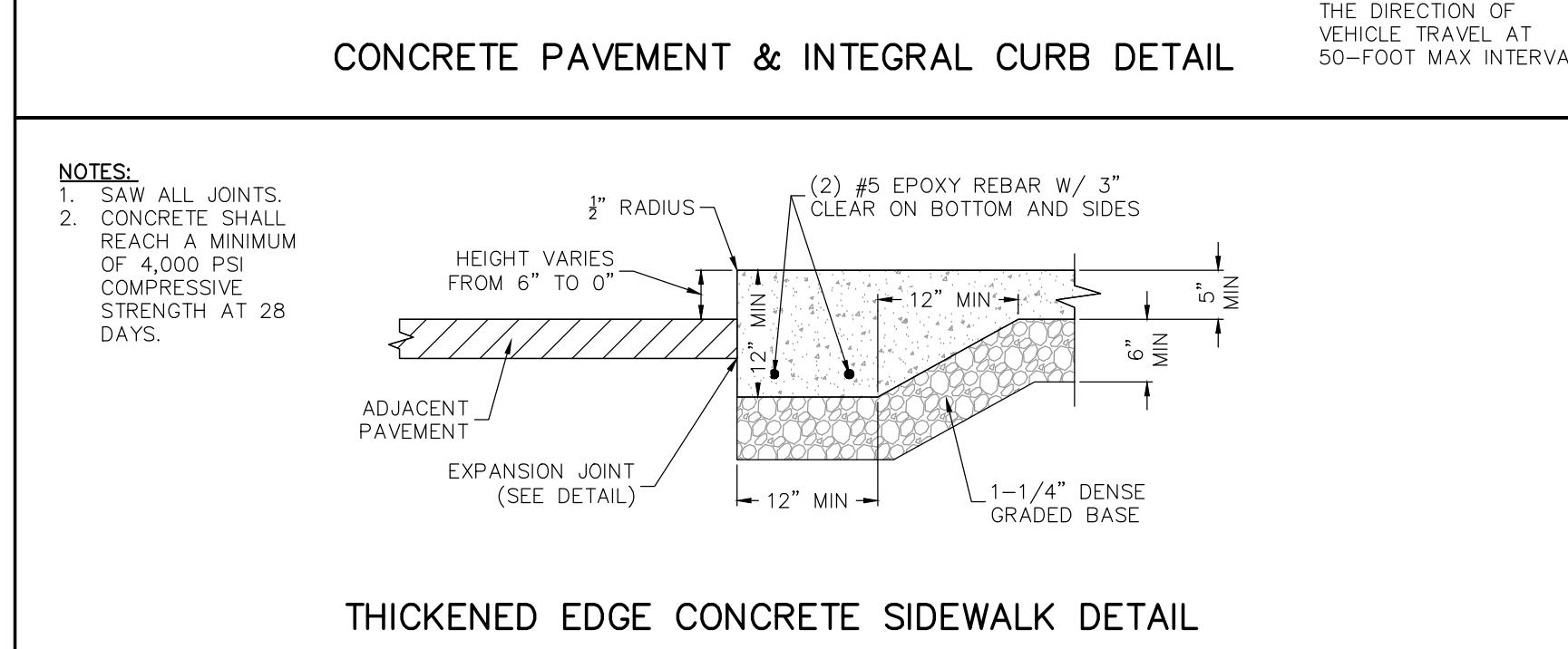
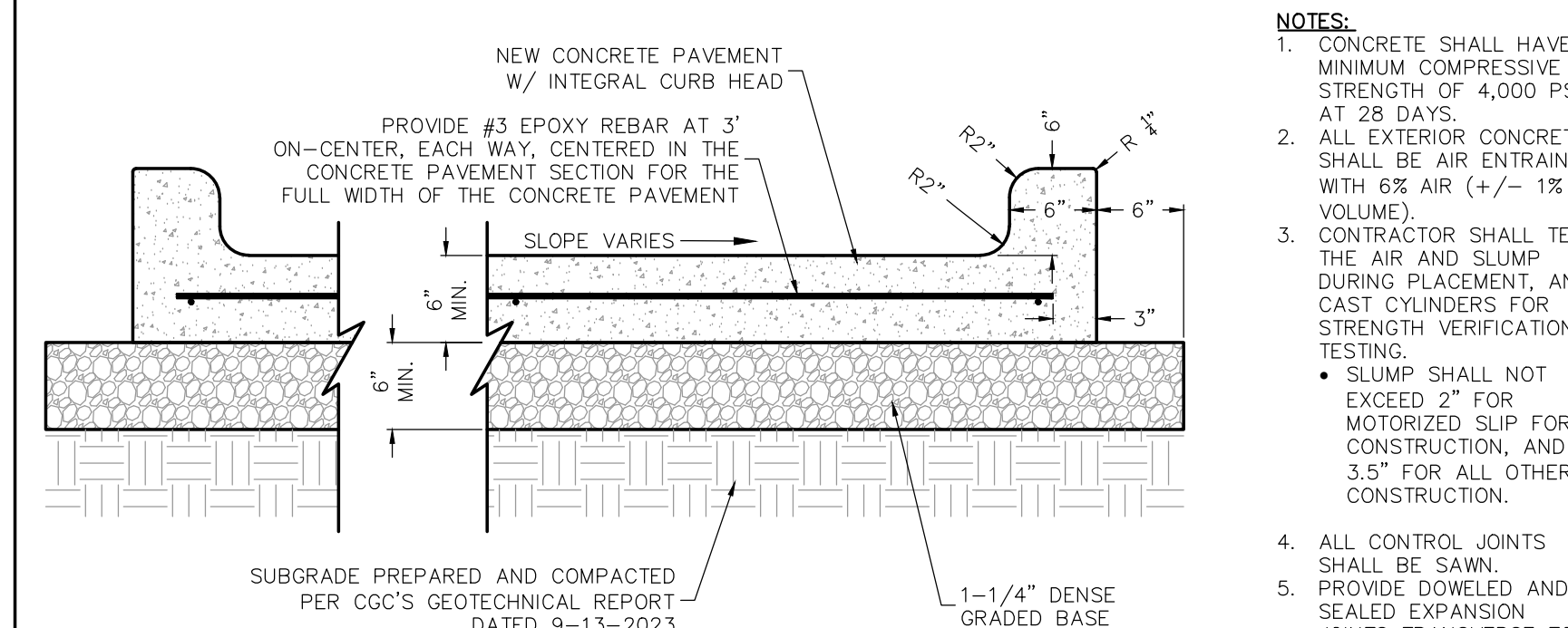
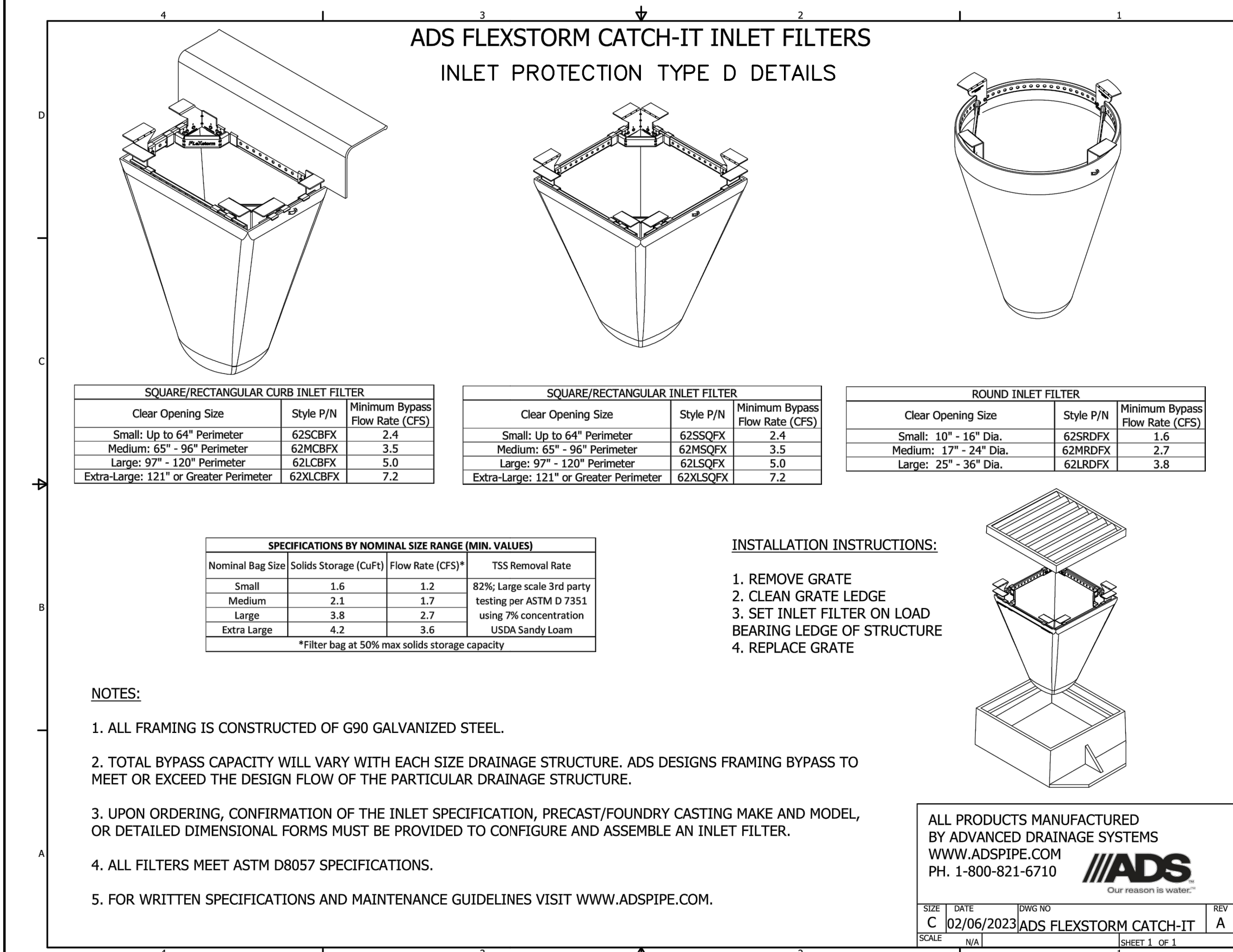
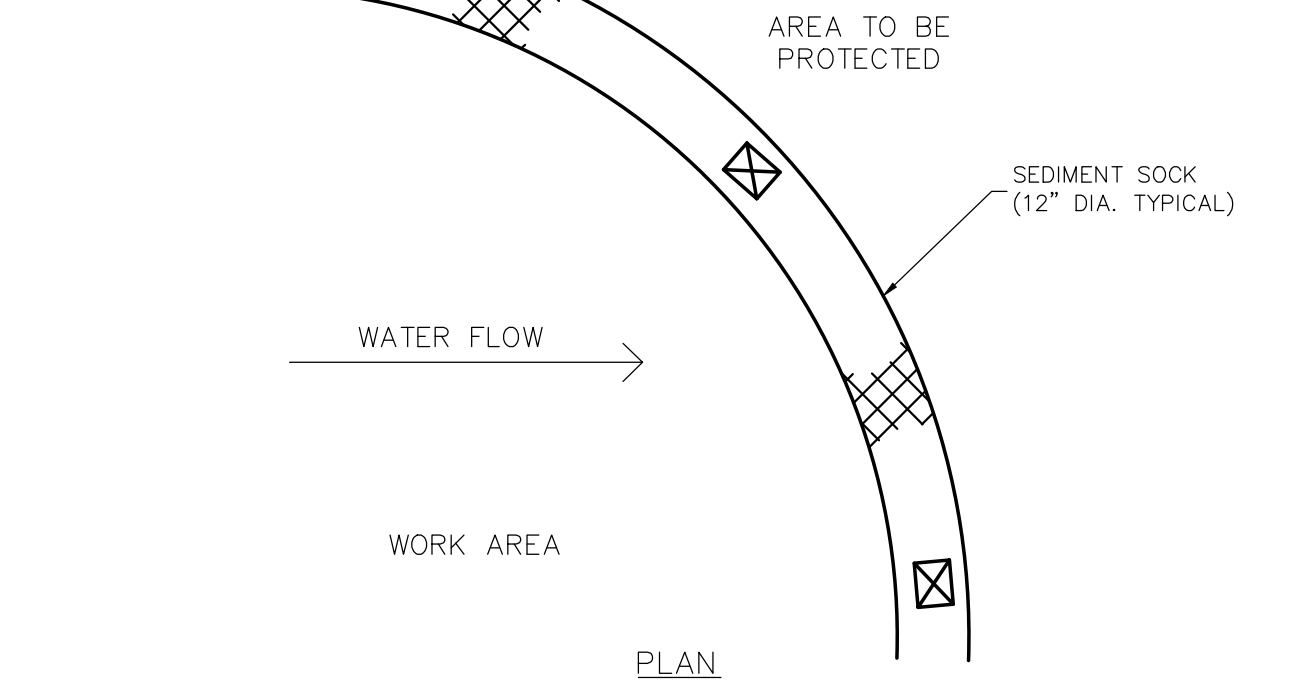
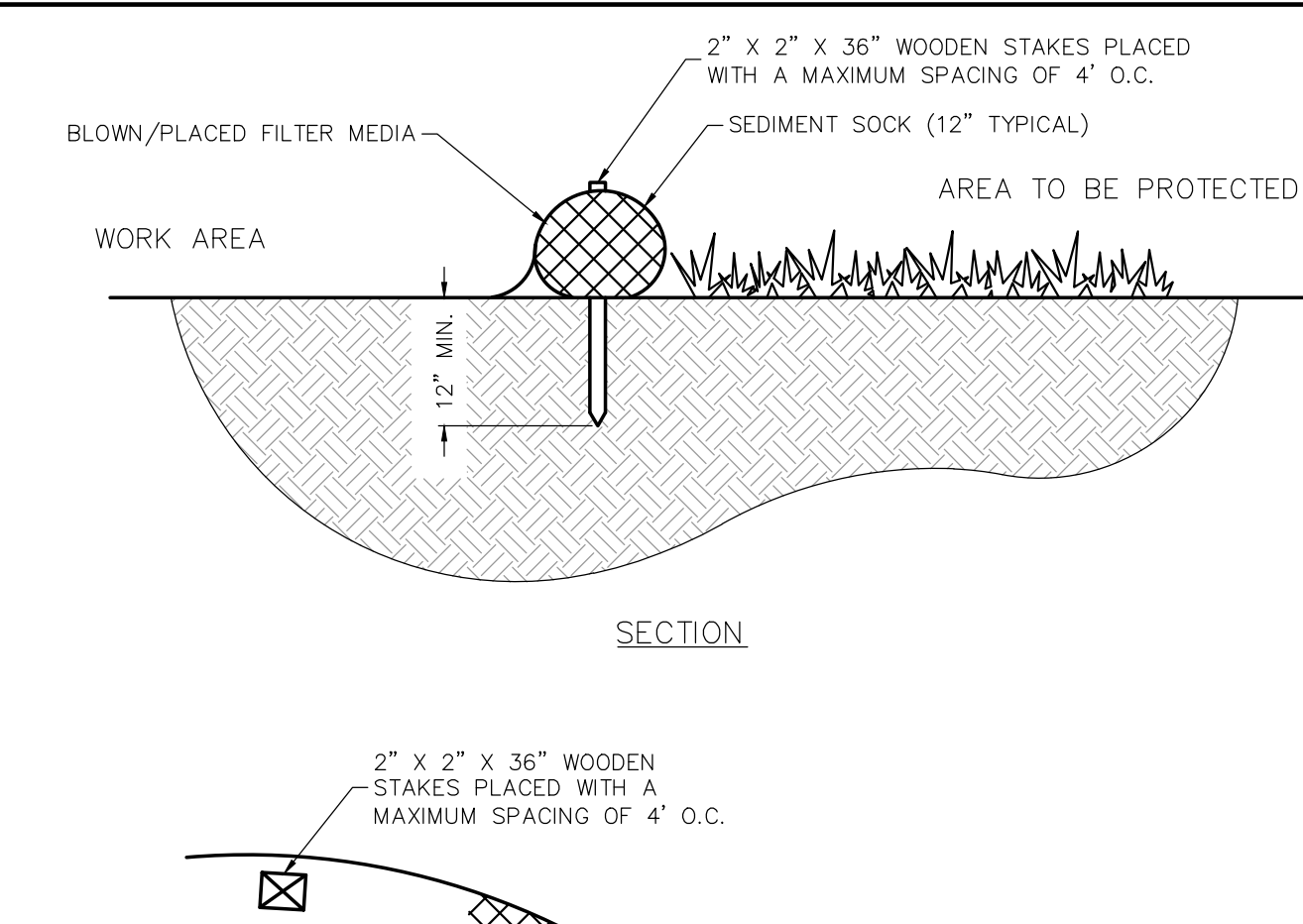
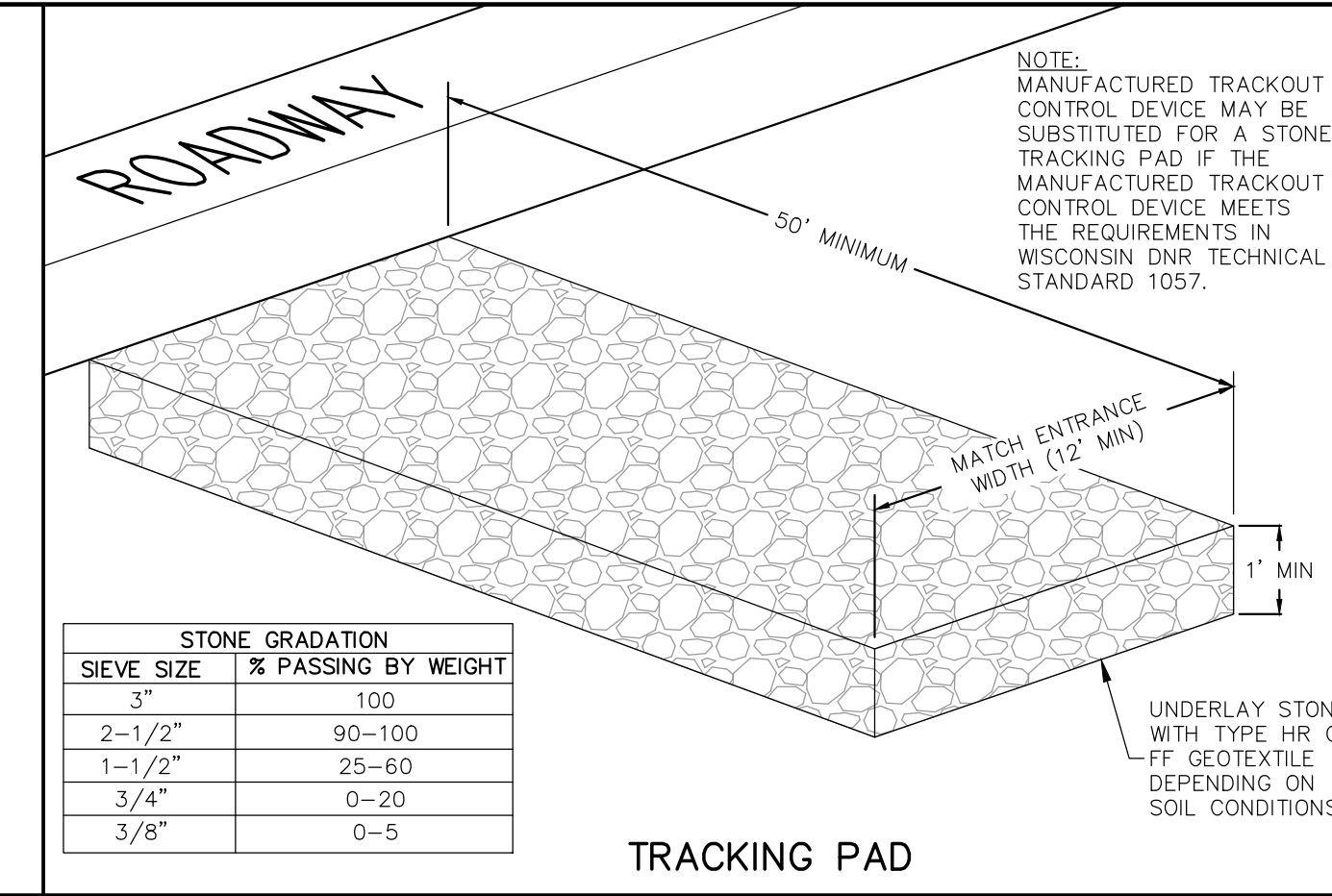
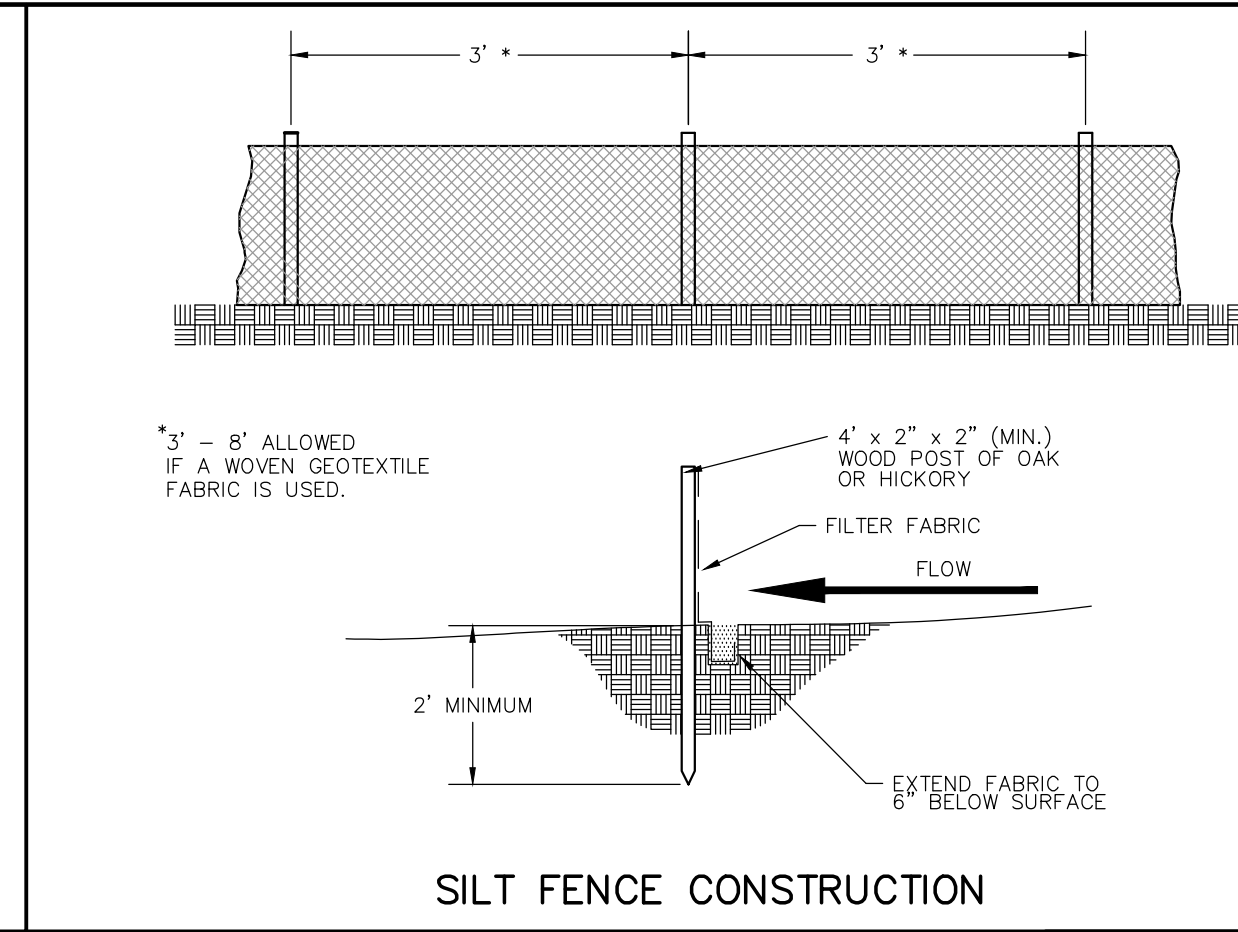
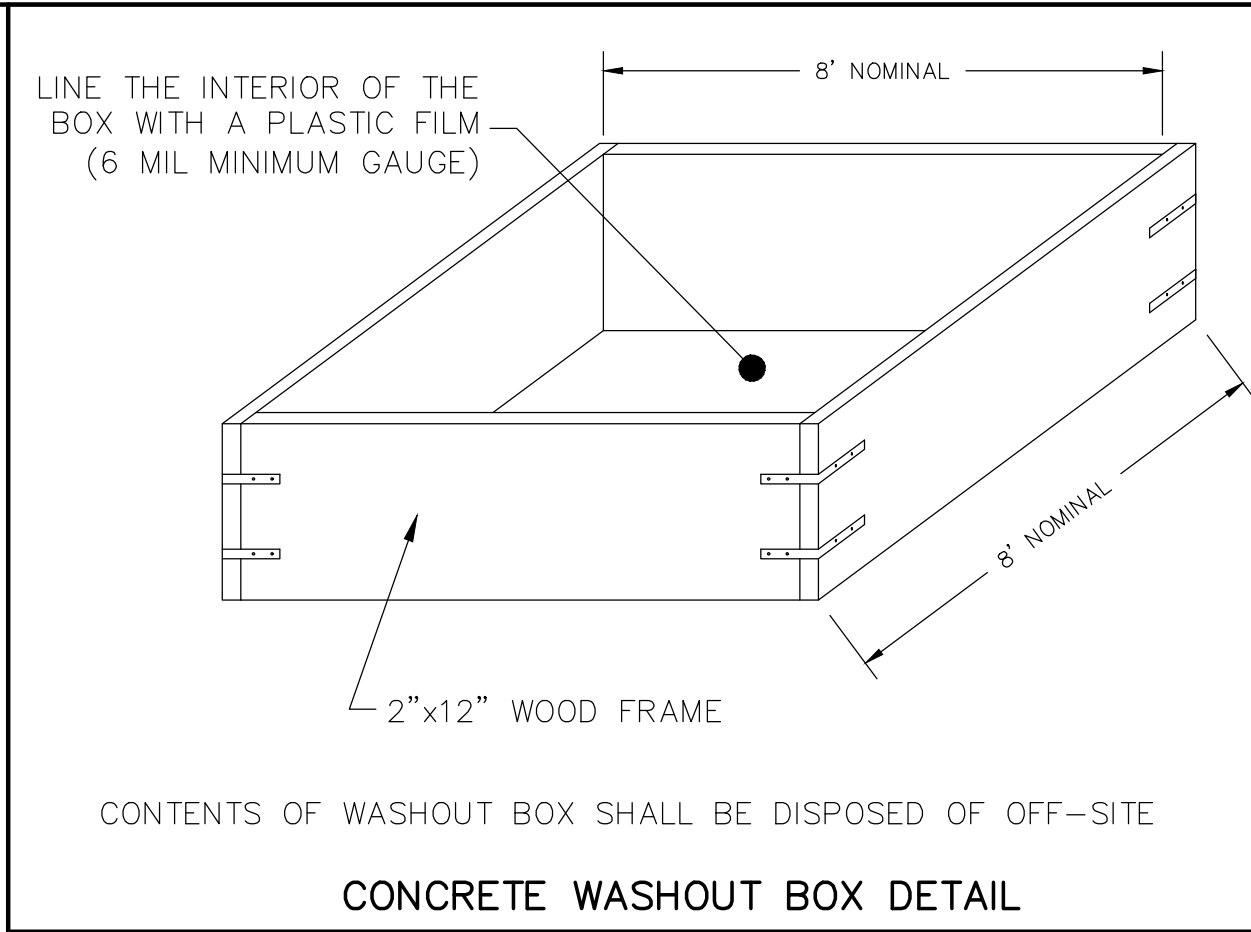
The building architecture will be designed to emulate a contemporary office building vs. a traditional storage facility. The materials chosen for the project will provide a more contemporary design consistent and compatible with a more urban/office building aesthetic.







NOT FOR CONSTRUCTION



**Burse**  
Surveying and Engineering, Inc.  
2801 International Lane, Suite 101  
Madison, WI 53704  
Phone: 608-250-9263  
Fax: 608-250-9266  
e-mail: mburse@bse-inc.net  
www.bursesurveyengr.com

APPROVALS	PROJECT ENG	DESIGNED BY	DRAWN BY	CHECKED BY	PDF APPROVED	MLB

**PROPOSED SELF-STORAGE**  
2010 PLEASANT VIEW ROAD  
MIDDLETON, WI 53562  
**1784 Holdings, LLC**  
8777 North Gayney Center Drive, Suite 191  
Scottsdale, AZ 85258

**PROJECT #:** BSE2779  
**PLOT DATE:** 12/20/2023  
**REVISION DATES:**

**ISSUE DATES:**  
**DESIGN REVIEW:** 12/11/2023

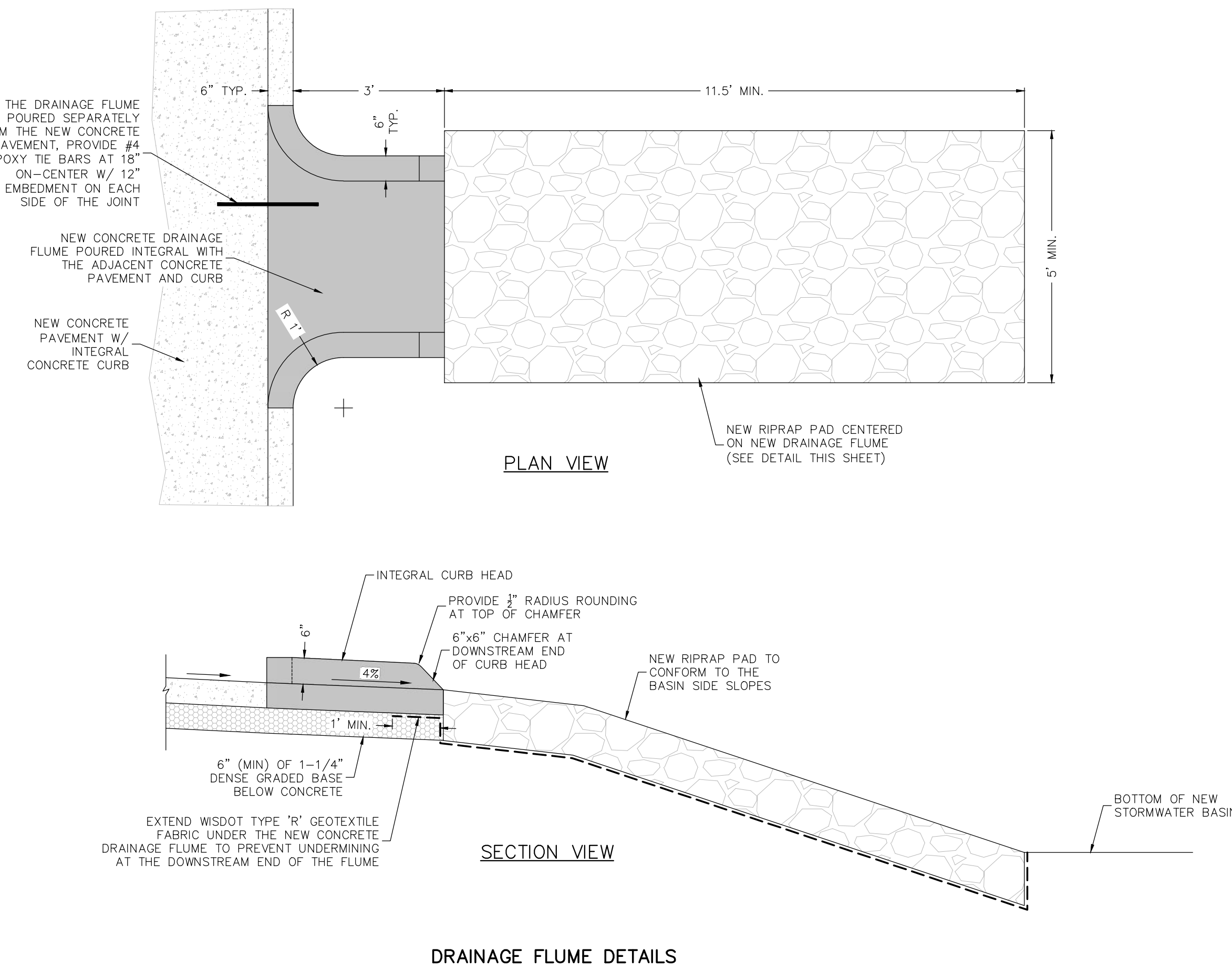
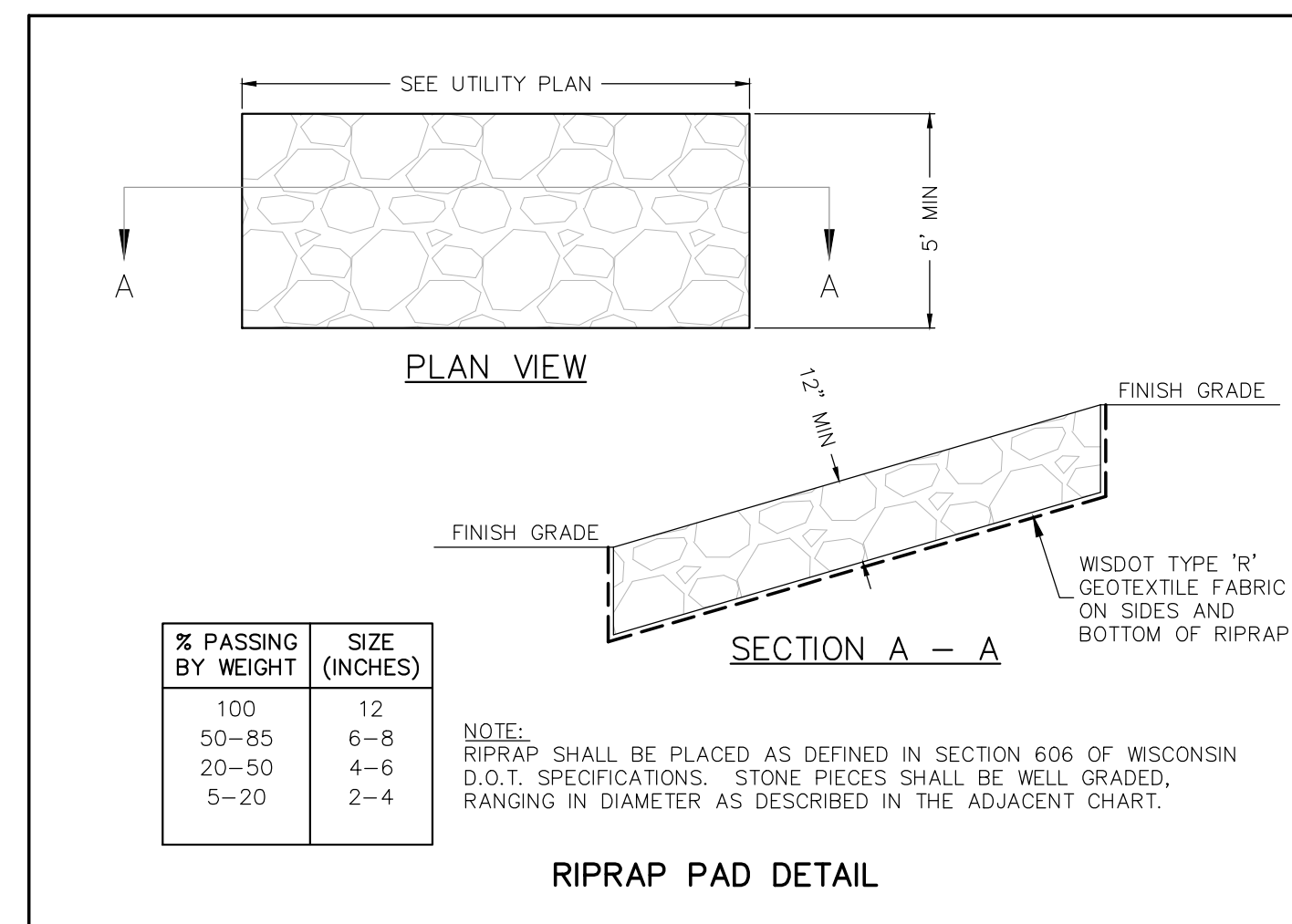
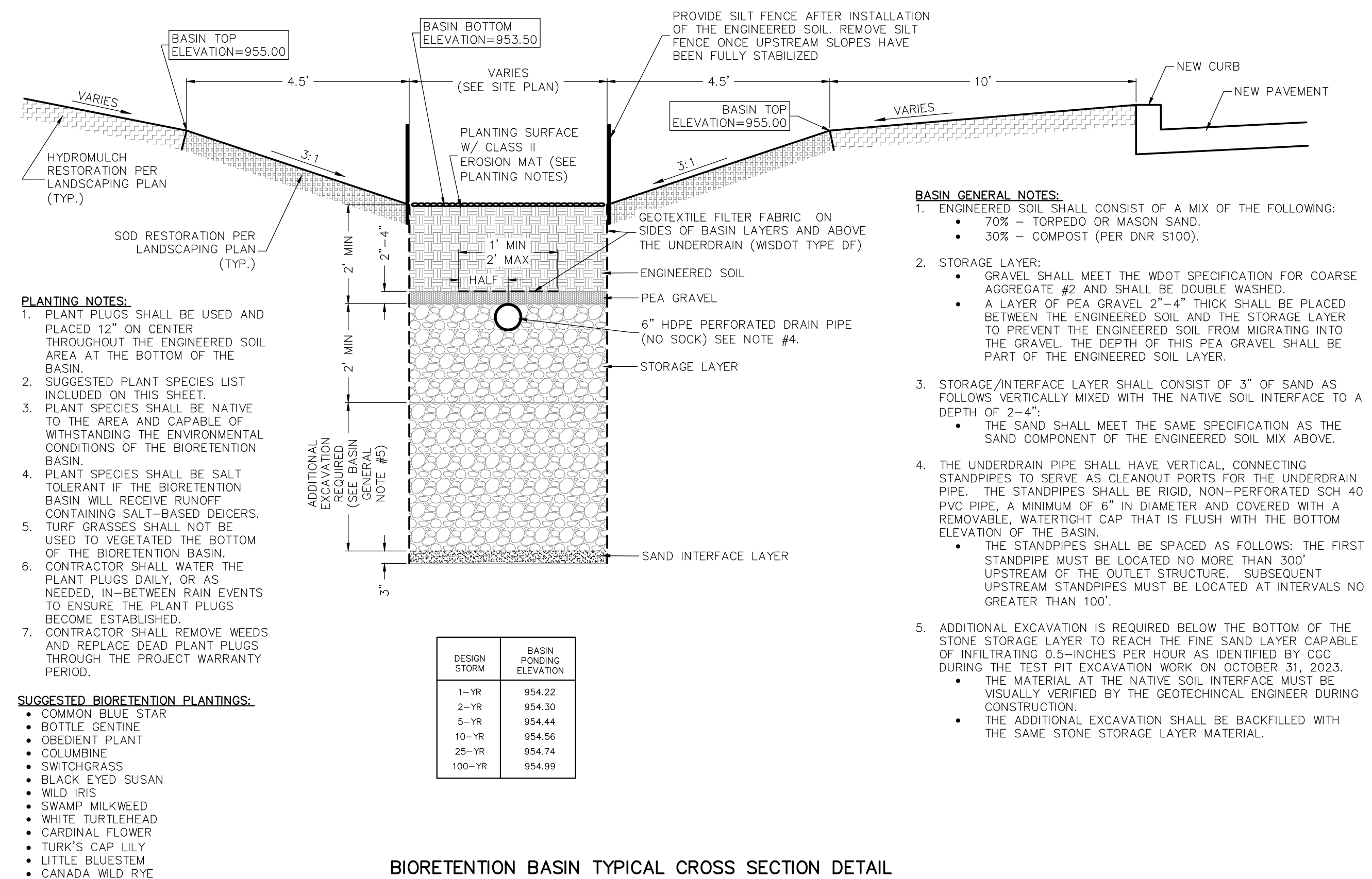
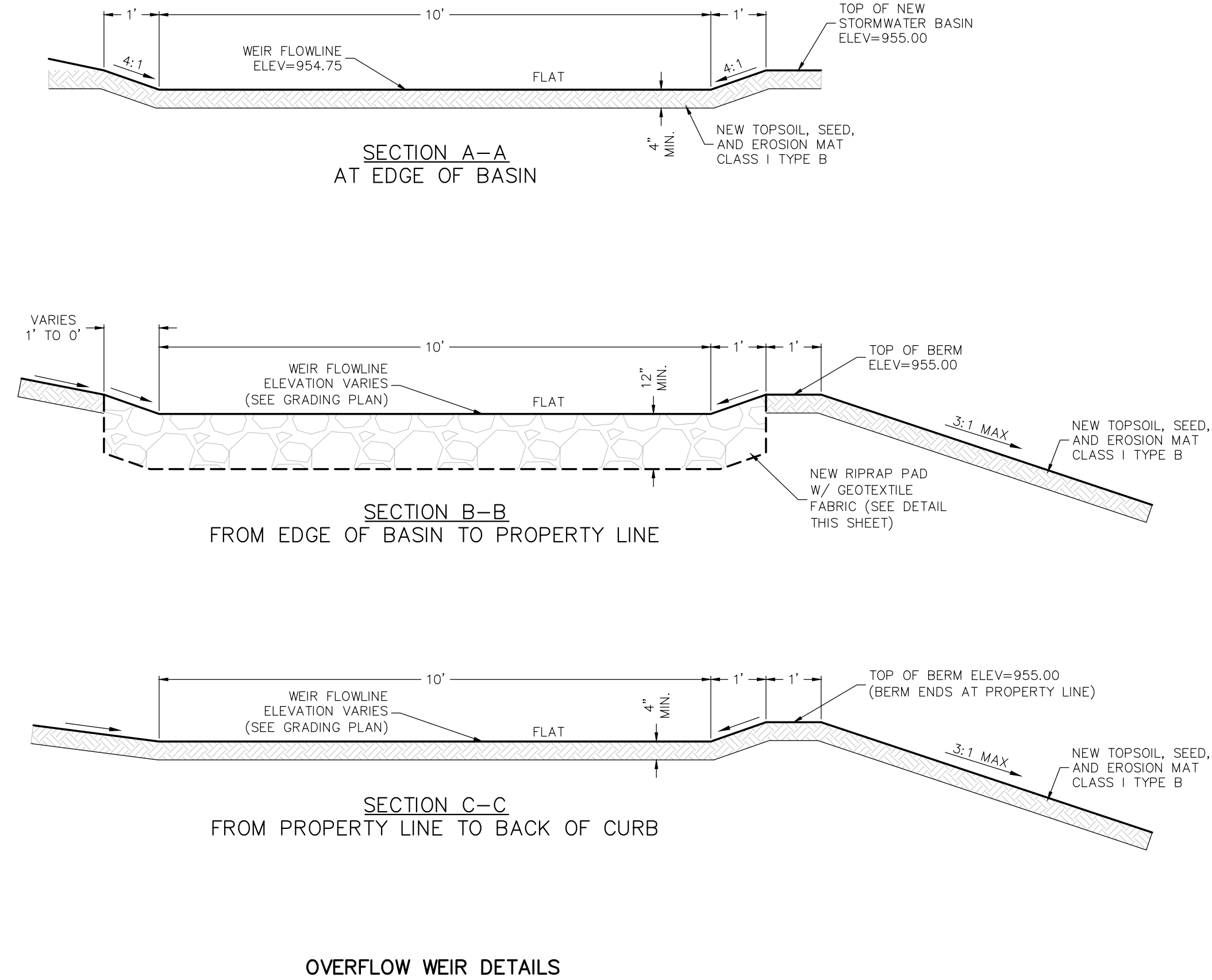
**CIVIL DETAILS**

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**DRAWING NUMBER**  
**C002**



NOT FOR CONSTRUCTION



- BASIN GENERAL NOTES:**
- ENGINEERED SOIL SHALL CONSIST OF A MIX OF THE FOLLOWING:
    - 70% - TORPEDO OR MASON SAND.
    - 30% - COMPOST (PER DNR 5100).
  - STORAGE LAYER:
    - GRAVEL SHALL MEET THE WDOT SPECIFICATION FOR COARSE AGGREGATE #2 AND SHALL BE DOUBLE WASHED.
    - A LAYER OF PEA GRAVEL 2"-4" THICK SHALL BE PLACED BETWEEN THE ENGINEERED SOIL AND THE STORAGE LAYER TO PREVENT THE ENGINEERED SOIL FROM MIGRATING INTO THE GRAVEL. THE DEPTH OF THIS PEA GRAVEL SHALL BE PART OF THE ENGINEERED SOIL LAYER.
  - STORAGE/INTERFACE LAYER SHALL CONSIST OF 3" OF SAND AS FOLLOWS VERTICALLY MIXED WITH THE NATIVE SOIL INTERFACE TO A DEPTH OF 2'-4":
    - THE SAND SHALL MEET THE SAME SPECIFICATION AS THE SAND COMPONENT OF THE ENGINEERED SOIL MIX ABOVE.
  - THE UNDERDRAIN PIPE SHALL HAVE VERTICAL, CONNECTING STANDPIPES TO SERVE AS CLEANOUT PORTS FOR THE UNDERDRAIN PIPE. THE STANDPIPES SHALL BE RIGID, NON-PERFORATED SCH 40 PVC PIPE, A MINIMUM OF 6" IN DIAMETER AND COVERED WITH A REMOVABLE, WATER-TIGHT CAP THAT IS FLUSH WITH THE BOTTOM ELEVATION OF THE BASIN.
    - THE STANDPIPES SHALL BE SPACED AS FOLLOWS: THE FIRST STANDPIPE MUST BE LOCATED NO MORE THAN 300' UPSTREAM OF THE OUTLET STRUCTURE. SUBSEQUENT UPSTREAM STANDPIPES MUST BE LOCATED AT INTERVALS NO GREATER THAN 100'.
  - ADDITIONAL EXCAVATION IS REQUIRED BELOW THE BOTTOM OF THE STONE STORAGE LAYER TO REACH THE FINE SAND LAYER CAPABLE OF INFILTRATING 0.5-INCHES PER HOUR AS IDENTIFIED BY COC DURING THE TEST PIT EXCAVATION WORK ON OCTOBER 31, 2023.
    - THE MATERIAL AT THE NATIVE SOIL INTERFACE MUST BE VISUALLY VERIFIED BY THE GEOTECHNICAL ENGINEER DURING CONSTRUCTION.
    - THE ADDITIONAL EXCAVATION SHALL BE BACKFILLED WITH THE SAME STONE STORAGE LAYER MATERIAL.

- PLANTING NOTES:**
- PLANT PLUGS SHALL BE USED AND PLACED 12" ON CENTER THROUGHOUT THE ENGINEERED SOIL AREA AT THE BOTTOM OF THE BASIN.
  - SUGGESTED PLANT SPECIES LIST INCLUDED ON THIS SHEET.
  - PLANT SPECIES SHALL BE NATIVE TO THE AREA AND CAPABLE OF WITHSTANDING THE ENVIRONMENTAL CONDITIONS OF THE BIORETENTION BASIN.
  - PLANT SPECIES SHALL BE SALT TOLERANT IF THE BIORETENTION BASIN WILL RECEIVE RUNOFF CONTAINING SALT-BASED DEICERS.
  - TURF GRASSES SHALL NOT BE USED TO VEGETATE THE BOTTOM OF THE BIORETENTION BASIN.
  - CONTRACTOR SHALL WATER THE PLANT PLUGS DAILY, OR AS NEEDED, IN-BETWEEN RAIN EVENTS TO ENSURE THE PLANT PLUGS BECOME ESTABLISHED.
  - CONTRACTOR SHALL REMOVE WEEDS AND REPLACE DEAD PLANT PLUGS THROUGH THE PROJECT WARRANTY PERIOD.

- SUGGESTED BIORETENTION PLANTINGS:**
- COMMON BLUE STAR
  - BOTTLE GENTIAN
  - OBEDIENT PLANT
  - COLUMBINE
  - SWITCHGRASS
  - BLACK EYED SUSAN
  - WILD IRIS
  - SWAMP MILKWEED
  - WHITE TURTLEHEAD
  - CARDINAL FLOWER
  - TURK'S CAP LILY
  - LITTLE BLUESTEM
  - CANADA WILD RYE

**Burse**  
Surveying and Engineering, Inc.  
2801 International Lane, Suite 101  
Madison, WI 53704  
Phone: 608-250-9263  
Fax: 608-250-9266  
e-mail: mburse@bse-inc.net  
www.bursesurveyengr.com

**PROPOSED SELF-STORAGE**  
2010 PLEASANT VIEW ROAD  
MIDDLETON, WI 53562  
**1784 Holdings, LLC**  
8777 North Gaiety Center Drive, Suite 191  
Scottsdale, AZ 85258

**PROJECT #:** BSE2779  
**PLOT DATE:** 12/20/2023

**REVISION DATES:**

**ISSUE DATES:**  
**DESIGN REVIEW:** 12/11/2023

**CIVIL DETAILS**

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**DRAWING NUMBER**  
**C003**

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Printed: Dec 20, 2023 - 9:37am Printed By: ougr







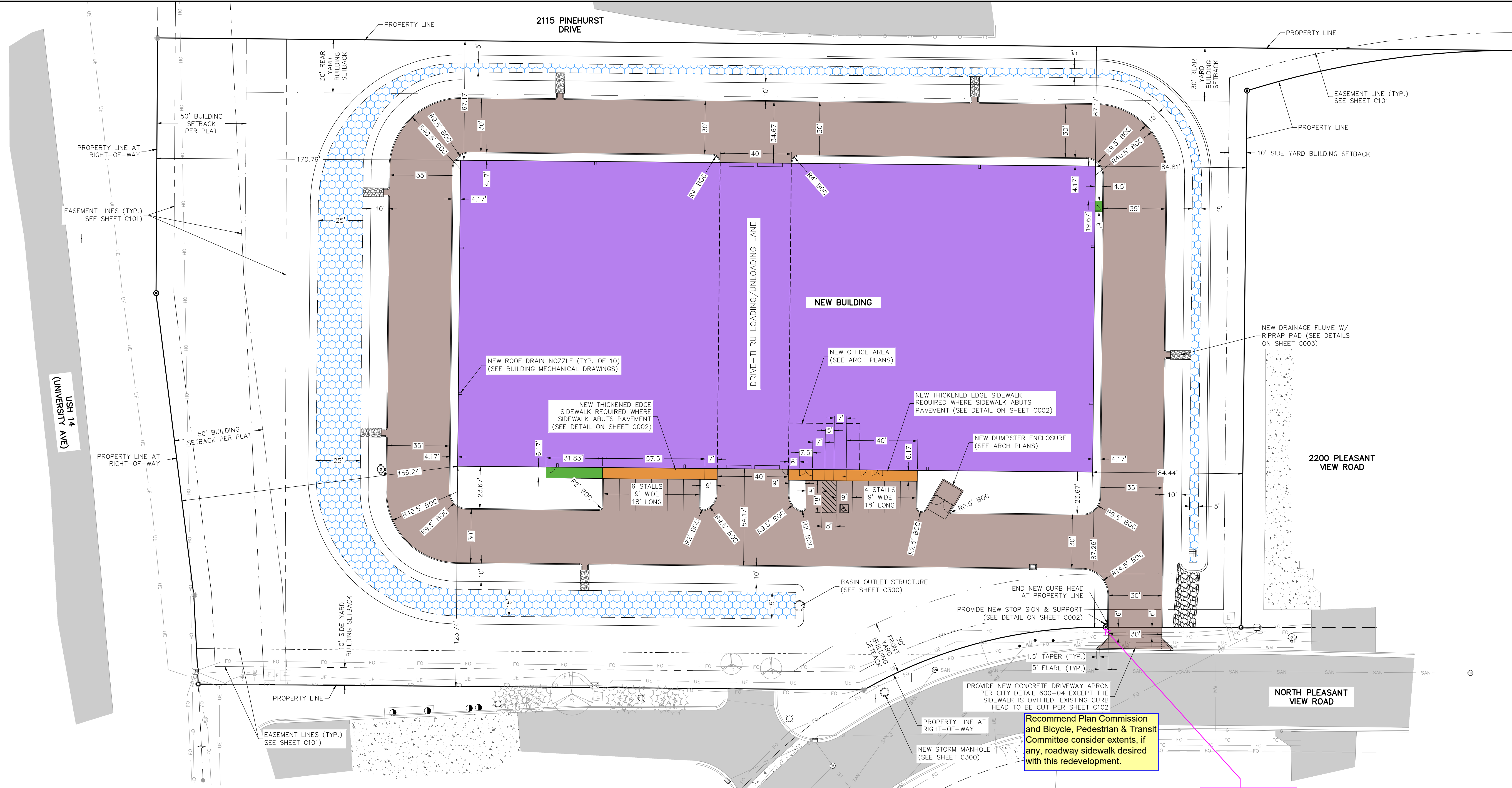








NOT FOR CONSTRUCTION



**SITE PLAN DATA:**

PARCEL NUMBER:	255/0708-102-4205-2
ZONING DISTRICT:	I (INDUSTRIAL)
PROPOSED LAND USE:	SELF-STORAGE FACILITY
PARCEL AREA:	4.914 ACRES (214,051 S.F.)
BUILDING SETBACKS:	
FRONT:	30- FEET
SIDE:	10- FEET
REAR:	30- FEET
MAX PERMITTED BUILDING HEIGHT:	35- FEET
PROPOSED BUILDING HEIGHT:	35- FEET
PROPOSED BUILDING FLOOR AREA:	122,808 S.F. (61,404 S.F. X 2 STORIES)

**COVERAGE AREAS:**

LOT COVERAGE PERMITTED:	70% (149,835 S.F.)
LOT COVERAGE PROPOSED:	28.7% (61,404 S.F.)
EXISTING IMPERVIOUS AREAS:	
BUILDING:	2,617 S.F.
GRAVEL:	8,961 S.F.
CONCRETE:	521 S.F.
TOTAL:	12,099 S.F. (5.7%)
EXISTING PERVIOUS AREA:	201,952 S.F. (94.3%)
PROPOSED IMPERVIOUS AREA:	
BUILDING:	61,404 S.F.
PAVEMENT:	46,132 S.F.
TOTAL:	107,536 S.F. (50.2%)
PROPOSED PERVIOUS AREA:	106,515 S.F. (49.8%)

**PARKING CALCULATIONS:**

VEHICLE PARKING RATIOS:	
STORAGE AREA:	GREATER OF 4 STALLS, OR 1 PER EMPLOYEE + 1 PER COMPANY VEHICLE
OFFICE AREA:	1 PER 500 S.F. OF OFFICE SPACE
NUMBER OF FULL-TIME EMPLOYEES:	2
NUMBER OF COMPANY VEHICLES:	0
OFFICE FLOOR AREA:	1,000 S.F.
VEHICLE PARKING STALLS REQUIRED:	
STORAGE AREA:	4 STALLS
OFFICE AREA:	2 STALLS
TOTAL:	6 STALLS
VEHICLE PARKING STALLS PROPOSED:	
STANDARD:	11 STALLS
ADA:	1 STALL
TOTAL:	12 STALLS

**LEGEND**

- EXISTING ASPHALT (TO REMAIN)
- EXISTING CONCRETE (TO REMAIN)
- NEW CONCRETE PAVEMENT W/ INTEGRAL CURB
- NEW CONCRETE SIDEWALK
- NEW CONCRETE SIDEWALK W/ THICKENED EDGE
- NEW BUILDING
- NEW BIORETENTION BASIN (BOTTOM AREA)
- NEW RIPRAP PAD

0 30 60

**DIGGERS HOTLINE**

Dial 811 or 1800 242-8511

www.DiggersHotline.com

Recommend Plan Commission and Bicycle, Pedestrian & Transit Committee consider extents, if any, roadway sidewalk desired with this redevelopment.

Include note to protect property iron, or for licensed surveyor to replace if necessary.

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**APPROVALS**

PROJECT ENG	BJB
DESIGNED BY	BJB
DRAWN BY	BJB
CHECKED BY	PDF
APPROVED	MLB

**PROPOSED SELF-STORAGE**  
2010 PLEASANT VIEW ROAD  
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SITE PLAN

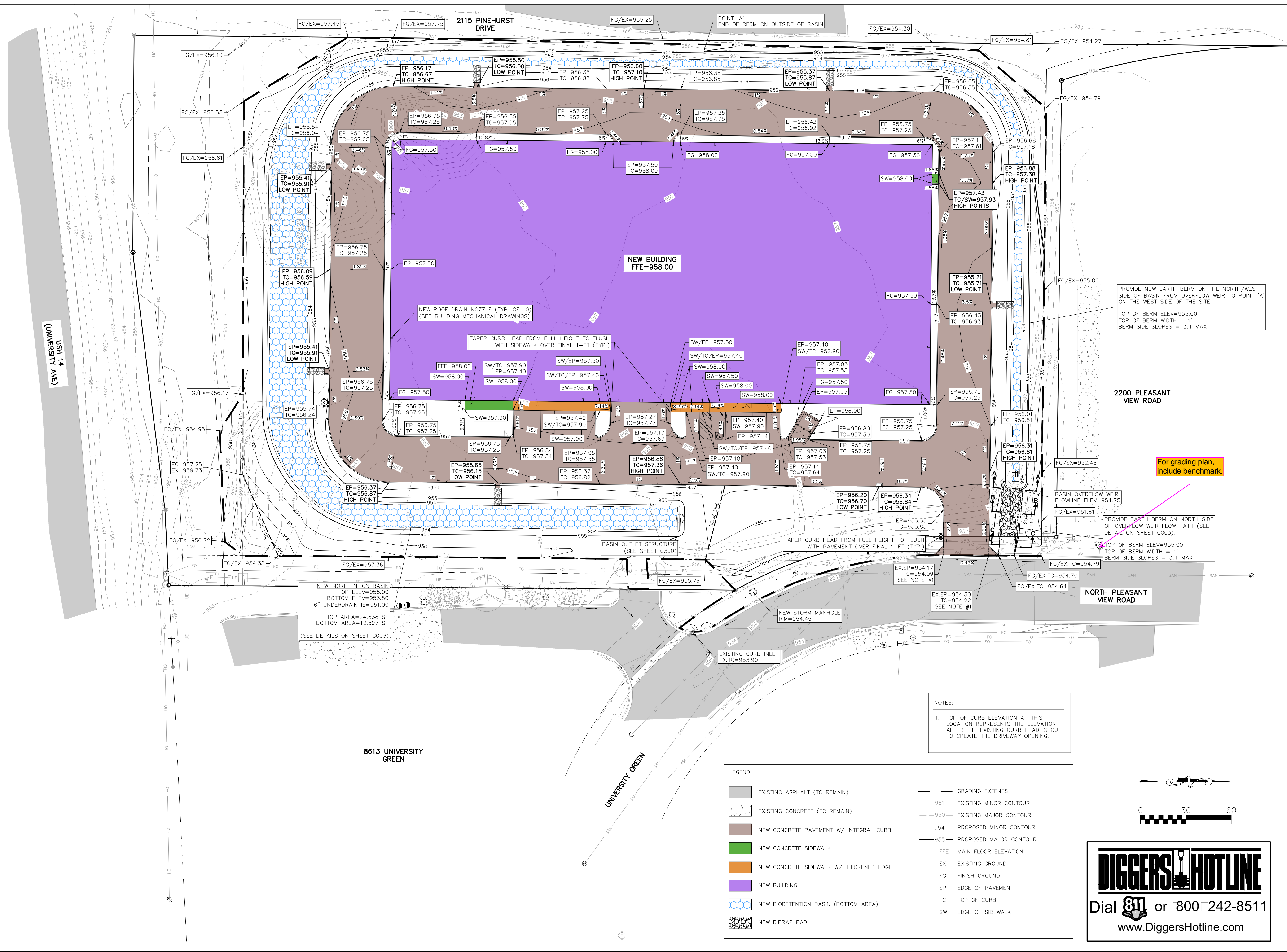
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DRAWING NUMBER

**C103**



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APPROVALS	PROJECT ENG	BUB	DESIGNED BY	BUB	DRAWN BY	BUB	CHECKED BY	PDF	MLB

**PROPOSED SELF-STORAGE**  
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GRADING PLAN

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DRAWING NUMBER

**C200**

NOTES:  
 1. TOP OF CURB ELEVATION AT THIS LOCATION REPRESENTS THE ELEVATION AFTER THE EXISTING CURB HEAD IS CUT TO CREATE THE DRIVEWAY OPENING.

**LEGEND**

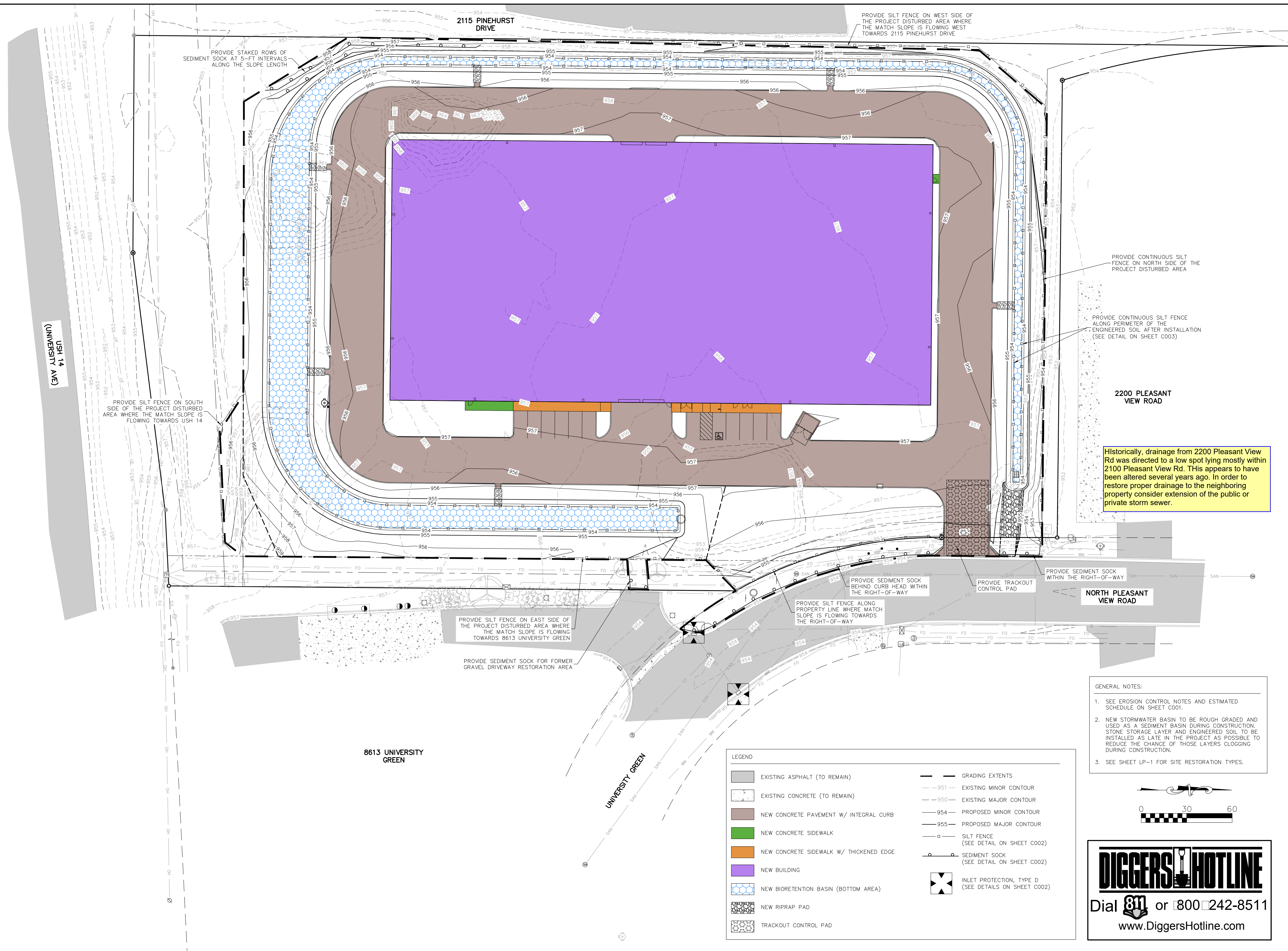
EXISTING ASPHALT (TO REMAIN)	GRADING EXTENTS
EXISTING CONCRETE (TO REMAIN)	951 - EXISTING MINOR CONTOUR
NEW CONCRETE PAVEMENT W/ INTEGRAL CURB	950 - EXISTING MAJOR CONTOUR
NEW CONCRETE SIDEWALK	954 - PROPOSED MINOR CONTOUR
NEW CONCRETE SIDEWALK W/ THICKENED EDGE	955 - PROPOSED MAJOR CONTOUR
NEW BUILDING	FFE - MAIN FLOOR ELEVATION
NEW BIORETENTION BASIN (BOTTOM AREA)	EX - EXISTING GROUND
NEW RIPRAP PAD	FG - FINISH GROUND
	EP - EDGE OF PAVEMENT
	TC - TOP OF CURB
	SW - EDGE OF SIDEWALK

0 30 60

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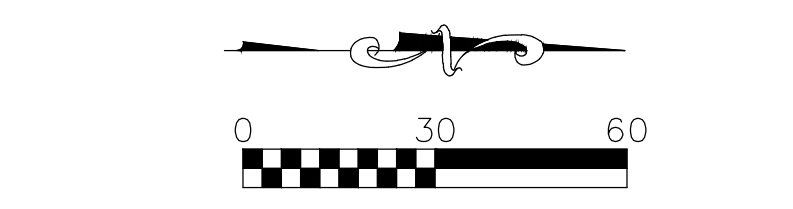


**LEGEND**

EXISTING ASPHALT (TO REMAIN)	GRADING EXTENTS
EXISTING CONCRETE (TO REMAIN)	EXISTING MINOR CONTOUR
NEW CONCRETE PAVEMENT W/ INTEGRAL CURB	EXISTING MAJOR CONTOUR
NEW CONCRETE SIDEWALK	PROPOSED MINOR CONTOUR
NEW CONCRETE SIDEWALK W/ THICKENED EDGE	PROPOSED MAJOR CONTOUR
NEW BUILDING	SILT FENCE (SEE DETAIL ON SHEET C002)
NEW BIORETENTION BASIN (BOTTOM AREA)	SEDIMENT SOCK (SEE DETAIL ON SHEET C002)
NEW RIPRAP PAD	INLET PROTECTION, TYPE D (SEE DETAILS ON SHEET C002)
TRACKOUT CONTROL PAD	

**GENERAL NOTES:**

- SEE EROSION CONTROL NOTES AND ESTIMATED SCHEDULE ON SHEET C001.
- NEW STORMWATER BASIN TO BE ROUGH GRADED AND USED AS A SEDIMENT BASIN DURING CONSTRUCTION. STONE STORAGE LAYER AND ENGINEERED SOIL TO BE INSTALLED AS LATE IN THE PROJECT AS POSSIBLE TO REDUCE THE CHANCE OF THOSE LAYERS CLOGGING DURING CONSTRUCTION.
- SEE SHEET LP-1 FOR SITE RESTORATION TYPES.



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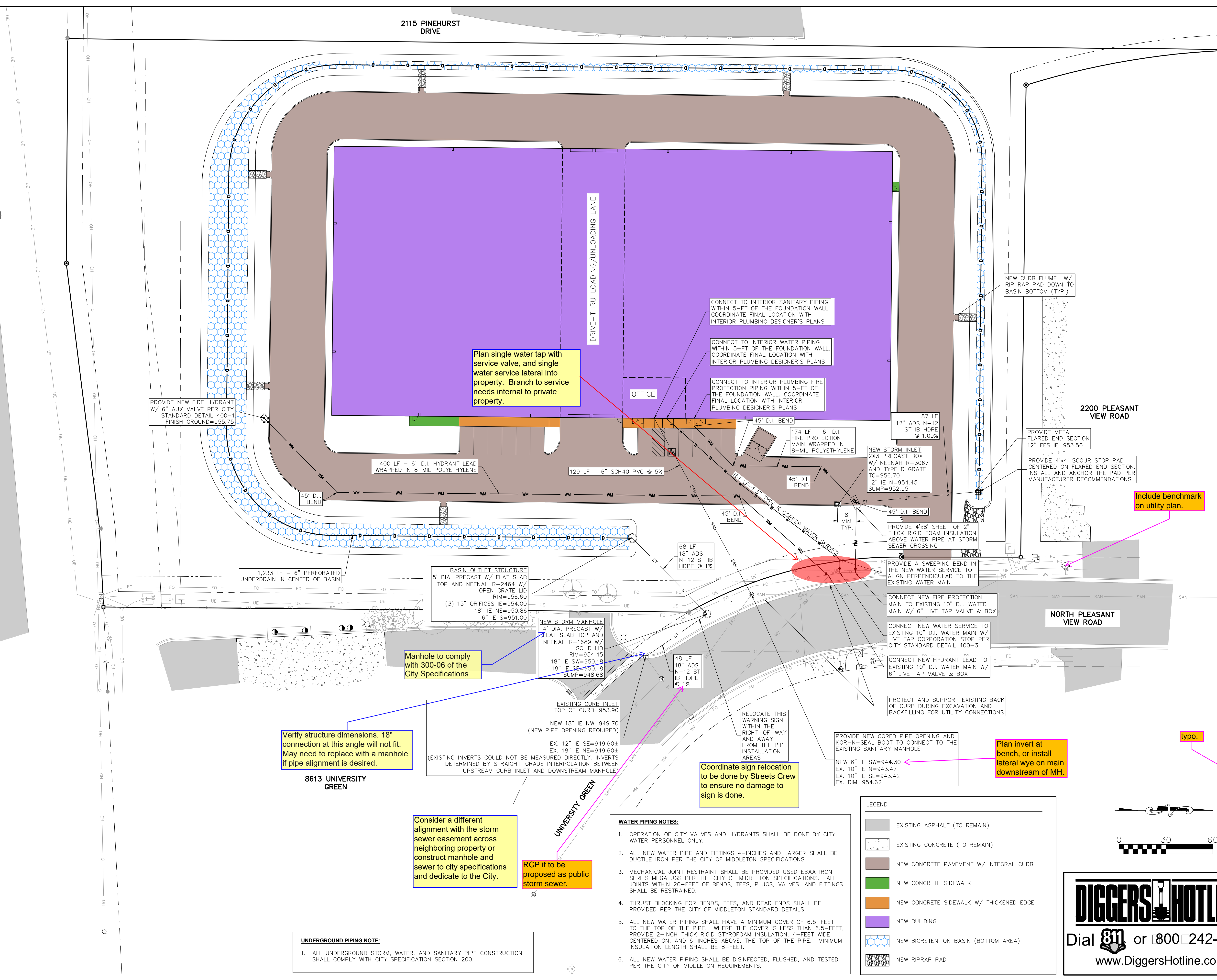
**EROSION CONTROL PLAN**  
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**DRAWING NUMBER**  
**C201**



NOT FOR CONSTRUCTION

USH 14  
(UNIVERSITY AVE)

2115 PINEHURST DRIVE



PROVIDE NEW FIRE HYDRANT W/ 6" AUX VALVE PER CITY STANDARD DETAIL 400-1 FINISH GROUND=955.75

Plan single water tap with service valve, and single water service lateral into property. Branch to service needs internal to private property.

CONNECT TO INTERIOR SANITARY PIPING WITHIN 5'-FT OF THE FOUNDATION WALL. COORDINATE FINAL LOCATION WITH INTERIOR PLUMBING DESIGNER'S PLANS

CONNECT TO INTERIOR WATER PIPING WITHIN 5'-FT OF THE FOUNDATION WALL. COORDINATE FINAL LOCATION WITH INTERIOR PLUMBING DESIGNER'S PLANS

CONNECT TO INTERIOR PLUMBING FIRE PROTECTION PIPING WITHIN 5'-FT OF THE FOUNDATION WALL. COORDINATE FINAL LOCATION WITH INTERIOR PLUMBING DESIGNER'S PLANS

NEW CURB FLUME W/ RIP RAP PAD DOWN TO BASIN BOTTOM (TYP.)

PROVIDE METAL FLARED END SECTION 12" FES IE=953.50

PROVIDE 4"x4" SCOUR STOP PAD CENTERED ON FLARED END SECTION. INSTALL AND ANCHOR THE PAD PER MANUFACTURER RECOMMENDATIONS

Include benchmark on utility plan.

Manhole to comply with 300-06 of the City Specifications

Verify structure dimensions. 18" connection at this angle will not fit. May need to replace with a manhole if pipe alignment is desired.

Consider a different alignment with the storm sewer easement across neighboring property or construct manhole and sewer to city specifications and dedicate to the City.

RCP if to be proposed as public storm sewer.

Coordinate sign relocation to be done by Streets Crew to ensure no damage to sign is done.

Plan invert at bench, or install lateral wye on main downstream of MH.

typo.

1,233 LF - 6" PERFORATED UNDERDRAIN IN CENTER OF BASIN

BASIN OUTLET STRUCTURE 5' DIA. PRECAST W/ FLAT SLAB TOP AND NEENAH R-2464 W/ OPEN GRATE LID RIM=956.60 (3) 15" ORIFICES IE=954.00 18" IE NE=950.86 6" IE S=951.00

NEW STORM MANHOLE 4' DIA. PRECAST W/ FLAT SLAB TOP AND NEENAH R-1689 W/ SOLID LID RIM=954.45 18" IE SW=950.18 18" IE SE=950.18 SUMP=948.68

EXISTING CURB INLET TOP OF CURB=953.90 NEW 18" IE NW=949.70 (NEW PIPE OPENING REQUIRED) EX. 12" IE SE=949.604 EX. 18" IE NE=949.604 (EXISTING INVERTS COULD NOT BE MEASURED DIRECTLY. INVERTS DETERMINED BY STRAIGHT-GRADE INTERPOLATION BETWEEN UPSTREAM CURB INLET AND DOWNSTREAM MANHOLE)

RELOCATE THIS WARNING SIGN WITHIN THE RIGHT-OF-WAY AND AWAY FROM THE PIPE INSTALLATION AREAS

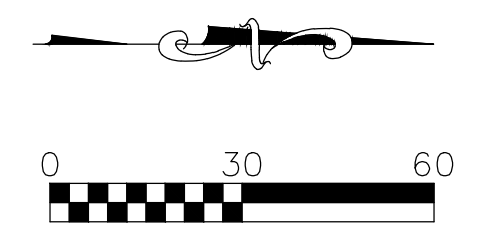
PROVIDE NEW CORED PIPE OPENING AND KOR-N-SEAL BOOT TO CONNECT TO THE EXISTING SANITARY MANHOLE NEW 6" IE SW=944.30 EX. 10" IE N=943.47 EX. 10" IE SE=943.42 EX. RIM=954.62

LEGEND

[Symbol]	EXISTING ASPHALT (TO REMAIN)
[Symbol]	EXISTING CONCRETE (TO REMAIN)
[Symbol]	NEW CONCRETE PAVEMENT W/ INTEGRAL CURB
[Symbol]	NEW CONCRETE SIDEWALK
[Symbol]	NEW CONCRETE SIDEWALK W/ THICKENED EDGE
[Symbol]	NEW BUILDING
[Symbol]	NEW BIORETENTION BASIN (BOTTOM AREA)
[Symbol]	NEW RIPRAP PAD

- WATER PIPING NOTES:
- OPERATION OF CITY VALVES AND HYDRANTS SHALL BE DONE BY CITY WATER PERSONNEL ONLY.
  - ALL NEW WATER PIPE AND FITTINGS 4-INCHES AND LARGER SHALL BE DUCTILE IRON PER THE CITY OF MIDDLETON SPECIFICATIONS.
  - MECHANICAL JOINT RESTRAINT SHALL BE PROVIDED USED EBAA IRON SERIES MEGALUGS PER THE CITY OF MIDDLETON SPECIFICATIONS. ALL JOINTS WITHIN 20'-FEET OF BENDS, TEES, PLUGS, VALVES, AND FITTINGS SHALL BE RESTRAINED.
  - THRUST BLOCKING FOR BENDS, TEES, AND DEAD ENDS SHALL BE PROVIDED PER THE CITY OF MIDDLETON STANDARD DETAILS.
  - ALL NEW WATER PIPING SHALL HAVE A MINIMUM COVER OF 6.5'-FEET TO THE TOP OF THE PIPE. WHERE THE COVER IS LESS THAN 6.5'-FEET, PROVIDE 2"-INCH THICK RIGID STYROFOAM INSULATION, 4'-FEET WIDE, CENTERED ON, AND 6"-INCHES ABOVE, THE TOP OF THE PIPE. MINIMUM INSULATION LENGTH SHALL BE 8'-FEET.
  - ALL NEW WATER PIPING SHALL BE DISINFECTED, FLUSHED, AND TESTED PER THE CITY OF MIDDLETON REQUIREMENTS.

- UNDERGROUND PIPING NOTE:
- ALL UNDERGROUND STORM, WATER, AND SANITARY PIPE CONSTRUCTION SHALL COMPLY WITH CITY SPECIFICATION SECTION 200.



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APPROVALS	PROJECT ENG	BUB	DESIGNED BY	BUB
	DESIGNED BY	BUB	DRAWN BY	BUB
	CHECKED BY	BUB	DATE	
	APPROVED	MLB		

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UTILIT PLAN

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DRAWING NUMBER

**C300**



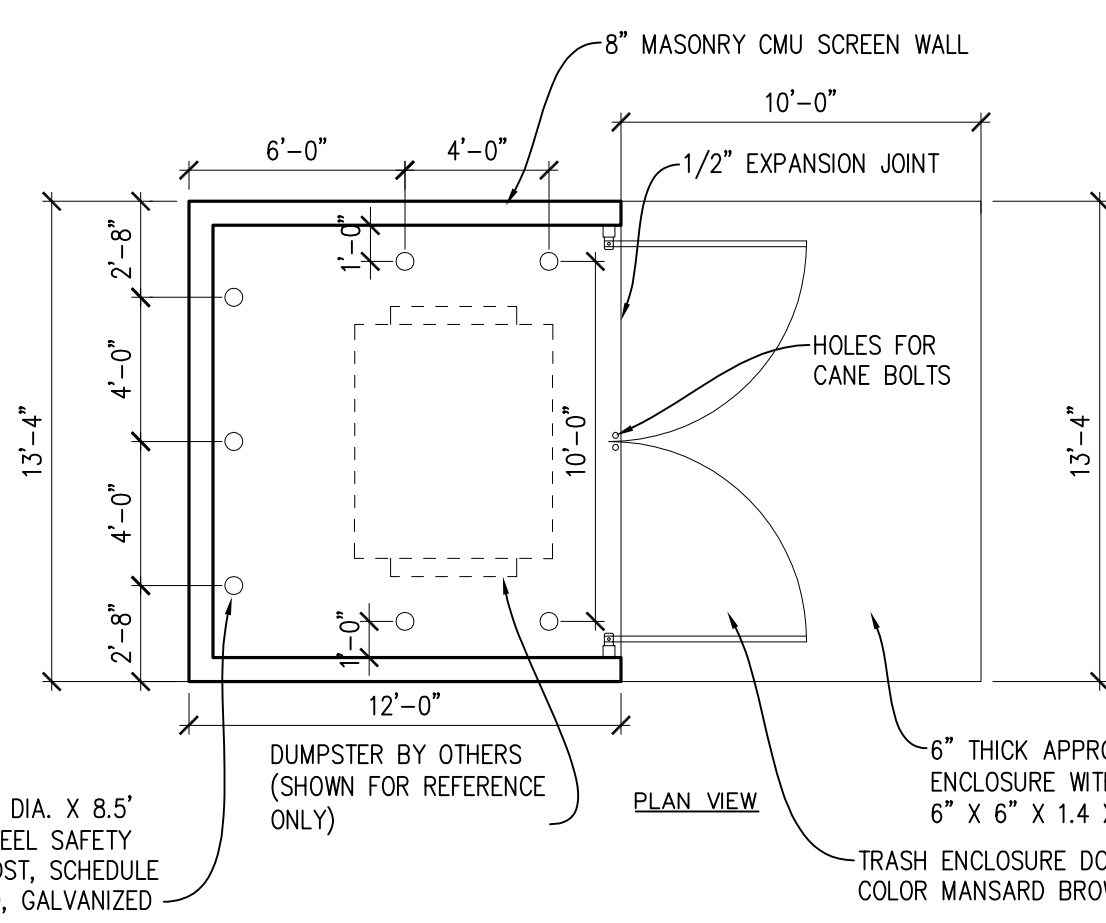




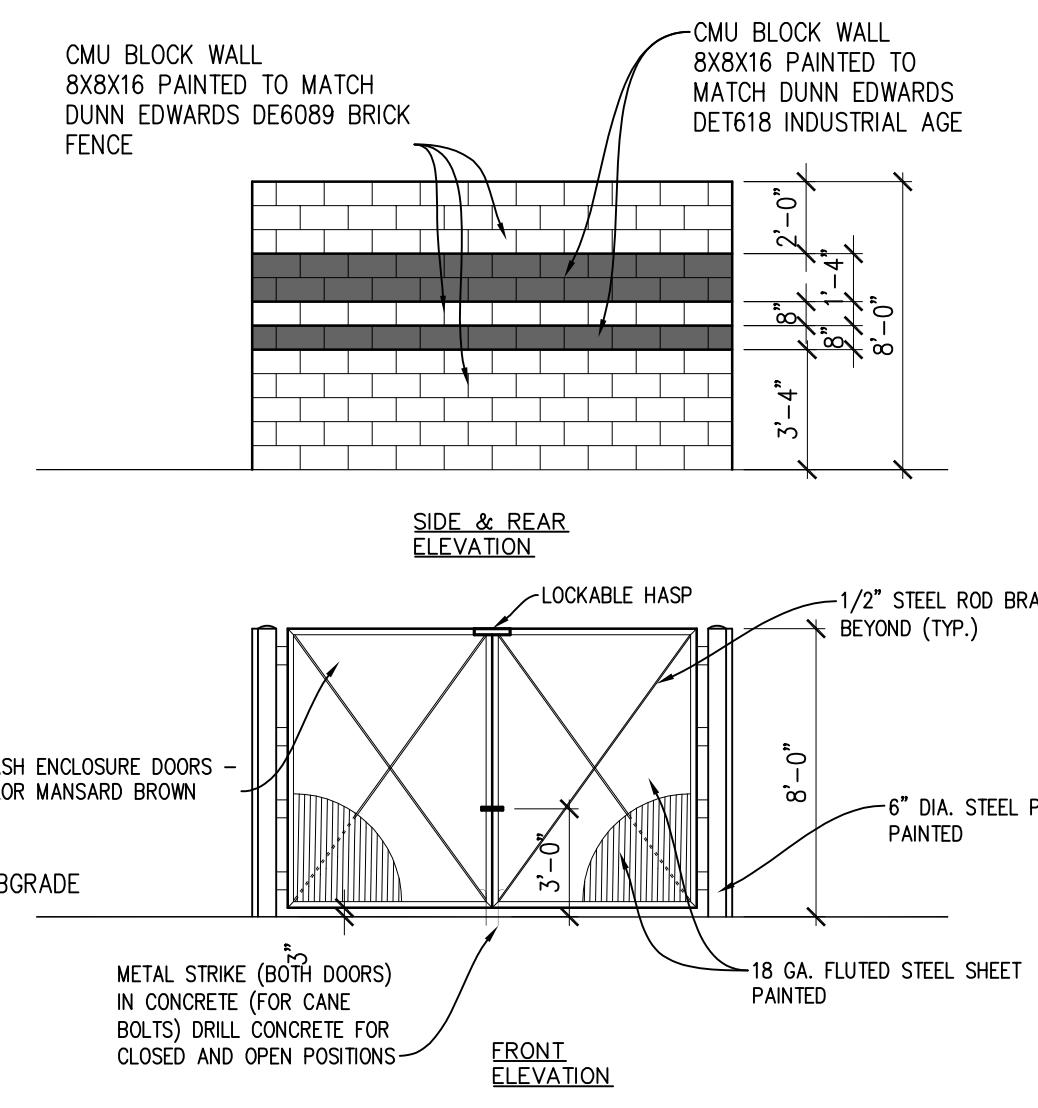
SP	SITE PLAN APPLICATION	12-11-2023
DD	PRELIMINARY SITE PLAN	10-17-2023
MARK	DESCRIPTION	DATE

PROJECT NO:	20234630
DRAWN BY:	AAB
CHECKED BY:	MAB

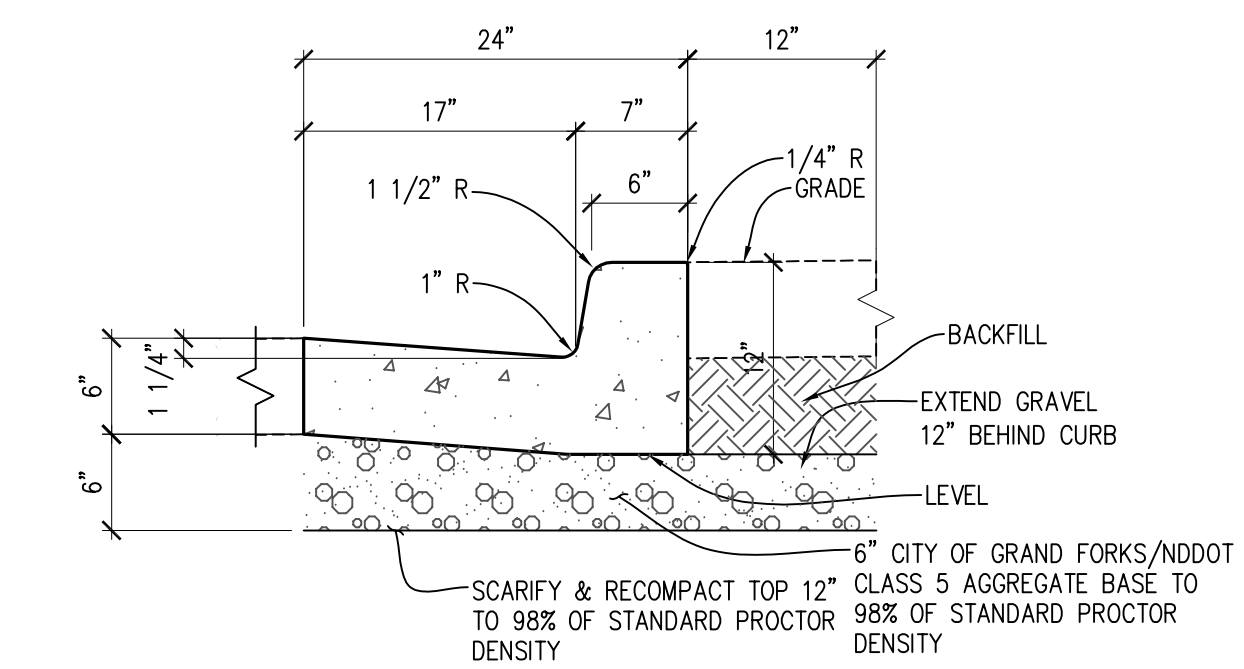
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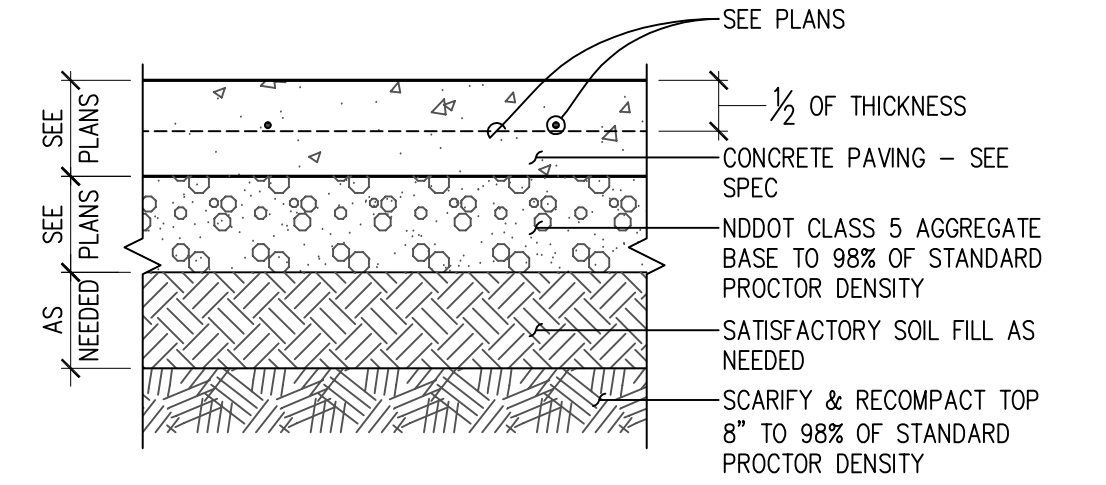
**9 TRASH ENCLOSURE DETAIL**  
A102 3/16" = 1'-0"



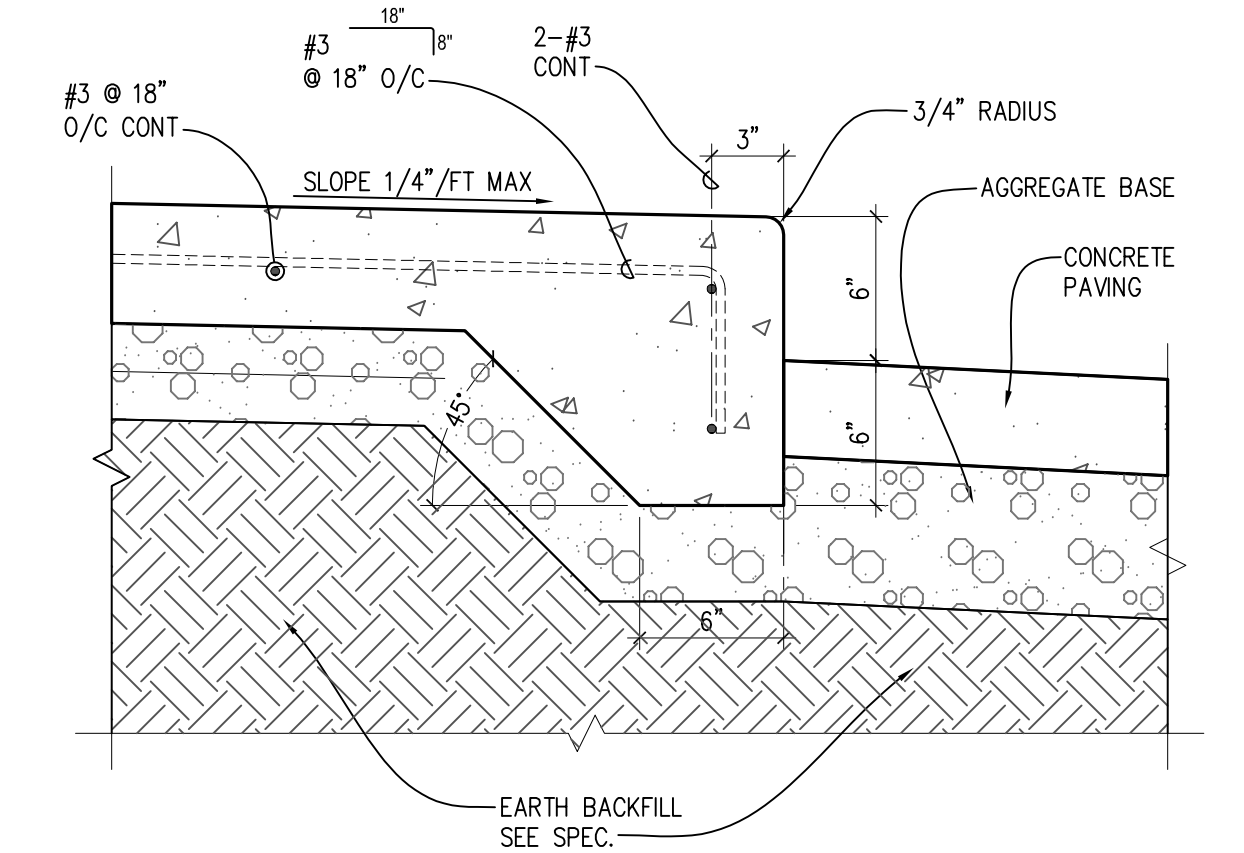
**TRASH ENCLOSURE DOORS**  
A102 3/16" = 1'-0"



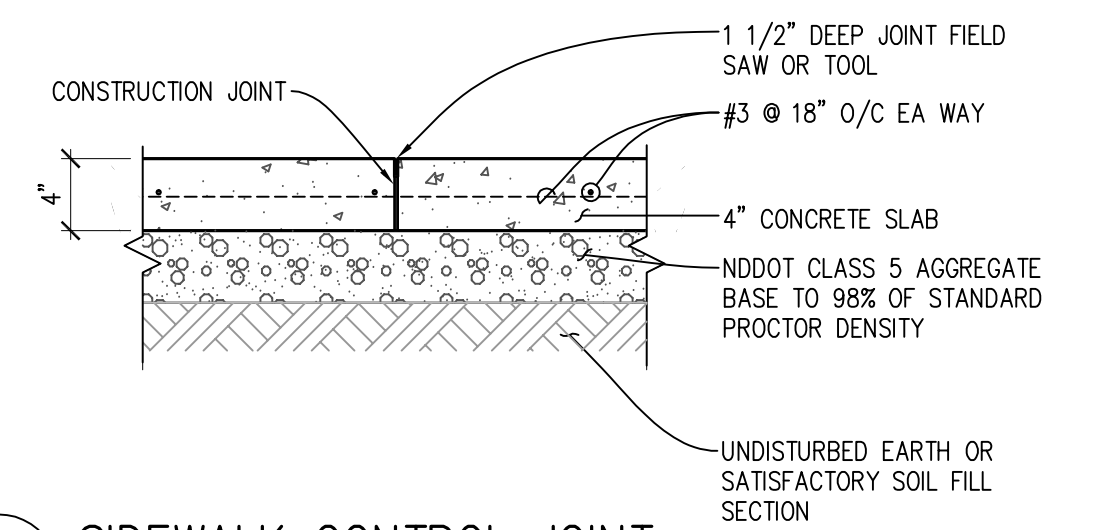
**5 TYPICAL CURB & GUTTER**  
A102 1" = 1'-0" (W/ FLOW LINE)



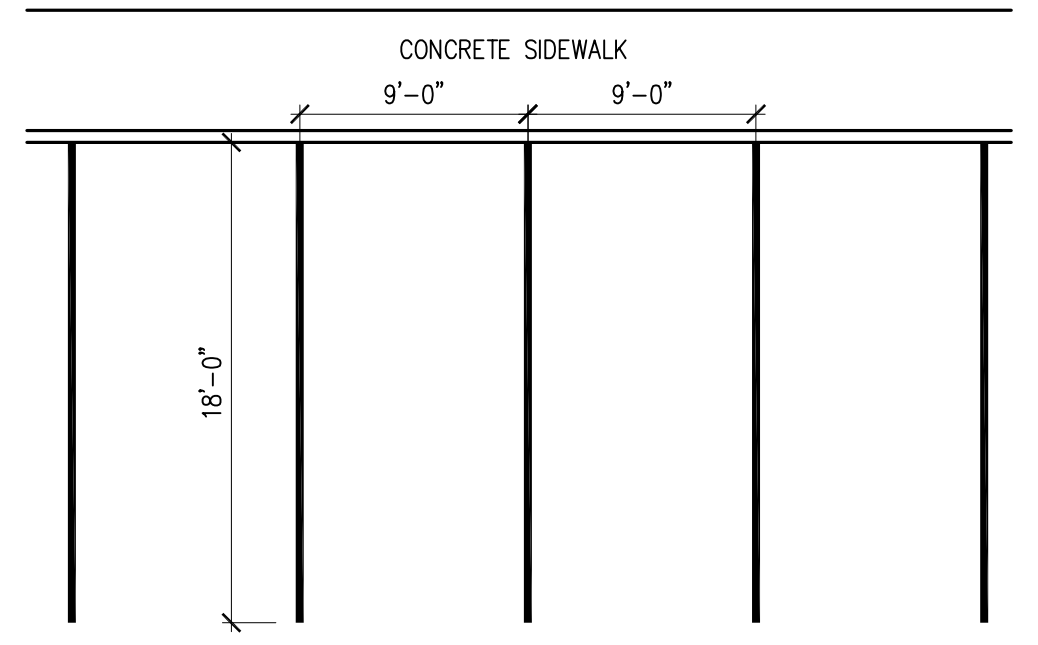
**1 TYPICAL CONCRETE PAVEMENT SECTION**  
A102 1" = 1'-0"



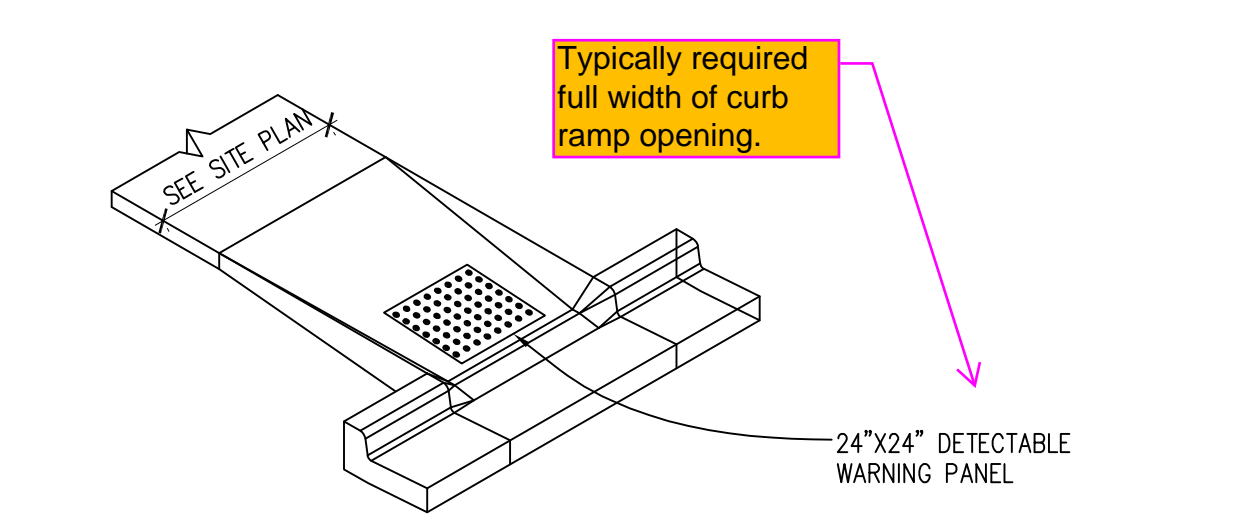
**6 SIDEWALK CURB AT PAVING**  
A102 1 1/2" = 1'-0"



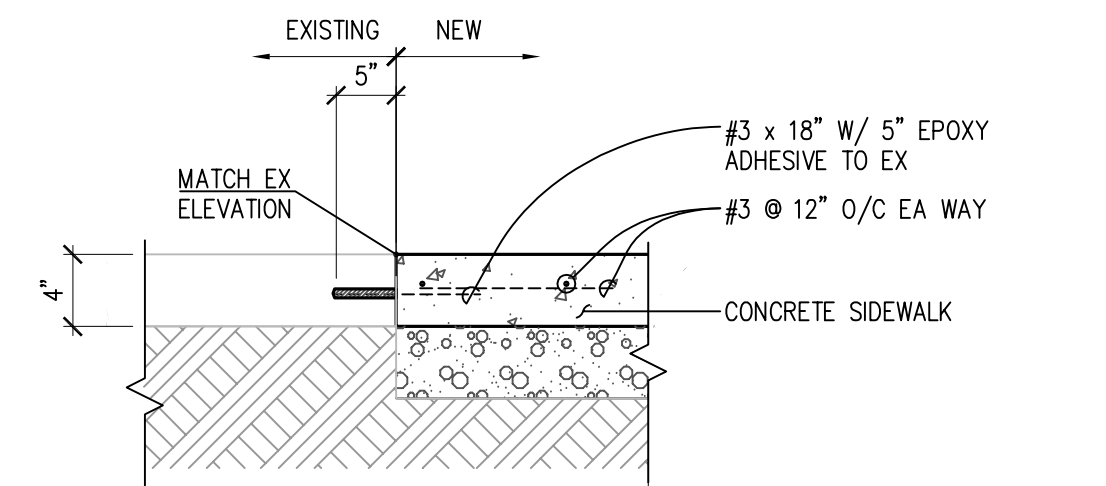
**2 SIDEWALK CONTROL JOINT**  
A102 3/4" = 1'-0"



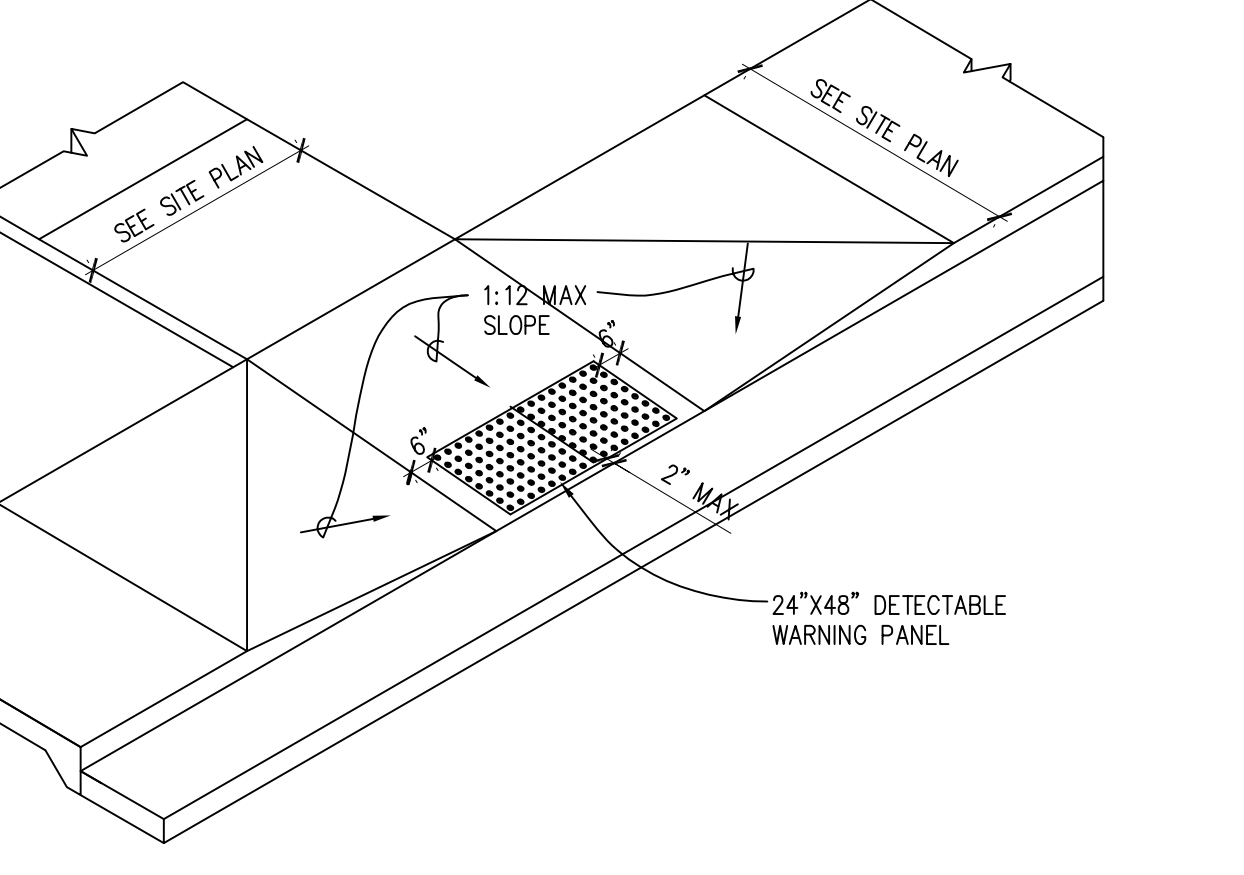
**12 STANDARD PARKING DETAIL ADJACENT TO SIDEWALK**  
A102 NTS



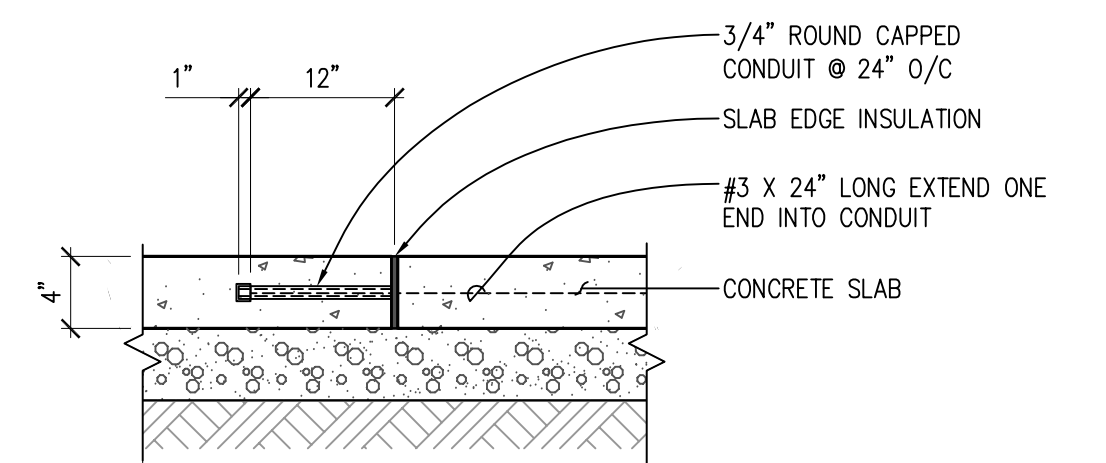
**7 HANDICAP RAMP @ CURB**  
A102 NO SCALE



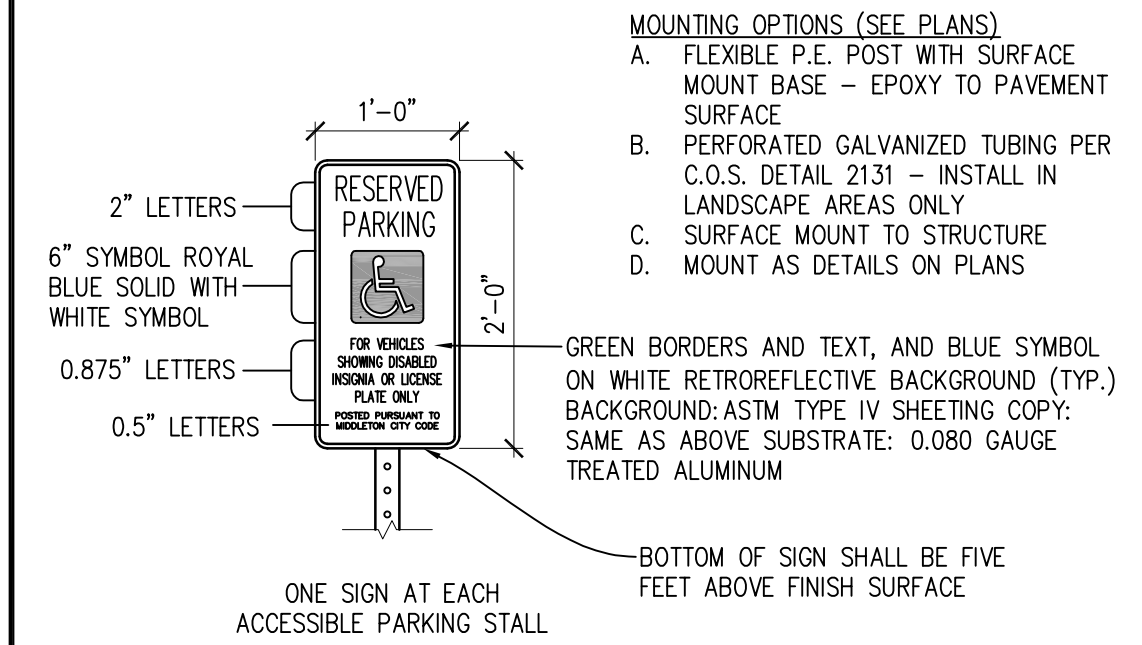
**3 NEW/EX CONC SIDEWALK**  
A102 3/4" = 1'-0"



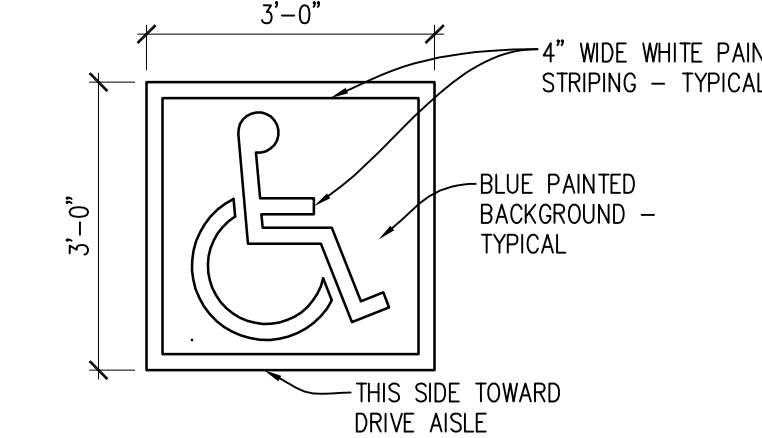
**8 HANDICAP RAMP @ SIDEWALK**  
A102 NO SCALE



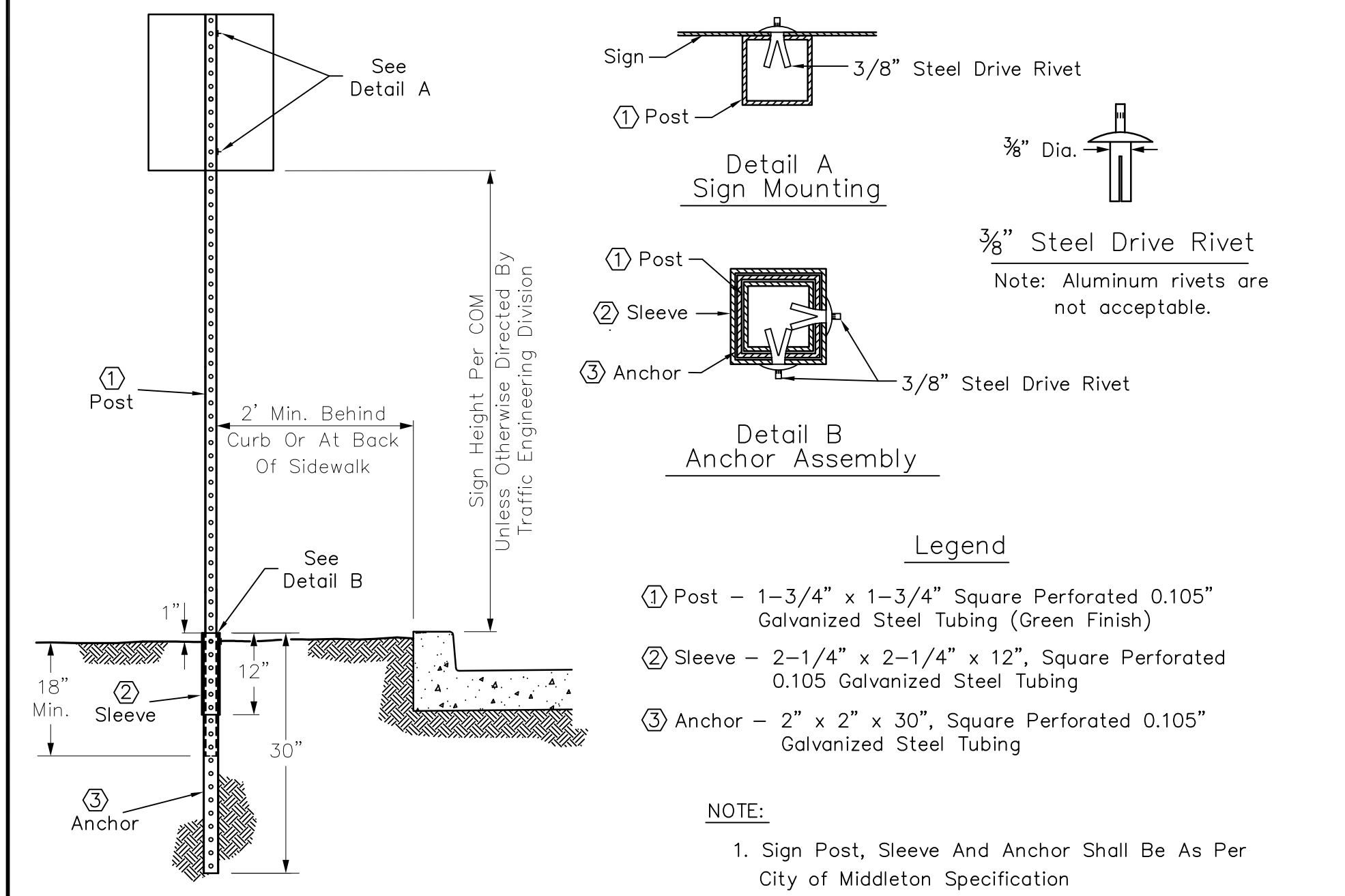
**4 SIDEWALK EXPANSION JOINT**  
A102 3/4" = 1'-0"



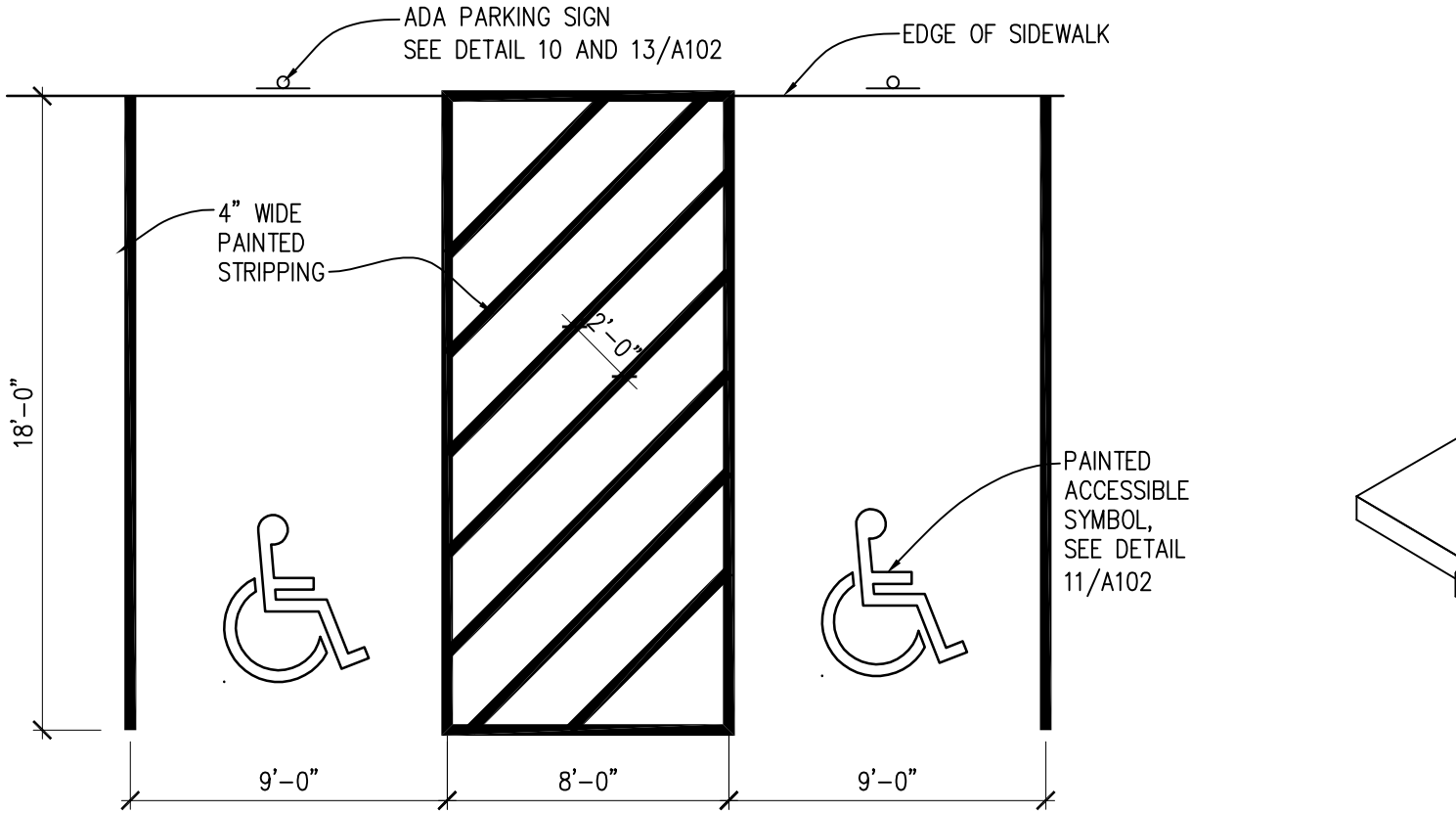
**10 ACCESSIBLE SIGN**  
A102 3/4" = 1'-0"



**11 ADA SYMBOL**  
A102 1/2" = 1'-0"

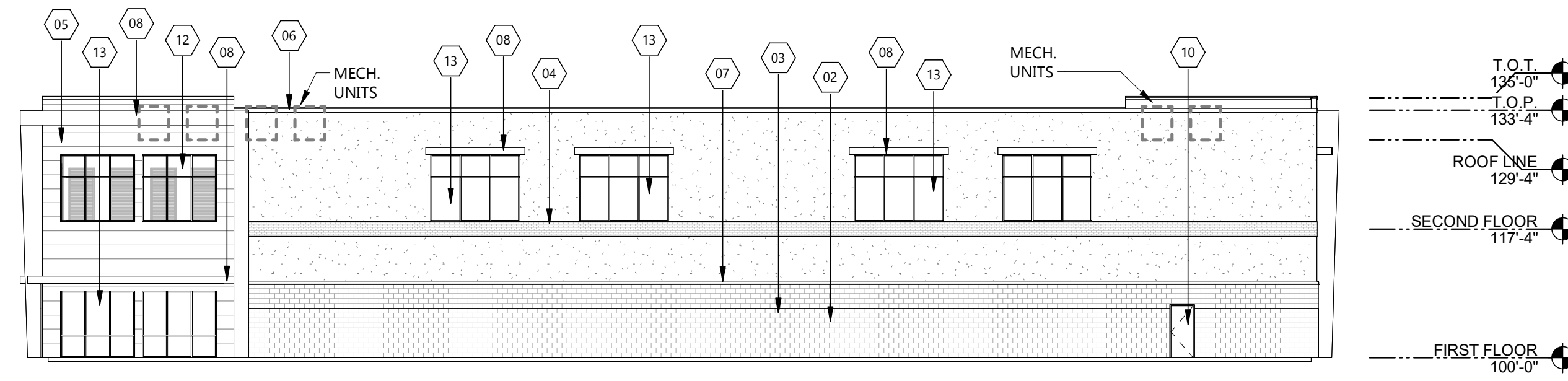


**13 SIGN POST DETAIL**  
A102 3/4" = 1'-0"

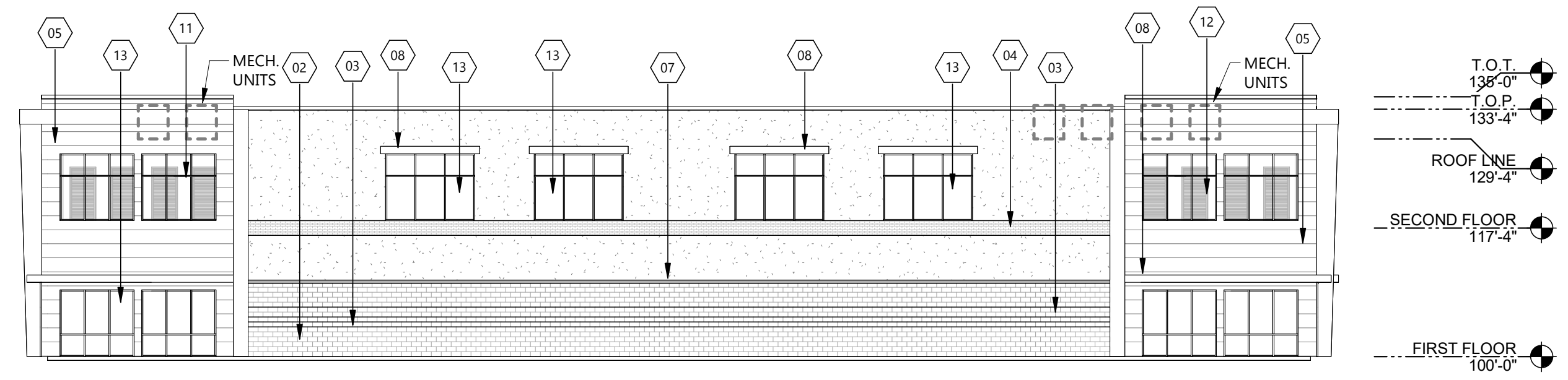


**14 ADA PARKING TYPICAL**  
A102 NTS

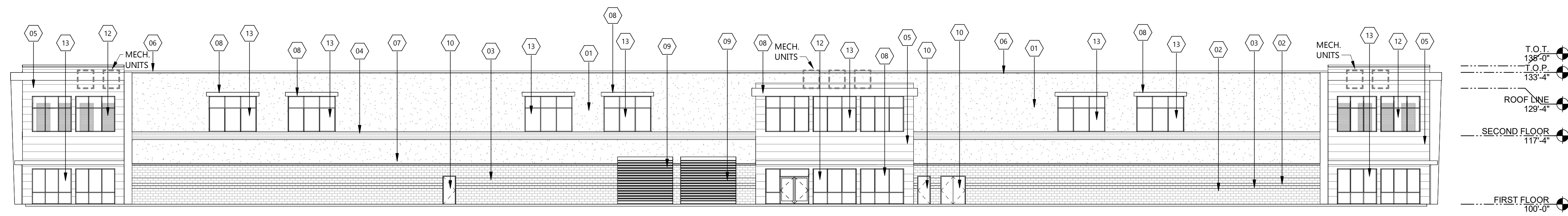




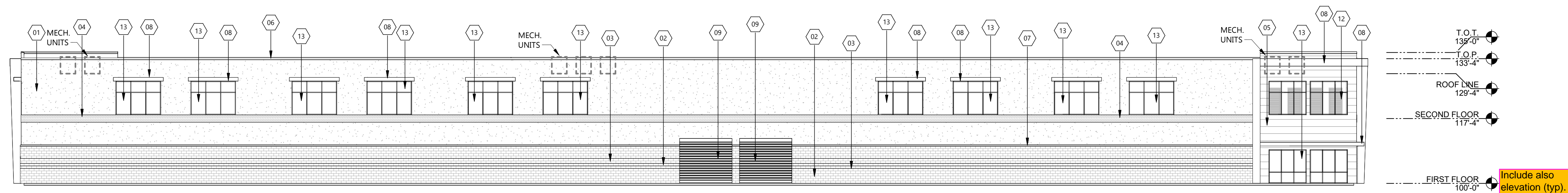
1 NORTH ELEVATION  
A.401 1/16" = 1'-0"



2 SOUTH ELEVATION  
A.401 1/16" = 1'-0"



3 EAST ELEVATION  
A.401 1/16" = 1'-0"



4 WEST ELEVATION  
A.401 1/16" = 1'-0"

KEYNOTE LEGEND:

- <<< INDICATES KEYNOTE ON PLAN
- 01 MEDIUM FINISH INTEGRAL COLOR EIFS - TO MATCH DUNN EDWARDS COLOR DEC791 CLOUD
- 02 CMU SPLIT FACE BLOCK VENEER, 4X8X16, ECHELON MASONRY COLOR TEAK
- 03 CMU SPLIT FACE BLOCK VENEER, 4X8X16, ECHELON MASONRY COLOR CHARCOAL
- 04 BRICK VENEER, SUMMIT BRICK COLOR IRON MOUNTAIN
- 05 INTEGRAL COLOR EIFS PAINTED AND SCORED TO MATCH SHERWIN WILLIAMS CUSTOM COLOR, AD CHRIS BRONZE
- 06 PARAPET METAL CAP FLASHING TO MATCH MANSARD BROWN OR EQUIVALENT
- 07 BLOCK CAP PAINTED TO MATCH MANSARD BROWN OR EQUIVALENT
- 08 METAL WINDOW/DOOR AWNINGS WRAPPED IN MANSARD BROWN OR EQUIVALENT
- 09 RYTEC VISION DOOR, COLOR RAAL 8019
- 10 H.M. DOOR, PAINTED TO MATCH DUNN EDWARDS DE6089 BRICK FENCE
- 11 ALUMINUM STOREFRONT SYSTEM, KAWNEER CLEAR ANODIZED FINISH
- 12 VISION GLASS
- 13 SPANDREL GLAZING UNIT, ICD OPACI-COAT 300 - #1-818 BLACK/CLEAR

ELEVATION GENERAL NOTES:

- ALL ROOF TOP MECHANICAL EQUIPMENT WILL BE SCREENED BY THE BUILDING PARAPET WALL AND/OR ADDITIONAL ROOFTOP SCREENING TO MATCH THE BUILDING DESIGN.

CONSULTANTS

CLIENT

1784 Holdings

PROJECT DESCRIPTION  
PROPOSED  
SELF-STORAGE

CITY MIDDLETON  
STATE WISCONSIN

ISSUE DATES

PRELIMINARY -  
NOT FOR  
CONSTRUCTION

MARK	DESCRIPTION	DATE
SP	SITE PLAN APPLICATION	12-11-2023
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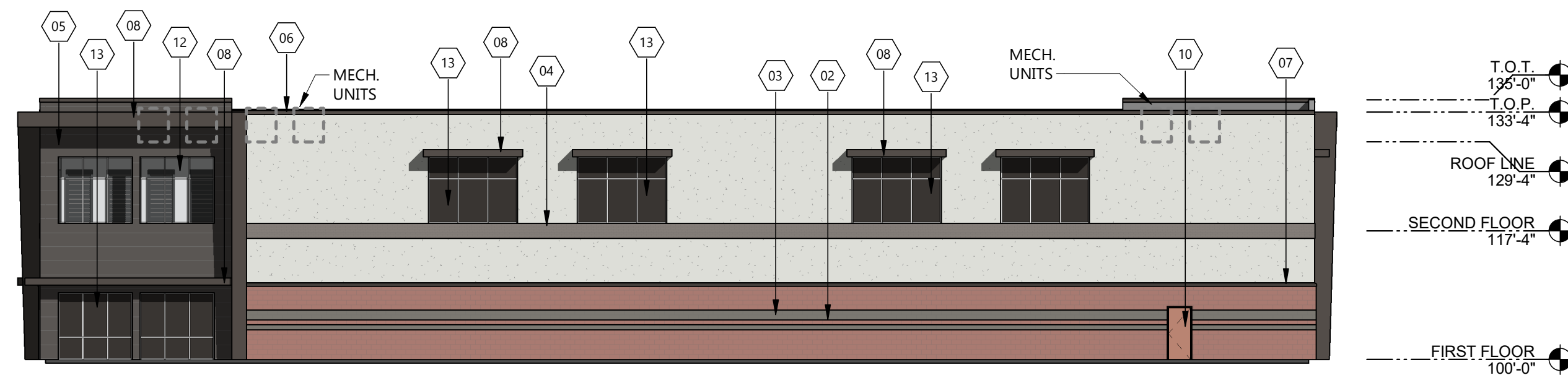
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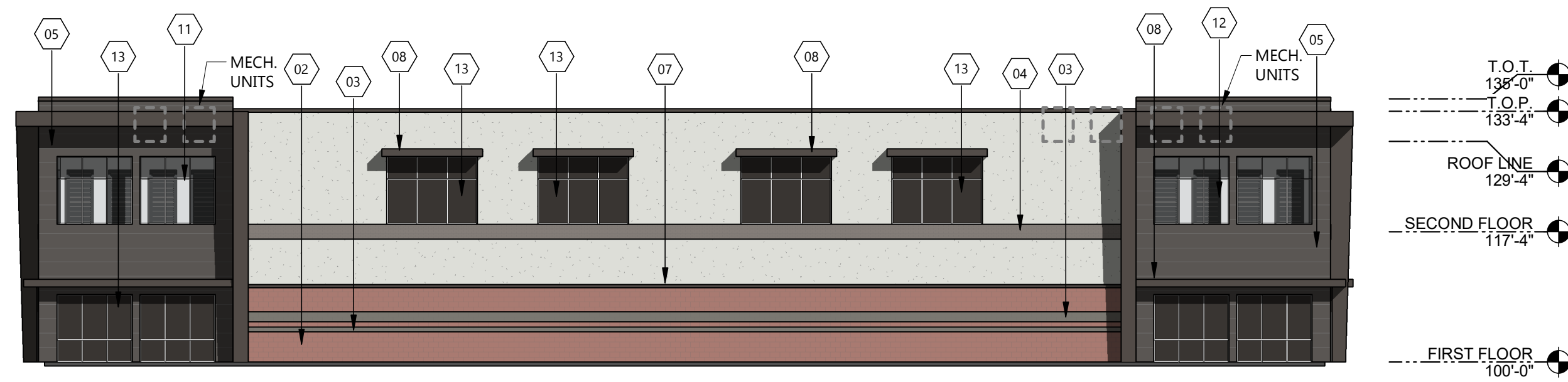
STAMP

DRAWING TITLE  
B/W BUILDING  
ELEVATIONS

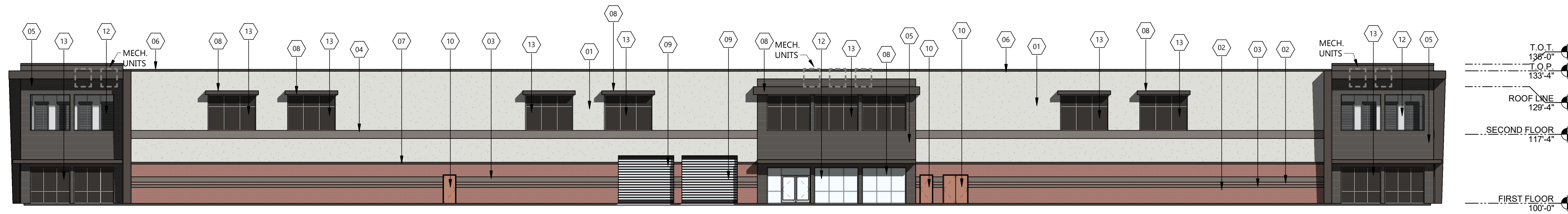
A.401



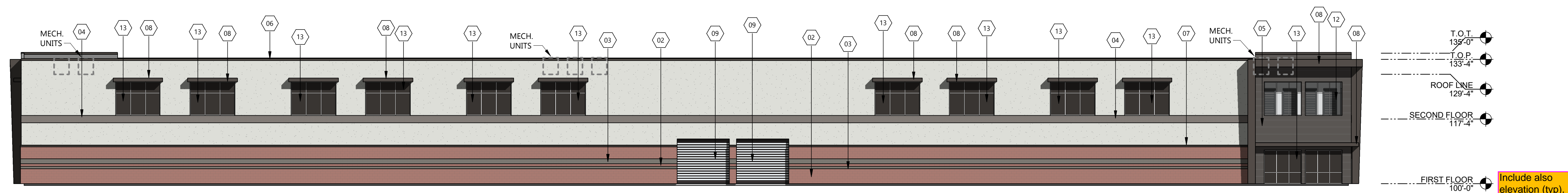
1 NORTH COLOR ELEVATION  
A.402 1/16" = 1'-0"



2 SOUTH COLOR ELEVATION  
A.402 1/16" = 1'-0"



3 EAST COLOR ELEVATION  
A.402 1/16" = 1'-0"



4 WEST COLOR ELEVATION  
A.402 1/16" = 1'-0"

KEYNOTE LEGEND:

- <<< INDICATES KEYNOTE ON PLAN
- 01 MEDIUM FINISH INTEGRAL COLOR EIFS - TO MATCH DUNN EDWARDS COLOR DEC791 CLOUD
- 02 CMU SPLIT FACE BLOCK VENEER, 4X8X16, ECHELON MASONRY COLOR TEAK
- 03 CMU SPLIT FACE BLOCK VENEER, 4X8X16, ECHELON MASONRY COLOR CHARCOAL
- 04 BRICK VENEER, SUMMIT BRICK COLOR IRON MOUNTAIN
- 05 INTEGRAL COLOR EIFS PAINTED AND SCORED TO MATCH SHERWIN WILLIAMS CUSTOM COLOR, AD CHRIS BRONZE
- 06 PARAPET METAL CAP FLASHING TO MATCH MANSARD BROWN OR EQUIVALENT
- 07 BLOCK CAP PAINTED TO MATCH MANSARD BROWN OR EQUIVALENT
- 08 METAL WINDOW/DOOR AWNINGS WRAPPED IN MANSARD BROWN OR EQUIVALENT
- 09 RYTEC VISION DOOR, COLOR RAAL 8019
- 10 H.M. DOOR, PAINTED TO MATCH DUNN EDWARDS DE6089 BRICK FENCE
- 11 ALUMINUM STOREFRONT SYSTEM, KAWNEER CLEAR ANODIZED FINISH
- 12 VISION GLASS
- 13 SPANDREL GLAZING UNIT, ICD OPACI-COAT 300 - #1-818 BLACK/CLEAR

ELEVATION GENERAL NOTES:

- ALL ROOF TOP MECHANICAL EQUIPMENT WILL BE SCREENED BY THE BUILDING PARAPET WALL AND/OR ADDITIONAL ROOFTOP SCREENING TO MATCH THE BUILDING DESIGN.

CONSULTANTS

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1784 Holdings

PROJECT DESCRIPTION  
PROPOSED  
SELF-STORAGE

CITY MIDDLETON  
STATE WISCONSIN

ISSUE DATES

PRELIMINARY -  
NOT FOR  
CONSTRUCTION

SP	SITE PLAN APPLICATION	12-11-2023
DD	PRELIMINARY SITE PLAN	10-17-2023
MARK	DESCRIPTION	DATE

PROJECT NO: 20234630  
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DRAWING TITLE  
COLOR BUILDING  
ELEVATIONS

A.402



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PROJECT DESCRIPTION  
PROPOSED  
SELF-STORAGE

CITY MIDDLETON  
STATE WISCONSIN

ISSUE DATES

**PRELIMINARY -  
NOT FOR  
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DRAWING TITLE  
RENDERS

**A.403**



NORTH EAST PERSPECTIVE VIEW



NORTH WEST PERSPECTIVE VIEW



SOUTH EAST PERSPECTIVE VIEW



SOUTH WEST PERSPECTIVE VIEW



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**1784** Holdings

PROJECT DESCRIPTION  
PROPOSED  
SELF-STORAGE

CITY MIDDLETON  
STATE WISCONSIN

ISSUE DATES

PRELIMINARY -  
NOT FOR  
CONSTRUCTION

MARK	DESCRIPTION	DATE
SP	SITE PLAN APPLICATION	12-11-2023
DD	PRELIMINARY SITE PLAN	10-17-2023

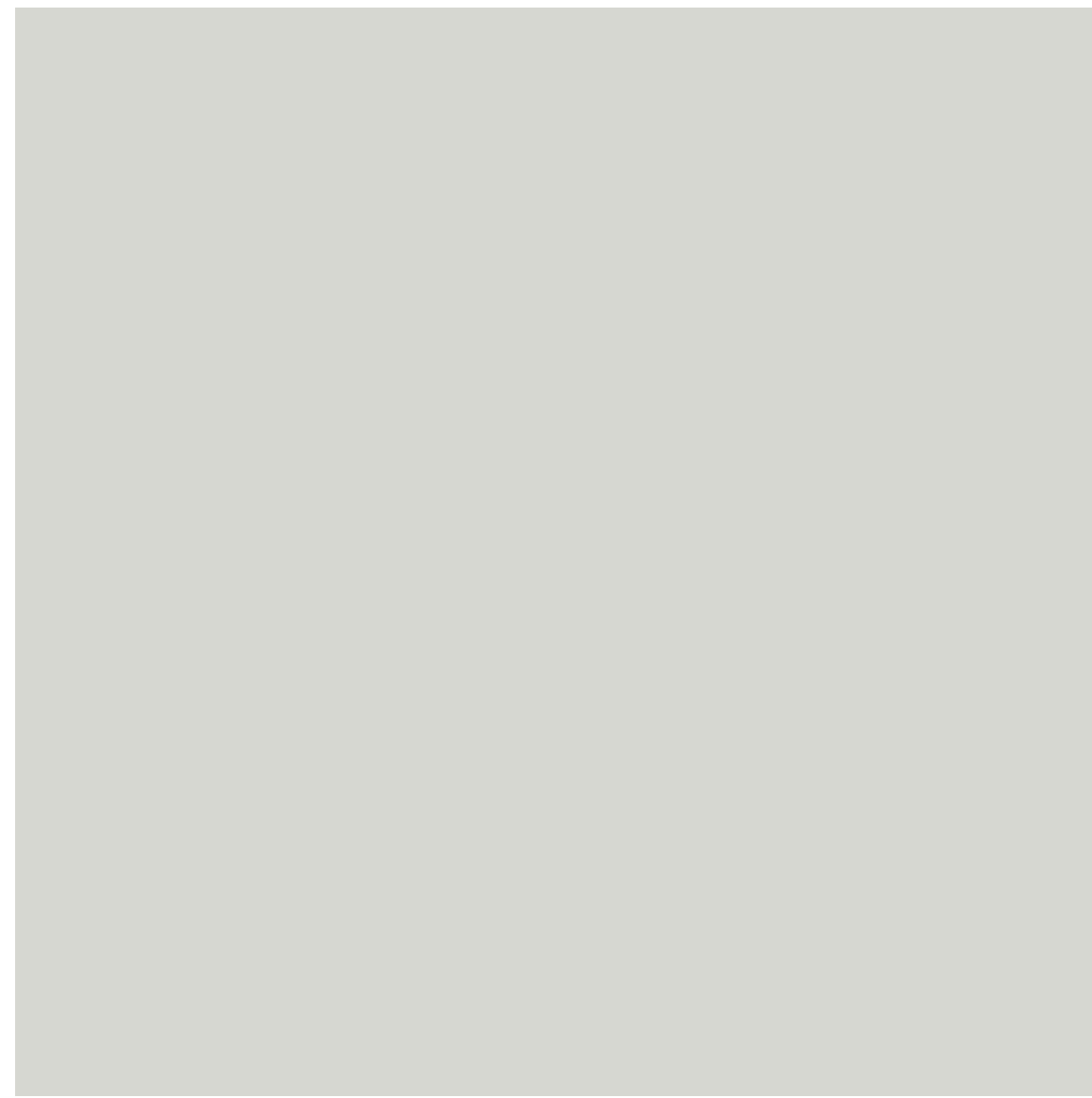
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DRAWING TITLE  
MATERIAL BOARD

**A.400**



01 - MEDIUM FINISH INTEGRAL COLOR EIFS TO MATCH DUNN EDWARDS COLOR DEC791 'CLOUD'



02 - CMU SPLIT FACE BLOCK VENEER 4X8X16 ECHELON MASONRY COLOR TEAK



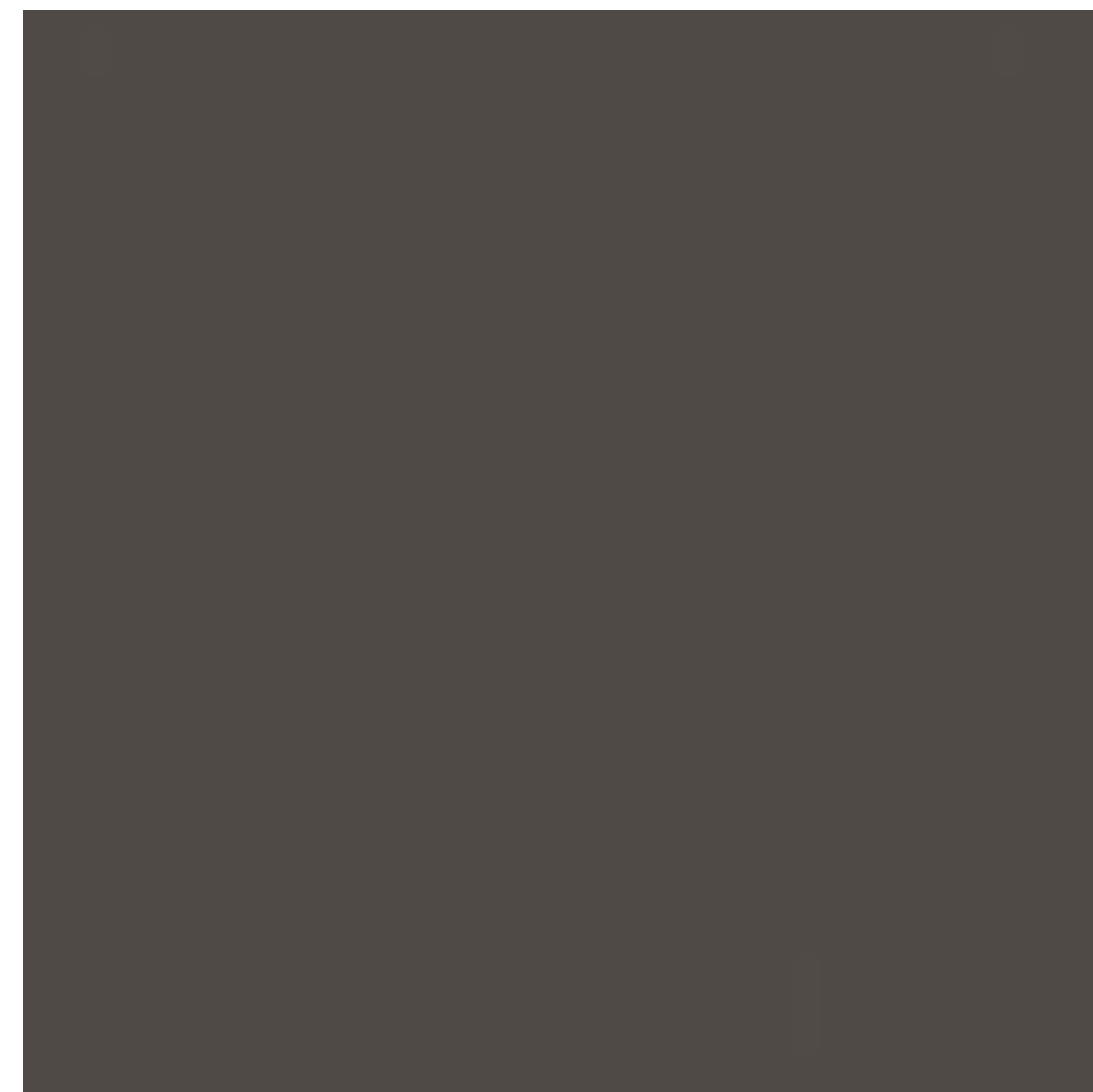
03 - CMU SPLIT FACE BLOCK VENEER 4X8X16 ECHELON MASONRY COLOR CHARCOAL



04 - BRICK VENEER SUMMIT BRICK COLOR IRON MOUNTAIN



05 - INTEGRAL COLOR EIFS TO MATCH SHERWIN WILLIAMS CUSTOM COLOR 'AD CHRIS BRONZE'



06, 07, 08 - FLASHING CAP, BLOCK CAP AND WRAPPED METAL AWNINGS TO MATCH MANSARD BROWN



09 - RYTEC VISION DOOR COLOR RAAL 8019

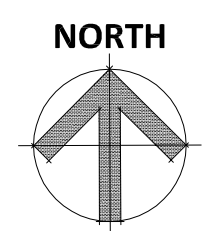


10 - H.M. DOOR PAINTED TO MATCH DUNN EDWARDS COLOR DE6089 'BRICK FENCE'





**FIRST FLOOR PLAN**  
 SCALE: 1/16" = 1'-0"



FIRST FLOOR UNIT MIX			
CLIMATE-CONTROL			
G.S.F. = 61,404 S.F.			
L.S.F. = 42,050 S.F.			
68%			
CLIMATE CONTROLLED UNIT MIX SUMMARY			
UNIT SIZE	TOTAL	S.F. PER	AREA
5X5	29	25	725
5X10	37	50	1850
10X5	15	50	750
5X15	45	75	3375
10X7.5	20	75	1500
10X10	85	100	8500
10X12.5	30	125	3750
10X15	74	150	11100
10X20	28	200	5600
10X25	12	250	3000
10X30	4	300	1200
10X35	2	350	700
<b>TOTAL</b>	<b>379</b>		<b>42050</b>

OVERALL UNIT MIX			
CLIMATE-CONTROL			
G.S.F. = 122,808 S.F.			
L.S.F. = 87,729 S.F.			
71%			
AVERAGE UNIT SIZE = 97 S.F.			
CLIMATE CONTROLLED UNIT MIX SUMMARY			
UNIT SIZE	TOTAL	S.F. PER	AREA
5X5	82	25	2050
5X10	119	50	5950
10X5	25	50	1250
5X12.5	1	62	62
5X15	119	75	8925
10X7.5	62	75	4650
12.5X7.5	2	93	186
10X10	221	100	22100
7.5X17.5	1	131	131
10X12.5	69	125	8625
10X15	150	150	22500
10X20	32	200	6400
10X25	12	250	3000
10X30	4	300	1200
10X35	2	350	700
<b>TOTAL</b>	<b>901</b>		<b>87729</b>

CONSULTANTS  
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**1784 Holdings**

PROJECT DESCRIPTION  
**PROPOSED SELF-STORAGE**

CITY MIDDLETON  
 STATE WISCONSIN

ISSUE DATES

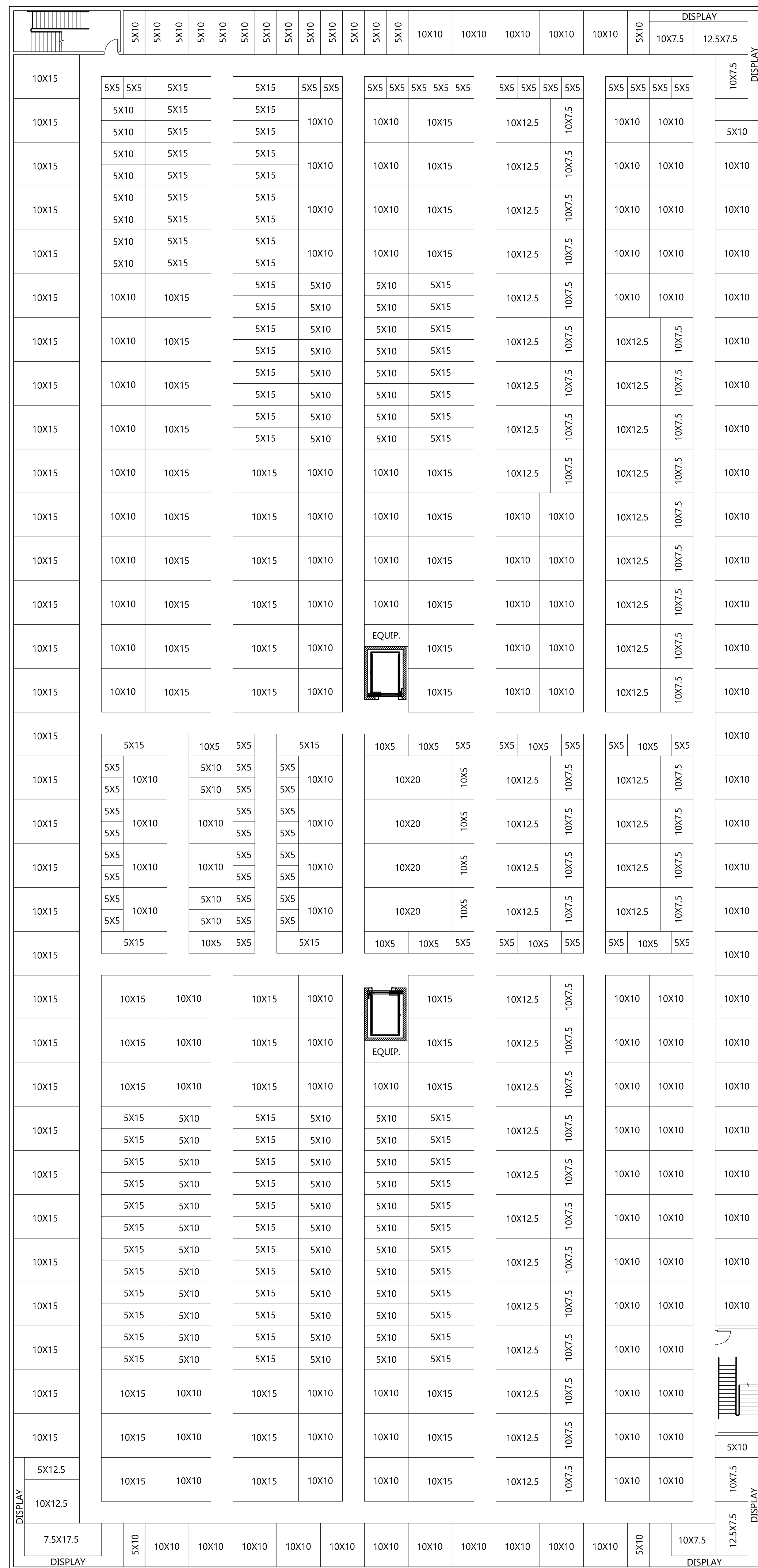
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MARK	DESCRIPTION	DATE

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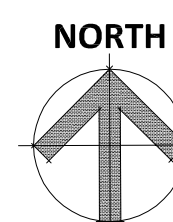
DRAWING TITLE  
**FLOOR PLANS**

**A201**



**SECOND FLOOR PLAN**

SCALE: 1/16" = 1'-0"



SECOND FLOOR UNIT MIX			
CLIMATE-CONTROL			
G.S.F = 61,404 S.F.			
L.S.F. = 45,629 S.F.			
74%			
CLIMATE CONTROLLED UNIT MIX SUMMARY			
UNIT SIZE	TOTAL	S.F. PER	AREA
5X5	53	25	1325
5X10	81	50	4050
10X5	10	50	500
5X12.5	1	62	62
5X15	74	75	5550
10X7.5	42	75	3150
12.5X7.5	2	93	186
10X10	136	100	13600
7.5X17.5	1	131	131
10X12.5	39	125	4875
10X15	76	150	11400
10X20	4	200	800
<b>TOTAL</b>	<b>519</b>		<b>45629</b>

**EAPC**  
 Architecture Engineering  
 Interior Design Industrial  
 TELE 602.441.4505 FAX  
 901 E Madison St, Phoenix, AZ 85034  
 www.eapc.net

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**1784 Holdings**

PROJECT DESCRIPTION  
**PROPOSED SELF-STORAGE**

CITY MIDDLETON  
 STATE WISCONSIN

ISSUE DATES

DD	PRELIMINARY SITE PLAN	10-17-2023
MARK	DESCRIPTION	DATE

PROJECT NO: 20234630  
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DRAWING TITLE  
**FLOOR PLANS**

**A202**



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1784 Holdings

PROJECT DESCRIPTION

PROPOSED  
SELF-STORAGE

CITY MIDDLETON  
STATE WISCONSIN

ISSUE DATES

SP	SITE PLAN APPLICATION	12-11-2023
DD	PRELIMINARY SITE PLAN	10-17-2023
MARK	DESCRIPTION	DATE

PROJECT NO: 20234630

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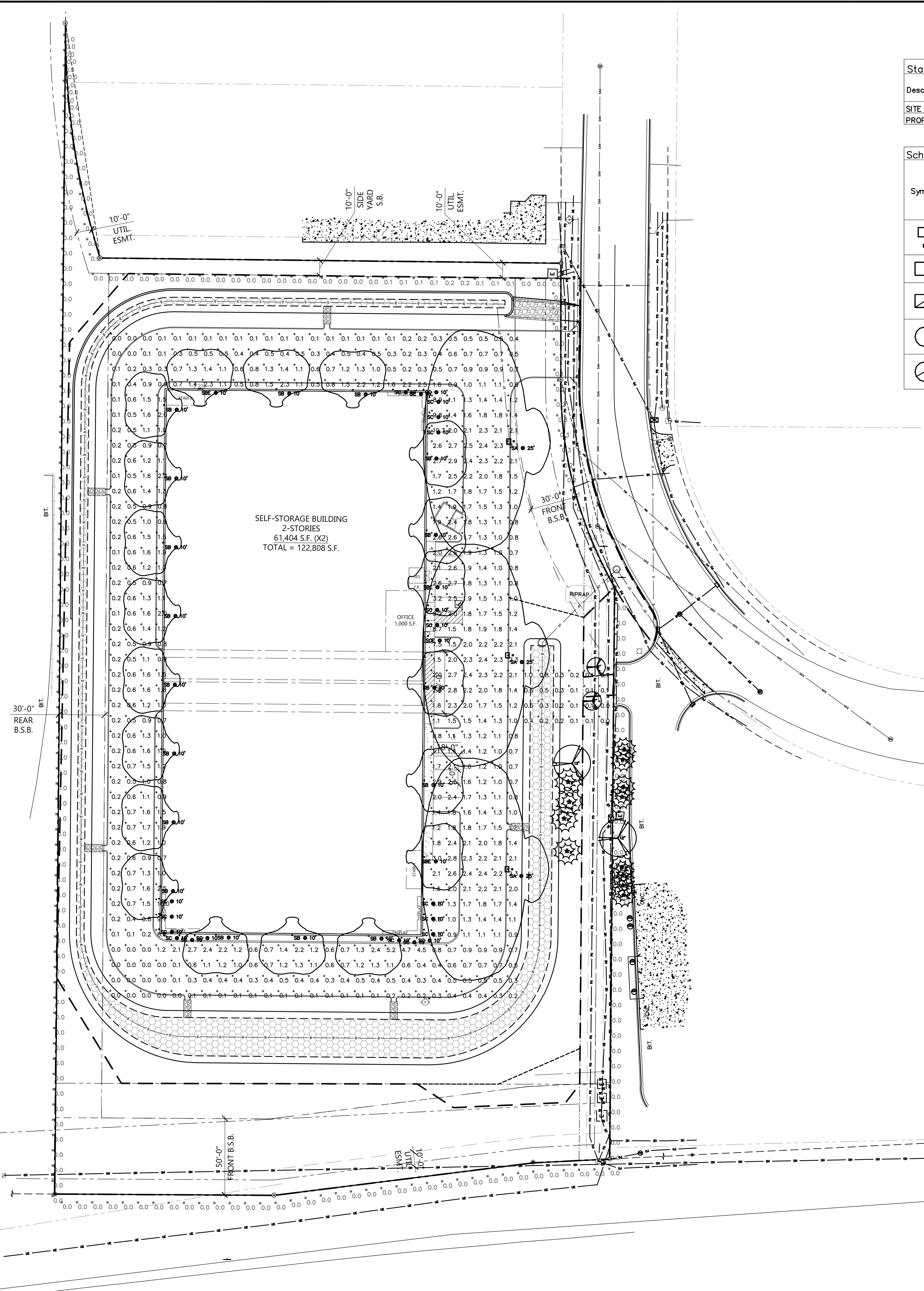
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DRAWING TITLE  
PHOTOMETRIC PLAN

E001

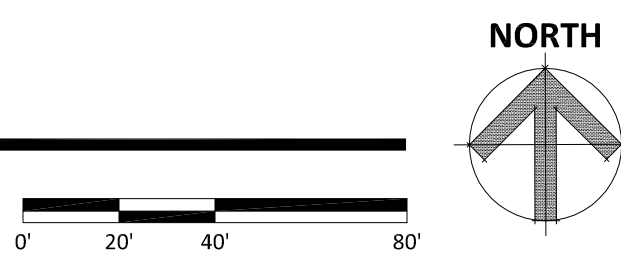
Statistics						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
SITE - FC @ GRADE	+	1.2 fc	10.3 fc	0.0 fc	N/A	N/A
PROPERTY LINE - FC @ GRADE	X	0.0 fc	0.3 fc	0.0 fc	N/A	N/A

Schedule										
Symbol	Label	Quantity	Manufacturer	Catalog Number	Description	Lamp	Filename	Lumens Per Lamp	Light Loss Factor	Wattage
□	SA	3	LITHONIA LIGHTING	DSX0 LED P6 40K 80CRI T3M MVOLT (FINISH) / SSS 22.5" W/2.5" BASE	SPA-Series Size 0 Area Luminaire P6 Performance Package 4000K CCT 80 CRI Type 3 Medium	LED - 4000K	DSX0_LED_P6_40K_80CRI_T3M.ies	15722	0.91	137
□	SB	17	LITHONIA LIGHTING	WDGE2 LED P2 40K 80CRI TFTM SRM (FINISH)	WDGE2 LED WITH P2 - PERFORMANCE PACKAGE, 4000K, 80CRI, TYPE FORWARD THROW MEDIUM OPTIC	LED - 4000K	WDGE2_LED_P2_40K_80CRI_TFTM.ies	2030	0.91	18.9815
▣	SBE	3	LITHONIA LIGHTING	WDGE2 LED P2 40K 80CRI TFTM SRM E20WC (FINISH)	WDGE2 LED WITH P2 - PERFORMANCE PACKAGE, 4000K, 80CRI, TYPE FORWARD THROW MEDIUM OPTIC W/EM BATTERY PACK	LED - 4000K	WDGE2_LED_P2_40K_80CRI_TFTM.ies	2030	0.91	18.9815
○	SC	20	LITHONIA LIGHTING	LDN6 40/10 L06AR LSS MVOLT GZ10	6IN LDN, 4000K, 1000LM, CLEAR, SPECULAR REFLECTOR, CR180	SEMI-LED - 4000K	LDN6_40_10_L06AR_LSS.ies	952	0.91	10.44
⊗	SCE	1	LITHONIA LIGHTING	LDN6 40/10 L06AR LSS MVOLT GZ10	6IN LDN, 4000K, 1000LM, CLEAR, SPECULAR REFLECTOR, CR180 W/EM BATTERY PACK	SEMI-LED - 4000K	LDN6_40_10_L06AR_LSS.ies	952	0.91	10.44



PHOTOMETRIC PLAN

SCALE: 1" = 40'-0"









**Performance Data**

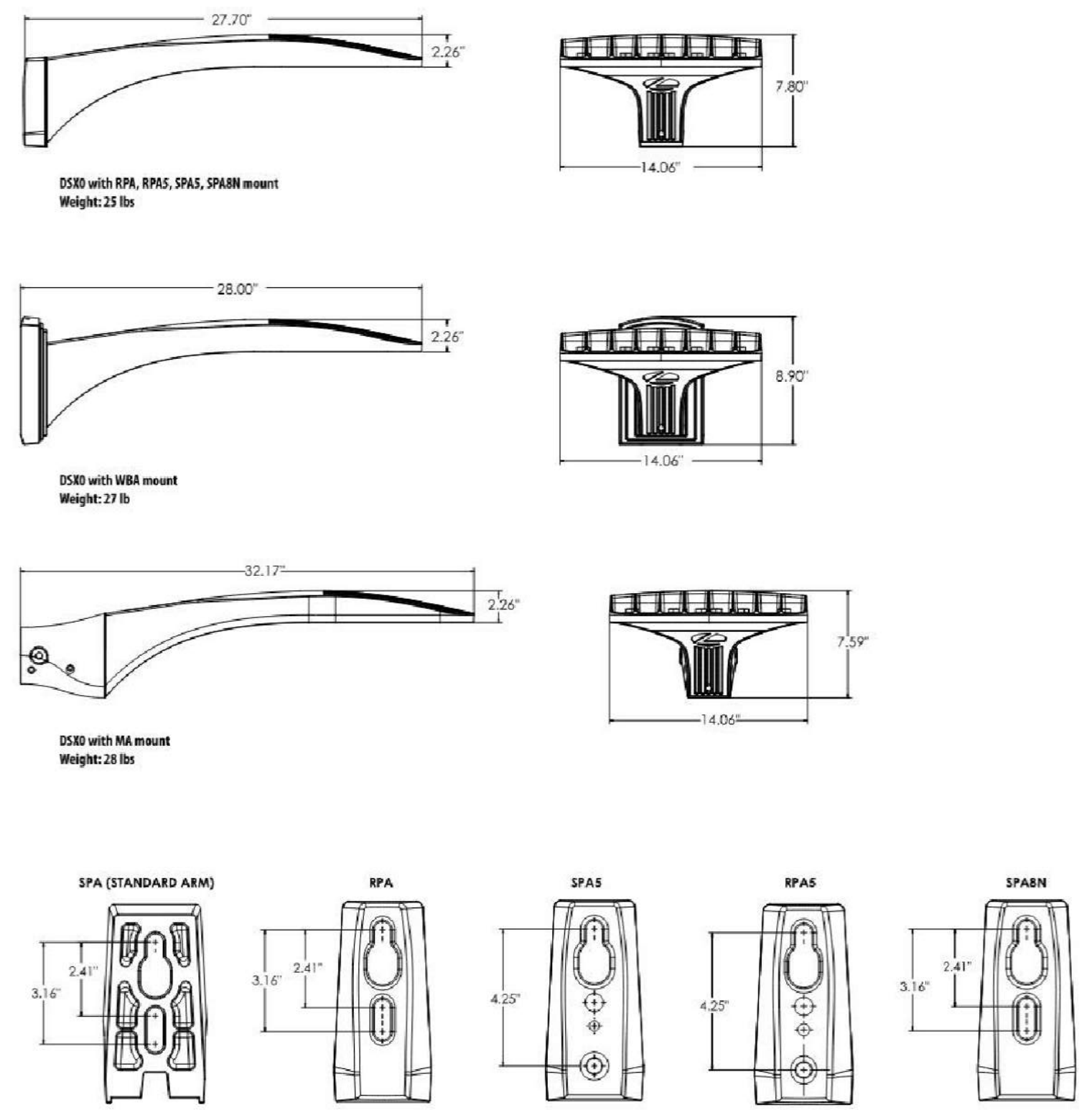
**Lumen Output**

Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of configurations shown with the tolerances described within IESNA-79-08. Contact factory for performance data on any configurations not shown here.

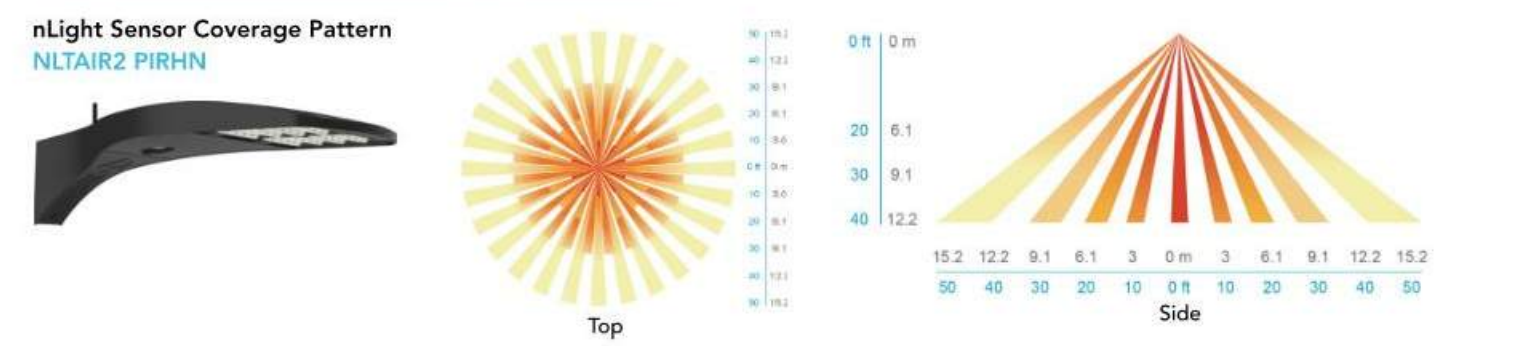
**Rotated Optics**

Performance Package	System Watts	LED Count	Area (sqm)	Distribution Type	100K (70 CR)				200K (80 CR)				300K (90 CR)							
					Lumens	LPW	U	V	Lumens	LPW	U	V	Lumens	LPW	U	V				
P0	15W	30	530	TTS	7,794	11	0	3	105	7,711	11	0	3	103	7,262	11	0	3	104	
					EM	4,854	3	0	3	165	7,144	3	0	3	140	7,281	3	0	3	143
					FM	4,911	3	0	3	166	7,225	3	0	3	142	7,284	3	0	3	145
					TMC	4,794	2	0	3	162	6,975	2	0	3	137	7,127	2	0	3	137
					BM	7,836	3	0	3	178	7,333	3	0	3	144	7,246	3	0	3	147
					TG2	4,797	2	0	3	162	6,978	2	0	3	137	7,130	2	0	3	138
					TTM	7,884	3	0	3	179	7,385	3	0	3	145	7,252	3	0	3	148
					FM	7,719	3	0	3	162	7,245	3	0	3	140	7,292	3	0	3	143
					TM	7,877	3	0	3	177	7,362	3	0	3	143	7,275	3	0	3	146
					TG2	7,260	3	0	3	140	7,267	3	0	3	118	7,274	3	0	3	122
					BCA	1,841	3	0	3	99	5,266	3	0	3	109	5,538	3	0	3	105
					BCA	1,246	3	0	3	82	4,428	3	0	3	107	5,574	3	0	3	103
BC10	1,889	0	0	2	100	5,303	0	0	2	104	5,427	0	0	2	106					
CCD	5,689	0	0	2	100	5,629	0	0	2	104	5,427	0	0	2	106					
AR	7,799	3	0	3	165	7,211	3	0	3	131	7,262	3	0	3	134					
TTS	9,334	3	0	3	198	9,253	3	0	3	149	9,493	3	0	3	146					
EM	5,867	3	0	3	162	5,934	3	0	3	139	6,211	3	0	3	139					
FM	6,294	3	0	3	170	6,188	3	0	3	144	6,318	3	0	3	147					
TG2	7,811	3	0	3	165	8,064	3	0	3	120	8,323	3	0	3	122					
FM	8,899	3	0	3	181	8,249	3	0	3	136	8,452	3	0	3	139					
TG2	8,951	3	0	3	189	8,455	3	0	3	124	8,539	3	0	3	126					
TTM	1,862	0	0	2	102	5,196	0	0	2	107	5,522	0	0	2	107					
FM	1,756	4	0	2	105	5,142	4	0	2	102	5,228	4	0	2	103					
FM	9,384	4	0	2	137	9,086	4	0	2	143	9,285	4	0	2	145					
TG2	1,822	3	0	2	105	5,568	3	0	2	101	5,256	3	0	2	101					
BCA	6,378	3	0	3	94	4,657	3	0	3	98	6,277	3	0	3	100					
BCA	6,537	3	0	3	97	4,865	3	0	3	101	6,096	3	0	3	103					
BC10	6,456	0	0	2	95	4,827	0	0	2	99	6,188	0	0	2	101					
CCD	6,456	0	0	2	95	4,827	0	0	2	99	6,188	0	0	2	101					
AR	9,336	3	0	3	198	9,253	3	0	3	149	9,493	3	0	3	146					
TTS	12,492	3	0	3	268	12,399	3	0	3	184	12,925	3	0	3	184					
EM	12,271	4	0	4	193	12,289	4	0	4	124	12,608	4	0	4	125					
FM	12,443	4	0	4	192	12,429	4	0	4	122	12,587	4	0	4	126					
FM	11,989	3	0	3	167	11,555	3	0	3	112	11,729	3	0	3	114					
FM	12,597	4	0	4	192	12,128	4	0	4	127	12,384	4	0	4	129					
TG2	11,457	3	0	3	162	11,629	3	0	3	116	11,773	3	0	3	118					
TTM	12,685	4	0	4	193	12,173	4	0	4	128	12,479	4	0	4	130					
FM	12,960	4	0	4	195	12,539	4	0	4	131	12,779	4	0	4	133					
FM	11,193	3	0	3	162	11,176	3	0	3	113	11,196	3	0	3	114					
TG2	11,998	3	0	3	168	11,548	3	0	3	113	11,819	3	0	3	114					
BC1	1,028	1	0	1	67	4,489	1	0	1	61	5,053	1	0	1	61					
BCA	5,224	4	0	4	90	3,778	4	0	4	94	5,092	4	0	4	96					
BC10	5,176	1	0	2	88	3,895	1	0	2	92	5,080	1	0	2	94					
CCD	5,176	1	0	2	88	3,895	1	0	2	92	5,080	1	0	2	94					
AR	11,247	3	0	3	138	11,806	3	0	3	114	12,615	3	0	3	116					
TTS	15,794	3	0	3	192	15,366	3	0	3	127	16,055	3	0	3	128					
EM	11,447	4	0	4	119	11,514	4	0	4	118	11,477	4	0	4	119					
FM	12,714	4	0	4	134	12,335	4	0	4	119	12,634	4	0	4	121					
FM	11,345	3	0	3	102	10,788	3	0	3	102	10,947	3	0	3	103					
FM	14,913	4	0	4	116	14,563	4	0	4	121	15,042	4	0	4	123					
TG2	11,562	3	0	3	105	11,155	3	0	3	110	11,431	3	0	3	112					
TTM	11,593	3	0	3	102	11,075	3	0	3	107	11,351	3	0	3	109					
FM	11,840	3	0	3	107	11,322	3	0	3	112	11,597	3	0	3	114					
BCA	11,203	4	0	4	83	11,155	4	0	4	87	11,174	4	0	4	88					
BC10	11,204	4	0	4	86	11,156	4	0	4	89	11,126	4	0	4	91					
CCD	11,204	4	0	4	84	11,156	4	0	4	87	11,174	4	0	4	89					
AR	10,800	3	0	3	84	11,255	3	0	3	82	11,475	3	0	3	89					
CCD	10,800	3	0	3	84	11,255	3	0	3	82	11,475	3	0	3	89					
AR	15,794	3	0	3	192	15,366	3	0	3	127	16,048	3	0	3	128					

**Dimensions**



**nLight Control - Sensor Coverage and Settings**



**FEATURES & SPECIFICATIONS**

**INTENDED USE**  
The sleek design of the D-Series Size 0 reflects the embedded high performance LED technology. It is ideal for many commercial and municipal applications, such as parking lots, plazas, campuses, and pedestrian areas.

**CONSTRUCTION**  
Single-piece die-cast aluminum housing has integral heat sink fins to optimize thermal management through conductive and convective cooling. Modular design allows for ease of maintenance and future light engine upgrades. The LED driver is mounted in direct contact with the casting to promote low operating temperature and long life. Housing driver compartment is completely sealed against moisture and environmental contaminants (IP66). Vibration rated per ANSI C136.31 for 3G. Low EPM (0.44 ft/lb) for optimized pole wind loading.

**FINISH**  
Exterior parts are protected by a zinc-finished Super Durable TGIC thermoset powder coat finish that provides superior resistance to corrosion and weathering. A tightly controlled multi-stage process ensures a minimum 3 mils thickness for a finish that can withstand extreme climate changes without cracking or peeling. Available in both textured and non-textured finishes.

**COASTAL CONSTRUCTION (CCE)**  
Optional corrosion resistant construction is engineered with added corrosion protection in materials and/or pre-treatment of base material under super durable paint. Provides additional corrosion protection for applications near coastal areas. Finish is salt spray tested to over 5,000 hours per ASTM B117 with visible rating of 10. Additional lead-times may apply.

**OPTICS**  
Precision-molded proprietary silicone lenses are engineered for superior area lighting distribution, uniformity, and pole spacing. Light engines are available in 3000 K, 4000 K or 5000 K (70 CRI) configurations. RCR configurations are also available. The D-Series Size 0 has zero uplight and qualifies as a Nighttime Friendly® product, meaning it is consistent with the LEED® and Green Globes® criteria for eliminating wasteful uplight.

**ELECTRICAL**  
Light engine configurations consist of high-efficiency LEDs mounted to metal-core circuit boards to maximize heat dissipation and promote long life (up to L80 100,000 hours at 25°C). Class 1 electronic drivers are designed to have a power factor >90%, THD <20%, and an expected life of 100,000 hours with <1% failure rate. Easily serviceable 10kV surge protection device meets a minimum Category C Low operation (per ANSI/IEEE C62.41.2).

**STANDARD CONTROLS**  
The DSX0 LED area luminaire has a number of control options. DSX Size 0, comes standard with 0-10V dimming driver. Duk to dawn controls can be utilized via optional NEMA twist-lock photocell receptacles. PR integrated motion sensor with on-board photocell feature field-adjustable programming and are suitable for mounting heights up to 40 feet. Control option BL features a bi-level device that allows a second control circuit to switch all light engines to either 30% or 50% light output.

**nLIGHT AIR CONTROLS**  
The DSX0 LED area luminaire is also available with nLight® AIR for the ultimate in wireless control. This powerful controls platform provides out-of-the-box basic motion sensing and photocell functionality and is suitable for mounting heights up to 40 feet. Once commissioned using a smartphone and the easy-to-use CLARITY app, nLight AIR equipped luminaires can be grouped, resulting in motion sensor and photocell group response without the need for additional equipment. Scheduled dimming with motion sensor over-ride can be achieved when used with the nLight Eclipse. Additional information about nLight AIR can be found here.

**INSTALLATION**  
Integral mounting arm allows for fast mounting using lithium standard RB drilling and accommodates pole drilling's from 2.41 to 3.12" on center. The standard "SPA" option for square poles and the "RPA" option for round poles use the RB drilling. For RB pole drilling, use SPAS or RPAS. Additional mountings are available including a wall bracket (WBA) and mast arm (MA) option that allows luminaire attachment to a 2 3/8" horizontal mast arm.

**LISTINGS**  
UL listed to meet U.S. and Canadian standards. UL Listed for wet locations. Light engines are IP66 rated, luminaire is IP66 rated. Rated for -40°C minimum ambient.

**DESIGNLIGHTS CONSORTIUM® (DLC) Premium qualified product and DLC qualified product.** Not all versions of this product may be DLC Premium qualified or DLC qualified. Please check the DLC Qualified Products List at [www.designlightsconsortium.com](http://www.designlightsconsortium.com) to confirm which versions are qualified.

**INTERNATIONAL DARK SKY ASSOCIATION (IDA) Future Seal of Approval (FSA) is available for all products on this page utilizing 3000K color temperature only.**

**WARRANTY**  
5-year limited warranty. This is the only warranty provided and no other statements in this specification sheet create any warranty of any kind. All other express and implied warranties are disclaimed. Complete warranty terms located at: [www.lithonia.com/warranty](http://www.lithonia.com/warranty)

**Note:** Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25°C. Specifications subject to change without notice.

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**WDGE2 LED**  
Architectural Wall Sconce  
Precision Refractive Optic

**Specifications**  
Depth (D1): 7"  
Depth (D2): 1.5"  
Height: 9"  
Width: 11.5"  
Weight (without options): 13.5 lbs

**Introduction**  
The WDGE2 family is designed to meet specifier's every wall-mounted lighting need in a widely accepted shape that blends with any architecture. The clean, rectangular design comes in four sizes with lumen packages ranging from 1,200 to 25,000 lumens, providing a true site-wide solution. Embedded with nLight® AIR wireless controls, the WDGE2 family provides additional energy savings and code compliance.

**WDGE2 with industry leading precision refractive optics provides great uniform distribution and optical control. When combined with multiple integrated emergency battery backup options, including an RW cold temperature option, the WDGE2 becomes the ideal wall-mounted lighting solution for pedestrian scale applications in any environment.**

**WDGE LED Family Overview**

Luminaire	Optics	Standard EM, 0°C	Cold EM, -20°C	Sensor	P0	P1	P2	P3	P4	P5	P6
WDGE2 LED	Visual Comfort	4W	—	—	750	1,200	2,000	—	—	—	—
WDGE2 LED	Visual Comfort	10W	18W	Standalone / nLight	—	1,200	2,000	3,000	4,500	6,000	—
WDGE2 LED	Precision Refractive	10W	18W	Standalone / nLight	700	1,200	2,000	3,000	4,200	—	—
WDGE2 LED	Precision Refractive	15W	18W	Standalone / nLight	—	7,500	8,500	10,000	12,000	—	—
WDGE2 LED	Precision Refractive	—	—	Standalone / nLight	—	12,000	16,000	18,000	20,000	22,000	25,000

**Ordering Information**

**EXAMPLE: WDGE2 LED P3 40K 80CRI VF MOLT SRM DDBXD**

Series	Package	Color Temperature	CRI	Distribution	Voltage	Mounting
WDGE2 LED	P0 <sup>1</sup>	27K	2700K	70CRI <sup>2</sup>	TTS	Type I Short
	P1 <sup>1</sup>	30K	3000K	80CRI	T2M	Type II Medium
	P2 <sup>1</sup>	40K	4000K	LF Limited Wavelength	T3M	Type III Medium
	P3 <sup>1</sup>	50K	5000K	—	T4M	Type IV Medium
	P4 <sup>1</sup>	AMB	Amber	—	T5TM	Forward Tilt Medium

**Options**

Option	Description	Notes
E10WH	Emergency battery backup. Certified in CA Title 20 MAERBS (10K, 15K, 18K)	
E20WC	Emergency battery backup. Certified in CA Title 20 MAERBS (18K, 20K, 24K)	
FC <sup>1</sup>	PhotoCell, dusk-to-dawn	
DC <sup>1</sup>	0-10V dimming wires pulled outside fixture for use with an external control, ordered separately.	
IME <sup>1</sup>	Bottom conduit entry for back box (PBRW). Total of 4 entry points.	

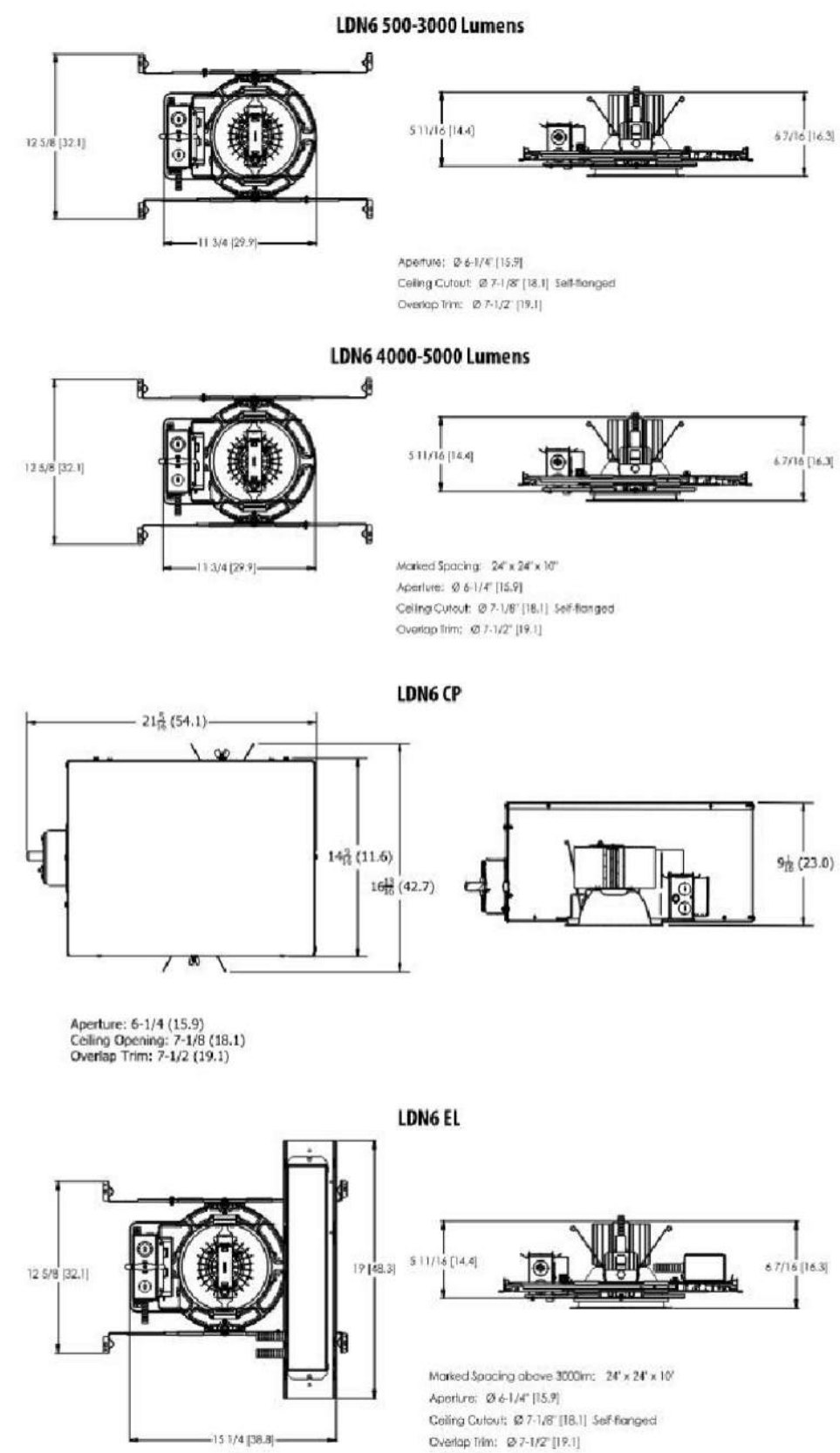






LDN6

\*All dimensions are in inches (in parentheses) unless otherwise noted.



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ADDITIONAL DATA



The Sensor Switch JOT enabled solution offers a wireless, app-free approach to single room lighting control. JOT enabled products use Bluetooth® Low Energy (BLE) technology to enable wireless dimming and switching.

Diagram



1. Powers install JOT enabled fixtures and controls as instructed.
2. Pairs insert the pairing tool into the pinhole on the wall switch, press and hold any button for 6 seconds.
3. Play: Once paired, each fixture will automatically dim down to 10% brightness. All products will be fully functional.

COMPATIBLE 0-10V WALL-MOUNT DIMMERS		
MANUFACTURER	PART NO.	POWER BOOSTER AVAILABLE
Lutron®	Dim+ DNTV	
	Dim+ DNSTN	
	Neo+ T-MTTFV	
Leviton®	Novus® 10TV	CH20
	ANSI-CM 20W	FE30
	ANSI-CM 70W	FE30
Sprague®	AMBAG-70W	
	Luxtron Controls Fluorescent Control System	
Decorative Lighting Controls	Wired Series	
	LED-BC	EDMFC
Entertainment Technology	SLE1PKS	
	Digital Evolution (DEI) BC	
Heavywell	WFC 5723	
	Top Color 1500/AMT3 (20W)	
HERN Dimming	Top Color-Multistep 1500/AMT3 (20W)	
	Genie (R) 200/AMT3	
Lighthouse Electronic Products	EL211501619	EL2100A100
	EL211501009	(optional)
PM Electrical Products	Power Slide PS-010-7W and PS-200-70W	
	Power Slide PS-010-30W-7W and PS-010-30W-70W	
Starfield Controls	Power Slide, control: FB-300-PS-BC-410-N and PS-BC-410-WH-100(277V)	
	Power Slide, control: FB-300-PS-BC-410-N and PS-BC-410-WH-100(277V)	
WattScoper™	Remote mounted unit: FD-300	
	Software	PEK

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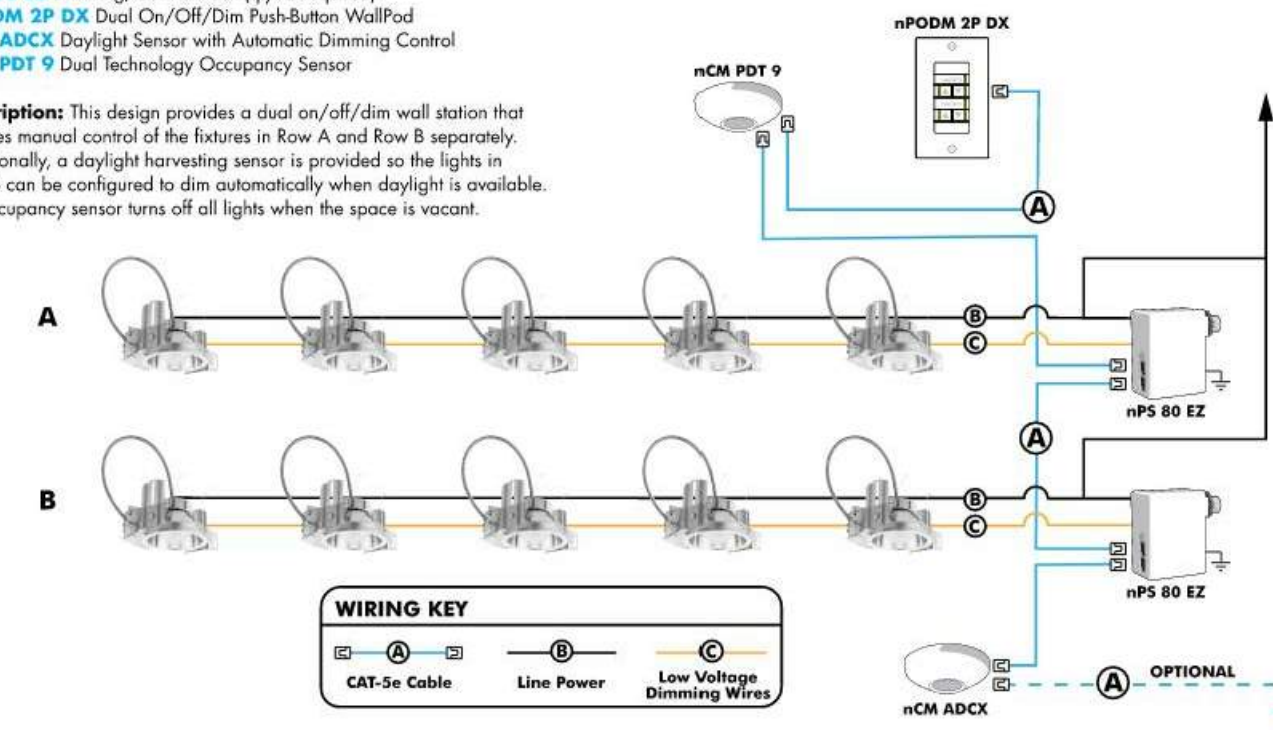
LDN6

EXAMPLE

Group Fixture Control\*  
 \*Application diagram applies for fixtures with eldLED drivers only.

- nPS 80 EZ Dimming/Control Pack (qty: 2 required)
- nPODM 2P DX Dual On/Off/Dim Push-Button Wallpod
- nCM ADCK Daylight Sensor with Automatic Dimming Control
- nCM PDT 9 Dual Technology Occupancy Sensor

**Description:** This design provides a dual on/off/dim wall station that enables manual control of the fixtures in Row A and Row B separately. Additionally, a daylight harvesting sensor is provided so the lights in Row B can be configured to dim automatically when daylight is available. An occupancy sensor turns off all lights when the space is vacant.



Choose Wall Controls

nLight offers multiple styles of wall controls - each with varying features and user experience.



nLight® Wired Controls Accessories:			
Order as separate catalog number. Visit <a href="http://www.acuitybrands.com/products/controls/nlight">www.acuitybrands.com/products/controls/nlight</a> for complete listing of nLight controls.			
Wallpod Stations	Model number	Occupancy sensors	Model Number
On/Off	nPODM (Color)	Small motion 360, ceiling (PR/ dual tech)	nCM 9 / nCM PDT 9
On/Off & Raise/Lower	nPODM DX (Color)	Large motion 360, ceiling (PR/ dual tech)	nCM 10 / nCM PDT 10
Graphic Touchscreen	nPOD GFX (Color)	Wide View (PR/ dual tech)	nWV 16 / nWV PDT 16
PhotoCell controls	Model Number	Wall Switch w/ Raise/Lower (PR/ dual tech)	nWSX IV DX / nWSX PDT IV DX
Dimming	nCM ADCK	Cat-5 cables (plenum rated)	Model Number
		10', CAT5 10BT	CAT5 10BT J1
		15', CAT5 15FT	CAT5 15FT J1

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nLight® AIR Control Accessories:	
Order as separate catalog number. Visit <a href="http://www.acuitybrands.com/products/controls/nlightair">www.acuitybrands.com/products/controls/nlightair</a> .	
Wall switches	Model number
On/Off single pole	nPODR (color)
On/Off two pole	nPODR 2P (color)
On/Off & raise/lower single pole	nPODR SR (color)
On/Off & raise/lower two pole	nPODR 2P DX (color)
On/Off & raise/lower single pole	nPODR2 01 WM†

**WIZ24 Sequence of Operation**  
 The below information applies to all nLight AIR devices with an EM option.  
 • EM devices will remain at their high-end trim and ignore wireless lighting control commands, unless a normal power-sense (NPS) broadcast is received at least every 6 seconds.  
 • Using the CLARITY™ mobile app, EM devices must be associated with a group that includes a normal power sensing device to receive NPS broadcasts.  
 • Only non-emergency nPODR, nSBR, nSBR, nSDB, and nLight AIR luminaires with version 3.4 or later firmware can provide normal power sensing for EM devices. See specification sheets for control devices and luminaires for more information on options that support normal power sensing.

**nLight AIR**  
 nLight AIR is the ideal solution for retrofit or new construction spaces where adding communication is cost prohibitive. The integrated nLight AIR nPS20 Power Pack is part of each Lithonia LDN6 luminaire. These individually addressable controls offer the ultimate in flexibility during initial setup and for space repurposing.



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CONSULTANTS

CLIENT

1784 Holdings

PROJECT DESCRIPTION  
 PROPOSED SELF-STORAGE

CITY MIDDLETON  
 STATE WISCONSIN

ISSUE DATES

SP	SITE PLAN APPLICATION	12-11-2023
DD	PRELIMINARY SITE PLAN	10-17-2023
MARK	DESCRIPTION	DATE

PROJECT NO: 20234630  
 DRAWN BY: AAB  
 CHECKED BY: MAB

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STAMP

DRAWING TITLE  
 LIGHTING CUT SHEETS

E005



CONSULTANTS



CLIENT

**1784** Holdings

PROJECT DESCRIPTION

**PROPOSED SELF-STORAGE**

CITY MIDDLETON  
STATE WISCONSIN

ISSUE DATES

SP	SITE PLAN APPLICATION	11-29-2023
DD	PRELIMINARY SITE PLAN	10-17-2023
MARK	DESCRIPTION	DATE

PROJECT NO: 20234630

DRAWN BY: EMS

CHECKED BY: RM

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DRAWING TITLE

LANDSCAPE PLANTING

**LP-1**

PLANT SCHEDULE

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CAL.	CONT.	SIZE
<b>TREES</b>						
	OS	9	Existing Tree - Off Site	exist.		
	XX	2	Existing Tree - Remain	exist.		
	GS	2	Gleditsia triacanthos inermis 'Shademaster' TM Shademaster Locust	B & B	2"Cal	6'-8"
<b>SHRUBS</b>						
	PL	15	Physocarpus opulifolius 'Little Devil' TM Dwarf Ninebark	5 gal.	4" OC	24" Min. Ht.
	SG	15	Spiraea japonica 'Goldmound' Goldmound Japanese Spirea	3 gal.	36" OC	15" Min. Ht.
	TD2	15	Taxus x media 'Densiflora' Dense Yew	2 gal.	36" OC	24" Min. Ht.

GROUND COVERS

	FA	37,774 sf	Festuca arundinacea 'Kentucky 31' Kentucky Tall Fescue	Hydromulch
	FK	14,070 sf	Festuca arundinacea 'Kentucky 31' Kentucky Tall Fescue	sod
	DB	13,597 sf	Plugs according to Wisconsin DNR Refer to Sheet C003	---

ROCK / STONE

	RR	3,198 sf	2-3" River Rock River Rock mulch over weed filter fabric	3" depth
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LANDSCAPE CALCULATIONS

ZONING: 1 - Industrial

PARKING AREA REQUIREMENTS:  
SPACES PROVIDED: 12  
TREES REQUIRED: 1 TREES  
TREES PROVIDED: 2 TREES

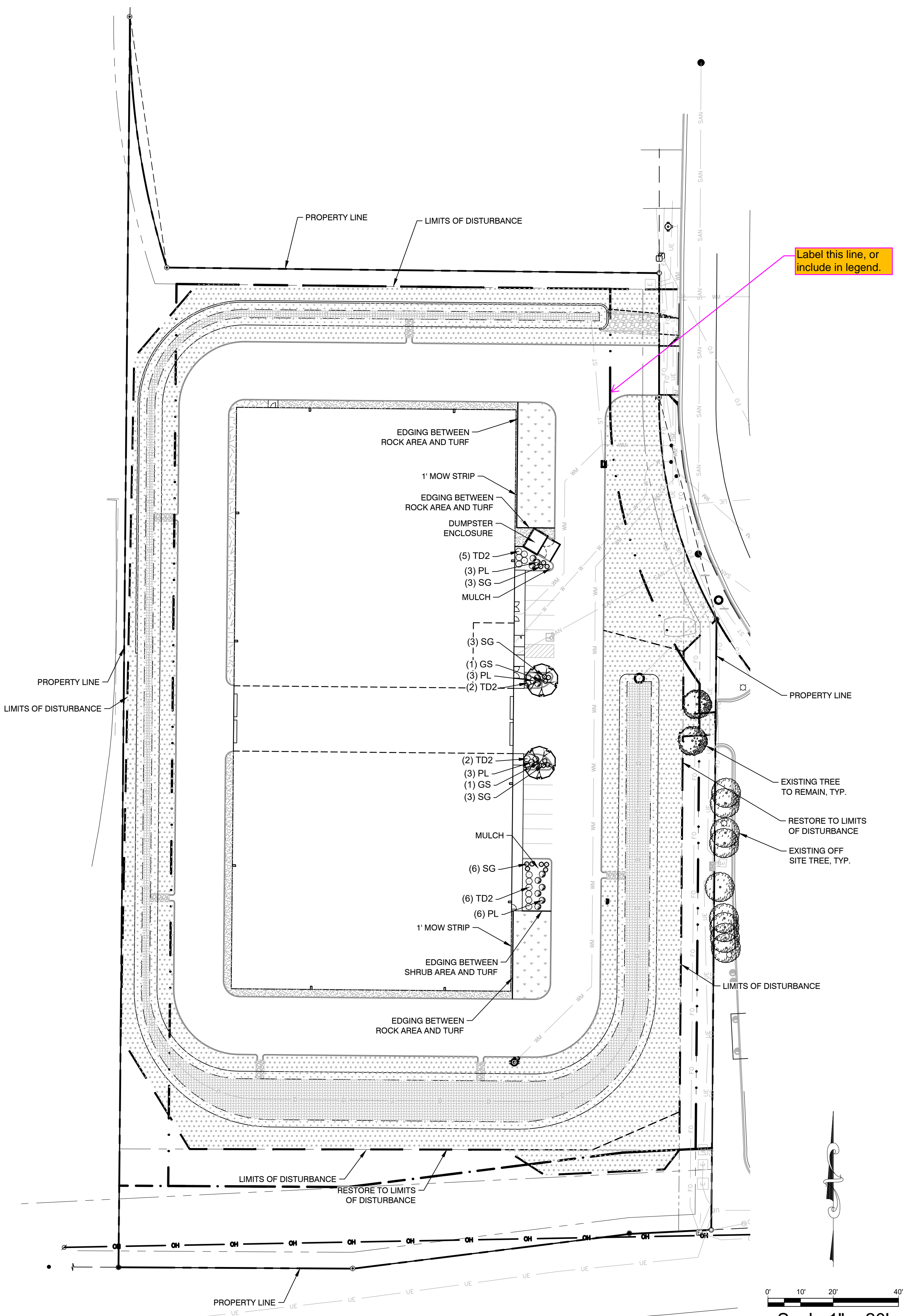
POINTS: 15 POINTS PER SPACE  
POINTS REQUIRED: 180 POINTS  
MEDIUM SHRUBS: 15 - 18-36" SHRUBS 90 PTS  
LOW SHRUBS: 30 - 15-24" SHRUBS 90 PTS  
POINTS PROVIDED 180 POINTS

Suppress printing of SHX Text comment boxes.

They clutter the drawing, and make it harder to find the relevant staff comments.

GENERAL PLANTING NOTES

- THE GENERAL CONTRACTOR IS RESPONSIBLE FOR REMOVING ALL EXISTING VEGETATION (EXCEPT WHERE NOTED TO REMAIN), BEFORE STARTING WORK. THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +0.1' OF FINISH GRADE. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST. SEE SPECIFICATIONS FOR MORE DETAILED INSTRUCTION ON TURF AREA AND PLANTING BED PREPARATION.
- CONSTRUCT AND MAINTAIN FINISH GRADES IN LANDSCAPE AREAS AS SHOWN ON GRADING PLANS, AND CONSTRUCT AND MAINTAIN SLOPES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES AT THE MINIMUM SLOPE SPECIFIED IN THE REPORT, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GRADING PLANS, GEOTECHNICAL REPORT, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT, GENERAL CONTRACTOR, AND OWNER.
- ENSURE THAT THE GRADE IN SHRUB AREAS SHALL BE 2" BELOW FINISH GRADE AFTER INSTALLING SOIL AMENDMENTS, AND 1" BELOW FINISH GRADE IN SOD AREAS AFTER INSTALLING SOIL AMENDMENTS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.
- INSTALL 5 OUNCE, KOVEN, DOLE-PUNCHED POLYPROPYLENE FABRIC (DOWITT 'PRO-5" OR EQUAL) UNDER ALL MULCHED AREAS AND INDIVIDUAL TREE RINGS.
- INSTALL MULCH TOPDRESSING, TYPE AND DEPTH PER MULCH NOTE, IN ALL PLANTING BEDS AND TREE RINGS. DO NOT INSTALL MULCH WITHIN 6" OF TREE ROOT FLARE.
- INSTALL 1/4" GREEN STEEL EDGING BETWEEN ALL PLANTING BEDS AND TURF AREAS, AND BETWEEN GROUNDCOVERS AND OTHER PLANTS (WHERE INDICATED ON THE PLAN).
- HYDROMULCH ALL DISTURBED AREAS OUTSIDE OF PROPERTY LIMITS (UNLESS SHOWN AS SOD).
- ALL PLANT LOCATIONS ARE DIAGRAMMATIC. ACTUAL LOCATIONS SHALL BE VERIFIED WITH THE LANDSCAPE ARCHITECT OR DESIGNER PRIOR TO PLANTING. THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT ALL REQUIREMENTS OF THE PERMITTING AUTHORITY ARE MET (I.E., MINIMUM PLANT QUANTITIES, PLANTING METHODS, TREE PROTECTION METHODS, ETC.).
- THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR DETERMINING PLANT QUANTITIES; PLANT QUANTITIES SHOWN ON LEGENDS AND CALLOUTS ARE FOR GENERAL INFORMATION ONLY. IN THE EVENT OF A DISCREPANCY BETWEEN THE PLAN AND THE PLANT LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN (FOR INDIVIDUAL SYMBOLS) OR CALLOUT (FOR GROUNDCOVER PATTERNS) SHALL TAKE PRECEDENCE.
- NO SUBSTITUTIONS OF PLANT MATERIALS SHALL BE ALLOWED WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT. IF SOME OF THE PLANTS ARE NOT AVAILABLE, THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT IN WRITING (VIA PROPER CHANNELS).
- PLANTS MAY BE INSPECTED AND APPROVED OR REJECTED ON THE JOBSITE BY THE OWNER OR OWNER'S REPRESENTATIVE.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL WORK SHOWN ON THESE PLANS FOR 90 DAYS BEYOND FINAL ACCEPTANCE OF ALL LANDSCAPE WORK BY THE OWNER. LANDSCAPE MAINTENANCE SHALL INCLUDE WEEKLY SITE VISITS FOR THE FOLLOWING ACTIONS (AS APPROPRIATE): PROPER PRUNING, RESTAKING OF TREES, RESETING OF PLANTS THAT HAVE SETTLED, MOWING AND AERATION OF LAWNS, WEEDING, RESEEDING OR RESEEDING AREAS WHICH HAVE NOT GERMINATED WELL, TREATING FOR INSECTS AND DISEASES, REPLACEMENT OF MULCH, REMOVAL OF LITTER, REPAIRS TO THE IRRIGATION SYSTEM DUE TO FAULTY PARTS AND/OR WORKMANSHIP, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE IRRIGATION SYSTEM IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON TO MAXIMIZE WATER CONSERVATION.
- SHOULD SEEDS AND/OR SODDED AREAS NOT BE COVERED BY AN AUTOMATIC IRRIGATION SYSTEM, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR WATERING THESE AREAS AND OBTAINING A FULL STAND OF GRASS AT NO ADDITIONAL COST TO THE OWNER.
- TO ACHIEVE FINAL ACCEPTANCE AT THE END OF THE MAINTENANCE PERIOD, ALL OF THE FOLLOWING CONDITIONS MUST OCCUR:
  - THE LANDSCAPE SHALL SHOW ACTIVE, HEALTHY GROWTH (WITH EXCEPTIONS MADE FOR SEASONAL DORMANCY). ALL PLANTS NOT MEETING THIS CONDITION SHALL BE REJECTED AND REPLACED BY HEALTHY PLANT MATERIAL PRIOR TO FINAL ACCEPTANCE.
  - ALL HARDSCAPE SHALL BE CLEANED PRIOR TO FINAL ACCEPTANCE.
  - SODDED AREAS MUST BE ACTIVELY GROWING AND MUST REACH A MINIMUM HEIGHT OF 1 1/2 INCHES BEFORE FIRST MOWING. HYDROMULCHED AREAS SHALL SHOW ACTIVE, HEALTHY GROWTH. BARE AREAS LARGER THAN TWELVE SQUARE INCHES MUST BE RESEDED OR RESEED (AS APPROPRIATE) PRIOR TO FINAL ACCEPTANCE. ALL SODDED TURF SHALL BE NEATLY MOWED.
- SEE SPECIFICATIONS AND DETAILS FOR FURTHER REQUIREMENTS.



Label this line, or include in legend.

Suppress printing of SHX Text comment boxes.

They clutter the drawing, and make it harder to find the relevant staff comments.

Scale 1" = 20'

**NOTE:**  
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON DESIGN DRAWINGS, RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. CORE STATES, INC. DOES NOT GUARANTEE THAT LOCATIONS SHOWN ARE EXACT. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF UTILITIES. AS SUCH, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND UNCOVERING EXISTING UTILITIES IN THE VICINITY OF THE PROPOSED IMPROVEMENTS AND UTILITY CONNECTION POINTS PRIOR TO THE START OF CONSTRUCTION TO ASCERTAIN EXACT MATERIALS, LOCATIONS, ELEVATIONS, ETC. AND THEIR POTENTIAL CONFLICT WITH PROPOSED IMPROVEMENTS. GC SHALL CONSULT WITH CONSTRUCTION MANAGER AND ENGINEER AS APPROPRIATE BEFORE PROCEEDING WITH WORK.

**ROOT BARRIERS**  
THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENIRCLE THE ROOTBALL.

**MULCHES**  
AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS. CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.



**PLANTING SPECIFICATIONS**

**GENERAL**

- A. QUALIFICATIONS OF LANDSCAPE CONTRACTOR**
- ALL LANDSCAPE WORK SHOWN ON THESE PLANS SHALL BE PERFORMED BY A SINGLE FIRM SPECIALIZING IN LANDSCAPE PLANTING.
  - A LIST OF SUCCESSFULLY COMPLETED PROJECTS OF THIS TYPE, SIZE AND NATURE MAY BE REQUESTED BY THE OWNER FOR FURTHER QUALIFICATION MEASURES.
  - THE LANDSCAPE CONTRACTOR SHALL HOLD A VALID CONTRACTOR'S LICENSE ISSUED BY THE APPROPRIATE LOCAL JURISDICTION.
- B. SCOPE OF WORK**
- WORK COVERED BY THESE SECTIONS INCLUDES THE FURNISHING AND PAYMENT OF ALL MATERIALS, LABOR, SERVICES, EQUIPMENT, LICENSES, TAXES AND ANY OTHER ITEMS THAT ARE NECESSARY FOR THE EXECUTION, INSTALLATION AND COMPLETION OF ALL WORK SPECIFIED HEREIN AND/OR SHOWN ON THE LANDSCAPE PLANS, NOTES, AND DETAILS.
  - ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE LAWS, CODES AND REGULATIONS REQUIRED BY AUTHORITIES HAVING JURISDICTION OVER SUCH WORK, INCLUDING ALL INSPECTIONS AND PERMITS REQUIRED BY FEDERAL, STATE AND LOCAL AUTHORITIES IN SUPPLY, TRANSPORTATION AND INSTALLATION OF MATERIALS.
  - THE LANDSCAPE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UNDERGROUND UTILITY LINES (WATER, SEWER, ELECTRICAL, TELEPHONE, GAS, CABLE, TELEVISION, ETC.) PRIOR TO THE START OF ANY WORK.

**PRODUCTS**

- A. ALL MANUFACTURED PRODUCTS SHALL BE NEW.**
- B. CONTAINER AND BALLED-AND-ROOTED PLANTS:**
- FURNISH NURSERY-GROWN PLANTS COMPLYING WITH ANSI Z60.1-2004. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL FOR THE SPECIES. ALL TREES SHALL BE OBTAINED FROM SOURCES WITHIN 200 MILES OF THE PROJECT SITE, AND WITH SIMILAR CLIMATIC CONDITIONS.
  - ALL TREES SHALL BE STANDARD IN FORM, UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING. CALIPER MEASUREMENTS FOR STANDARD (SINGLE TRUNK) TREES SHALL BE AS FOLLOWS: SIX INCHES ABOVE THE ROOT FLARE FOR TREES UP TO AND INCLUDING FOUR INCHES IN CALIPER, AND TWELVE INCHES ABOVE THE ROOT FLARE FOR TREES EXCEEDING FOUR INCHES IN CALIPER.
  - MULTI-TRUNK TREES SHALL BE MEASURED BY THEIR OVERALL HEIGHT, MEASURED FROM THE TOP OF THE ROOT BALL.
  - ANY TREE OR SHRUB SHOWN TO HAVE EXCESS SOIL PLACED ON TOP OF THE ROOT BALL, SO THAT THE ROOT FLARE HAS BEEN COMPLETELY COVERED, SHALL BE REJECTED.
- C. SOD:** PROVIDE WELL-ROOTED SOD OF THE VARIETY NOTED ON THE PLANS. SOD SHALL BE CUT FROM HEALTHY, MATURE TURF WITH SOIL THICKNESS OF 3/4" TO 1". EACH PALLET OF SOD SHALL BE ACCOMPANIED BY A CERTIFICATE FROM SUPPLIER STATING THE COMPOSITION OF THE SOD.
- D. SEED:** PROVIDE BLEND OF SPECIES AND VARIETIES AS NOTED ON THE PLANS, WITH MAXIMUM PERCENTAGES OF PURITY, GERMINATION, AND MINIMUM PERCENTAGE OF WEED SEED AS INDICATED ON PLANS. EACH BAG OF SEED SHALL BE ACCOMPANIED BY A TAG FROM THE SUPPLIER INDICATING THE COMPOSITION OF THE SEED.
- E. TOPSOIL:** SANDY TO CLAY LOAM TOPSOIL, FREE OF STONES LARGER THAN 1/2 INCH, FOREIGN MATTER, PLANTS, ROOTS, AND SEEDS.
- F. COMPOST:** WELL-COMPOSTED, STABLE, AND WEED-FREE ORGANIC MATTER, pH RANGE OF 5.5 TO 8.0, MOISTURE CONTENT 35 TO 55 PERCENT BY WEIGHT; 100 PERCENT PASSING THROUGH 3/4-INCH SIEVE; SOLUBLE SALT CONTENT OF 5 TO 10 DECISEMENS/M, NOT EXCEEDING 0.5 PERCENT INERT CONTAMINANTS AND FREE OF SUBSTANCES TOXIC TO PLANTINGS; NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED.
- G. FERTILIZER:** GRANULAR FERTILIZER CONSISTING OF NITROGEN, PHOSPHORUS, POTASSIUM, AND OTHER NUTRIENTS IN PROPORTIONS, AMOUNTS, AND RELEASE RATES RECOMMENDED IN A SOIL REPORT FROM A QUALIFIED SOIL-TESTING AGENCY (SEE BELOW).
- H. MULCH:** SIZE AND TYPE AS INDICATED ON PLANS, FREE FROM DELETERIOUS MATERIALS AND SUITABLE AS A TOP DRESSING OF TREES AND SHRUBS.
- I. WEED FABRIC:** 5 OUNCE, WOVEN, NEEDLE-PUNCHED FABRIC, SUCH AS DEWITT PROS LANDSCAPE FABRIC (OR APPROVED EQUAL).
- J. TREE STAKING AND GUYING**
- STAKES: 6" LONG GREEN METAL T-POSTS.
  - GUY AND TIE WIRE: ASTM A 641, CLASS 1, GALVANIZED-STEEL WIRE, 2-STRAND, TWISTED, 0.106 INCH DIAMETER.
  - STRAP CHAFING GUARD: REINFORCED NYLON OR CANVAS AT LEAST 1-1/2 INCH WIDE, WITH GROMMETS TO PROTECT TREE TRUNKS FROM DAMAGE.
- M. STEEL EDGING:** PROFESSIONAL STEEL EDGING, 14 GAUGE THICK X 4 INCHES WIDE, FACTORY PAINTED DARK GREEN, ACCEPTABLE MANUFACTURERS INCLUDE COL-MET OR APPROVED EQUAL.
- N. PRE-EMERGENT HERBICIDES:** ANY GRANULAR, NON-STAINING PRE-EMERGENT HERBICIDE THAT IS LABELED FOR THE SPECIFIC ORNAMENTALS OR TURF ON WHICH IT WILL BE UTILIZED. PRE-EMERGENT HERBICIDES SHALL BE APPLIED PER THE MANUFACTURER'S LABELED RATES.

**METHODS**

- A. SOIL PREPARATION**
- BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +/-0.1" OF FINISH GRADE. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST.
  - SOIL TESTING
    - AFTER FINISH GRADES HAVE BEEN ESTABLISHED, CONTRACTOR SHALL HAVE SOIL SAMPLES TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY FOR THE FOLLOWING: SOIL TEXTURAL CLASS, GENERAL SOIL FERTILITY, pH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT. EACH SAMPLE SUBMITTED SHALL CONTAIN NO LESS THAN ONE QUART OF SOIL.
    - CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES.
    - THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): GENERAL SOIL PREPARATION AND BACKFILL MIXES, PRE-PLANT FERTILIZER APPLICATIONS, AND ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.
  - THE CONTRACTOR SHALL INSTALL SOIL AMENDMENTS AND FERTILIZERS PER THE SOIL REPORT RECOMMENDATIONS. ANY CHANGE IN COST DUE TO THE SOIL REPORT RECOMMENDATIONS, EITHER INCREASE OR DECREASE, SHALL BE SUBMITTED TO THE OWNER WITH THE REPORT.
  - FOR BIDDING PURPOSES ONLY, THE SOIL PREPARATION SHALL CONSIST OF THE FOLLOWING:
    - TURF: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
      - NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
      - AMMONIUM PHOSPHATE 16-20-0 - 15 LBS PER 1,000 S.F.
      - AGRICULTURAL GYPSUM - 100 LBS PER 1,000 S.F.
    - TREES, SHRUBS, AND PERENNIALS: INCORPORATE THE FOLLOWING AMENDMENTS INTO THE TOP 8" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING:
      - NITROGEN STABILIZED ORGANIC AMENDMENT - 4 CU. YDS. PER 1,000 S.F.
      - 12-12-12 FERTILIZER - 10 LBS. PER CU. YD.
      - AGRICULTURAL GYPSUM - 10 LBS. PER CU. YD.
      - IRON SULPHATE - 2 LBS. PER CU. YD.
  - CONTRACTOR SHALL ENSURE THAT THE GRADE IN SOD AREAS SHALL BE 1" BELOW FINISH GRADE BEFORE INSTALLING SOIL AMENDMENTS, AND 2" BELOW FINISH GRADE IN SHRUB AREAS BEFORE INSTALLING SOIL AMENDMENTS. MULCH COVER WITHIN 6" OF CONCRETE WALKS AND CURBS SHALL NOT PROTRUDE ABOVE THE FINISH SURFACE OF THE WALKS AND CURBS. MULCH COVER WITHIN 12" OF WALLS SHALL BE AT LEAST 3" LOWER THAN THE TOP OF WALL.
  - ONCE SOIL PREPARATION IS COMPLETE, THE LANDSCAPE CONTRACTOR SHALL ENSURE THAT THERE ARE NO DEBRIS, TRASH, OR STONES LARGER THAN 1" REMAINING IN THE TOP 6" OF SOIL.

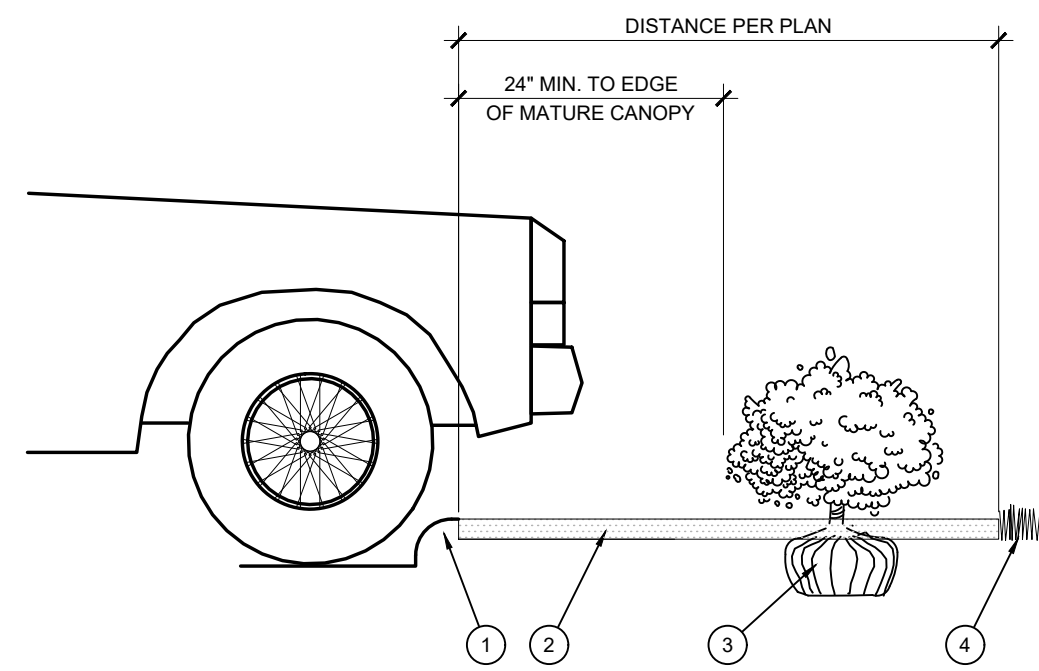
**B. GENERAL PLANTING**

- REMOVE ALL NURSERY TAGS AND STAKES FROM PLANTS.
- EXCEPT IN AREAS TO BE PLANTED WITH ORNAMENTAL GRASSES, APPLY PRE-EMERGENT HERBICIDES AT THE MANUFACTURER'S RECOMMENDED RATE.
- TRENCHING NEAR EXISTING TREES:
  - CONTRACTOR SHALL NOT DISTURB ROOTS 1-1/2" AND LARGER IN DIAMETER WITHIN THE CRITICAL ROOT ZONE (CRZ) OF EXISTING TREES, AND SHALL EXERCISE ALL POSSIBLE CARE AND PRECAUTIONS TO AVOID INJURY TO TREE ROOTS, TRUNKS, AND BRANCHES. THE CRZ IS DEFINED AS A CIRCULAR AREA EXTENDING OUTWARD FROM THE TREE TRUNK, WITH A RADIUS EQUAL TO 1" FOR EVERY 1" OF TRUNK DIAMETER AT BREAST-HIGHT (4.5' ABOVE THE AVERAGE GRADE AT THE TRUNK).
  - ALL EXCAVATION WITHIN THE CRZ SHALL BE PERFORMED USING HAND TOOLS. NO MACHINE EXCAVATION OR TRENCHING OF ANY KIND SHALL BE ALLOWED WITHIN THE CRZ.
  - ALTER ALIGNMENT OF PIPE TO AVOID TREE ROOTS 1-1/2" AND LARGER IN DIAMETER. WHERE TREE ROOTS 1-1/2" AND LARGER IN DIAMETER ARE ENCOUNTERED IN THE FIELD, TUNNEL UNDER SUCH ROOTS. WRAP EXPOSED ROOTS WITH SEVERAL LAYERS OF BURLAP AND KEEP MOIST. CLOSE ALL TRENCHES WITHIN THE CANOPY DRIP LINES WITHIN 24 HOURS.
  - ALL SEVERED ROOTS SHALL BE HAND PRUNED WITH SHARP TOOLS AND ALLOWED TO AIR-DRY. DO NOT USE ANY SORT OF SEALERS OR WOUND PAINTS.
- TREE PLANTING
  - TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL LESS TWO TO FOUR INCHES.
  - SCARIFY THE SIDES AND BOTTOM OF THE PLANTING HOLE PRIOR TO THE PLACEMENT OF THE TREE. REMOVE ANY GLAZING THAT MAY HAVE BEEN CAUSED DURING THE EXCAVATION OF THE HOLE.
  - FOR CONTAINER AND BOX TREES, TO REMOVE ANY POTENTIALLY GIRDLING ROOTS AND OTHER ROOT DEFECTS, THE CONTRACTOR SHALL SHAVE A 1" LAYER OFF OF THE SIDES AND BOTTOM OF THE ROOTBALL OF ALL TREES JUST BEFORE PLACING INTO THE PLANTING PIT. DO NOT "TEASE" ROOTS OUT FROM THE ROOTBALL.
  - INSTALL THE TREE ON UNDISTURBED SUBGRADE SO THAT THE TOP OF THE ROOTBALL IS TWO TO FOUR INCHES ABOVE THE SURROUNDING GRADE.
  - BACKFILL: TREE HOLES UTILIZING THE EXISTING TOPSOIL FROM ON-SITE. ROCKS LARGER THAN 1" DIA. AND ALL OTHER DEBRIS SHALL BE REMOVED FROM THE SOIL PRIOR TO THE BACKFILL. SHOULD ADDITIONAL SOIL BE REQUIRED TO ACCOMPLISH THIS TASK, USE STORED TOPSOIL FROM ON-SITE OR IMPORT ADDITIONAL TOPSOIL FROM OFF-SITE AT THE OWNER'S DISCRETION. IMPORTED TOPSOIL SHALL BE OF SIMILAR TEXTURAL CLASS AND COMPOSITION IN THE ON-SITE SOIL.
  - THE TOTAL NUMBER OF TREE STAKES (BEYOND THE MINIMUMS LISTED BELOW) WILL BE LEFT TO THE LANDSCAPE CONTRACTOR. SHOULD ANY TREES FALL OR LEAN, THE LANDSCAPE CONTRACTOR SHALL STRAIGHTEN THE TREE, OR REPLACE IT SHOULD IT BECOME DAMAGED. TREE STAKING SHALL ADHERE TO THE FOLLOWING GUIDELINES:
    - 1"-2" TREES: TWO STAKES PER TREE
    - 2"-4" TREES: THREE STAKES PER TREE
    - TREES OVER 4" CALIPER: GUY AS NEEDED
    - MULTI-TRUNK TREES: THREE STAKES PER TREE MINIMUM, QUANTITY AND POSITIONS AS NEEDED TO STABILIZE TREE
  - UPON COMPLETION OF PLANTING, CONSTRUCT AN EARTH WATERING BASIN AROUND THE TREE. COVER THE INTERIOR OF THE TREE RING WITH THE WEED BARRIER CLOTH AND TOPDRESS WITH MULCH (TYPE AND DEPTH PER PLANS).
- SHRUB, PERENNIAL, AND GROUND COVER PLANTING
  - DIG THE PLANTING HOLES TWICE AS WIDE AND 2" LESS DEEP THAN EACH PLANTS ROOTBALL. INSTALL THE PLANT IN THE HOLE. BACKFILL AND WATER THE PLANT WITH SOIL AMENDED PER SOIL TEST RECOMMENDATIONS.
  - INSTALL THE WEED BARRIER CLOTH, OVERLAPPING IT AT THE ENDS. UTILIZE STEEL STAPLES TO KEEP THE WEED BARRIER CLOTH IN PLACE.
  - WHEN PLANTING IS COMPLETE, INSTALL MULCH (TYPE AND DEPTH PER PLANS) OVER ALL PLANTING BEDS, COVERING THE ENTIRE PLANTING AREA.
- SODDING
  - SOD VARIETY TO BE AS SPECIFIED ON THE LANDSCAPE PLAN.
  - LAY SOD WITHIN 24 HOURS FROM THE TIME OF STRIPPING. DO NOT LAY IF THE GROUND IS FROZEN.
  - LAY THE SOD TO FORM A SOLID MASS WITH TIGHTLY FITTED JOINTS. BUTT ENDS AND SIDES OF SOD STRIPS - DO NOT OVERLAP. STAGGER STRIPS IN ADJACENT COURSES.
  - ROLL THE SOD TO ENSURE GOOD CONTACT OF THE SOD'S ROOT SYSTEM WITH THE SOIL UNDERNEATH.
  - WATER THE SOD THOROUGHLY WITH A FINE SPRAY IMMEDIATELY AFTER PLANTING TO OBTAIN AT LEAST SIX INCHES OF PENETRATION INTO THE SOIL BELOW THE SOD.
- HYDROMULCHING
  - TURF HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
    - GENERAL:
      - WINTER MIX (OCTOBER 1 - MARCH 31)
        - 50# CELLULOSE FIBER MULCH
        - 2# TURF TYPE FESCUE SEED
        - 2# ANNUAL RYE SEED
        - 15# 15-15-15 WATER SOLUBLE FERTILIZER
      - SUMMER MIX (APRIL 1 - SEPTEMBER 30)
        - 50# CELLULOSE FIBER MULCH
        - 2# TURF TYPE FESCUE SEED
        - 15# 15-15-15 WATER SOLUBLE FERTILIZER
    - SEED HYDROMULCH MIX (PER 1,000 SF) SHALL BE AS FOLLOWS:
      - GENERAL:
        - 50# CELLULOSE FIBER MULCH
        - 15# 15-15-15 WATER SOLUBLE FERTILIZER
      - SEED RATE PER LEGEND

- ROLLED-TOP STEEL EDGING PER PLANS.
- TAPERED STEEL STAKES.
- MULCH, TYPE AND DEPTH PER PLANS.
- FINISH GRADE.

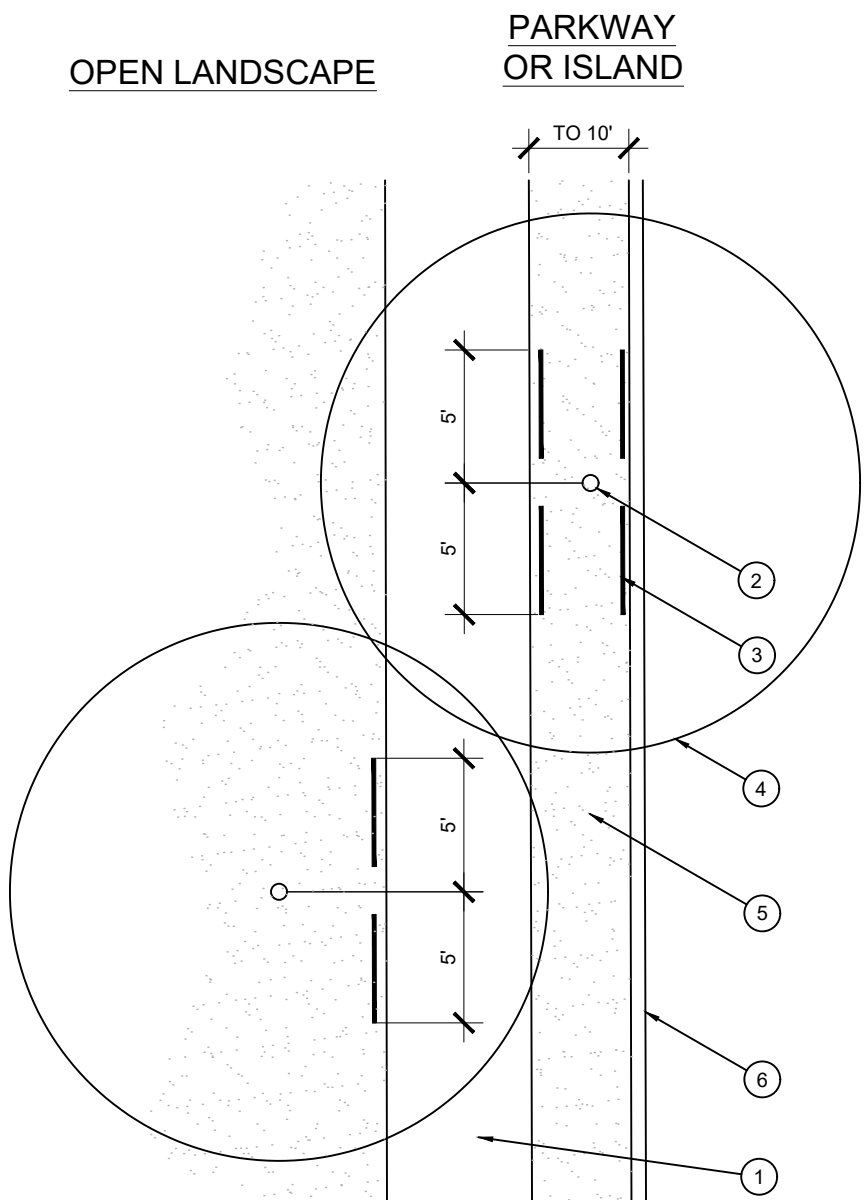
- NOTES:
- INSTALL EDGING SO THAT STAKES WILL BE ON INSIDE OF PLANTING BED.
  - BOTTOM OF EDGING SHALL BE BURIED A MINIMUM OF 1" BELOW FINISH GRADE.
  - TOP OF MULCH SHALL BE 1" LOWER THAN TOP OF EDGING.

**D STEEL EDGING**  
SCALE: NOT TO SCALE



- CURB.
- MULCH LAYER.
- PLANT.
- TURF (WHERE SHOWN ON PLAN).

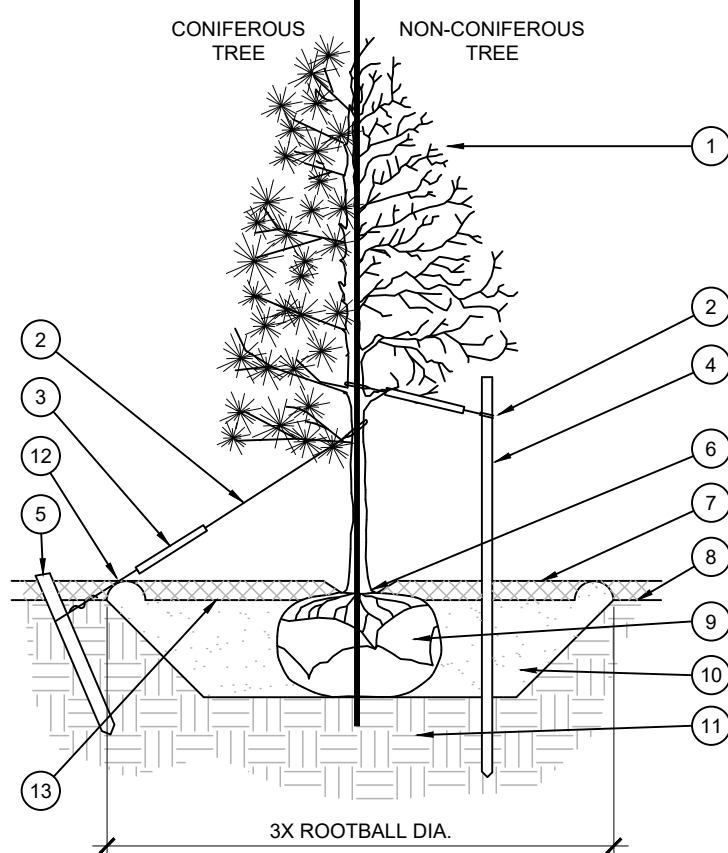
**E PLANTING AT PARKING AREA**  
SCALE: NOT TO SCALE



- TYPICAL WALKWAY OR PAVING
- TREE TRUNK
- LINEAR ROOT BARRIER MATERIAL. SEE PLANTING NOTES FOR TYPE AND MANUFACTURER. INSTALL PER MANUFACTURER'S SPECIFICATIONS.
- TREE CANOPY
- TYPICAL PLANTING AREA
- TYPICAL CURB AND GUTTER

- NOTES:
- INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS.
  - BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCLOSE THE ROOTBALL.

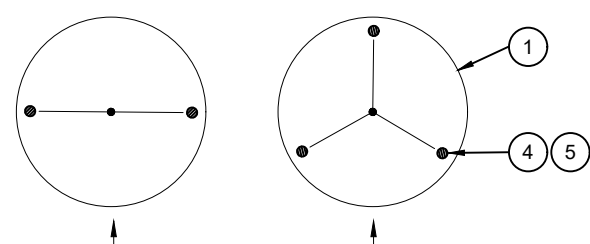
**F ROOT BARRIER - PLAN VIEW**  
SCALE: NOT TO SCALE



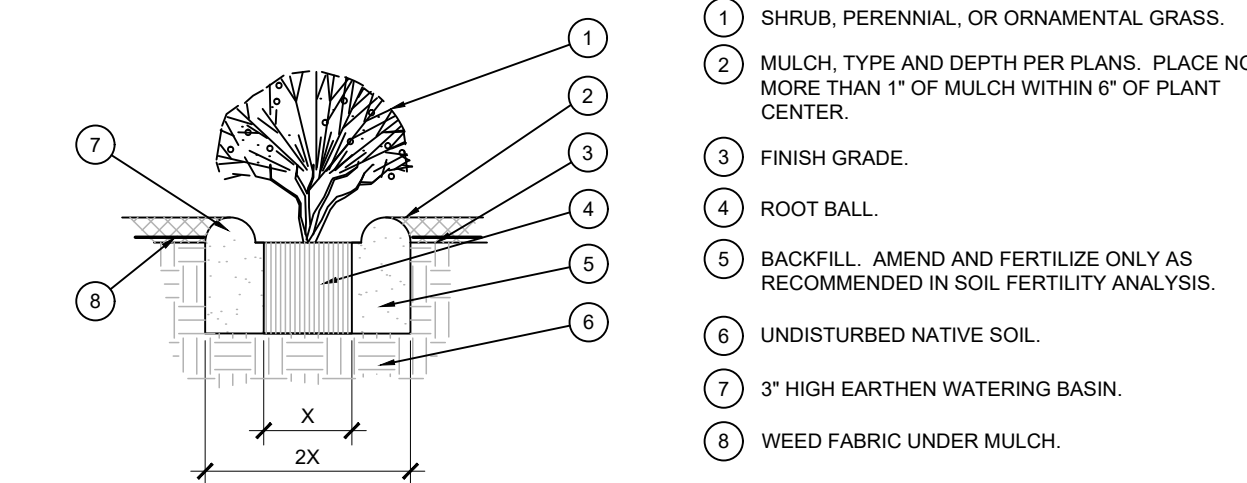
- TREE CANOPY.
- ONCH-TIES (24" BOX/2" CAL. TREES AND SMALLER) OR 1/2 GAUGE GALVANIZED WIRE WITH NYLON TREE STRAPS AT TREE AND STAKE (3/8" BOX/2.5" CAL. TREES AND LARGER). SECURE TIES OR STRAPS TO TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.
- 24" X 3/4" P.V.C. MARKERS OVER WIRES.
- GREEN STEEL T-POSTS, EXTEND POSTS 12" MIN. INTO UNDISTURBED SOIL.
- PRESSURE-TREATED WOOD DEADMAN, TWO PER TREE (MIN.). BURY OUTSIDE OF PLANTING PIT AND 18" MIN. INTO UNDISTURBED SOIL.
- TRUNK FLARE.
- MULCH, TYPE AND DEPTH PER PLANS. DO NOT PLACE MULCH WITHIN 6" OF TRUNK.
- FINISH GRADE.
- ROOT BALL.
- BACKFILL, AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
- UNDISTURBED NATIVE SOIL.
- 4" HIGH EARTHEN WATERING BASIN.
- FINISH GRADE.

- NOTES:
- SCARIFY SIDES OF PLANTING PIT PRIOR TO SETTING TREE.
  - REMOVE EXCESS SOIL APPLIED ON TOP OF THE ROOTBALL THAT COVERS THE ROOT FLARE. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL, AND THE ROOT FLARE IS 2"-4" ABOVE FINISH GRADE.
  - FOR 8-8 TREES: CUT OFF BOTTOM 1/3 OF WIRE BASKET BEFORE PLACING TREE IN HOLE. CUT OFF AND REMOVE REMAINDER OF BASKET AFTER TREE IS SET IN HOLE. REMOVE ALL NYLON TIES, TWINE, ROPE, AND OTHER PACKING MATERIAL. REMOVE AS MUCH BURLAP FROM AROUND ROOTBALL AS IS PRACTICAL.
  - REMOVE ALL NURSERY STAKES AFTER PLANTING.
  - PLANT TREES 30" BOX/2.5" CAL. AND LARGER. USE THREE STAKES OR DEADMEN (AS APPROPRIATE), SPACED EVENLY AROUND TREE.
  - STAKING SHALL BE TIGHT ENOUGH TO PREVENT TRUNK FROM BENDING, BUT LOOSE ENOUGH TO ALLOW SOME TRUNK MOVEMENT IN WIND.

**STAKING EXAMPLES (PLAN VIEW)**

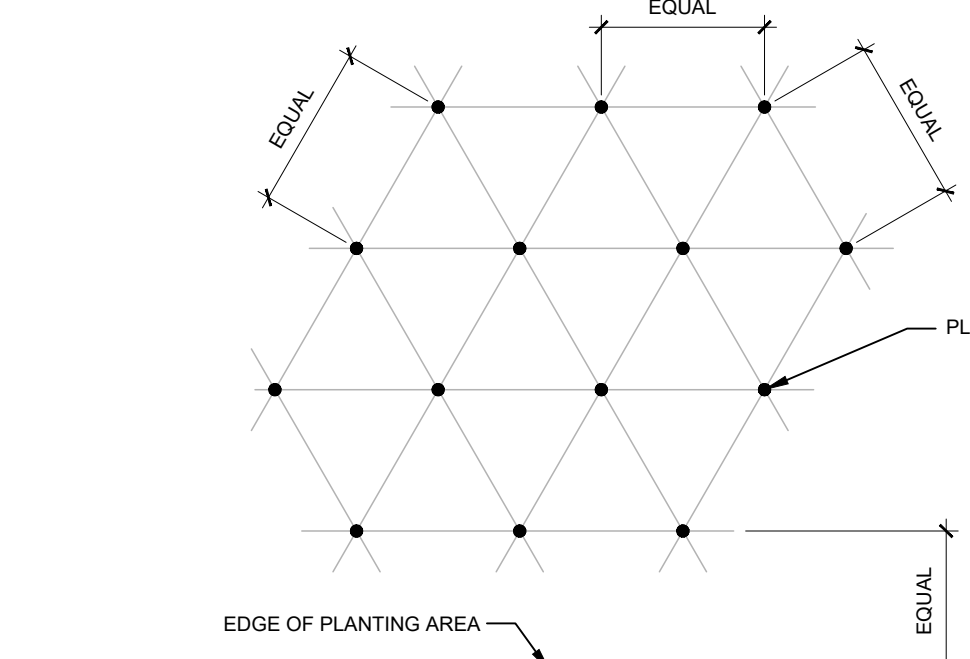


**A TREE PLANTING**  
SCALE: NOT TO SCALE



- SHRUB, PERENNIAL, OR ORNAMENTAL GRASS.
- MULCH, TYPE AND DEPTH PER PLANS. PLACE NO MORE THAN 1" OF MULCH WITHIN 6" OF PLANT CENTER.
- FINISH GRADE.
- ROOT BALL.
- BACKFILL, AMEND AND FERTILIZE ONLY AS RECOMMENDED IN SOIL FERTILITY ANALYSIS.
- UNDISTURBED NATIVE SOIL.
- 3" HIGH EARTHEN WATERING BASIN.
- WEED FABRIC UNDER MULCH.

**B SHRUB AND GROUND COVER PLANTING**  
SCALE: NTS



NOTE: ALL PLANTS SHALL BE PLANTED AT EQUAL TRIANGULAR SPACING (EXCEPT WHERE SHOWN ON PLANS AS INFORMAL GROUPINGS). REFER TO PLANT LEGEND FOR SPACING DISTANCE BETWEEN PLANTS.

1) STEP 1: DETERMINE TOTAL PLANTS FOR THE AREA WITH THE FOLLOWING FORMULA:  
TOTAL AREA / AREA DIVIDER = TOTAL PLANTS

PLANT SPACING	AREA DIVIDER	PLANT SPACING	AREA DIVIDER
6"	0.22	18"	1.95
8"	0.39	24"	3.46
10"	0.60	30"	5.41
12"	0.87	36"	7.79
15"	1.35		

2) STEP 2: SUBTRACT THE ROW (S) OF PLANTS THAT WOULD OCCUR AT THE EDGE OF THE PLANTED AREA WITH THE FOLLOWING FORMULA: TOTAL PERIMETER LENGTH / PLANT SPACING = TOTAL PLANT SUBTRACTION

EXAMPLE: PLANTS AT 18" O.C. IN 100 SF PLANTING AREA, 40 LF PERIMETER  
STEP 1: 100 SF / 1.95 = 51 PLANTS  
STEP 2: 51 PLANTS - (40 LF / 1.95 = 21 PLANTS) = 30 PLANTS TOTAL

**C PLANT SPACING**  
SCALE: NTS



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www.eapc.net

**CONSULTANTS**



**CLIENT**



**PROJECT DESCRIPTION**

**PROPOSED SELF-STORAGE**

CITY: MIDDLETON  
STATE: WISCONSIN

**ISSUE DATES**

SP	DESCRIPTION	DATE
SP	SITE PLAN APPLICATION	11-29-2023
DD	PRELIMINARY SITE PLAN	10-17-2023
MARK	DESCRIPTION	DATE

PROJECT NO: 20234630

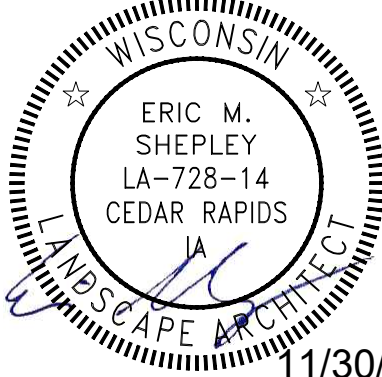
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**STAMP**



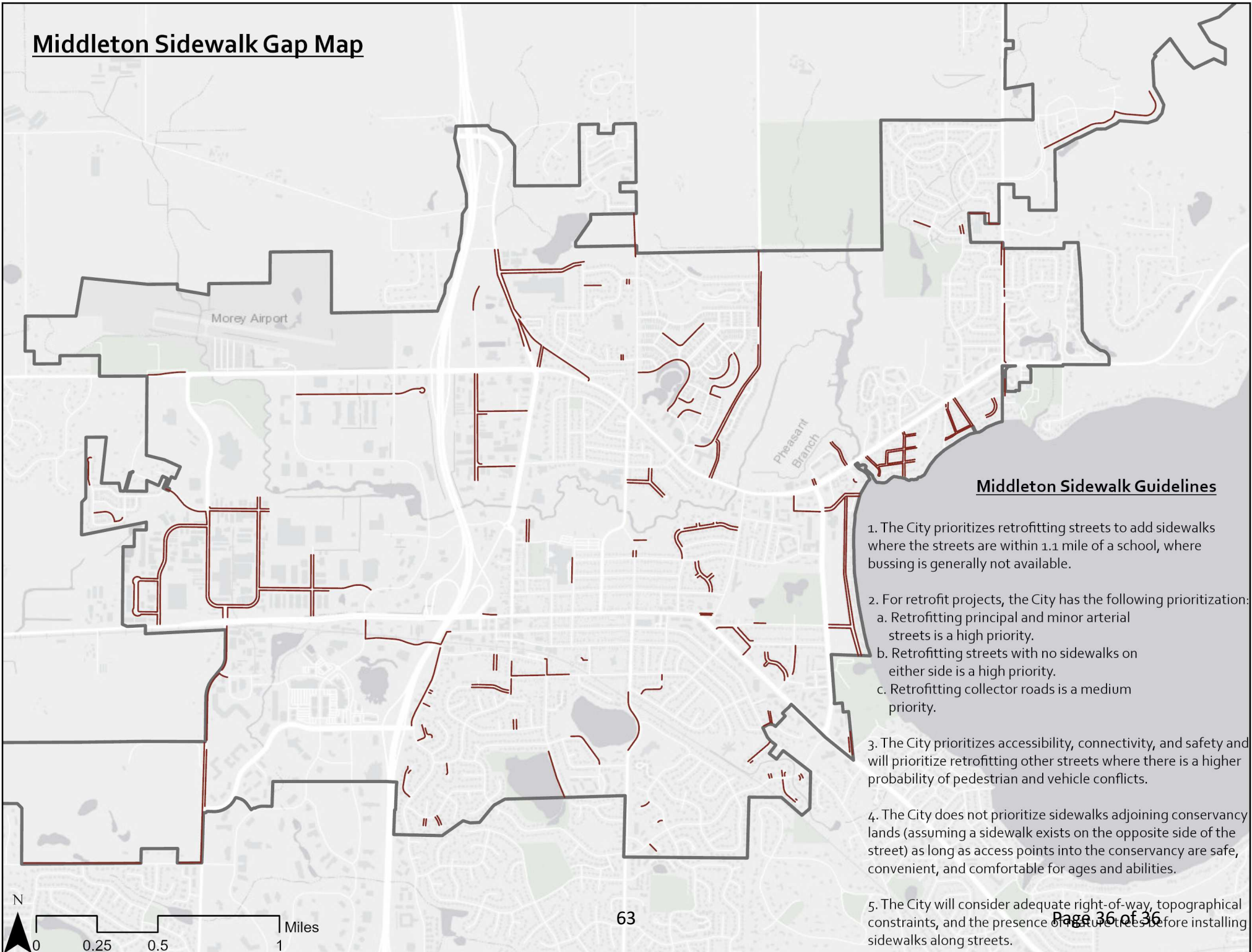
**DRAWING TITLE**

LANDSCAPE DETAILS & SPECIFICATIONS

LP-2



# Middleton Sidewalk Gap Map



## Middleton Sidewalk Guidelines

1. The City prioritizes retrofitting streets to add sidewalks where the streets are within 1.1 mile of a school, where bussing is generally not available.
2. For retrofit projects, the City has the following prioritization:
  - a. Retrofitting principal and minor arterial streets is a high priority.
  - b. Retrofitting streets with no sidewalks on either side is a high priority.
  - c. Retrofitting collector roads is a medium priority.
3. The City prioritizes accessibility, connectivity, and safety and will prioritize retrofitting other streets where there is a higher probability of pedestrian and vehicle conflicts.
4. The City does not prioritize sidewalks adjoining conservancy lands (assuming a sidewalk exists on the opposite side of the street) as long as access points into the conservancy are safe, convenient, and comfortable for ages and abilities.
5. The City will consider adequate right-of-way, topographical constraints, and the presence of mature trees before installing sidewalks along streets.





# PLAN COMMISSION APPLICATION

CITY OF MIDDLETON • 7426 HUBBARD AVE. • MIDDLETON, WI. 53562 • (608) 821-8370 • FAX (608) 827-1080

Plan Commission usually meets the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 7 p.m. in the Council Chambers of Middleton City Hall. The following **must be submitted at least FOUR weeks** prior to any Plan Commission meeting for staff review and agenda placement. Failure to submit a complete package may result in the return of all items, a resubmittal fee, and a delay of your project. Larger and more complex projects will require additional review time, and staff will be in contact regarding the agenda and timeline.

1. Plan Commission Application & Checklist (this packet).
2. Required (nonrefundable) fee(s) **and deposit (see chart below)**.
3. One (1) electronic copy of the submittal emailed to [planning@cityofmiddleton.us](mailto:planning@cityofmiddleton.us). The plan set must include streetscape and site landscape plans.

**Project Address/Name:** Lakeview Village Apartments, 6223 Maywood Ave

Applicant: Jake Archbell		
Address: 322 S Green Street Suite 300, Chicago, IL, 60607		
Phone: (773) 269-4037	Fax:	Email: <a href="mailto:jake.archbell@elevatenp.org">jake.archbell@elevatenp.org</a>

Owner: Wisconsin Housing Preservation Corporation		
Address: 150 East Gilman Street, Suite 1500, Madison WI, 53703		
Phone: 608-807-1790	Fax:	Email: <a href="mailto:rdicke@whpc.com">rdicke@whpc.com</a>

**Project Description:** Solar canopy structure that will reduce electricity costs for six townhome residents at Lakeview Village Apartments. Solar canopy will be located either in the northeast corner of the lot or installed as carports, as shown in the attached documentation

**Owner/Applicant Signature:**  **Date:** 1.31.2024

- Note:**
- City ordinances are on the City website at <https://www.cityofmiddleton.us/115/City-Code-of-Ordinances>
  - Applicants must check with the Building Inspection Dept. to determine if any permits are required.

Fees (check what applies):	
Certified Survey Map (+GIS fees)	\$400 + \$55/lot
Concept Review	\$50
Conditional Use Permit	\$500
Design Review	\$200
Design Review Revisions	\$50
Final Plat (+GIS fees)	\$900 + \$80/lot
Preliminary Plat	\$400 + \$50/acre
Rezoning	\$500-\$2,000**
Sign Design Review	\$50
Sign Variance	\$500
SIP/SIP Modification*	\$50-\$500**
Future Land Use Map Amendment	\$200
<small>* Specific Implementation Plan in Planned Development District = \$500. Minor Modification = \$300, SIP Major Modification = \$500, SIP Modification (revision) = \$50                      ** Fee based on cost of project. <b>For Rezoning</b>s: single lot or project = \$500, larger projects and PDD rezoning requests = \$2,000</small>	

Deposit
An Escrow Deposit of \$5,000 is required per Ord. 10.128(2) to cover project review costs by outside consultants when necessary. See attached excerpt from City Ordinances.
Waiver authorized: <input type="checkbox"/> _____ date _____
<b>TRAFFIC IMPACT ANALYSIS</b> Required Yes <input type="checkbox"/> No <input type="checkbox"/>



# CITY OF MIDDLETON ESCROW DEPOSIT, GIS FEE, & STORMWATER MANAGEMENT FINANCIAL GUARANTEE

Section 10.128(2) **Escrow Deposits** of the City of Middleton Code of Ordinances is hereby created to read as follows:

(a) In addition to the fees specified in sub (1), applicants for all **Rezoning, Conditional Use Permits, Design Review and Specific Implementation Plan Modifications** shall be responsible to pay the actual cost of review of the application by outside consultants hired by the City including but not limited to, Federal, State or County Departments and Madison Metropolitan Sewerage District, Attorneys, Engineers or Planners. Upon application, the applicant **shall deposit \$5,000** to be held in escrow upon which the City shall draw to pay for said costs as they are incurred during the course of reviewing the application. Itemized statements reflecting the amounts drawn from the deposit shall be sent to the applicant each month. In the event that the escrow deposit has been drawn down to twenty-five percent (25%) of the required amount, the applicant shall replenish the escrow deposit to its original amount. If any funds remain in the escrow deposit following final determination of the application, such remaining funds shall be returned to the applicant within sixty (60) days of the determination together with an accounting of the deposits and draws on the escrow.

(b) Applicants may obtain a pre-application waiver of the required escrow deposit from the City Administrator if in the City Administrator's sole discretion he/she determines that no consultant review will be required. Said waiver shall not preclude the City Administrator from employing an outside consultant, charging the costs of any consultant review to the applicant or requiring an escrow deposit at any time after application.

Similar language pertaining to **Land Divisions** appears in Section 19.04(7)(c).

**THIS DEPOSIT WILL BE DUE ONE WEEK PRIOR TO THE PLAN COMMISSION MEETING WHERE THIS ITEM WILL BE DISCUSSED, UNLESS THE DEPOSIT HAS BEEN WAIVED BY THE CITY ADMINISTRATOR OR HIS DESIGNEE. IF A WAIVER IS GRANTED, THE APPLICANT WILL BE NOTIFIED BEFORE THE SUBMITTAL DEADLINE. FAILURE TO PAY THIS DEPOSIT MAY RESULT IN THE RETURN OF ALL ITEMS, A RESUBMITTAL FEE, AND A DELAY OF YOUR PROJECT.**

## Fee Schedule under Section 3.12 relating to Fees for Updating of Geographical Information System (GIS) Records

Procedure for Dividing Land 19.04(7)(b)	Fees to defray administrative expenses - GIS and records update, Plats	\$500 + \$30/lot
Procedure for Dividing Land 19.04(7)(b)	Fees to defray administrative expenses - GIS and records update, CSM	\$200 + \$30/lot
Procedure for Dividing Land 19.04(7)(b)	Fees to defray administrative expenses - GIS and records update, Public Improvements	\$0.75 x total pipe length (i.e., total footage of all public Pipes + private storm Water conveyances)

Section 26.10(6) – **Warranty and Financial Guarantee** of the City of Middleton Code of Ordinances requires the submittal of financial guarantee in every instance where the estimated cost of stormwater practices exceeds \$5,000. The financial guarantee must be provided prior to stormwater management permit approval. The amount of the Installation Financial Guarantee shall be determined by the City Engineer and shall not exceed the total estimated construction costs of the approved storm water management practices, plus 25%.



# CITY OF MIDDLETON PLAN SUBMITTAL CHECKLIST

Project Name: Lakeview Village Apartments Solar	Builder/Developer: Arch Solar
Project Address: 6223 Maywood Ave	Phone: 608-807-1790

**Note:** Include on the plan sheets each applicable item listed below with all formal plan submittals. All spaces should be checked, or marked "N/A" if the item does not apply. Please submit this checklist with your application. **Staff will reject any application they deem incomplete.**

- 1. Show the planned improvements in the context of the surrounding properties and include existing buildings and driveways on **all** adjoining properties.
- 2. Show existing and proposed contours at an interval (minimum 1') suitable to the topography and project. Contours should extend a minimum of 20' beyond property lines and nearby berms and swales and at least to the backs of curbs.
- 3. Show square footage (area) of:
  - a. Lot or parcel
  - b. Existing impervious surface
  - c. Proposed total impervious (existing plus current proposal)
  - d. Existing building
  - e. Proposed total building (existing plus current proposal)
  - f. Existing parking and pavement
  - g. Proposed total parking and pavement (existing plus current proposal)
- 4. Show all relevant dimensions including:
  - a. Buildings
  - b. Setbacks to buildings and other improvements.
  - c. Parking stalls
  - d. Driveway widths
  - e. Parking lot aisles, turnarounds, turning radii, etc.
  - f. Distance from driveway to street corner if less than 200'
  - g. Sidewalk, walkway and handicap ramp widths and locations with respect to street and right-of-way
  - h. Widths of abutting R.O.W.'s, roadways, and terraces.
- 5. Show dimensions and bearings of property lines.
- 6. Show North Arrow and scale of drawing.
- 7. Show site elevations to NAVD '88 vertical datum. Survey catalogued city benchmarks in the area of the site and adjust to NAVD '88.
- 8. Label all existing and proposed surface materials (grass, bituminous, concrete, etc.)
- 9. Show total number of required and proposed parking stalls.
- 10. Show handicap parking stall and ramp locations.
- 11. Show up or down arrows on loading or other ramps.

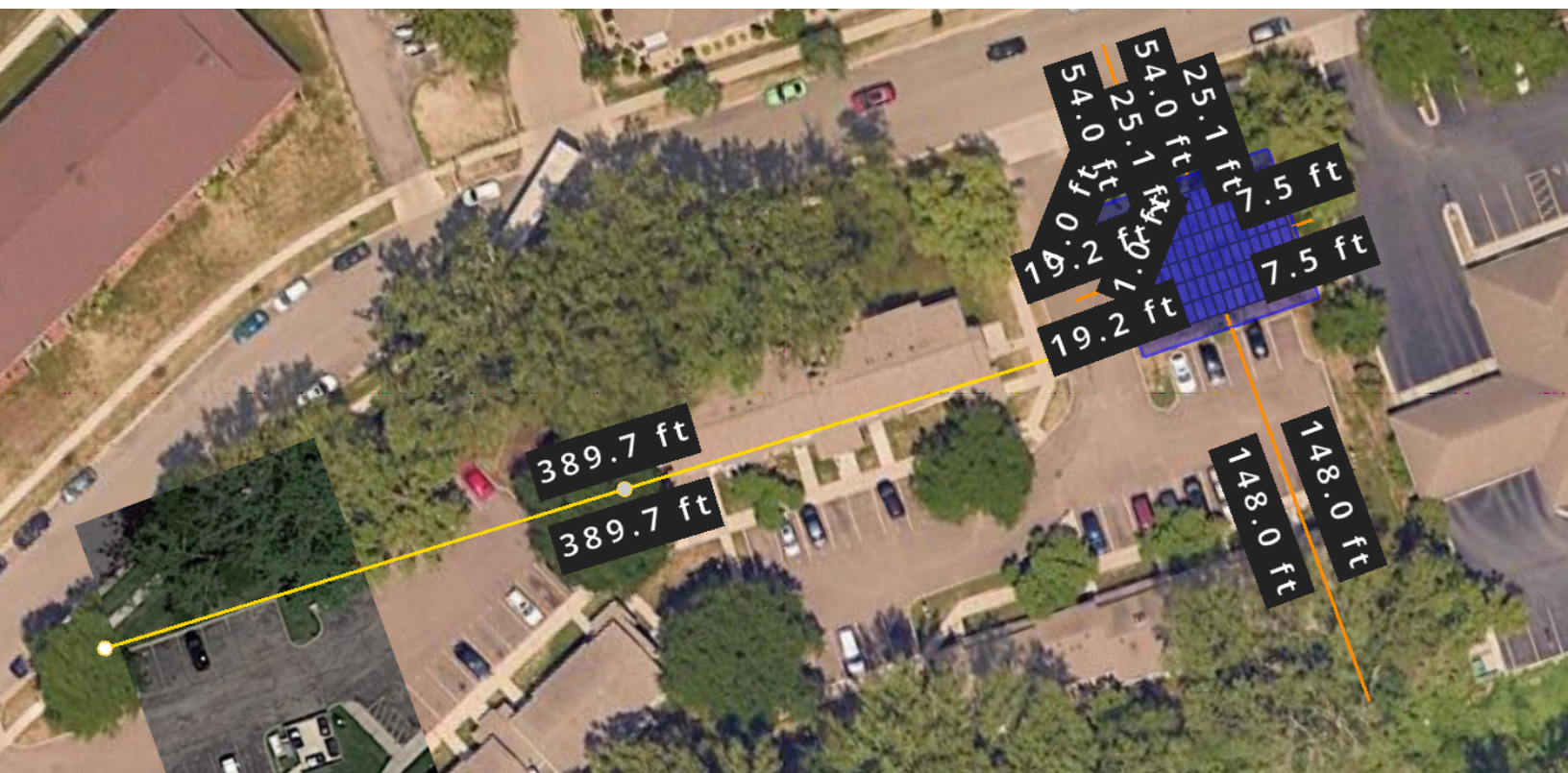


- N/A 12. Show existing, proposed, & adjoining driveway approaches.
- N/A 13. Show removal and replacement to City Specifications of concrete curb and gutter for all new curb cuts or as otherwise required.
- N/A 14. Show rim and invert elevations of all drainage structures.
- N/A 15. Show location and screening of refuse and recycling containers.
- N/A 16. Design surface drainage to bypass refuse and recycling containers.
- N/A 17. Indicate proposed direction of roof drainage and show on grading plan the location of all roof gutter downspouts.
- N/A 18. Show all existing and proposed public and private utility locations on and adjacent to site.
- N/A 19. Show location of nearest existing City of Middleton fire hydrants and proposed City and private fire hydrants.
- N/A 20. Show proposed lighting for site including location, pole height, luminaire type and manufacturer's specifications.
- N/A 21. Provide drawings of proposed building with elevation views showing proposed materials and colors.
- N/A 22. Include elevation view of rooftop mechanicals and required screening design, materials, and colors.
- N/A 23. Include statement of historical landmark designation status.
- N/A 24. Include name of designer, P.E. stamp and signature on final plans.
- N/A 25. Include Erosion Control Plan. Include note on plan stating: "Additional erosion control measures will be installed as needed."
- N/A 26. Include Landscape Plan. See separate checklist for landscape plan requirements.

<b>Staff Contacts</b>		
<b>Abby Attoun, AICP</b>	<b>Mark Opitz</b>	<b>Daphne Xu, AICP</b>
Planning & Community Development Director	City Planner Zoning Administrator	Associate Planner
(608) 821-8343	(608) 821-8394	(608) 821-8377
Email: <a href="mailto:attoun@cityofmiddleton.us">attoun@cityofmiddleton.us</a>	Email: <a href="mailto:mopitz@cityofmiddleton.us">mopitz@cityofmiddleton.us</a>	Email: <a href="mailto:dxu@cityofmiddleton.us">dxu@cityofmiddleton.us</a>
<b>Planning &amp; Community Development Department</b> Phone: (608) 821-8370 Email: <a href="mailto:planning@cityofmiddleton.us">planning@cityofmiddleton.us</a>		



Option 1: solar canopy in northeast corner of property





Option 2: solar carport canopies at northwest side of site



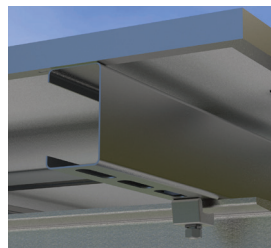
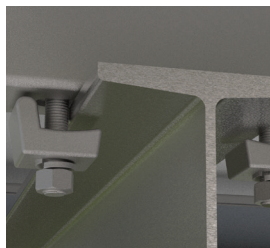


# Solar Carport

## Ready-Made Shade Structure



-  COMMUNICATIONS
-  ENERGY
-  SPECIAL INDUSTRIES
-  SOLAR





# Solar Carport

## Ready-Made Shade Structure

PLP carports are engineered and optimized to site-specific applications and PV solar installation. The modular structures feature a simplified design and integrated PV module mounting system designed to provide faster assembly rates and labor savings on every project. These solar support structures feature tilt angles that offer 0, 5, and 10 degree positions and an optional gasket sealing solution. PLP's unique module clamping system offers 50 percent fewer components than traditional systems and has built-in 3/4" spacing. This system offers 4-high or 7-high in portrait module mounting for single row or double row car parking with built-in wire management channels.

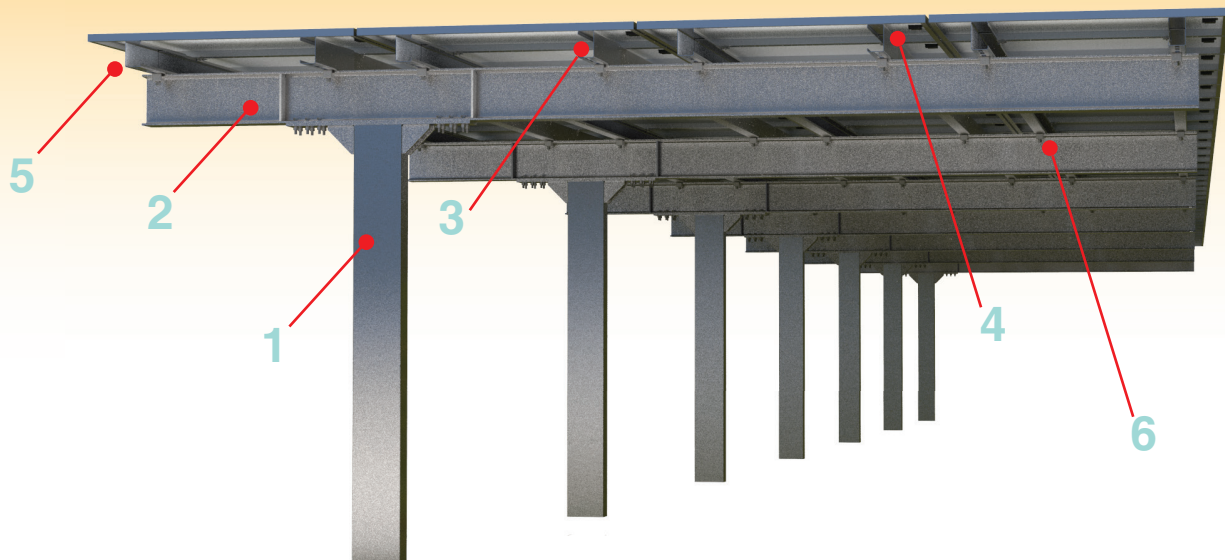


### Features

- Columns span two parking spaces wide
- Designs for single or double rows of cars
- Six main components and attaching hardware
- 0, 5, and 10-degree tilt options – positive or negative
- Foundation design, engineering, and layout provided
- Designed up to 30 PSF Snow and 120 MPH Wind (ACSE 7-10)
- Shared module clamps – up to 50% fewer clamps
- Galvanized steel components
- Up to 15 feet of clearance
- 60 or 72 cell module mounting

### Key Benefits

- No on-site welding
- Bottom access clamping eliminates working above PV Modules
- Shared module clamp – fewer parts
- Optional gasket for sealing between solar modules
- Modular design – common components
- Purlin extensions adjust to any width module

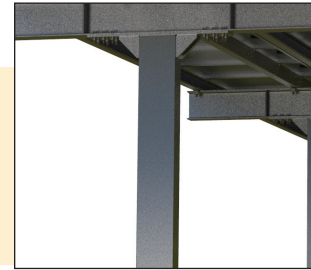




# Performance and Simplicity Connect

## 1 HSS Column

- High-strength 12x6 tube steel construction
- Regional sources reduce freight costs and delivery times
- Pre-drilled, factory welded plate and galvanized - **Ready to install**
- Conceals wire and cable routings



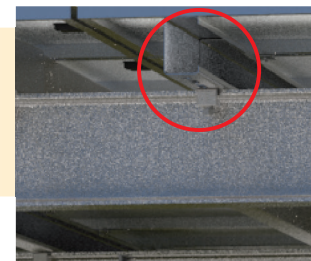
## 2 I-Beam Strongback

- High-strength W12 galvanized steel construction
- Bolt-together assembly
- Regional sources reduce freight costs and delivery times
- Longer cantilever avoids potential column impacts



## 3 Purlin

- Pre-punched Cee Profile – No on-site drilling
- G90 galvanized, 10 GA steel construction
- Standard lengths provide 19 feet wide parking bays
- Built-in wiring channels



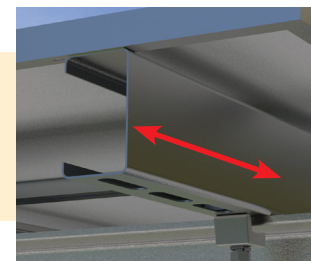
## 4 Shared Module Clamp

- Universal – 60 or 72 cell PV modules
- Shared module design – 50% fewer clamps
- Integrated Grounding and 3/4" module spacing
- Bottom access – Eliminates working above PV modules
- G90 galvanized, 12 GA steel construction



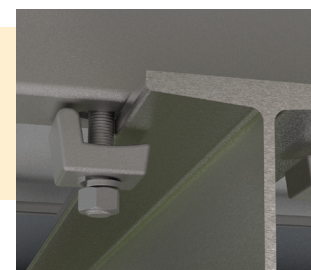
## 5 Purlin Extensions

- Single component - accommodates different width PV modules
- Pre-punched Cee Profile – Bolt together construction
- G90 galvanized, 12 GA steel construction



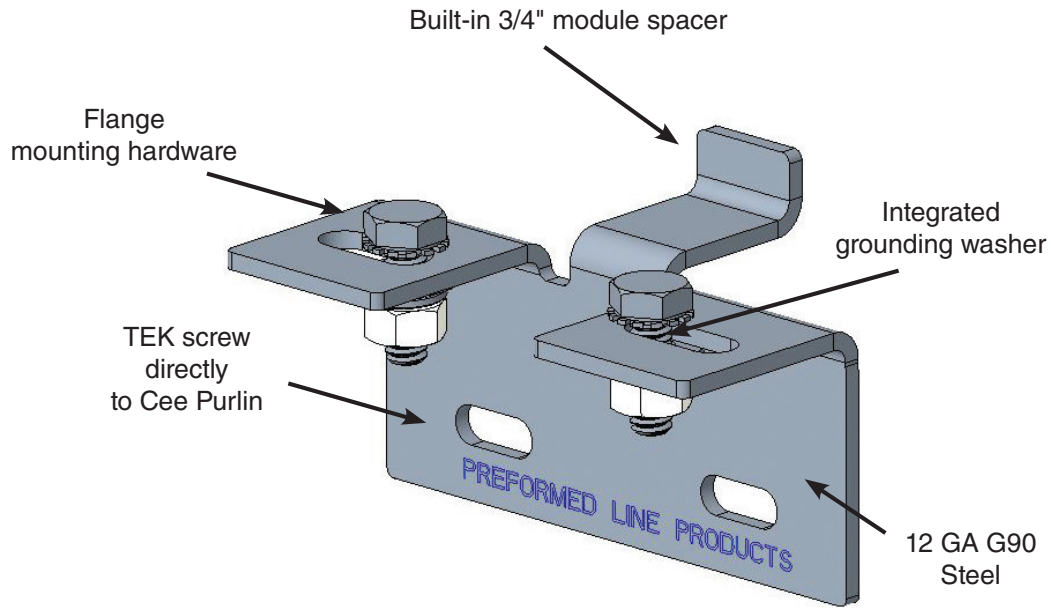
## 6 Beam Clamp/Splice

- Bolt-together construction
- Serves as purlin attachment and splice point – reduces part counts
- Galvanized, steel construction

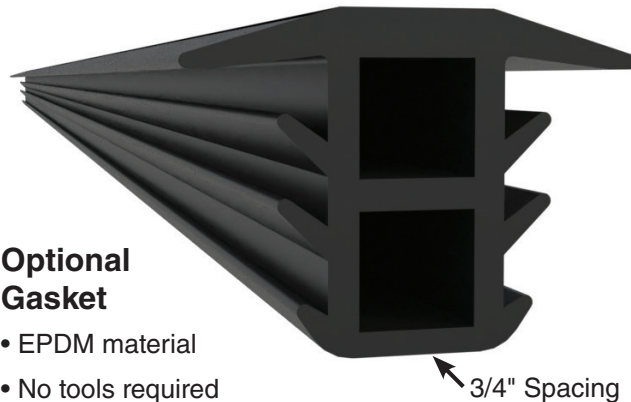




# Solar Carport Components



**Shared Module Clamp**



## Optional Gasket

- EPDM material
- No tools required
- Triple rib design for added waterproofing
- Can easily cut with a utility knife



Global Headquarters  
660 Beta Drive  
Cleveland, Ohio 44143 USA  
Telephone: 440.461.5200  
Fax: 440.442.8816  
Website: [preformed.com](http://preformed.com)  
Email: [info@plpsolar.com](mailto:info@plpsolar.com)

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SL-SS-1259  
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**PLP's solar engineering staff is available to assist with your next project.**

**Please visit [preformed.com](http://preformed.com) and complete an RFQ Form or contact our product support team at (800) 260-3792.**



## Engineering Services

Every carport project is unique, as multiple factors can impact the PV layout and structural design.

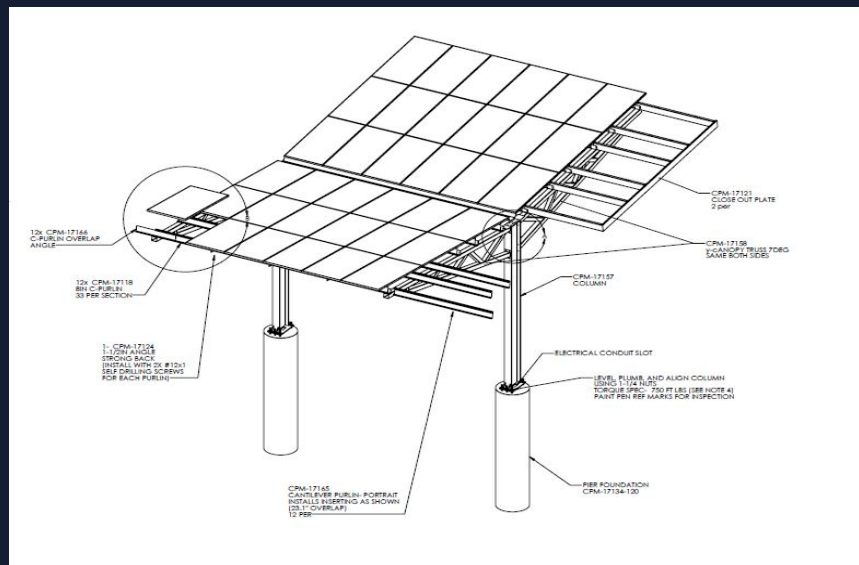
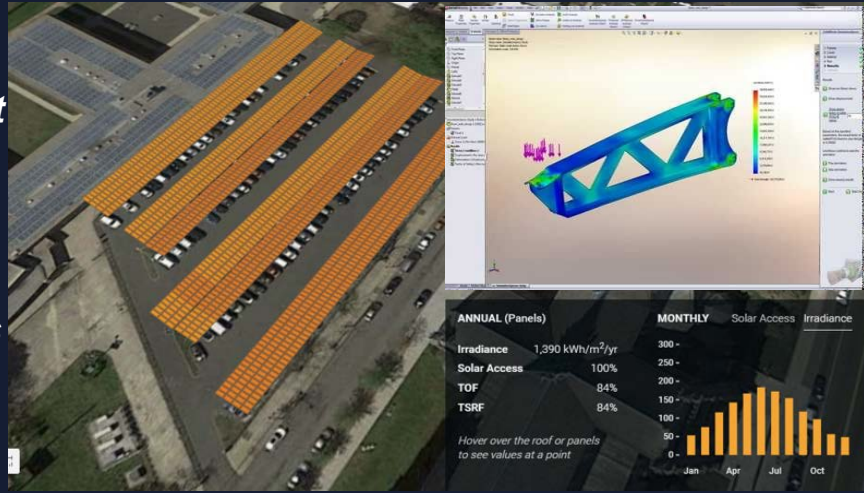
- Parking lot orientation and space
- City/County/State Regulations
- ASCE Hazard & Structural Guidelines

No matter what variables arise, our executive engineering team will design a system that offers you the most cost effective solution for project.

## PV Production vs Aesthetics

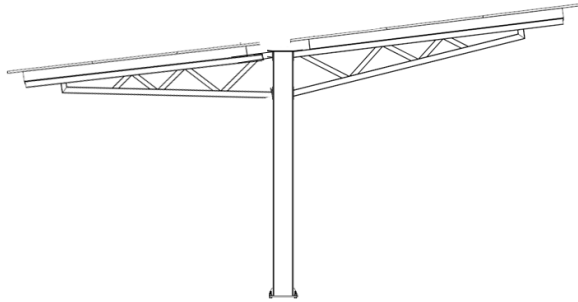
After our NABCEP PV designers finalize the layout that meets your energy production requirements, our structural and civil engineers will provide all of the certified drawings and calculations for permit approval.

All structural components are in strict compliance with the standards set forth by the American Iron and Steel Institute's Specifications for Formed Steel Structural Members. ISO-9001 Quality certification (currently in progress).

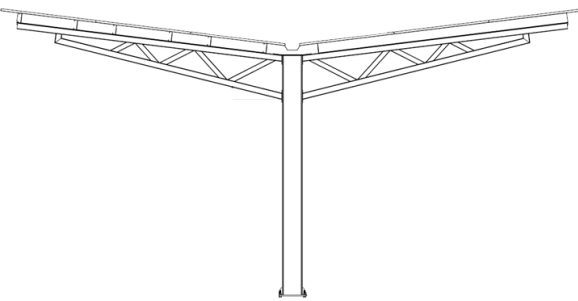




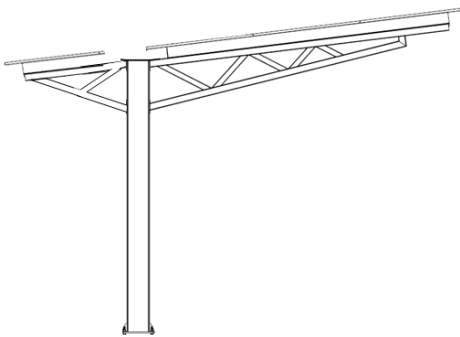
**T-FRAME DESIGN (36x 72 Cell Modules/Section)**



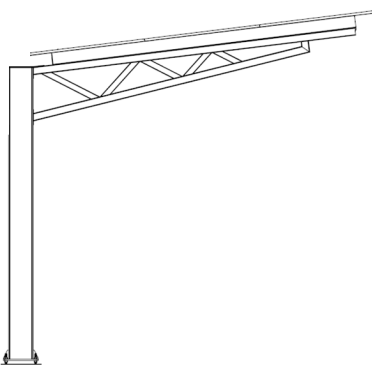
**Y-FRAME DESIGN (36x 72 Cell Modules/Section)**



**L-FRAME DESIGN (24x 72 Cell Modules/Section)**



**L-FRAME DESIGN (18x 72 Cell Modules/Section)**



Application	Parking Area & Sidewalks		
Tilt Angle	7 Degrees	Modules Per Section	36
Module Orientation	Portrait	Ground Clearance	Site Specific
Wind Load	125 MPH	Foundation	Reinforced Concrete
Snow Load	50 PSF	Purlin Length	236 Inches
Post Spacing	236 Inches	Manufacturing	Made in Michigan, USA

## PRODUCT SPECIFICATIONS

All product specifications have been verified through third party engineering firms. For areas with higher wind/snow requirements, additional options are available.  
20 - 34 foot section spans are available.



36 PANEL Y or T FRAME CANOPIES

24 PANEL L FRAME CANOPIES

18 PANEL L FRAME CANOPIES



**ENGINEERING**

**MANUFACTURING**

**INSTALLATION**



*quality, quick response times, and faster product deployment.*

***All structural components fabricated***





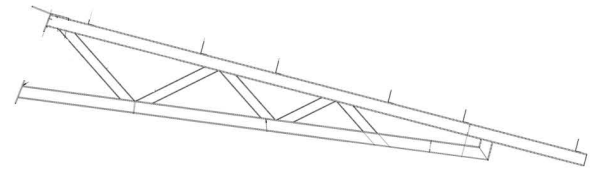
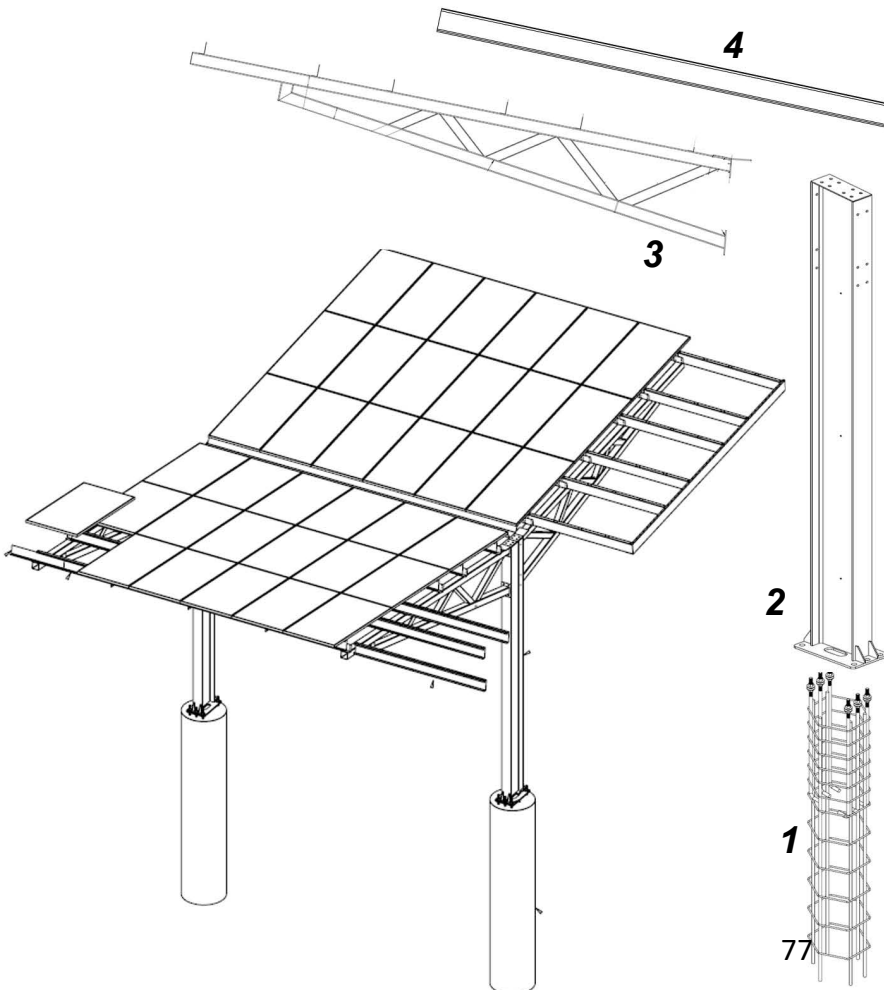
**Designed for Rapid Assembly**

**SLR-TRUSS:** All trusses are custom designed for your 60 or 72 cell module choice. Only 2 attachment points from I-Beam to Truss, with minimal hardware.

**C-PURLIN:** *\*No expensive clamps required\** The C-Purlins are processed through a high speed stamping/roll forming line. The slots are precision punched to align with your module frame holes, which results in faster installation times.



**EASE OF INSTALLATION - DESIGNED FOR MINIMAL EFFORT**



**Only 4x Main Components needed**

- 1. 1x Pre-Welded Foundation Cage
- 2. 1x Galvanized I-Beam Assembly
- 3. 1x Upper/Lower Truss Assemblies
- 4. 12x C-Purlins with pre-punched slots

**Add-Ons Available**

- 1. End-Caps
- 2. Close-Outs
- 3. Strong-backs
- 4. Gutters



WE ALSO OFFER THE FOLLOWING:

**BALLASTED COMMERCIAL  
ROOF MOUNTS**



**12 - 24 PANEL POLE MOUNTS  
SEASON ADJUST & DUAL AXIS  
TRACKING**



**Vector 2.0 GROUND MOUNTS**



**BALLESTED GROUND MOUNTS**



## COMPANY OVERVIEW

Genmounts™ has fast become the industry standard for non-penetrating ballasted solar racking and the brand has now expanded to offer new products and services. Our pv racking systems have won over design professionals and installers with rapid install times and quality engineered features.

## VISION

Our vision is to become a "one-stop-shop" for your solar project requirements. From preliminary designs to full installation support, we will be there for you!

Contact us today to get your project started.

## CONTACT US

97 River road,  
Flemington, NJ 08822

phone +1-908-788-7750  
email: Sid@Genmounts.com  
www.Genmounts.com





February 2, 2024

TO:  
ABBY ATTOUN  
Director of Planning  
7426 Hubbard Ave Middleton, WI 53562

RE:  
Letter of Intent – Plan Commission Concept Review

PROJECT:  
6300 University Ave Mixed-Use Development  
Middleton, WI

AY PROJECT # 77970

---

Abby and Commission members,  
The following is submitted together with the plans and application for concept review by the Planning Commission. With this application we will be requesting a concept review, focusing on the exterior massing and overall concept of the submitted development.

**ORGANIZATIONAL STRUCTURE:**

**OWNER/ DEVELOPER:**  
Forward Development Group  
507 W. Verona Ave – Ste 200 Verona, Wisconsin  
608-848-9050  
Contact: Connor Nett  
cpn@forwarddevgroup.com

**ARCHITECT/ SITE DESIGNER:**  
Angus-Young  
316 W. Washington Ave - Ste 800 Madison, Wisconsin  
608-756-2326  
Contact: Jeff Davis  
j.davis@angusyoung.com

**CIVIL ENGINEER/ LANDSCAPE ARCHITECT:**  
JSD Professional Services, Inc.  
507 W. Verona Ave – Ste 200  
Verona, Wisconsin  
608-609-6794  
Contact: Kevin Yeska  
Kevin.Yeska@jsdinc.com





**PROJECT LOCATION:**

The subject site is 6300 University Ave. The property is located on an assemblage of parcels bounded on the West by University Avenue, to the North and East by Single Family Residential, to the South by N. Gateway Street. There is an existing 2-story masonry building on the site.



CONTEXT MAP

**INTRODUCTION/ PROJECT DESCRIPTION:**

This property is located within the Mixed-Use Avenue Zoning District (“MU-A”) of the newly adopted zoning ordinance.

The proposed mixed-use development of 6300 University Avenue consists of 136 multifamily units and 4,000 sf of commercial space. The development includes (2) buildings on the site over underground parking. Building A consists of 4,000 sf of commercial space, covered surface vehicle parking & drive-through, bicycle parking, and (3) stories of residential apartments above. Building B consists of (4) stories of residential apartments.

The intent of this concept plan submittal is to receive feedback on the overall building massing, program and anticipated conditional use permits for the project.





## DESIGN CONCEPT:

### **Architecture:**

Due to the long, narrow nature of the site, this development utilizes a (2) building approach. This is also intended to meet the zoning ordinance section 10.07.20: Multi-Family Uses, Standard (3) Façade Articulation.

The following strategies have been implemented in the proposed design concept to further enhance the façade along University Avenue.

- Two Buildings
  - Staggered front yard setbacks
  - Emphasis on corner elements (Building A commercial space / Building B lobby and leasing office)
  - Public Plaza between two buildings that features entry to public parking, and main leasing office and resident entry.
  - Intended material palette will be consistent between buildings, but incorporate detailing to differentiate Building A from Building B
  - Building Stepback
    - Entire building stepped back a minimum 15' above the parking level along the East property line.
  - Building A:
    - Provides convenient ground level parking for the success of the retail space and guest of residents.
    - Includes 4,000 sf of commercial space
    - Utilizes screening elements to conceal ground level parking
    - 2<sup>nd</sup> level community room / fitness room
  - Building B
    - Lobby, leasing office, and resident entry at Corner
    - Centrally located elevators and main stair tower
    - 1<sup>st</sup> floor resident units
- Skywalk connection
  - We are proposing connecting the two buildings with an elevated skywalk at 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> levels. This amenity benefits the project in the following ways.
    - Reduced construction cost / shared elevators and stairwells
    - Convenience for residents utilizing on-site amenities such as the community room and fitness facility. The connection becomes increasingly important in winter months during times of extreme cold temperatures and large snow events.
    - Utilize glazing to make the connection transparent and visually appealing, as well as meeting the bird-safe treatment recommendations.
    - The skywalk is set back 31' from the University building façade.

### **Mixed Use Commercial Space and Drive-through**

Attracting tenants and retailers to mixed-use commercial space is a competitive market due to the availability of similar space and adjacent in-line retail alternatives. Although mixed-use buildings create a more walkable, pedestrian oriented streetscape, many retailers favor commercial spaces with easy access and upfront parking that is easily visible for passing vehicle traffic. The table<sup>1</sup> below highlights vacancies of other mixed-use buildings in Middleton constructed after 2015. The ability to incorporate a drive-through increases the marketability of the commercial space.



**Mixed Use Properties Built after 2015**

<b>Mixed Use Property</b>	<b>Retail SF</b>	<b>Vacant SF</b>	<b>% Vacant</b>	<b>Year Built</b>
The Cariatd	2,121 SF	2,121 SF	100%	2023
Middleton Center	37,007 SF	6,000 SF	16%	2017
Aviary	9,572 SF	7,917 SF	83%	2021
<b>Total</b>	<b>48,700 SF</b>	<b>16,038 SF</b>	<b>33%</b>	

1 – Vacancy Data provided by CoStar Commercial Real Estate 2024

In recent years, mixed-use projects have begun incorporating drive-throughs to attract retailers and compete with in-line commercial projects. Below are several local examples of mixed-use projects that are incorporating drive-throughs within the mixed-use development.



**Constellation – Madison (Open)**

Drive-through: Cargo Coffee



**The Fitzgerald – Madison (2024)**

Drive-through: UW Credit Union



**The Bloom – Monona (2025)**

Drive-through: BMO Harris Bank

The proposed 6300 University Avenue redevelopment has the potential to incorporate a drive-through which markets to a greater pool of retailers and decreases the likelihood of vacant commercial space. The drive-through would be properly signed and striped to ensure clear wayfinding while also being screened from University Avenue by the partial façade of Building A. This project seeks to strike a balance between shopper and retail preferences while enhancing the desired architectural character of the University Avenue corridor.

**ZONING ORDINANCE APPROACH:**

The proposed mixed-use development conforms with conventional MU-A zoning with the following conditional use permits.

**Setbacks:**

- 15' Minimum to 25' Maximum Front Yard Setback
- 20' Street Side Yard Setback
- 8'-0" Interior Side Yard Setback
- 20' Rear Yard Setback
- 15'-0" Stepback for any building over 3 stories from Rear and Side Yards

Maximum Principal Building Length: 250'-0"

Maximum Building Height: 60' or 5 Stories (may exceed meeting additional criteria)

Minimum Pavement Setback: 5'-0" side/rear, 10'-0" from street

Maximum Impervious Surface Ratio: 80%

Use: Permitted Use - Mixed Use / Conditional Use: Drive-Through





## **Conditional Use Permits**

1. Group Development (Ordinance Section 10.06.02(2)(a)1.)  
“Any development located on one lot and comprised of any combination of 2 or more principal buildings on the same lot in any zoning district.”
  - a. Rationale – Due to the long, narrow shape of the property, two (2) principal buildings (Building A and Building B) are designed to conform with the maximum building façade length. The proposed two (2) building design helps reduce the visual scape of the development and clear sight lines through the project site.
2. Drive-Through within MU-A Zoning District (Ordinance Section 10.02.32(3)(f))
  - a. Rationale – Commercial spaces with drive-throughs have an advantage over those without this amenity. Prior to COVID-19, online shopping was a significant competition to instore retailing. Since the pandemic, online shopping and the shopper preference for drive-through services have only increased. Incorporating drive-through services within the mixed-use project increases the marketability of the retail space to potential tenants.

### **PROPOSED SCHEDULE:**

Pending direction and feedback from staff and Plan Commission, it is our intent to submit for Design Review and Conditional Use Permits on February 27, 2024 for Plan Commission Review March 26, 2024. The intent is to start construction October 2024, and complete the project in Spring of 2026.



**PROPOSED SITE DEVELOPMENT DATA:**

Building A Height: 4 Stories  
Building A Façade Length: ~220'-4"

Building B Height: 4 Stories  
Building B Façade Length: ~247'-8"

Floor Area Calculations:

**Building A:**

First Floor 6,000 gsf – Commercial and Secured Bike parking  
Second Floor 15,135 gsf - 17 residential units, Residential Amenities  
Third Floor 15,135 gsf - 20 residential units  
Fourth Floor 15,135 gsf - 20 residential units

Total: 51,405 gsf (includes 4,000 sf of commercial space)

**Building B:**

First Floor 17,350 gsf - 19 residential units  
Second Floor 17,350 gsf - 20 residential units  
Third Floor 17,350 gsf - 20 residential units  
Fourth Floor 17,350 gsf - 20 residential units

Total: 69,400 gsf

Combined Total: 120,805 gsf

Vehicle Parking Stalls:

Underground 142 UG Parking Stalls (3 of which are ADA)  
Site 25 Parking Stalls at 1<sup>st</sup> level grade  
Total 167 Vehicle Stalls  
Bicycle parking stalls: 25 Underground Secured Parking At Grade Stalls  
54 1st Level Secured Parking At Grade Stalls  
72 1st Level Secured Parking Wall Mounted  
14 1st Level At Grading Parking Stalls (Open to public)

Total: 163 Bicycle Parking

Thank you for your time reviewing our proposal. We are looking forward to your support and feedback!

Sincerely,



Jeff Davis, AIA, LEED AP  
Angus-Young





With submittal on 2/5 and staff review due by 2/7 to get into packets, staff review is very limited.

Even though this is just for concept review, some concept-level issue may not be noted in this expedited staff review.



UNIVERSITY AVE MIXED-USE DEVELOPMENT  
6300 UNIVERSITY AVE, MIDDLETON, WI





# INTRODUCTION

The proposed mixed-use development of 6300 University Avenue consists of 136 multifamily units and 4,000 sf of commercial space. The development includes (2) buildings on the site over combined underground parking. Building A consists of 4,000 sf of commercial space, covered surface vehicle parking & drive-through, bicycle parking, and (3) stories of residential apartments above. Building B consists of (4) stories of residential apartments.

The intent of this concept plan submittal is to receive feedback on the overall building massing, program and anticipated conditional use permits for the project.

# PROJECT TEAM



Jeff Davis

Katie Udell

Tyler Allison

AJ Robitschek

Liz Brage



Connor Nett

Fred DeVillars

Erik Hoogerland



Kevin Yeska

Andrew Geffert



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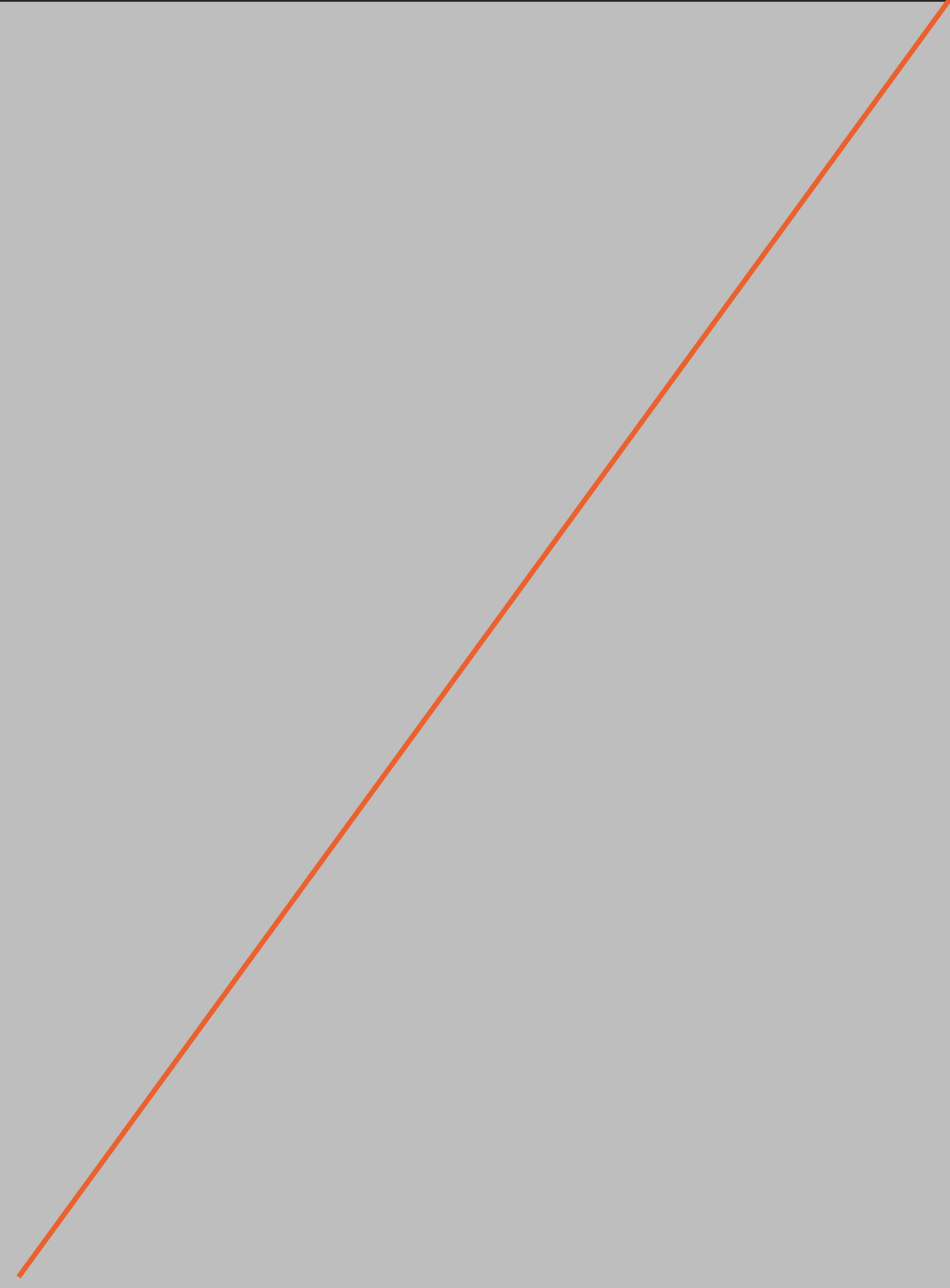
# SITE ANALYSIS

Site Context

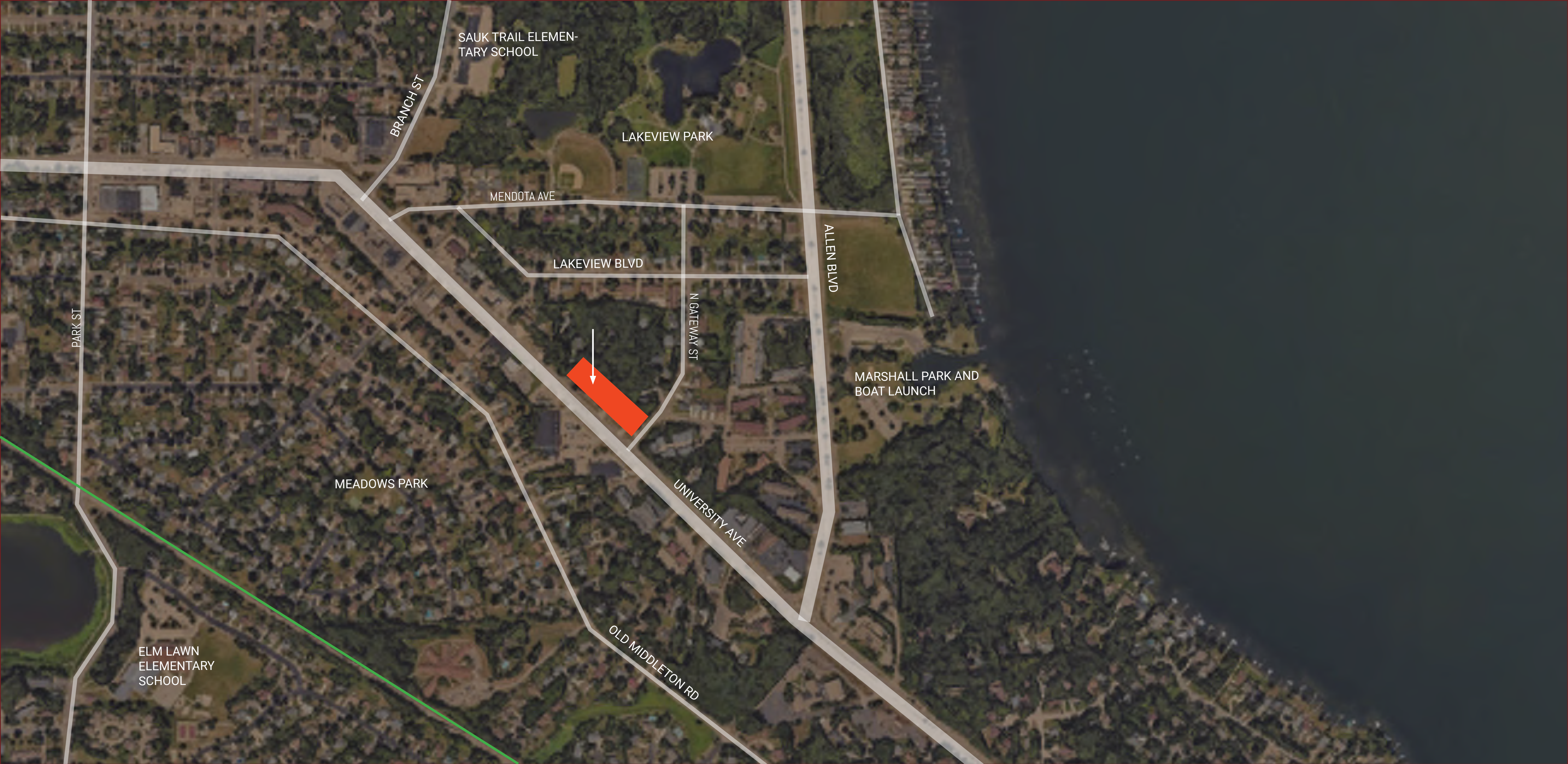
Site Aerial

Site Access

Current Site







## SITE CONTEXT





## CURRENT SITE AERIAL





## CURRENT SITE ACCESS





NW CORNER



NE CORNER



SW CORNER



SE CORNER

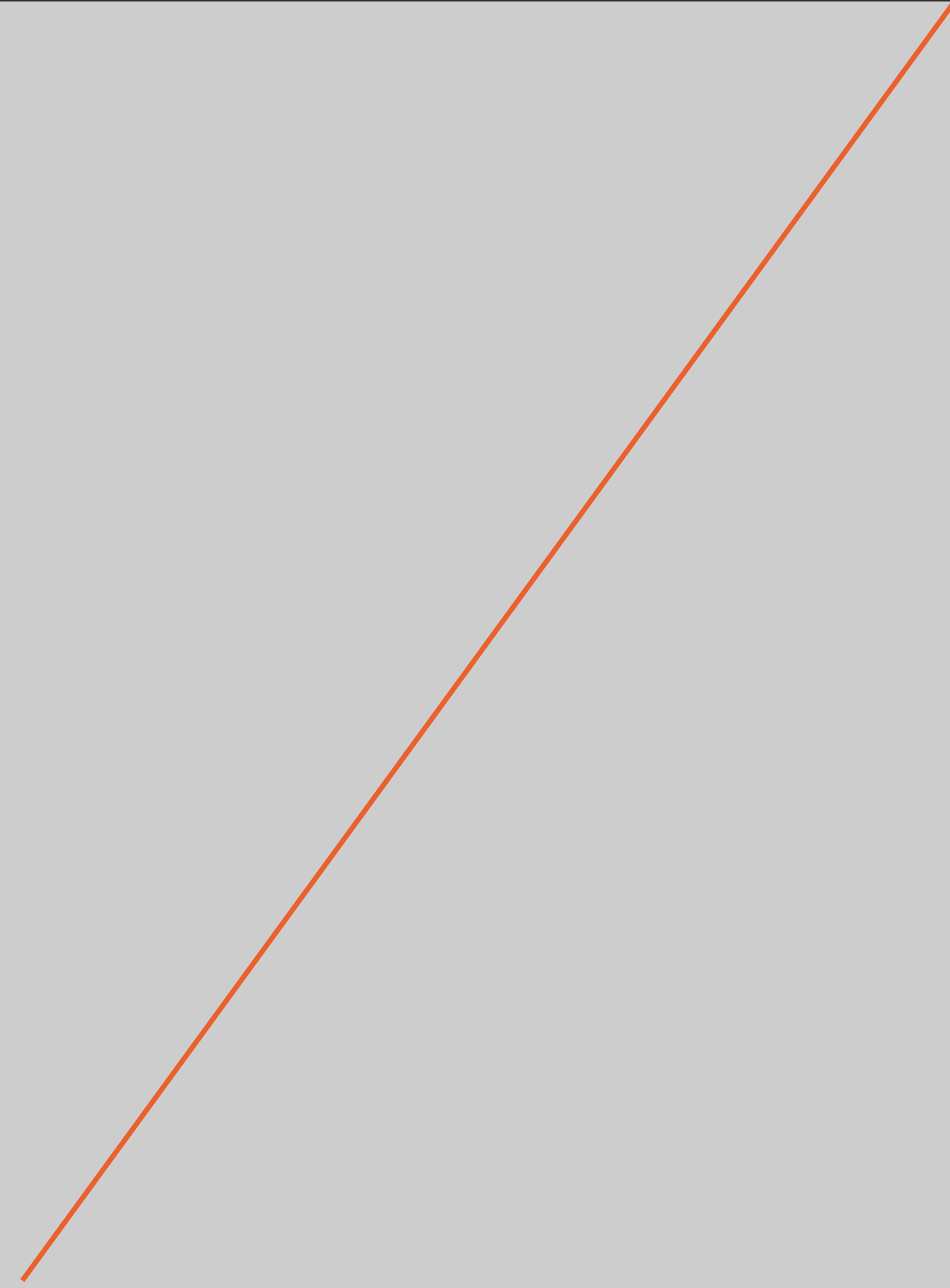
## CURRENT SITE PHOTOS



# ZONING

Site Information

Zoning





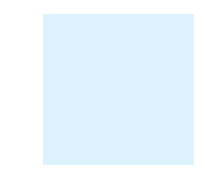


ZONING:

Current (old)/  
Proposed (new)?



Commercial



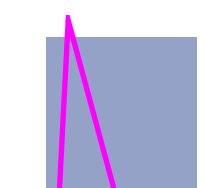
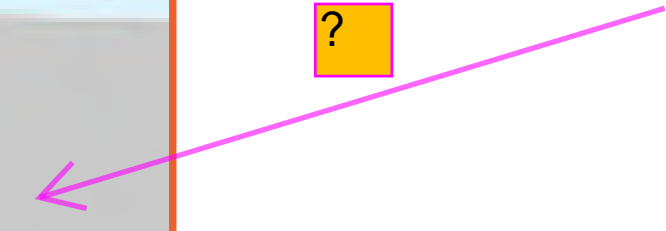
Residential

Differentiate between single  
family and multi-family?

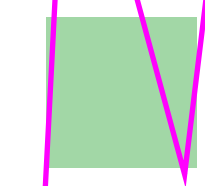


Industrial

?



Agricultural



Rural

n/a



Letter of Intent says 135 units.  
Floor plan sheets show 136 units.

ADDRESS: 6300 University Ave  
LOT AREA: 75,795 sq. ft (1.74 acres)  
DWELLING UNITS: 136 Proposed Units  
LOT AREA/DU: 562 sf/unit  
DENSITY: 77.5 units/acre

**ZONING:**  
MU-A - Mixed Use Avenue District  
Setbacks:  
15' Minimum to 25' Maximum Front Yard Setback  
20' Street Side Yard Setback  
8'-0" Interior Side Yard Setback  
20' Rear Yard Setback  
15'-0" Stepback for any building over 3 stories from Rear and Side Yards  
  
Maximum Principal Building Length: 250'-0"  
Maximum Building Height: 60' or 5 Stories (may exceed meeting additional criteria)  
Minimum Pavement Setback: 5'-0" side/rear, 10'-0" from street  
Maximum Impervious Surface Ratio: 80%  
Use: Permitted Use - Mixed Use / Conditional Use: Drive-Through

**SITE INFORMATION**



# FLOOR PLANS & MASSING

Conceptual Site Plan

Conceptual Massing

Conceptual Lower Level

Conceptual 1st Level

Conceptual 2nd Level

Conceptual 3rd Level

Conceptual 4th Level

Development Statistics

Intended separate  
page, not included?



# SITE PLAN

Could/should space between buildings allow fire access to north side of buildings?  
 If fire access needs to be through surface parking, some stalls may need to be eliminated to allow apparatus maneuvering.

Verify grades will be suitable for storm water management feature in this area.

Closest Storm downhill storm

No utility services are shown as proposed, but depending on proposed service locations, this proposed use may require a utility study.  
 Existing main sizes and materials were pulled from City GIS, and should be confirmed.

No scale provided for this drawing, but driveway appears to be as far from University Ave. as feasible. City's access management plan suggests 100' clear.

Front setbacks of buildings are described in letter as being staggered. They appear nearly linear.

No scale provided for this drawing, but driveway appears to be about 250' from N. Gateway St., which is in reasonable conformance with City's access management plan.

Water main.  
 10" Ductile Iron (1971).

Water main.  
 8" Ductile Iron (1987).

Sewer main.  
 8" Clay (1966).

Water main.  
 10" Ductile Iron (1965).

Just confirming utility locations

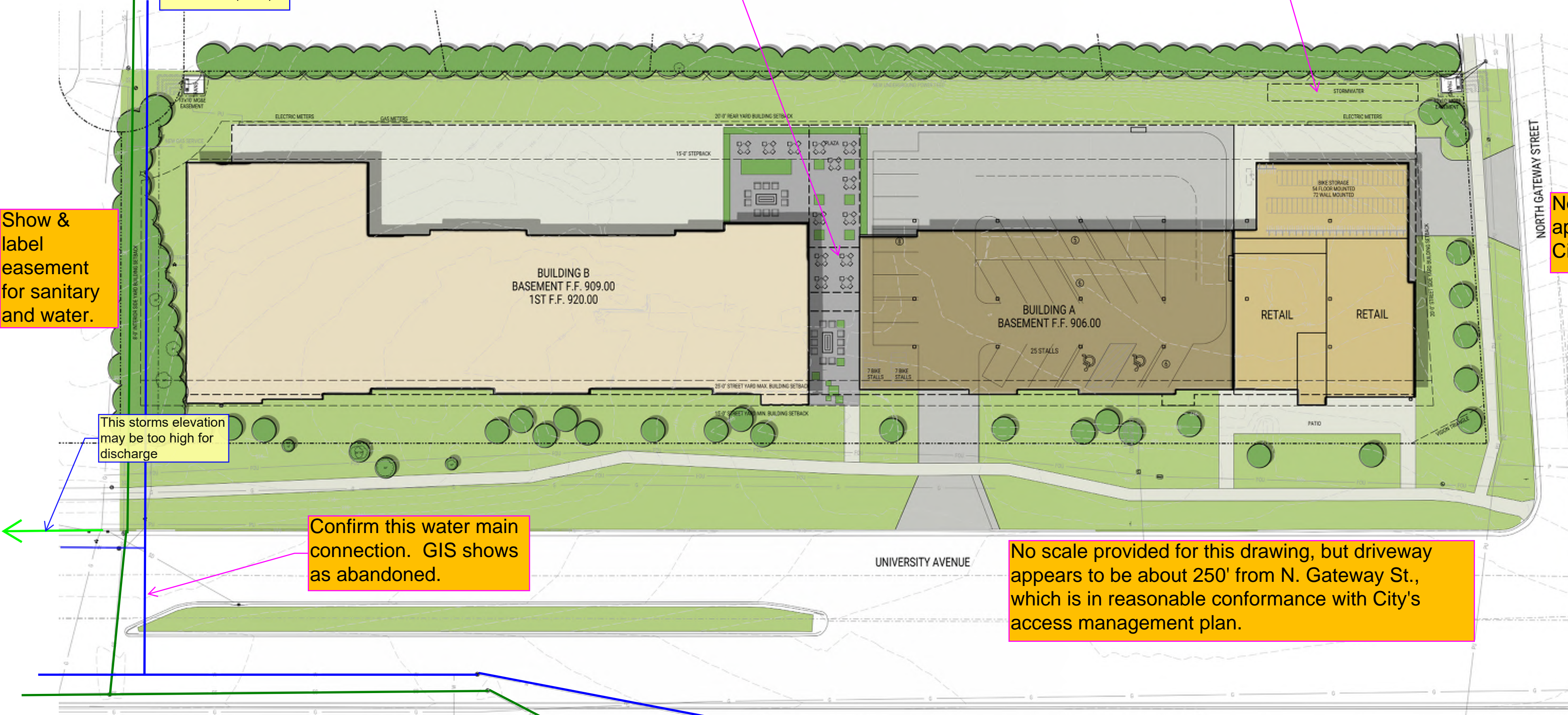
Show & label easement for sanitary and water.

This storm elevation may be too high for discharge

Confirm this water main connection. GIS shows as abandoned.

Closest Sanitary.  
 8" Clay (1954).

Closest Water.  
 6" Cast Iron (1954).



## CONCEPTUAL SITE PLAN





MASSING FROM NORTHWEST CORNER



MASSING FROM NORTHEAST CORNER



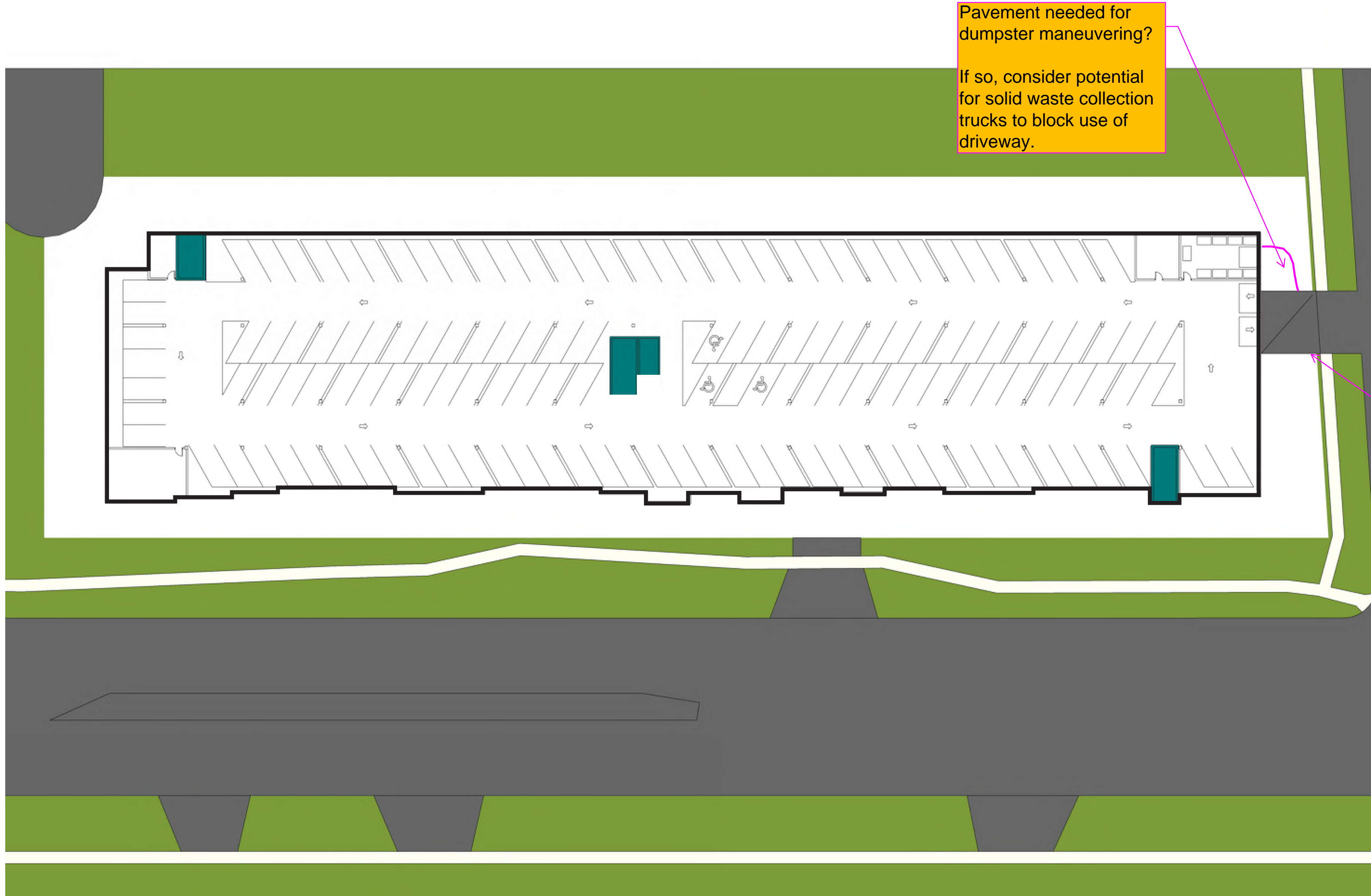
MASSING FROM SOUTHWEST CORNER



MASSING FROM SOUTHEAST CORNER

## CONCEPTUAL MASSING





**LOWER LEVEL PLAN**

UTILITIES

TRASH ROOM

142 PARKING STALLS

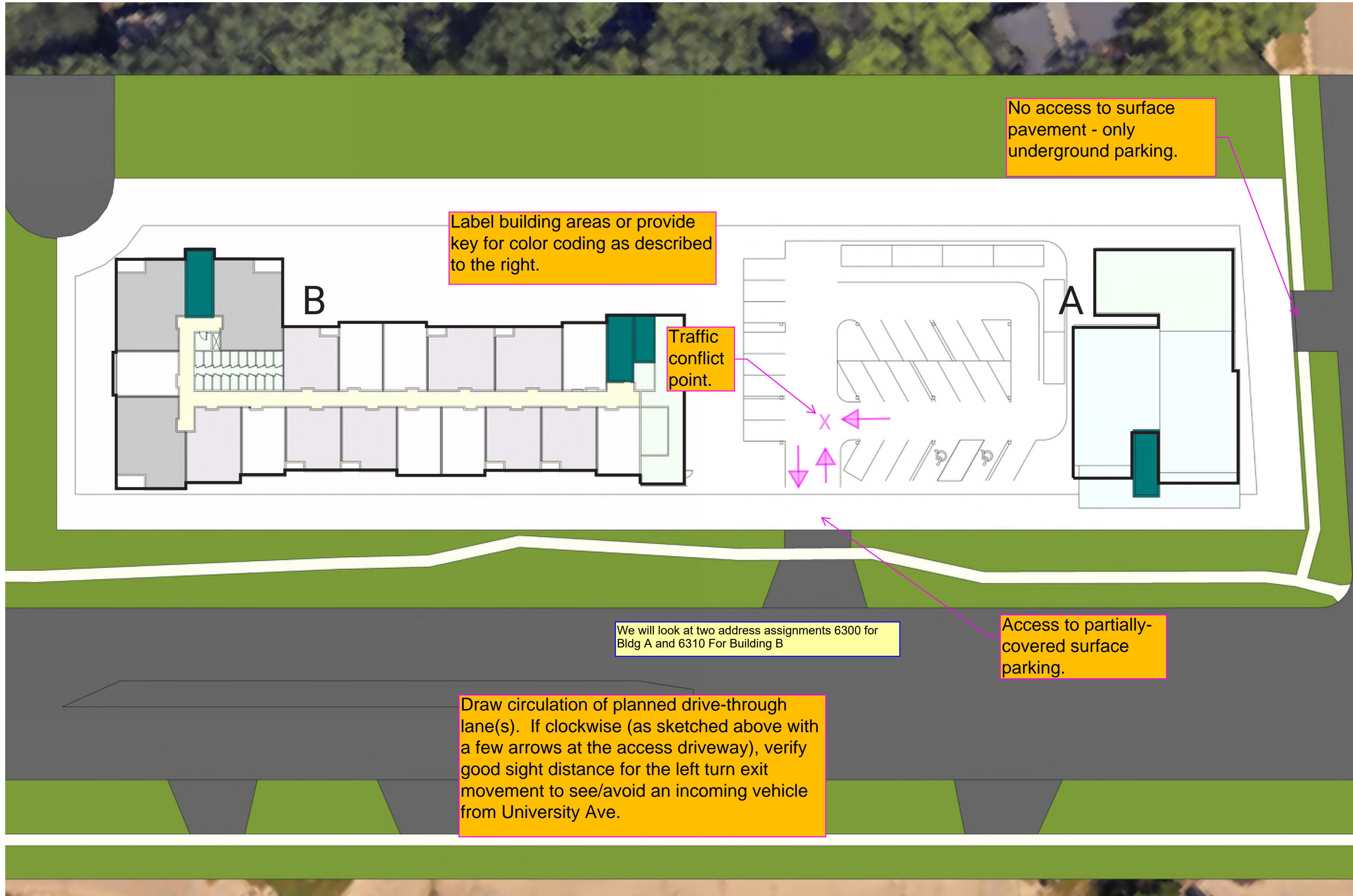
23 BIKE PARKING STALLS

7 motorcycle/moped parking stalls (per letter)

52,000 GSF

**CONCEPTUAL LOWER LEVEL / 142 PARKING STALLS**





## 1ST LEVEL PLAN

### BUILDING A

0 RESIDENTIAL UNITS

(0) STUDIO UNITS (~550 SF)

(0) 1 BR UNITS (~615 SF)

(0) 2 BR UNITS (~1,025 SF)

(2) COMMERCIAL UNITS (~4,000 SF)

BIKE PARKING/STORAGE (~2,000 SF)

25 parking stalls (per letter)

6,000 GSF

### BUILDING B

19 RESIDENTIAL UNITS

(8) STUDIO UNITS (~550 SF)

(8) 1 BR UNITS (~615 SF)

(3) 2 BR UNITS (~1,025 SF)

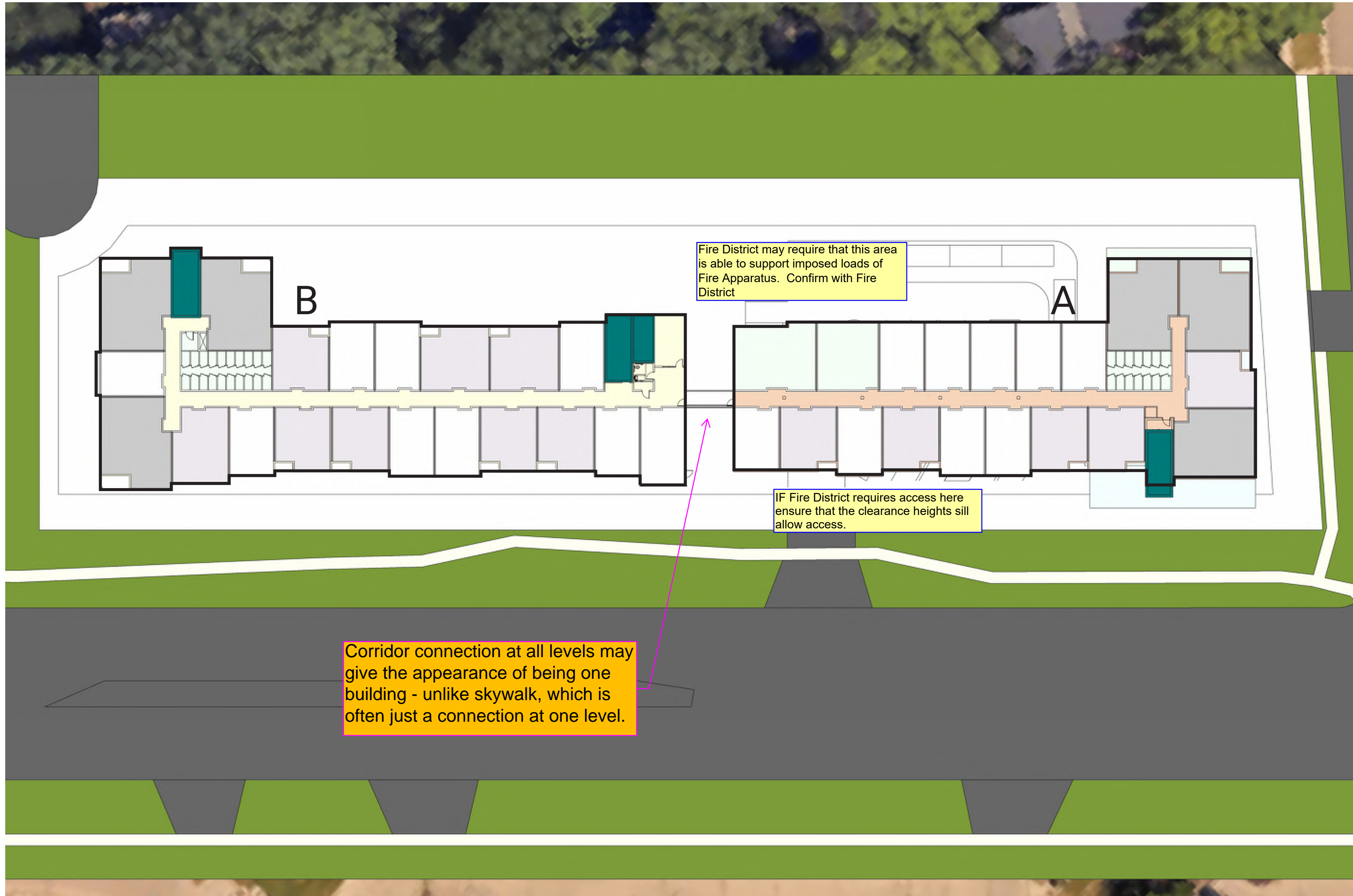
LEASING OFFICE/LOBBY (~1,200 SF)

STORAGE UNITS (~760 SF)

17,350 GSF

## CONCEPTUAL 1ST LEVEL / 19 UNITS





**2ND LEVEL PLAN**

**BUILDING A**

- 17 RESIDENTIAL UNITS
- (9) STUDIO UNITS (~550 SF)
- (5) 1 BR UNITS (~615 SF)
- (3) 2 BR UNITS (~1,025 SF)
- COMMUNITY ROOM (~940 SF)
- FITNESS CENTER (~750 SF)
- STORAGE UNITS (~440 SF)

15,135 GSF

**BUILDING B**

- 20 RESIDENTIAL UNITS
- (9) STUDIO UNITS (~550 SF)
- (8) 1 BR UNITS (~615 SF)
- (3) 2 BR UNITS (~1,025 SF)
- STORAGE UNITS (~760 SF)

17,350 GSF

**CONCEPTUAL 2ND LEVEL / 37 UNITS**





**3RD LEVEL PLAN**

**BUILDING A**

- 20 RESIDENTIAL UNITS
- (12) STUDIO UNITS (~550 SF)
- (5) 1 BR UNITS (~615 SF)
- (3) 2 BR UNITS (~1,025 SF)
- STORAGE UNITS (~440 SF)

15,135 GSF

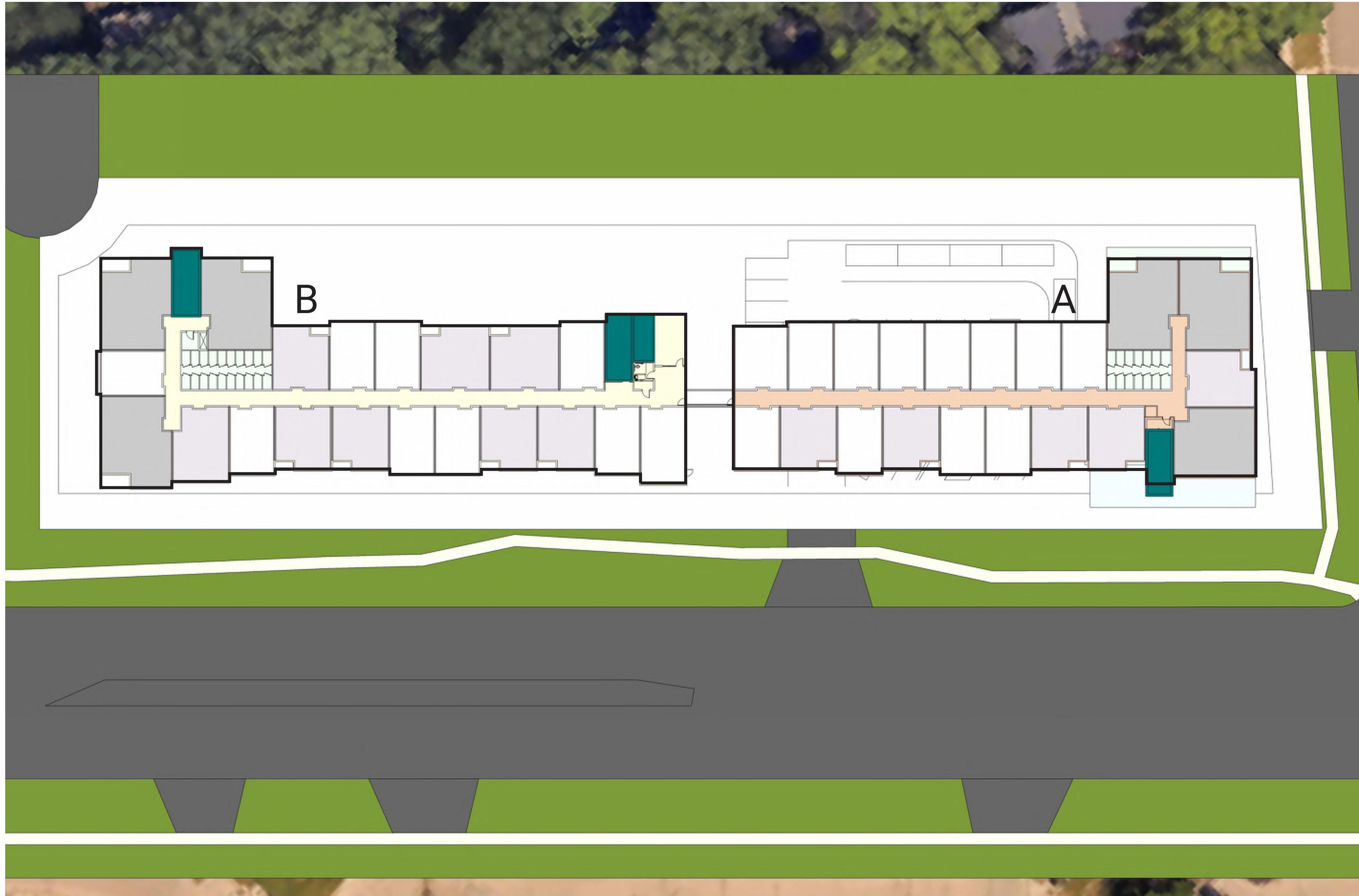
**BUILDING B**

- 20 RESIDENTIAL UNITS
- (9) STUDIO UNITS (~550 SF)
- (8) 1 BR UNITS (~615 SF)
- (3) 2 BR UNITS (~1,025 SF)
- STORAGE UNITS (~760 SF)

17,350 GSF

**CONCEPTUAL 3RD LEVEL / 40 UNITS**





**4TH LEVEL PLAN**

**BUILDING A**

- 20 RESIDENTIAL UNITS
- (12) STUDIO UNITS (~550 SF)
- (5) 1 BR UNITS (~615 SF)
- (3) 2 BR UNITS (~1,025 SF)
- STORAGE UNITS (~440 SF)

15,135 GSF

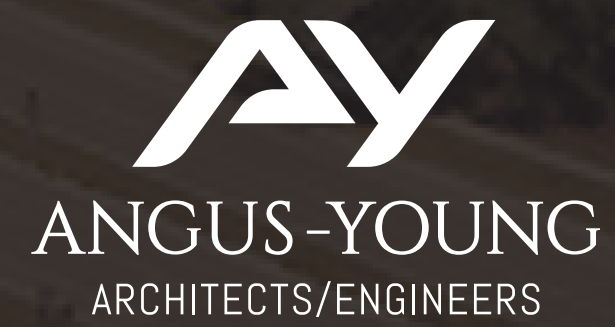
**BUILDING B**

- 20 RESIDENTIAL UNITS
- (9) STUDIO UNITS (~550 SF)
- (8) 1 BR UNITS (~615 SF)
- (3) 2 BR UNITS (~1,025 SF)
- STORAGE UNITS (~760 SF)

17,350 GSF

**CONCEPTUAL 4TH LEVEL / 40 UNITS**





# UNIVERSITY AVE MIXED-USE DEVELOPMENT







---

**To:** Shawn Stauske and City of Middleton  
**From:** Kevin Lord, PE and MSA Professional Services  
**Subject:** Parmenter Street Reconstruction  
**Date:** January 29, 2024

---

MSA Professional Services was hired by the City of Middleton in December of 2021 to assist with the design of Parmenter Street between Century Avenue and Greenbriar Road. Based on the project intent, the City planned for a 90' wide corridor along Parmenter Street, which included driving and bike lanes in each direction with a center median (being 22' wide which could be altered to two additional driving lanes in the future, as needed). The corridor was planned to have sidewalk on one side and a bike/pedestrian path on the other side. It was understood that real estate acquisitions and temporary/permanent easements would be necessary along the corridor, which MSA has been assisting the city with.

In the typical real estate process, the property owners are provided with appraisals identifying the property required for the construction. This is followed with negotiation with the landowners based on the property acquisition, disturbance and/or any site alterations necessary, with condemnation as an alternate method if no negotiation can be reached. During the time period of project design, there was a court of appeals decision that, essentially, removed the ability for the City to use condemnation for the purposes of sidewalks, bike paths, and bike lane construction, if necessary. Condemnation can still be used strictly for the roadway. The City was aware of this legal determination and letters were sent to the property owners along the Parmenter corridor asking whether they were willing to negotiate with the City for the purchase of new right-of-way and easements for pedestrian or bicycle facilities. MSA received positive responses from all property owners along the corridor acknowledging the request and indicating they were willing to negotiate on a voluntary basis.

The original timeline of the project was for construction in 2023. Due to these changes in the real estate negotiation process, construction has been delayed to 2024. MSA has continued negotiating for the property needs while revising the plans for planned bidding in the winter/spring of 2024. However, there are some concerns that we will not be able to negotiate with several of the property owners as, at this point, we are not able to satisfy some of their requests to their satisfaction. This letter is to ask for guidance from the City of Middleton on how to proceed with the project if we cannot negotiate with some of the landowners.

In particular, one landowner would cause the need for a complete plan adjustment strictly to fit the new roadway within the limited, narrow corridor as it currently exists. All properties along the corridor are anticipating to have at a minimum some TLE needs of which a majority is due to the sidewalk and bike path construction near the right-of-way and corridor limits. The options, as we see them, that exist along the corridor are as following:

1. Forego the sidewalk and the bike path only along the frontages where we cannot reach agreement for Right-of-Way or easements, as needed, creating gaps in the sidewalks and bike path.
2. Forego entire blocks of sidewalk and bike path, if there would otherwise be gaps in continuity due to lack of real estate. This would direct pedestrians and path users to cross the street at intersections, instead of getting mid-block before encountering an end to the sidewalk or path.

---

1702 PANKRATZ STREET, MADISON, WI 53704  
P (608) 242-7779 • TF (800) 446-0679 • F (608) 242-5664  
WWW.MSA-PS.COM



**MEMO**

January 22, 2024

---

3. Re-design the project with a scope for pavement resurfacing only, without sidewalk or bike paths as non-vehicular accessibility improvements along this corridor.
4. Re-design the roadway cross-section south of Tribeca Drive to eliminate or narrow the median, providing the anticipated ability to construct the path and the sidewalk within the existing Right-of-Way, but without the capacity for future travel lanes in place of the median.
5. Defer the project to 2025 if the schedule cannot be met to give the property owners additional time for negotiations.
6. Terminate the project.

The recent legislation, that has eliminated the ability to use condemnation for property acquisition as related to needs of sidewalk and bike facilities, has caused a significant amount of additional work on the project that MSA is working to quantify and present to the City of Middleton. However, currently the timing of the project is a concern. The project was originally funded by an MLS (Multimodal Local Supplement) grant for \$1,000,000 that was signed in May of 2020. The funding was converted to an LRIP (Local Roads Improvement Program) grant with the same provisions. The sunset policy on the grant funds is to be constructed and submitted for reimbursement within 6 years of the award (being May of 2026). Construction year of 2025 is the last year in which construction could take place in order to utilize the grant and provide reimbursement documentation prior to the sunset date. We understand 2025 is also the end of the City's expenditure period for TIF funds.

The grant stated that the project was to consist of the sidewalk and bike path along with the 22' median. The LRIP-S projects are awarded by a statewide discretionary committee and thus any change to the scope of a project requires approval from the same discretionary committee prior to proceeding. If the City of Middleton desires to change the scope of the project from the original, we will prepare a revised project scope and provide the proposal to WisDOT. If WisDOT denied the revised project scope, the City could then consider to propose a different alternative, forego the state funding, or terminate the project. MSA's cost estimate dated in August 2022 was over \$3.4 million for the project (including design and construction services) as land acquisitions began. The cost estimate will be reviewed with current bid prices and alterations that have been adjusted in property negotiations however are anticipated to be within the overall current project design to include the sidewalk, bike paths, and planned typical section.

In order to construct the project this year with the current design we are looking at the following schedule:

Bid -	April 2024
Award –	May 2024
Construction –	Mid July to Mid October 2024

I am concerned that a re-design of the project or prolonged negotiations would cause us to not meet the above schedule for 2024 construction. The timeline also has to include City approvals prior to bidding. However, if the re-design to a simple resurfacing project is desired it could lessen the construction work and still allow the construction to be completed with pushing the bidding back. Unfortunately, time is of the essence in order to allow this work to be complete in 2024, if negotiations cannot be completed quickly. The City should determine the desired direction they wish MSA to proceed if real estate negotiations cannot be completed by the end of February in order to allow for finalizing of the plans and approvals to meet the schedule for 2024 construction.



**DRAFT**



**PARMENTER STREET CONCEPT PLAN**  
Middleton, Wisconsin

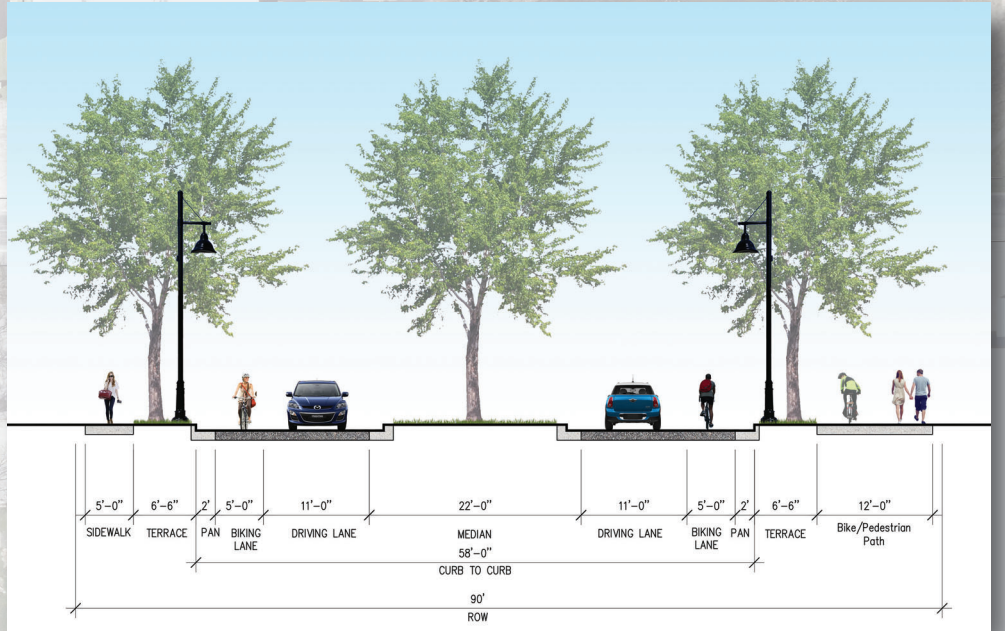
**90' ROW OPTION**



Springton Dr

Graber Pond

~11,998 sf  
TRIBECA COMMERCIAL PROPERTIES LLC



Tribeca Dr

Canal St (Private)

Parmenter 90' ROW

~43 sf  
TRIBECA 1 RESIDENCES LLC

~978 sf  
BERGSTROM CHEVROLET OF MIDDLETON INC

~3,170 sf  
REA PROPERTIES LLC

~1,110 sf  
NACHREINER TR,  
DONALD E & LEONE M

~530 sf  
MIDDLETON OUTREACH  
MINISTRY INC

Existing

**Common Council endorsed 11/5/19**

Century Ave





### Varying Right-of-Way Widths



### WisDOT Traffic Counts







# VANDEWALLE & ASSOCIATES INC.

## CITY OF MIDDLETON SUBDIVISION CODE REWRITE SCOPE OF SERVICES FEBRUARY 8, 2024

Vandewalle & Associates (V&A) will undertake the following tasks in conducting a rewrite of the Subdivision Code for the City of Middleton. All work will be conducted at a cost not to exceed \$40,040. Optional tasks may be included for a total not to exceed \$59,800. The Scope of this Project Includes:

### **Work Element 1: Project Orientation**

- V&A, Strand and the City Attorney will review the existing Land Division Ordinance, review other relevant plans/ordinances, and facilitate a kick-off meeting with staff (Staff Meeting #1).
- V&A will research best practices and case law impacting land division regulations.

### **Work Element 2: Issues Identification and Ordinance Analysis**

- V&A, Strand and the City Attorney will prepare an Issues Identification and Analysis Memorandum.
- V&A will prepare an Annotated Ordinance Outline.
- V&A will facilitate a staff discussion on the Issues Identification and Analysis Memorandum, and Annotated Ordinance Outline. (Staff Meeting #2)

### **Work Element 3: Draft Ordinance**

- V&A will prepare Draft #1 of the Land Division Ordinance and Policy Decision Guide. V&A will facilitate two staff review meetings (Staff Meeting #3 and #4).
- V&A will prepare Draft #2 of the Land Division Ordinance and an Executive Summary. V&A will facilitate a staff review meeting (Staff Meeting #5).
- V&A and Strand will facilitate a Plan Commission review meeting. **(Optional Task 1)**
- City staff will coordinate review by City Committees other than the Plan Commission or City Council meetings identified in this Scope of Work.

### **Work Element 4: Public Hearing and Adoption**

- V&A prepares the Public Hearing Draft Land Division Ordinance.



- V&A and Strand will facilitate a Plan Commission meeting and City Council public hearing to adopt the Land Division Code. **(Optional Task 2).**
- Prepare adopted Code.

### **Optional Task 3: Detailed Design Guidelines and Standards Document**

- Strand will prepare a Detailed Design Guidelines and Standards Document. This will include development requirements, standards, and detailed drawings that will be a separate document and include references to the new Land Division and Development Code. This task is recommended to take place during the development of Draft #1 but be a separate document to provide ease in updating and changing these regulations overtime.
- Deliverables include a draft Detailed Design Guidelines and Standards document, a staff meeting to discuss and review the draft, and preparation of a final Detailed Design Guidelines and Standards document.

### **Optional Task 4: Update Access Management Plan**

- Strand will update the 2006 Access Management Plan to reflect updated graphics and review/reflect FHWA standards.



City of Middleton  
Land Division Code Rewrite  
**Project Cost Estimate**

Team Members and Billing Rates

		\$190	\$190	\$140	\$120	\$70	\$200		
		Jeff Maloney Vandewalle & Associates	Brian Munson Vandewalle & Associates	Sonja Kruesel Vandewalle & Associates	Ben Rohr Vandewalle & Associates	Administration/ Communication	Strand	Total	
<b>A. Project Orientation</b>									<b>\$3,790</b>
Task A-1	Review Relevant City Plans and Documents			2	1			\$400	
Task A-2	Research			6	2			\$1,080	
Task A-3	Kickoff Meeting With Staff (Staff Meeting #1)	1		6	4		4	\$2,310	
<b>B. Issues Identification and Ordinance Analysis</b>									<b>\$8,730</b>
Task B-1	Draft Issues Identification Memorandum	2	1	16	4		2	\$3,690	
Task B-2	Draft Policy Decision Guide	2	1	8	4		2	\$2,570	
Task B-3	Draft Annotated Ordinance Outline			4	2		2	\$1,200	
Task B-4	Review Meeting with Staff (Staff Meeting #2)	1		6	2			\$1,270	
<b>C. Preparation of Draft Ordinance</b>									<b>\$25,320</b>
Task C-1	Prepare Draft #1 of the Land Division Ordinance	6	6	50	20		10	\$13,680	
Task C-2	Facilitate Staff Review Meetings (Staff Meeting #3 and #4)			10	4		4	\$2,680	
Task C-3	Prepare Draft #2 of the Land Division Ordinance and Executive Summary	2	2	20	8		6	\$5,720	
Task C-4	Facilitate Staff Review Meeting (Staff Meeting #5)			6	2		4	\$1,880	
Task C-5	Facilitate a Plan Commission Review Meeting (Optional)			8	2			\$1,360	
<b>D. Public Hearing, Revisions, and Final Adoption</b>									<b>\$5,960</b>
Task D-1	Prepare Public Hearing Draft			16	4	8		\$3,280	
Task D-2	Plan Commission Recommendation Meeting (Optional)			4	2		2	\$1,200	
Task D-3	City Council Adoption Meeting (Optional)			4	2		2	\$1,200	
Task D-4	Prepare Adopted Code			2				\$280	
<b>OTHER OPTIONAL TASKS</b>									<b>\$16,000</b>
Task 1	Prepare Detailed Design Guidelines and Standards Document (Optional)						40	\$8,000	
Task 2	Update Access Management Plan (Optional)						40	\$8,000	
<b>Total Hours by Position &amp; Estimated Project Cost -- No Optional Tasks</b>		<b>14</b>	<b>10</b>	<b>152</b>	<b>57</b>	<b>8</b>	<b>34</b>	<b>\$40,040</b>	
<b>Total Hours by Position &amp; Estimated Project Cost -- With Optional Tasks</b>		<b>14</b>	<b>10</b>	<b>168</b>	<b>63</b>	<b>8</b>	<b>118</b>	<b>\$59,800</b>	

\*\* Legal counsel work as directed by City. Additional tasks may also be authorized by City.





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

CITY OF MIDDLETON  
7426 HUBBARD AVENUE  
MIDDLETON, WI 53562-3118

PH 608.821.8394 FAX 608.827.1080  
E-MAIL: [mopitz@ci.middleton.wi.us](mailto:mopitz@ci.middleton.wi.us)  
WEB: [www.cityofmiddleton.us](http://www.cityofmiddleton.us)

Date: January 25, 2024

To: Common Council

From: Mark Opitz, City Planner & Zoning Administrator

Re: **Changes to the Zoning, Sign, and Outdoor Lighting Ordinances since November 14**

---

**SUMMARY**

After reviewing the [state statutes pertaining to a City's zoning authority](#) and in consultation with City Attorney Matt Fleming, Planning staff have concluded that it is necessary for the City to hold a second hearing on the three ordinances and zoning map given the substantive changes that have been made since the initial hearing. The Plan Commission should also be given the opportunity to review the changes requested by the Common Council during its "first reading" of the ordinances. Thus, at your Feb. 6 meeting, **we ask that the Council formally refer the ordinances and zoning map to the Plan Commission** so that they can make a recommendation at their Feb. 13 meeting prior to the second public hearing, which we have scheduled to take place before the Council on Feb. 20.

I have documented below the revisions made to each document since the initial public hearing held by the Plan Commission on November 14, 2023. **Red text indicates changes made since the Plan Commission's December 12 recommendation to adopt the ordinances.** How all these changes evolved is documented in various staff memos and meeting minutes, all of which can be accessed on the [Zoning Ordinance Rewrite project website](#).

Unless new concerns are raised in conjunction with the second hearing, **Planning staff believe that the three ordinances and zoning map are ready for adoption following that hearing.** All three ordinances need to be adopted at the same meeting because they reference one another. If they are adopted at the Council's February 20 meeting, they could take effect on March 1, 2024 (the day following publication in the City's official newspaper).

**ZONING ORDINANCE (Chapter 10)**

**Article 1: Introductions and Definitions**

1. Purpose & Intent ([Section 10.01.03](#)): Rewritten to be in list form with the organization influenced by theme, not by priority. Also removed references to "morals, comfort, convenience."
2. Definitions ([10.01.23](#)): Added a definition for "Ground Floor" and **revised the "Impervious surface or area" definition** based on additional input by the stormwater engineer. (The intent is to provide clearer notice to property owners that the ordinance regulates surfaces that may become impervious over time.)



## Article 2: Establishment of Zoning Districts

1. Impervious surface ratios (ISR): Lowered in certain districts in response to public hearing input. The new percentages were influenced by an air-photo analysis of various properties around the city.
  - SR-L was 50%, now 45%; SR-M was 60%, now 55%; TR-D was 60%, now 55%
  - All other districts would retain the ISR as originally proposed.
2. Lot depth in SR-H district: Lowered to accommodate lot depths being proposed in Redtail Ridge (and likely other future subdivisions) and to create equal “steps” within the three SR classifications. The result is: SR-L = 120 ft., SR-M = 100 ft.; SR-H = 80 ft.

### 3. Allowable width of street-facing garages in SR-M and SR-H districts:

- SR-M district ([Section 10.02.11](#)): Footnote revised to eliminate the 22 ft. maximum garage width to reduce confusion. Given that the maximum width of the front façade in this district is unlikely to exceed 50 ft. (factoring in the minimum side setbacks), the application of the percentage alone should suffice to achieve the desired result.

---

*\*Front-loaded, attached garages shall comprise no more than 55 percent of the width of the ground floor building façade facing the street, ~~up to a maximum width of 22 ft.~~*

- SR-H district ([Section 10.02.12](#)): Footnote edited so that there isn’t a different standard for any lakeshore lot. Also eliminated the 22 ft. reference for the reason stated above.

---

*\*Front-loaded, attached garages ~~on non-lakeshore lots~~ shall comprise no more than ~~50-65~~ percent of the width of the ground floor building façade facing the street, ~~up to a maximum width of 22 ft.~~ ~~Front-loaded, attached garages on lakeshore lots may comprise up to 75 percent of the width of the ground floor building façade facing the street, up to a maximum of 22 ft.~~*

4. MH-D district: Changed Mobile Home to “Manufactured Home” to reflect updated terminology provided by the building inspector.
5. MR-L district: Reduced lot area, lot width, lot frontage, and side setback requirements to reflect a building plan in the Redtail Ridge development that could be emulated elsewhere.
6. MR-M, MR-H, MU-N districts: Reduced minimum lot width for attached dwelling units and minimum lot frontage so that it is consistent with MR-L.
7. MR-M, MR-H, MU-N, MU-A, MU-U, MU-D districts: Removed “Exceed Maximum Principal Building Height” as a conditional use. (For more details, see Article 3 below.)
8. MU-N: Added clarifying language to the Intent statement.
9. Maximum building façade length: Limited to 100 ft. in the MU-N district (e.g., the Parmenter Street corridor between University Ave. and the roundabout) and 250 ft. in the MR-L, MR-M, MR-H, MU-A, MU-U, and MU-D districts. (Also see changes in Article 7 below.)
10. Townhouse, Multiplex, and Apartments: These land uses may now exist as standalone uses (i.e., not part of a Mixed Use Building) in the MU-U district, and Townhouse and Multiplex may now exist as standalone uses in the MU-D district, provided that these land uses are not located at street



corners unless as part of a Mixed-Use Building. (These changes mirror the language that already applied in the MU-A district.)

11. AIR District: Made numerous modifications to [Sections 10.02.53, 10.03.18\(1\), and 10.03.18\(4\)](#) based on guidance provided by the Airport Commission on 11/30/23 (with prior input from the Bureau of Aeronautics). In particular, references to percentages for certain land use categories have been removed; a parking lot serving an off-airport land use is no longer allowed; and **Cultivation is now included as a conditional use.**
12. Adjustments to land uses in certain industrial districts:
  - Removed Personal/Professional Service and Indoor Sales/Service as conditional uses in the I-L and I-M districts. (These two land uses are no longer allowed.)
  - Commercial Animal Daycare now a conditional use instead of a permitted use in the I-L district.
  - Note: “Incidental Office” is a permitted by-right accessory land use in the I-L and I-M zoning districts. Pursuant to [Section 10.03.28\(13\)](#), incidental office uses up to 25% of the total gross floor area of the building.
13. **Treatment of PDDs in the new ordinance (10.02.70):** Added the following language to clarify that properties that were zoned Planned Development District under the current ordinance will be referred to as Planned Unit Developments in the new zoning ordinance.
  - (5) Existing Planned Unit Developments. The following applies to any Planned Unit Development, or portion thereof, that was adopted prior to the effective date of this Chapter. (Prior to the effective date of this Chapter, Planned Unit Developments were referred to as Planned Development Districts or “PDDs.” For purposes of this Chapter and the Official Zoning Map, any reference to “Planned Development District” or “PDD” shall mean Planned Unit Development.)

### Article 3: Land Use Regulations

1. Updated the Land Use Table in [Section 10.03.05](#) to reflect changes in Article 2.
2. Exceed maximum principal building height ([10.03.06\(4\)\(c\)](#); [10.03.08\(1\)\(c\)](#); [10.03.10\(10\)\(c\)](#)): Modified the Residential, Mixed-Use, and Commercial sections so that a conditional use permit is no longer required to enable multi-family and mixed-use buildings in certain zoning districts to have additional building height as the result of entering into a voluntary Land Use Restriction Agreement and/or designing a building to Net-Zero standards.
3. Mixed-Use Buildings ([10.03.08\(3\)](#)): Revised to clarify how the 33% formula is to be applied; also modified and moved in-building parking standards to Article 7.
4. Live/Work Unit ([10.03.08\(2\)](#)): Modified the definition so that it now follows Madison’s definition more closely.
5. Restaurants, Taverns, and Indoor Commercial Entertainment ([10.03.10\(23\)](#)): Added a conditional use standard pertaining to the AIR district stipulating that such uses may only be incorporated within a terminal building.



6. Heliport (10.03.18(4)): No longer permitted as a conditional use in any zoning classification other than AIR.
7. Off-Site Parking Lot (10.03.18(5)): Clarified how the ordinance treats a parking lot on one parcel that is used to support a principal land use on another parcel.
  - (5) **Off-Site Parking Lot:** Off-Site Parking Lots include any areas used for the temporary surface parking of vehicles which are fully registered, licensed, and operable and which serve a principal land use located on a separate lot. See Section 10.06.06 for additional parking regulations.
8. **Community & Market Garden (10.03.26(2)):** Restored the original 1,200 SF gross floor area allowed for all accessory buildings (an increase from the 1,000 SF staff had proposed following the hearing); and clarified the structures to which this area applies (garden beds and similar uses are not limited by this size restriction).
  - (c) Accessory Buildings.
    1. The following structures are permitted in Community and Market Gardens: tool sheds, shade pavilions, restroom facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
    2. A combined total of ~~1,000~~1,200 square feet of gross floor area of ~~all accessory structures tool sheds, shade pavilions, restroom facilities, and planting preparation houses are permitted~~ on the property ~~is permitted~~ by right. For lots larger than one acre, the maximum permitted combined total of gross floor area of ~~all these~~ accessory structures on the property shall be increased by one square foot for every 100 square feet of lot area over one acre.
9. Accessory Land Uses and Structures:
  - Accessory Dwelling Unit: Clarified in Section 10.03.28(1) that an ADU shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.
  - **Detached Residential Accessory Buildings on lakeshore lots:** Struck language from Section 10.03.28(5) that was initially proposed to add clarity to a provision that has been in the current zoning ordinance for decades. In hindsight, this language introduced some confusion, so now the language is restored to its longstanding form.
    - (c) Location. Detached accessory buildings are permitted in the rear yard and side yards only, in compliance with minimum setback requirements for accessory structures.
      1. For existing lakeshore lots having overall dimensions capable of supporting a dwelling structure and a garage and existing on August 17, 1984, carports, garages, storage structures, and accessory dwelling units may be located on the side of the lot having street frontage, at a specific location to be determined by the Zoning Administrator, guided by the principle that vehicles parked in the driveway should not overhang the functioning street right of way ~~at minimum setback of 18 feet from the right of way.~~
  - Home Occupations: Modified the definition of Section 10.03.28(9) to clarify that such uses are:
    - Permitted in principal and accessory buildings (whether they are attached or detached to the main residence).
    - Include on-site customers or non-resident employees.
    - Include Community or Market Garden uses subject only to the provisions of Section 10.03.26(2), which now states that such gardens are permitted to occur on lots with residential dwelling units as a standalone principal use or in combination with a dwelling unit in accordance with the issuance of a Home Occupation permit.



#### Article 4: Bulk Regulations

1. Yard Setback Adjustments (10.04.30(4)(b)): Clarified Rear Yard Adjustments on Small Lots to indicate that this provision only applies where the minimum lot depth is required to be at least 100 ft.

#### Article 5: Nonconforming Situations: No changes

#### Article 6: Performance Standards

1. Number of Handicap Off-Street Parking Spaces Required by Land Use table (Figure 10.06.06b): Added a reference to this table, and footnote beneath it, because the text did not refer to this figure previously.
2. Vehicle Access Standards (10.06.03(15)): Removed the following sentence because it potentially created confusion with minimum pavement setback standards listed in Article 2 (e.g., in Section 10.02.34). This adjustment also aligns better with the 5 ft. setback distance for screening as listed in the Off-Street Parking and Traffic Circulation design standards (Section 10.06.06(7)(h)2.).  
~~2.—On corner lots, driveways shall be set back a minimum of 10 feet from the rear lot line.~~
3. Bird-Safe Glass Design Standards (10.06.34(4)): Replaced all advisory language with “required” and “shall” statements, at the request of the Council. (The initial draft of the ordinance contained this requirement, but the Plan Commission endorsed making the language advisory due to litigation against Madison’s similar ordinance. At the time, a member of the development community advised that it would be prudent to await the outcome of the case. The Court of Appeals upheld Madison’s ordinance last fall, and the decision was not appealed.)
  - (4) Bird-Safe Glass RecommendationsRequirements. The intent of these recommendations-requirements is to reduce the heightened risk for bird collisions with glass on specified building designs and configurations.
    - (a) This section pertains to all exterior construction and development activity, including the expansion of existing buildings and structures, as specified herein.
    - (b) Glass area shall be measured as one continuous panel of glass or other transparent materials, or a set of two or more such panels divided by mullions of six inches in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six inches shall be considered individual windows. Spandrel or opaque glass with reflectivity of 14% or less ~~should shall~~ not be included in the calculation of glass area.
    - (c) Bird-Safe Glass Treatment RecommendationsRequirements. Glass areas on the following buildings or structures shall be treated to reduce the risk of bird collisions by incorporating a pattern of visual markers that are either: a) dots or other isolated shapes that are ¼" in diameter or larger and spaced at no more than a two-inch (2") by two-inch (2") pattern; or b) lines that are ⅛" in width or greater and spaced no more than 2" apart; low reflectance opaque materials; building-integrated structures like non-glass double-skin facades, metal screens, fixed solar shading, exterior insect screens, and other features that cover the glass surface; or other similar mitigation treatments approved by the Zoning Administrator.
      1. Buildings or structures over 10,000 square feet. For any building or structure over 10,000 square feet in size (floor area of above-grade stories), bird-safe glass treatment is recommended-required as follows:
        - a. For building façades where the first sixty (60) feet from grade are comprised of greater than or equal to fifty percent (50%) glass:
          - i. At least eighty-five percent (85%) of the glass shall be treated; and
          - ii. All glass within fifteen (15) feet of a building corner shall be treated when see through or fly through conditions exist.

- b. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass:
    - i. At least eighty-five percent (85%) of the glass, on glass areas fifty (50) square feet or over ~~should~~shall be treated; and
    - ii. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner ~~should~~shall be treated.
  - c. All glass railings ~~should~~shall be treated.
  - d. All glass on enclosed building connections ~~should~~shall be treated up to sixty (60) feet above-grade.
2. Sky-bridges. For buildings and structures of any size, all glass on above-ground bridges ~~should~~shall be treated.
  3. At-grade glass. For buildings and structures of any size, all at-grade glass features such as sound walls or glass screens ~~should~~shall be treated.

## Article 7: Exterior Building Design Standards

1. Applicability: Exceptions and Appeals (10.07.01(2)(d)3): Clarified that the Plan Commission is authorized to grant one or more waivers for specific design requirements by following the Site Plan review and approval procedures in Section 10.10.43 (previously, this subsection referred to the Plan Commission granting variances in a manner similar to the Zoning Board of Appeals pursuant to the procedures in Section 10.10.51).
2. Façade articulation in Multi-Family and Mixed-Use Buildings (10.07.20(3) and 10.07.30(3); also 10.06.02(6)(a)):
  - Maximum building lengths: Initially, building facades could be any length, albeit while incorporating articulation every 40 ft. or less. The code now limits total building façade length to 100 ft. in the MU-N district and 250 ft. in the remaining Mixed-Use and Multi-Family districts. Façade articulation standards continue to apply.
  - In-building vehicle parking:
    - In-building parking shall be fully enclosed on all sides with no ground (street) level parking spaces allowed to adjoin a street-facing façade. The intent is so that residential and/or nonresidential uses engage with people traveling along the street in lieu of there being a blank façade at ground level.
    - The following changes were also made since the Plan Commission’s Dec. 12 recommendation so as to distinguish parking within a structure from on-site surface parking:
      2. ~~Structured in-building~~ ~~On-site~~ vehicle parking or access is permitted on the ground floor of a structure in accordance with the standards below:-
        - a. Vehicle access is permitted from any façade of the structure to the right-of-way and ~~on-site structured in-building vehicle~~ parking shall be fully enclosed on all sides within the structure.

## Articles 8 - 10: No changes



## ZONING MAP

The following is the summation of changes made to the Zoning Map since the November 14 public hearing (the map is available on the [project website](#)):

### Aldermanic District 1:

- **LYCON Parcels along University Avenue / Highway 14:** Changed all three parcels to I-M (Industrial-Medium); staff initially proposed RP (Research Park) or MU-U (Mixed-Use Urban).
- **Parcels along west side of N. High Point Road, north of Greenway Blvd.:** Changed all parcels to MU-N (Mixed-Use Neighborhood); staff initially proposed RP.
- **Parcels on the south side of Terrace Avenue, west of Parmenter Street:** Changed all parcels currently zoned R2 to TR-F (Two-Family Residential – Two-Flat); staff initially proposed MU-D (Mixed-Use Downtown), which would've allowed up to five-story buildings.

**Aldermanic District 2:** No changes since the Nov. 14 hearing.

**Aldermanic District 3:** No changes since the Nov. 14 hearing.

**Aldermanic District 4:** No changes since the Nov. 14 hearing, but a couple items of note:

- At their December 12 meeting, the Plan Commission reaffirmed their previous support for placing all **lakefront lots along Middleton Beach Road in the SR-H zoning district**. Rezoning the properties from the current zoning of R-1 to SR-H gives the owners of old lakefront cottages the same opportunity to redevelop as neighboring property owners.
- Regarding the **zoning of 2159 Allen Blvd.** (the “soccer field” property between Allen Blvd. and Middleton Beach Road, north of Madison’s Marshall Park), the Plan Commission endorsed (on a 4-3 vote) the planning staff recommendation to place the majority of the parcel in the MU-A (Mixed-Use Avenue) zoning district with the eastern 120 ft. strip in the MR-L (Multi-Family Low Density) district. This recommendation is consistent with the Future Land Use Map in the City’s adopted comprehensive plan. (The 120 ft. distance would accommodate the minimum lot depth specified in several of the new zoning districts.) Because this property is currently comprised of one parcel, City staff have prepared a legal description (included in the packet) to delineate how the property would be zoned upon adoption of the new zoning map.



**Aldermanic District 5:**

- **Airport parcels:** Council endorsed changing these parcels from PDD-S to AIR given that the City owns the parcels and consents to them being rezoning into a standard zoning classification.

**Aldermanic District 6:**

- **Three open-space parcels north of Whittlesey Road:** Changed the parcels to Conservancy; staff originally proposed SR-L (Single-Family Low density).

**Aldermanic District 7:**

- **Five southernmost lots along Waconia Lane:** Changed the parcels that are less than 5,000 SF in area to SR-H (Single-Family High density); staff initially proposed SR-M (Medium).

**Aldermanic District 8:** No changes since the Nov. 14 hearing.



## SIGN ORDINANCE (Chapter 22)

Only one change has been made since the Nov. 14 public hearing. As originally drafted, [Figure 22.11\(2\)](#) stated that a Feather Sign may be displayed on a temporary basis in districts that aren't exclusively residential as long as there is no more than one per lot, the size does not exceed 8 SF nor a height of 6 feet, the sign is set back at least 6 feet from the lot line, and the display is limited to hours of operation for up to 10 consecutive dates per calendar quarter. Prompted by discussion at the Jan. 2 Council meeting, the banner sign and feather sign regulations have been revised to indicate that an organization (not just a business) may display such signs, and feather signs are no longer limited to one per lot per calendar quarter (in recognition that there are numerous parcels in the city with more than one building tenant).

<b>Figure 22.11(2): Business Sign--Other Group <sup>2</sup></b>						
<b>Sign Categories &amp; Sign Types</b>	<b>Sign Permit Required and Approver (see Section 22.27)</b>	<b>Number of Signs Allowed</b>	<b>Sign Locations Allowed</b>	<b>Sign Face Materials Allowed</b>	<b>Sign Lighting Allowed</b>	<b>Sign Area Formula</b>
<b>A. Window Sign Category <sup>1,2,4</sup></b> No time limit on the display of these signs.						
1. Window Sign <sup>1,2,4</sup>	Sign Permit not required.	Not to exceed maximum coverage percentages. <sup>4</sup>	Only allowed on the inside of the window. <sup>11</sup>	Paper, vinyl, or similar lightweight material, paint	Ambient only; up to 1 internally illuminated or neon sign per tenant	Based on the percent of window area covered. →
<b>B. Temporary Board or Banner Sign Category<sup>1,2,3</sup></b> Display limit is based on the footnotes below. <sup>8,10</sup>						
1. Board Sign <sup>1,2,3,8</sup>	Sign Permit not required.	1 per lot.	Sign setback shall be at least max. sign height <sup>3</sup>	Plywood or similar rigid, all-weather material.	Ambient only.	None; Use max sign area limit. →
2. Banner Sign <sup>1,2,3,10</sup>		1 per business <b>or</b> <b>organization.</b>	On-building	Vinyl, Fabric, or Lightweight all-weather material.		
<b>C. Temporary Flag or Feather Sign Category <sup>1,2,3</sup></b>						
1. Flag Sign <sup>1,2,3,7</sup>	Sign Permit not required.	1 per <del>lot.</del> <b>business or organization.</b>	Sign setback shall be at least max. sign height <sup>3</sup>	Vinyl, Fabric, or Lightweight all-weather material.	Ambient Only	None; Use max sign area limit. →
2. Feather Signs <sup>1,2,3,13</sup>						

## OUTDOOR LIGHTING ORDINANCE (Chapter 33)

The following substantive revisions have been made since the Nov. 14 public hearing. Here again, red text is used to indicate changes made since the Plan Commission's December 12 recommendation to adopt the ordinance. Some of these changes were influenced by guidance provided at the Dec. 12 meeting.

1. Definitions (Section 33.03): Updated the definition of Holiday Lighting.
2. Applicability (Section 33.04):
  - Removed Residential Fixtures subsection because it is covered by Section 33.05.
  - Expanded the Nonconforming Exterior Lighting section to add clarity for how various scenarios (new land uses, new buildings, major additions) are handled.
3. Fixtures and Luminaires (33.05(1)):
  - Reduced exempted light output from 1,600 to 500 lumens (same as Madison's ordinance).
  - Created "Freestanding Outdoor Lighting Fixture Standards" table (Figure 33.05a) to incorporate not just fixture mounting height but also maximum lumens and maximum fixture color temperature.
  - Incorporated language from Verona's ordinance pertaining to pedestrian circulation and bicycle parking illumination requirements and specified a maximum intensity of 1 foot-candle.
4. Intensity of Illumination (33.05(2)):
  - Changed maximum intensity and light trespass from 0.5 to 0.4 foot-candles (based on Verona's standard, in response to public hearing input). This revision also was made to other subsections.
5. On-Building Lighting (33.05(3)):
  - Added exemption for decorative light fixtures.
  - Added requirement that lighting is subject to intensity of illumination standards.
  - Specified that the illumination on any vertical surface shall not exceed 0.5 maintained footcandles and shall not spill over roof lines or building edges.
6. Security Lighting (33.05(5)):
  - Added provision that "Additional lumens in excess of the calculated allowance may be permitted through the design review process with a finding that exceeding the allowance is necessary to meet public safety or security needs."
7. Flag Illumination (33.05(6)):
  - Removed requirement that lighting be down-directed.
8. On-Building Lighting (33.05(3)):
  - Added exemption for decorative light fixtures.
9. Special Uses (33.07(2)):
  - Revised so that this section address all commercial land uses, not just Vehicle Sales and Drive-Through / In-Vehicle Sales or Service land uses.
    - The latter two land use categories are allowed to have the same on-site lighting levels as previously published.



- Standards for all other commercial land uses are more restrictive.
  - 2. All other land uses in Section 10.03.10-10.03.26 of the City of Middleton Zoning Code, Chapter 10).
    - a. The maximum average on-site lighting is 2.5 foot-candles, provided that lighting is dimmed to 1.0 foot-candles within 60 minutes after the business has closed or the on-site activity has ended.

10. Exemptions (33.09):

- Specified that Holiday Lighting is exempt from the new color temperature requirements.

11. Prohibitions (33.10):

- Slightly revised (d) to include changes related to color and intensity.

**FINAL DRAFT**

**Includes revisions requested during the Common Council’s “First Reading” of the ordinance on 1/16/24.**

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## ARTICLE I: INTRODUCTION AND DEFINITIONS

### Section 10.01.01: Title

This Chapter shall be known, cited, and referred to as the City of Middleton Zoning Ordinance, except whereas referred to herein, where it shall be known as “this Chapter” or “this Ordinance.”

### Section 10.01.02: Authority

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Wis. Stats. § 62.23(7), 62.231, 87.30, Wisconsin Statutes.

### Section 10.01.03: Purpose and Intent

This Chapter is adopted for the purpose of protecting the health, safety, and general welfare of the public. It is designed to implement the City of Middleton Comprehensive Plan, which is best done through zoning approaches, as enabled by Wisconsin Statutes. It is also the intent of this Chapter to:

- (1) Promote activity, safety, and economic viability;
- (2) Promote the appropriate density and intensity of development;
- (3) Regulate the location, construction, reconstruction, alteration, and use of buildings, structures, and land;
- (4) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities;
- (5) Encourage a mix of land uses, at densities that support transit and non-motorized transportation
- (6) Provide for safe and efficient circulation of all modes of transportation, including transit, pedestrian, and bicycle traffic;
- (7) Control and lessen congestion in the streets;
- (8) Be adaptable to new types, formats, and mixes of land uses to reflect changing preferences, economics, and technologies;
- (9) Reduce Middleton’s contribution to climate change and adapt to our changing environment;
- (10) Promote the conservation of energy and utilization of renewable resources;
- (11) Protect and enhance natural resources;
- (12) Protect groundwater resources;
- (13) Avoid undue concentration of population;
- (14) Reduce inequalities of resource allocation and the externalities of the use of land;
- (15) Prevent the overcrowding of land;
- (16) Promote adequate light, air, privacy, and convenience of access to property;
- (17) Preserve, protect, and promote property values;
- (18) Promote property improvements and upkeep;
- (19) Preserve burial sites as defined in wis. Stats. §157.70(1)(b); and
- (20) Secure safety from fire, panic, and other dangers.



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**Section 10.01.04: Separability and Non-Liability**

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**Section 10.01.04: Separability and Non-Liability**

It is hereby declared to be the intention of the City of Middleton Common Council that provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) The City does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

**Section 10.01.05: Abrogation**

It is also not intended that this Chapter abrogate, repeal, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law.

**Section 10.01.06: Rules of Interpretation**

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and welfare.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more restrictive or which impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.
- (3) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit per the Building Code (Chapter 11 of the City of Middleton Municipal Ordinance), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- (4) Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within two years from the date of such permit.
- (5) Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article V), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter.

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**Section 10.01.07: Jurisdiction**

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- (6) In cases of mixed occupancy or mixed-use buildings, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used. In the case of buildings containing both residential and nonresidential uses, the density, intensity, and bulk standards for nonresidential buildings shall apply.
- (7) Except for outlots authorized by Chapter 19 Land Division and Subdivision Regulations to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

**Section 10.01.07: Jurisdiction**

- (1) This Chapter is applicable to all territory located within the corporate limits of the City of Middleton. See Chapter 35 for the Extra-Territorial Zoning Ordinance pertaining to the Town of Westport/City of Middleton Extraterritorial Zoning Ordinance.

**Section 10.01.08: Reserved****Section 10.01.09: Effective Date**

This Chapter shall become effective upon passage and publication according to law, following the date of repeal and recreation of the Official Zoning Ordinance and Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions such as Planned Developments.

**Section 10.01.10: Applicability**

- (1) All Sections of this Chapter are applied to all properties, all development activity, and all uses of land and property within the City of Middleton. Beyond this Chapter, these kinds of activities are subject to all City, State, and Federal requirements.
- (2) The use of land is generally addressed in Articles II and III. Development activities including redevelopment and structure and site renovations are regulated throughout the ordinance rather than in any one section or article.
- (3) Where questions of applicability arise, the interpretation of applicability falls under the duties of the Zoning Administrator.

**Sections 10.01.12 to 10.01.20: Reserved****Section 10.01.21: Word Usage**

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words “shall,” “must,” and “will” are mandatory.
- (5) The words “may,” “can,” and “might” are permissive.
- (6) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.



Section 10.01.21: Word Usage

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- (7) The word “City” shall mean the City of Middleton, Wisconsin.
- (8) The word “county” shall mean the County of Dane, Wisconsin.
- (9) The word “state” shall mean the State of Wisconsin.
- (10) The words “Plan Commission” shall mean the City of Middleton Plan Commission.
- (11) The word “Council” shall refer to the City of Middleton Common Council.
- (12) The words “Board” or “Board of Appeals” shall refer to the City of Middleton Board of Zoning Appeals.
- (13) The words “Title”, “Code”, “Ordinance” or “Chapter” refer to the City of Middleton Zoning Ordinance (Chapter 10), unless an alternative numeric reference is provided.
- (14) If there is any ambiguity between the text of this Chapter and any illustration or figure, the text shall control.

## Section 10.01.22: Abbreviations

**Section 10.01.22: Abbreviations**

The following abbreviations in this Chapter are intended to have the following meanings:

Abbreviation	Meaning
ft	Foot
NA	Not applicable
sq. ft.	Square feet
Wis. Stats.	Wisconsin Statutes

**Section 10.01.23: Definitions**

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. If a term used in Chapter is not defined in this Section or elsewhere in this Chapter, the definition of said term will be provided by the Zoning Administrator, based on professional sources available including the American Planning Association and Urban Land Institute. For definitions of specific land uses, refer to Article III. For definitions of specific sign types, refer to Chapter 22. Definitions provided by this Section include:

**Access or driveway:** A means of providing vehicular or non-vehicular egress from or ingress to a property, public right-of-way, or private roadway.

**Acre:** 43,560 square feet.

**Accessory structure:** See Article III. A structure that: (1) is located on the same lot, tract, or development parcel as the principal structure; (2) is clearly incidental to and customarily found in connection with a principal structure or land use; and (3) is subordinate to and serving a principal structure or land use. Accessory structures may be attached or detached from the principal structure.

**Accessory structure, attached:** An accessory structure which is physically connected to the principal structure. Attached accessory structures shall be considered part of the principal structure and are subject to the setback standards for principal structures. Attached defines the relationship between another structure and a dwelling, meaning at least one of the following conditions are present:

- (1) There is a continuous, weatherproof roof between the two structures. Note: The sides are not required to be enclosed with walls.
- (2) There is a continuous, structural floor system between the two structures.
- (3) There is a continuous foundation system between the two structures.
- (4) There is less than three feet of separation between the principal structure and the accessory structure, including projections of either structure that are below roof overhangs or eaves.

**Accessory structure, detached:** An accessory structure which is not physically attached to the principal building. A minor connection between structures (outside of anything defined in Accessory structure, attached) does not render an accessory structure attached. Detached accessory structures are subject to setback standards for accessory structures.

**Accessory use:** A use subordinate to the principal use of a building or lot and serving a purpose customarily incidental to the principal land use. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a Home Occupation, and shall not include the boarding of animals or the keeping of fowl or farm animals (except pets or as otherwise permitted by the Municipal Code).

**Addition:** Any construction that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.



Section 10.01.23: Definitions

**Address:** The number or other designation assigned in accordance with Section 8.10 to a housing unit, business establishment, or other structure or site for purposes of mail delivery, and emergency services.

**Agent of owner:** A person authorized in writing by the property owner to represent and act for a property owner in contacts with City employees, boards, committees, commissions, and the Common Council, regarding matters regulated by the Zoning Ordinance.

**Affordable housing:** Households with an income at or below sixty percent area median income limits.

**Airport:** Any area of land designated, set aside, used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used, or intended for use, for airport buildings or other airport facilities, rights-of-way, or approach zones, together with all airport buildings and facilities located thereon.

**Airport hazard:** Any structure, object, or natural growth, or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or which is otherwise hazardous to such landing and taking off.

**Alley:** A minor right-of-way/street or thoroughfare, often public, providing secondary access to a property. Alley access does not constitute frontage for the purposes of minimum lot frontage.

**Alteration:** Any change, addition, or modification in construction (other than maintenance), or any change in the structural members of buildings such as load-bearing walls, columns, beams, girders, etc.

**Animal unit:** A measure which represents a common denominator for the purpose of defining a Husbandry or Intensive Agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following figure indicates the number of common farm species which comprise a single animal unit:

**Figure 10.01.23a: Animal Units**

Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit
Horse (>2 yrs)	1	Calves (<1 yr)	5	Lambs	14
Colt (<2 yrs)	2	Brood Sow or Boar	2	Chickens – Egg Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens – Fryers	60
Cattle (<2 yrs)	2	Sheep	10	Turkeys	50

Source: The Stockman’s Handbook

**Appeal:** A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 10.10.52.

**Automobile:** A Type 1 or Type 2 motor vehicle as defined in Wis. Stats. § 340.01(4).

**Awning:** A shielding or decorative fixture attached to a structure and extending from the face of the structure that is permanent in nature, which may be fixed or retractable.

**Balcony:** A platform that is attached to and projects from the wall of a principal or accessory building and is surrounded by a railing or balustrade. This definition is different and separate from a porch, deck, fire escape, etc.

**Basement:** That portion of a building between the floor and ceiling, having at least one-half of its height below grade.

## Section 10.01.23: Definitions

**Berm:** An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

**Block:** The property abutting the street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of un-subdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a “block.”

**Boat:** A vehicle designed for operation as a watercraft propelled by oars, sails, or engine(s).

**Boarding house living arrangement:** A residential land use where occupancy of a dwelling unit is shared by up to eight unrelated adult individuals (see Section 10.03.06).

**Boathouse:** A structure used for the storage of watercraft and associated materials which has one or more walls or sides.

**Bufferyard:** Any permitted combination of distance, vegetation, fencing, and berming which results in a reduction of visual, noise and other interaction with an adjoining property.

**Buildable area:** The area remaining on a lot after the minimum setback, drainage provisions, and other site constraint requirements of this ordinance have been met.

**Buildable width:** The width of the lot left to be built upon after the side yards are provided.

**Buildable depth:** The depth of the lot left to be built upon after the front and rear yards are provided.

**Building:** A structure with a permanent location on the land, having a roof that may provide shelter, support, protection, or enclosure of persons, animals, or property of any kind.

**Building coverage:** The percentage of a lot covered by principal and accessory buildings or structures.

**Building footprint:** The outline of the total area covered by a building’s perimeter at the ground level.

**Building height:** The vertical distance from the established grade to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between eaves and ridge for a gable, hip and gambrel roof; or (d) a point on the roof directly above the highest wall of a shed roof.

**Building, principal:** A building in which the main or principal use of the lot is conducted.

**Building separation:** The narrowest distance between two buildings (see minimum building separation).

**Bulk:** The size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- (1) Size and height of buildings;
- (2) Location of the perimeter of the building at all levels in relation to lot lines, streets, or to other buildings;
- (3) Gross floor area of buildings in relation to lot area (floor area ratio or FAR);
- (4) All open spaces allocated to buildings;
- (5) Amount of lot area provided per dwelling unit

**Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measurement four foot above natural grade.

**Canopy:** A structure attached and extending from the face of a building, constructed as a permanent fixture.

**Capacity:** The maximum lawful level of designed use of any structure, or part thereof, as determined by the City’s adopted building code and expressed in terms of occupants, seats, persons, employees, or other units specified by the building code.



## Section 10.01.23: Definitions

**Civic use:** A publicly or quasi-publicly owned and managed facility for meetings, conventions, or exhibitions and other community, social, and multi-purpose uses. Typical uses include those listed under Institutional Land Uses (Section 10.03.12).

**Club:** A structure and facility owned or operated by a corporation, association, person, or persons, for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

**Commercial vehicle:** Any motor vehicle meeting the definition of Wis. Stats. § 340.04(8) or that requires a commercial diver license in Wis. Stats. § 340.04(7m).

**Comprehensive plan:** The long-range vision for the desirable use and development of land in the City as officially adopted and as amended from time to time by the Plan Commission and certified to the Council.

**Conditional use:** A use which may be appropriate or desirable in a specific zone but requires special consideration and review prior to approval because if not carefully located or designed, said use may not be deemed compatible with neighborhood uses or may create special problems that impact neighboring lands, public facilities, or the environment or general welfare. All such uses are only allowed under a Conditional Use Permit. See Section 10.10.32 for applicable procedures.

**Condominium:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property pursuant to Wis. Stats. § 703.

**Court:** An open space within one lot which is surrounded by structures on more than 50 percent of its perimeter.

**Covenant:** A contract between two or more parties which constitutes a restriction of a particular parcel of land.

**Deck:** An uncovered and open platform built above grade and attached to, or separated from, a principal or accessory building, typically supported by pillars or posts. Decks are considered to be part of a building or structure. Setbacks shall be measured from the outermost physical boundary of the deck.

**Density:** A term used to describe the number of dwelling units per acre. Density on a given lot is determined through the bulk dimensional standards such as lot size, height, and setbacks.

**Design standards:** A guideline/specification or set of guidelines/specifications regarding the architectural appearance of a building or improvement that governs the alteration, construction, demolition, or relocation of a building or improvement (see Article VII).

**Developed area:** That area which is made up of physical property improvements including but not limited to structures, parking, drives, signage and utility features that are either above or below ground.

**Development:** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; the primary or principal use or change in primary or principal use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

**Dormer:** A structural element of a house that protrudes from the plane of a sloping roof surface. Dormers are used to create usable space in the roof of a building by adding headroom and usually also by enabling addition of windows.

**Dwelling:** A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

**Dwelling, attached:** A dwelling joined to another dwelling at one or more sides by a shared wall or walls.

**Dwelling, detached:** A dwelling entirely surrounded by open space on the same lot.

## Section 10.01.23: Definitions

**Dwelling unit:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**Easement:** Written authorization, recorded in the Register of Deeds office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

**Electric Vehicle or EV:** Any motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and that operates either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. Electric Vehicle does not include an electric bicycle. Electric Vehicle include a battery electric vehicle or a plug-in hybrid electric vehicle.

**Electric Vehicle Charging Facility:** A facility where electricity is provided directly to the public on the premises for purposes of charging electric vehicles at one or more electric vehicle charging stations. An Electric Vehicle Charging Facility may not provide other types of vehicle fuel, such as gasoline.

**Electric Vehicle Charging Station:** A parking space, or parking spaces, that is, or are, equipped with and served by electric vehicle supply equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle. The terms Level 1, 2, and 3 charging stations are the most common electric vehicle charging levels, and include the following specifications:

- (1) Level 1 is considered slow charging and operates on a 15 to 20 ampere breaker on a 120 volt AC circuit.
- (2) Level 2 is considered medium charging and operates on a 40 to 100 ampere breaker on a 208 or 240 volt dedicated AC circuit.
- (3) Level 3 is considered "fast" or "rapid" charging and typically operates on a 60 amp or higher breaker on a 480 volt or higher three phase circuit with special grounding equipment. Level 3 stations are primarily for commercial and public applications and are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

**Electric Vehicle Supply Equipment or EVSE:** The conductors, including the ungrounded, grounded, and equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, or apparatus installed specifically for the purpose of transferring energy between the premises wiring and the electric vehicle.

**Electric Vehicle Ready Parking Spaces:** A designated off-street parking space which is provided with electrical panel capacity and space to support a minimum 40-ampere, 208/240-volt branch circuit, and the installation of raceways, both underground and surface mounted, to support the future installation of EVSE to serve the parking space.

**Electric Vehicle Installed Parking Spaces:** A designated off-street parking space that is served by EVSE at a minimum Level 2 Electric Vehicle Charging Station.

**Elevation (building):** The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. Each elevation will generally be identified as a north, south, east or west building elevation. Also see "facade."

**Extraterritorial jurisdiction:** The area outside of the City limits in which the City of Middleton may exercise extraterritorial powers of planning, land division, and/or zoning review.

**Extraterritorial zoning:** The area outside of the City limits in which the City of Middleton has exercised extraterritorial powers of zoning. See Chapter 35 of the City of Middleton Municipal Ordinance.

**Façade:** The wall planes of a building which are visible from one side or perspective (e.g. front, side, rear). See "elevation (building)."



## Section 10.01.23: Definitions

**Family:** A person living as an individual or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

- (1) Any number of people related by blood, marriage, domestic partnership, legal adoption, guardianship or other duly-authorized custodial relationship. For the purpose of this Section, “children” means natural children, grandchildren, legally adopted children, stepchildren, or a ward as determined in a legal guardianship proceeding;
- (2) Up to five (5) unrelated adult individuals;
- (3) Up to five (5) unrelated persons who have disabilities/are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA), are living as a single household because of their disability, and require assistance from a caregiver.
  - (a) This definition does not include those persons currently illegally using or addicted to a “controlled substance” as defined in the Controlled Substances Act, 21 U.S.C. Section 802 (6).
- (4) Up to two (2) personal attendants who provide services for family members or individuals who are disabled or handicapped under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) and need assistance with the activities of daily living shall be considered part of a family. Such services may include personal care, housekeeping, meal preparation, laundry or companionship.
- (5) Functional Family: A group of individuals living together in a single dwelling unit and functioning as the equivalent of a family, whether or not they are related by blood, marriage or other legal relationship. See definition of “family, functional.”
- (6) Exceptions: The definition of “family” does not include:
  - (a) Any society, club, fraternity/sorority, association, lodge, combine, commune, federation, or similar organization; and
  - (b) Any group of individuals whose association is temporary or seasonal in nature.

**Family, functional:** A group of individuals living together in a single dwelling unit and functioning as the equivalent of a family, whether or not any of the individuals are related by blood, marriage or other legal relationship. Groups of six (6) or more unrelated adult individuals shall be rebuttably presumed not to be a functional family under this definition. In determining whether or not a group of unrelated individuals is a functional family under this definition, the Zoning Administrator shall consider the following criteria:

- (1) Factors to be considered in this determination include whether:
  - (a) A lease, sub-lease or other agreement define portions of the dwelling unit granting limited access to portions of the dwelling unit.
  - (b) Members of the household have been living together as a functional family unit for a period of one (1) year or more, whether at the current address or other addresses.
  - (c) Minor dependent children, if any, share the dwelling as their principal residence and are enrolled in local schools.
  - (d) Members of the household engage in group living activities such as shopping, cooking, eating and socializing.
  - (e) Members of the household consistently share household expenses or a budget including expenses for food, rent or ownership costs, utilities and other common household expenses.
  - (f) Members of the household have established a joint bank account or other similar means to consistently provide for the payment of common expenses.

## Section 10.01.23: Definitions

- (g) Members of the household share common ownership of vehicles, furniture, major appliances, and other significant household resources.
  - (h) Members of the household share the address for voter registration, drivers licensing, vehicle registration, tax filing or other similar purposes.
  - (i) Members of the household are employed in non-seasonal and non-transient jobs in the local area.
  - (j) Any other factors reasonably related to and serving as evidence of the household members' status as a functional family unit.
- (2) Unless sufficiently rebutted by competent evidence, any of the following factors shall indicate the absence of a functional family relationship:
- (a) A lease, sub-lease or other agreement which makes each occupant jointly or severably liable for the performance of the lease or agreement.
  - (b) A lease, sub-lease or other agreement which holds a relative or any other person who is not an occupant of the household to be a guarantor of the lease or agreement.
  - (c) A lease, sub-lease or other agreement which requires or prohibits occupancy and/or payment for occupancy for a period consistent with the semester schedule of local places of higher education or upon a seasonal basis.
  - (d) A majority of members of the household attend any places of higher education in at least a half-time basis.

**Farm building:** Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

**Fence:** Any artificially constructed barrier erected to separate, enclose, or screen areas of land.

**Fence, picket:** A type of fence constructed of evenly-spaced vertical boards that are connected by two or more horizontal rails.

**Fence, solid:** A fence, including solid entrance and exit gates, that is least 90 percent opaque and that effectively conceals the materials stored and activities or operations conducted behind it from view.

**Fence, wood rail:** A type of fence constructed of wooden beams or timber logs (usually split lengthwise into rails) that are arranged in a manner that allows for more than 75 percent of the fence's surface area to be open for the free passage of light and air.

**Floor area:** The sum of the gross horizontal areas of the floors of a building, including interior balconies, mezzanines, basements, and attached accessory buildings, stairs, escalators, unenclosed and enclosed porches, heating and utility rooms, etc. Measurements shall be made from the outside of the exterior walls and to the center of interior walls dividing attached buildings.

**Floor area determining floor area ratio:** For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal area of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings. The floor area of a building includes basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having head room of seven feet ten inches or more, interior balconies and mezzanines, porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading is not included in floor area.

The floor area of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, is determined on the basis of height in feet; i.e., ten feet in height shall equal one floor.



Section 10.01.23: Definitions

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**Floor area ratio (FAR):** Floor area of the building or buildings on the zoning lot divided by the area of the zoning lot, or, in the case of planned developments, by the net site area. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

**Foot-candle:** A unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of one candle.

**Foster family:** A group of individuals living together and sharing common living, sleeping, cooking and eating facilities in which 1-4 children are provided home-like care by licensed foster parents (individuals other than those defined in “Family” above with primary responsibility for the care and supervisions of one or more foster children placed in their foster home) and in whose name the foster home is licensed under Wis. Stats. § 48.62.

**Frontage:** See lot frontage.

**Garage:** An attached or detached building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles. Garages are also commonly used to store other items associated with the use of a lot such as yard maintenance and children’s play equipment.

**Grade, existing:** The surface elevation of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a project regulated by the ordinance.

**Grade, finished:** The final elevation of the ground surface after human-made alteration, such as grading, grubbing, filling or excavating have been made and is part of an approved grading and drainage plan by the City of Middleton.

**Green area:** An area landscaped with shrubs, trees, and other vegetative groundcover.

**Gross density:** The result of dividing the number of dwelling units located on a site by the gross site area.

**Gross floor area:** The total floor area inside the building envelope on all levels of a building.

**Gross site area:** The total area of a single lot or the sum of multiple lots in common use.

**Group development:** See Section 10.06.02. Any development located on one lot and comprised of any combination of 2 or more principal buildings on the same lot in any zoning district.

**Ground floor:** The floor of a structure that is at or nearest to the level of the site’s base elevation around the structure. In most instances this is the floor that is level or almost level with the ground outside of and directly surrounding the structure that serves as the structure’s accessible entry point for patrons or residents from the street or sidewalk.

**Habitable space:** Space in a structure used for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, or any space where the floors to ceiling height is less than seven feet, and similar areas, are not considered habitable space.

**Historic building or site:** Any building or site that meets one or more of the following criteria: buildings or sites listed on the Wisconsin or National Register of Historic Places, either individually or as a contributing building or site to a historic district; buildings or sites with a State Historic Preservation Officer Opinion or Certification that the property is eligible to be listed on the State Register or National Register of Historic Places, either individually or as a contributing building or site to a historic district; or is locally designated as a Local Landmark.

## Section 10.01.23: Definitions

**Impervious surface or area:** A surface as measured on a horizontal plane that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by rainwater. It includes, but is not limited to, all areas covered by structures, building extensions, patios, decks, porches, driveways, loading docks, parking lots, sidewalks, permeable pavers and green roof systems (which can become impervious over time), any removal of pervious soil layer that results in the exposure of an impervious soil or rock layer, and compacted clay and gravel which are used as driveways or parking lots. Also see Chapter 9 and 26 of the City of Middleton Municipal Code.

**Impervious surface ratio:** A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

**Individual family living arrangement:** Occupancy of a dwelling unit by no more than one family as defined above.

**Infill site:** Any vacant lot or parcel within developed areas of the City, where at least 80 percent of the land within a 300-foot radius of the site has been developed; and where water, sewer, streets, schools, and fire protection have already been developed and are provided. Annexed areas located on the periphery of the City limits shall not be considered infill sites.

**Intensity:** A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross site area.

**Invasive plants or species:** Nonindigenous species whose introduction causes or is likely to cause economic or environmental harm to human health as defined in Wis. Stats. § 23.22(1)(c).

**Landscaped area:** The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area also includes the area located within planted and continually maintained landscaped planters as well as subordinate accessory use of other landscape elements such as mulch, river rock, etc.

**Landscape surface area ratio (LSR):** The percentage of the gross site area or lot area which is preserved as permanently protected green space or landscaped area in relation to the percentage of gross site or lot area included in development.

**Large development:** See Section 10.06.02. Any new development containing any single building in which the combined area of the building footprint exceeds 50,000 square feet in any nonresidential zoning district. This does not include new additions of less than 50,000 square feet, or basements and penthouses when used primarily for storage and mechanical equipment.

**Loggia:** A roofed arcade or gallery with open sides stretching along the front or side of a building, often at an upper level.

**Lot:** A parcel of land in one ownership and not divided by a street nor including any land within the limits of a public right-of-way. The term "lot of record " shall mean land designated as a distinct and separate parcel on a legally recorded plat, subdivision, or other instrument permitted by law, in the Register of Deeds office.

**Lot area:** The computed area contained within the lot lines of a recorded lot, including land over which easements have been established.

**Lot, corner:** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines or their greatest angle is the "corner."

**Lot depth:** The mean horizontal distance between the front and rear lot lines.

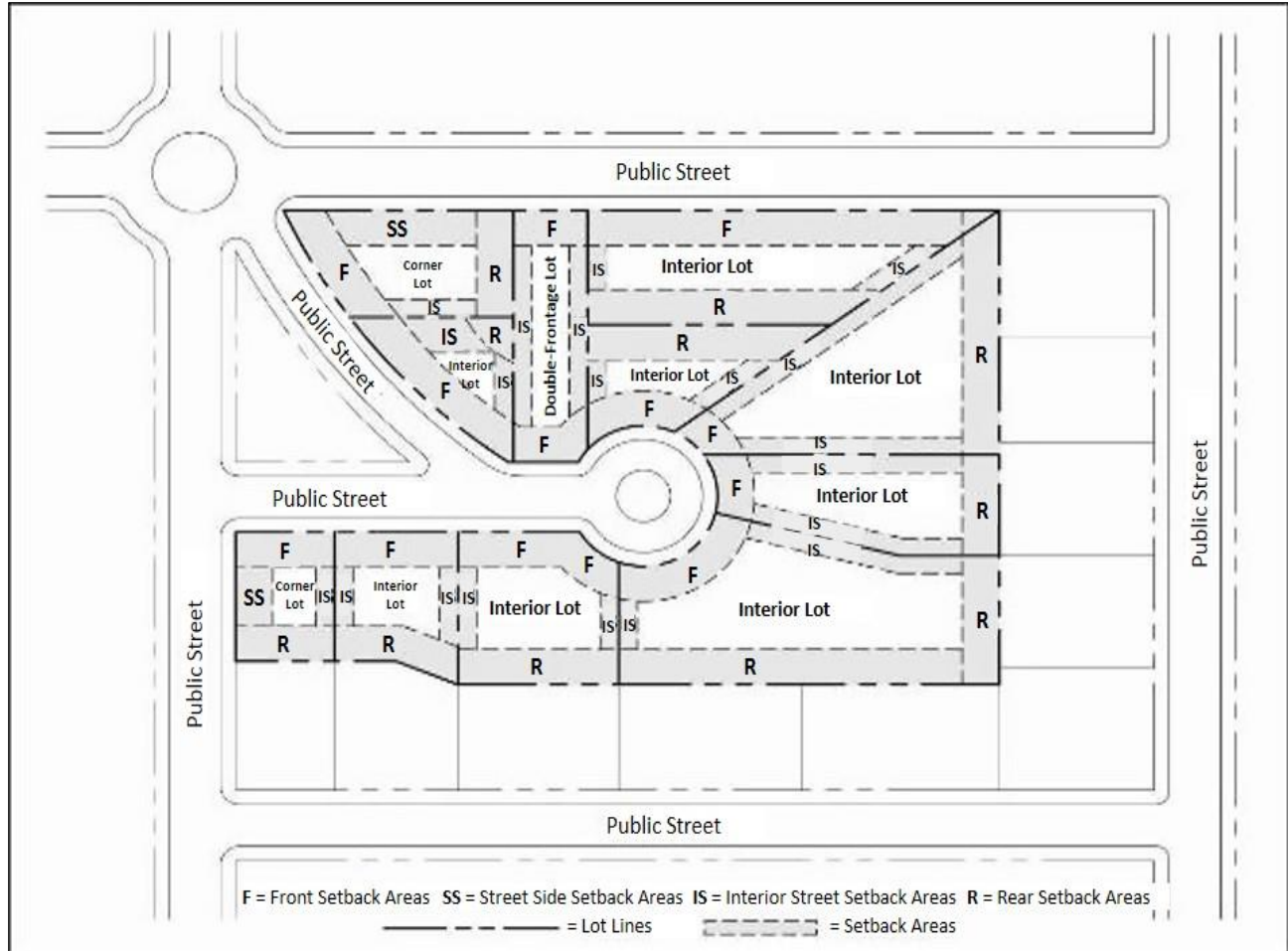
**Lot frontage:** The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the right-of-way. All sides of a lot that abuts a street shall be considered lot frontage. On curvilinear streets, the distance of the arc between the side lot lines shall be considered the lot frontage.

**Lot, interior:** A lot other than a corner lot.



Section 10.01.23: Definitions

**Figure 10.01.23b: Regular Lot Descriptions**



**Lot line:** A lot line is the legal property line (including the vertical plane established by the line and the ground) bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

**Lot line, front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two of more street frontages, the lot line along the street with the shortest frontage distance shall be the front lot line. In the case of a lot which has two or more street frontages and the dimensions of each are within ten percent of being equal, the front lot line shall be the street line designed by the owner and filed in the office of the Zoning Administrator. (See also lot line, street side). See Figure 10.01.23b.

**Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots that have frontage on more than one road or street, the rear lot line shall be opposite the front lot line (shorter of the frontages). See Figure 10.01.23b.

**Lot line, side:** Any lot line other than a front or rear lot lines. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot is called an interior side lot line. An interior side lot line can be created with no side yard setback where a building envelope between two lots sharing a single structure is present. This is known as a zero lot line. See Figure 10.01.23b.

Section 10.01.23: Definitions

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**Lot line, street side:** Any lot line which abuts a public or private street right-of-way which is not the front lot line (see also lot line, front). See Figure 10.01.23b.

**Lot of record:** A platted lot or lot described in a plat, certified survey map, in a metes and bounds description, or other instrument permitted by law and has been approved by the City of Middleton and/or by Dane County, and has been recorded in the office of the Register of Deeds.

**Lot, through:** A lot having frontage on two parallel or approximately parallel streets (also known as a “double-frontage lot”). See Figure 10.01.23b.

**Lot width:** The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line(s) at the required front yard setback (see minimum lot width).

**Maintenance:** An activity that restores the character, scope, size, or design of a serviceable area, structure, or land use to its previously existing, undamaged condition. Activities that change the character, size, or scope of a project beyond the original design or otherwise alter a serviceable area, structure, or land use are not included in this definition.

**Manufactured home:** A one or two family home certified and labeled as a manufactured home under 42 USC 5401-5426 which when placed on the site is set on an enclosed foundation in accordance with Wis. Stats. §70.043(1) and Wis. Admin. Code § COMM 21 subchapters III, IV, and V, or a comparable foundation as approved by the local Building Inspector, is installed according to manufacturer’s instructions, is properly connected to utilities, has asphalt shingles and a gable or hip roof, and has insulated glass windows, has vinyl, aluminum or other quality siding.

**Maximum building size (MBS):** The largest permitted total gross floor area a building may contain (see building size).

**Minimum building separation:** The narrowest permitted building separation.

**Minimum landscape surface ratio:** The lowest permitted landscape surface ratio (see landscape surface ratio).

**Minimum lot area:** The minimum size lot permitted within the specified zoning district.

**Minimum lot width:** The smallest permissible lot width for the applicable zoning district.

**Minimum setback:** The narrowest distance permitted from a street, side, or rear property line to a structure.

**Mixed-use:** Some combination of residential, commercial, industrial, office, institutional, and/or other land uses within a district or development.

**Mobile home:** A type of single family dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Mobile Home includes both a “mobile home” and a “manufactured home” as defined by Wisconsin Statutes. A Mobile Home does not include a “modular home” as defined by this Chapter. Any similar dwelling unit which has its own motor and/or remains on wheels shall be considered a recreational vehicle.

**Modular home:** A dwelling unit meeting the Uniform Dwelling Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single family dwelling unit under Section 10.03.06.

**Multi-family residential:** A building or structure designed for three or more separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit.

**Native plants or species:** Plant types that existed in an area prior to European settlement that are well adapted to the climate, precipitation, soils, insects, and other local conditions and are consequently easier to grow than non-native plant types. See Figure 10.08.40a and the Wisconsin Department of Natural Resources for native planting species best suited for the City of Middleton.



## Section 10.01.23: Definitions

**Navigable water:** All natural inland lakes, rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, including the Wisconsin portion of boundary waters. All bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

**Net developable area:** The area of a site which may be disturbed by development activity. Net developable area is the result of subtracting undevelopable area (comprised of surface water, wetlands, 100-year floodplains, floodways, drainageways, wetland buffers, environmental corridors, and steep slopes exceeding 12%) from the gross site area.

**Nonconforming development:** A lawful development approved under ordinances or regulations preceding the effective date of this Chapter, but which would not conform to this Chapter if the development were to be created under the provisions of this Chapter.

**Nonconforming lot:** A nonconforming or substandard lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the provisions of this Chapter.

**Nonconforming structure or building:** A structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the provisions of this Chapter. Parking, loading, access drives, and other paved areas are included in the definition of structure.

**Nonconforming use:** An active and actual use of land, buildings, or structures, which was lawfully existing prior to the enactment of this Chapter or amendments thereto, which has continued as the same or less intensive use to the present, and which, does not comply with the applicable regulations of this Chapter.

**Nonresidential use:** The individual uses including but not limited to “Agricultural Land Uses,” “Institutional Land Uses,” “Commercial Land Uses,” “Industrial Land Uses,” “Storage Land Uses,” “Transportation Land Uses,” “Extraction and Disposal Land Uses,” and “Energy Production Land Uses” as listed in Article III.

**Occupancy:** The use of land, buildings or structures. The residing of an individual or individuals overnight in a dwelling unit or the installation, storage, or use of equipment, merchandise, or machinery in any nonresidential structure. Change of occupancy is not intended to include change of tenants or proprietors.

**Occupancy, change of:** A discontinuance of an existing use and the substitution therefor of a use of a different kind or class. Change of occupancy is not intended to include a change of tenants or proprietors unless accompanied by a change in the type of use.

**Official map:** The map adopted pursuant to Wis. Stats. § 62.23 of the Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, school sites, etc.

**Opacity:** The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard’s vertical plane which obstructs views into an adjoining property, i.e. the screening effectiveness of a bufferyard or fence expressed as the percentage of vision that the screen blocks.

**Open space:** Any area not covered by a structure.

**Ordinary high water mark:** A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. The ordinary high water mark is commonly that point where natural vegetation changes from predominately aquatic to predominately terrestrial. In areas where the ordinary high water mark is not evident, setbacks shall be measured from the stream bank of the following water bodies that have permanent flow or open water: the main channel, adjoining side channels, back waters, and sloughs.

## Section 10.01.23: Definitions

**Outdoor assembly area:** Any theatrical exhibition, public show, display, entertainment, amusement or other exhibition which is held outside of any permanent structure permitted for such use.

**Outdoor wood furnace:** An outdoor accessory structure designed to heat water through a wood fire and then transmit that heated water to the principal building for direct use and/or heating the principal building.

**Overlay zoning district:** A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the underlying or base zoning districts.

**Owner:** The person, persons, or entity having the right of legal title to a lot or parcel of land.

**Parapet:** The extension of a false front or wall above the roofline.

**Parcel:** Any area of land (lot or contiguous group of lots) in the City under single ownership as shown on the last assessor's roll of the county or the records of the City, whichever is the most recent.

**Parking Space, Designated:** An area of a parking lot, or drive which has been designated for parking on a site plan and is located on a dust-free paved surface per the requirements of Section 10.06.06. On single family and two family lots, parts of the driveway, open spaces (outside of front and side yards), and the spaces within a garage may be used as designated parking spaces.

**Patio:** An open, level-surfaced area which is typically impervious and has an elevation of no more than 12 inches, and without walls or a roof, intended for outdoor seating and recreation.

**Pavement Setback:** The area between the nearest right-of-way or lot line and any impervious surfaces on the lot. This setback does not apply to driveways, driveway entrances, public sidewalks, or sidewalks perpendicular to the street right-of-way on private property. See Figure 10.01.23c.

**Performance standard:** Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings.

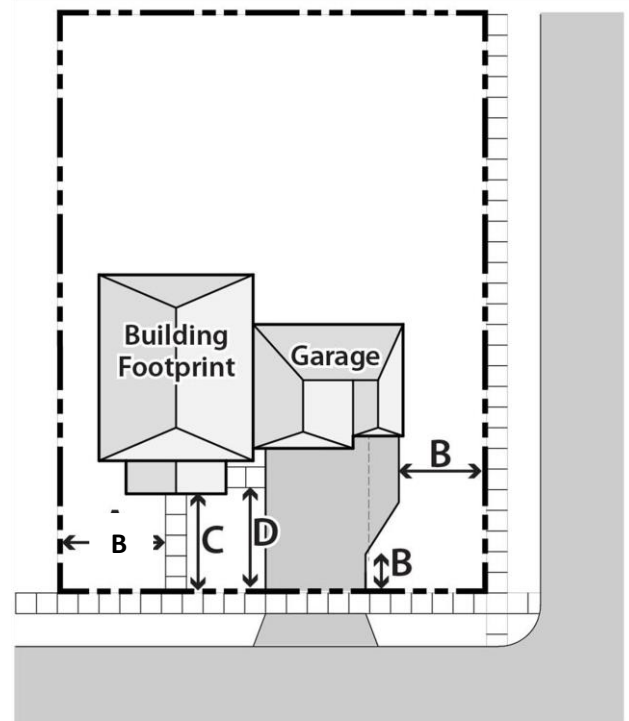
**Permanently protected green space:** Permanently protected green space areas that are protected from development such as wetlands, wetland buffers, floodplains, drainage ways, steep slopes, lakeshores, woodlands, native or restored habitat, environmental corridors, and stormwater facilities.

**Person.** Any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including, but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency, or governmental agency.

**Pervious surface:** A surface which allows for precipitation from any source to infiltrate directly into the ground. Undisturbed ground is a pervious surface. Some disturbed ground can be pervious if designed as such.

**Place of worship:** A structure, together with its accessory structures and uses, where persons regularly assemble for religious worship and is maintained and controlled by an organized religious body organized to

**Figure 10.01.23c: Pavement Setbacks**



**Key to Figure 10.01.23c**

- A Pavement setback to side lot line
- B Pavement setback to right-of-way (driveway)
- C Pavement setback to right-of-way (porch, stoop, patio)
- D Pavement setback to right-of-way (sidewalk)



## Section 10.01.23: Definitions

sustain public worship, which is exempt from federal income tax as regulated by the Internal Revenue Service Code.

**Plat:** A map or drawing which graphically delineates the boundary of land lots/parcels for the purpose of identification and record title pursuant to Wis. Stats. § 236.

**Pole building:** A typically metal-clad structure most often utilizing wooden poles and trusses for support with unfinished, uninsulated interiors. Such structures are normally used for agricultural purposes, for construction trade storage, or for general storage, and are not intended for human occupancy.

**Porch:** A covered platform at an entrance to a dwelling, which is not heated or cooled, not fully enclosed or, not used for livable space, that is attached to the outside of a building. The post of the porch closest to a lot line is considered the wall for setback purposes.

**Principal structure:** The building containing the principal use, including the foundation, basement, and attic. When calculating the area of the principal structure, attached residential accessory structures such as attached garages, attached garden sheds, and attached pool houses are not considered part of the principal structure.

**Principal use:** The main use to which a parcel is devoted and the main purpose for which the premises exists.

**Public improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

**Recreational equipment:** Equipment used by residents of a principal building on-premise including but not limited to swimming pools, swings, slides, climbers, teeter-totters, play-forts, sandboxes, supports for basketball baskets and backboards, badminton nets and similar equipment, but not including recreational vehicles normally utilized off-premise, including but not limited to boats, trailers, campers, travel trailers and snowmobiles.

**Recreational vehicle:** A term encompassing any type of vehicle used primarily for recreational pleasure. Examples include but are not limited to travel trailers, motor homes, boats, all-terrain vehicles, snowmobiles, etc. Recreational vehicles shall include any mobile structure designed for temporary occupancy, but shall exclude manufactured homes.

**Regional flood:** A flood determined by the Wisconsin Department of Natural Resources which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the 100-year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

**Residential use:** The individual uses listed in Section 10.03.06.

**Rummage sale:** See “Garage or Estate Sale” in Article III.

**Scale (of development):** A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

**Setback:** The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line, excluding permitted projections in accordance with Section 10.04.40.

**Sign:** See Chapter 22 of the City Municipal Code.

**Sill:** A horizontal, lower member or bottom of a door or window casing.

**Single family dwelling unit:** A dwelling unit type that consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family (see Family

## Section 10.01.23: Definitions

definition) and have no roof, wall, or floor in common with any other dwelling unit. A single family dwelling that contains an in-family suite (See Section 10.03.28) is still considered a single family dwelling.

**Site area:** See gross site area.

**Site plan:** See Section 10.10.43.

**Slope:** An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is 3 feet horizontal and 1 foot vertical).

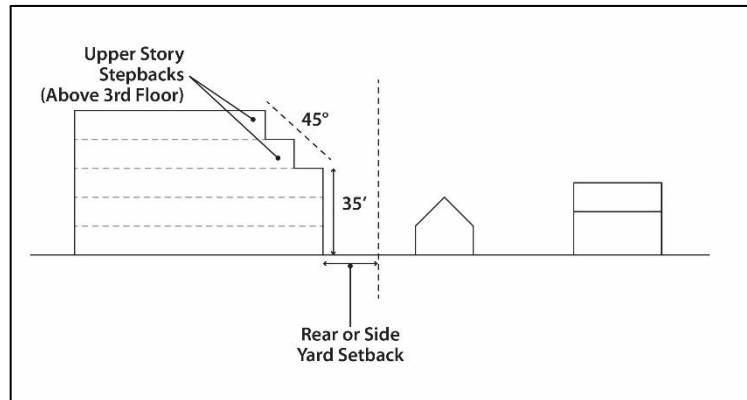
**Start of construction:** The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means the first placement of permanent construction on the site. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of public streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms.

**Steep slope:** Steep slopes are areas which contain a ratio of horizontal magnitude to vertical magnitude of 8:1 (gradient of 12 percent or greater).

**Figure 10.01.23d: Building Stepbacks**

**Stepback:** An architectural design element applied to the upper stories of buildings where any portion of the building above a certain height is moved inside the frame of the building façade toward the center of the property. See Figure 10.01.23d.

**Street:** A right-of-way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated and includes all of the area between the right-of-way lines. See Chapter 19 of the City of Middleton Municipal Code.



**Street, arterial:** Those streets which provide for rapid movement or concentrated volumes of traffic over relatively long distances. This includes Principal Arterials, Primary Arterials, and Standard Arterials as defined in Chapter 19 of the City of Middleton Municipal Code.

**Street, collector:** Streets which provide moderate speed movement of persons and goods between major arterials and/or activity centers. They are basically local streets which because of directness of routing and higher capacity receive higher volumes of traffic to be distributed or collected toward nearby arterial streets. See Chapter 19 of the City of Middleton Municipal Code.

**Street, local:** Streets designed for low speeds and low volumes which provide access from low traffic generating areas to collector and arterial systems. This includes Industrial Streets and Residential Streets as defined in Chapter 19 of the City of Middleton Municipal Code.

**Street terrace:** The space between the sidewalk and the curb, or the equivalent space where sidewalk or curb are not installed.

**Story:** That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it or, if there is not a floor above, then the space between such floor and the ceiling next above it.

**Structure:** Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excluding landscape features, fences, public utilities, and other minor site improvements.

**Structural alteration:** See alteration.



## Section 10.01.23: Definitions

**Substandard lot:** A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

**Substantial Evidence:** Means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion. See Section 10.10.32.

**Temporary use:** A land use which is present on a property for a limited and specified period of time. See Section 10.03.30.

**Terrace:** A horizontal, external, raised, open, flat area attached or detached to a structure or located on the roof of a structure.

**Transom:** A horizontal bar of stone, wood or glass across the upper opening of a door or window.

**Two family residential:** A building designed for two separate dwelling units in which one dwelling unit may have a roof, wall, or floor in common with another dwelling unit. For the purposes of this Chapter, Duplex, Twin House, and Two Flat dwellings are considered to be two family residential. A single family dwelling with an attached accessory dwelling unit is not a two family dwelling.

**Unnecessary hardship:** The circumstance 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.

**Use:** The purpose for which land or a building or structure is arranged, designed, or intended, or for which it is, or may be, occupied or maintained.

**Variance:** A modification of the terms of this Chapter regulating land uses or bulk regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Chapter would result in unnecessary and undue hardship. Variances are further defined in Wis. Stat. § 62.23(7)(e)7.a.

**Vision triangle:** See Section 10.06.05.

**Waterfront setback:** The shortest distance between the exterior of a building or structure and the nearest point on the Ordinary High Water Mark, excluding permitted projections per Section 10.04.40. All lots along a waterway are subject to the provisions of Chapter 24 and 29 of the City of Middleton Municipal Code and Section 10.02.80 of this Ordinance.

**Wetland:** An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions. See also Wis. Stats. § 23.32(1).

**Wharf/Pier:** Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its width, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft. Such a structure may include a boat hoist or boat lift, and the hoist or lift may be permanent or may be removed seasonally.

**Woodland:** Areas of trees whose combined canopies cover a minimum of 80 percent of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the City and its environs.

**Yard:** An open space, other than a court, on a lot unoccupied and unobstructed from the ground upward except as otherwise provided in this Chapter.

**Yard, front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest part of the nearest building or structure.

**Yard, rear:** A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and the nearest part of the nearest building or structure.

**Yard, side:** A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and the nearest part of the nearest building or structure. .

Sections 10.01.24 to 10.01.99: Reserved

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**Yard, street side:** For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest building or structure.

**Yard, transitional:** That yard which must be provided along a zoning district boundary to provide for the required bufferyard on the more intensively zoned side of the lot line.

**Zero-lot line duplex:** A Twin House. See. 10.03.06(12).

**Zoning map, official:** The map adopted and designated by the City as being the “Official Zoning Map.”

**Sections 10.01.24 to 10.01.99: Reserved**



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Section 10.02.01: Purpose

**ARTICLE II: ESTABLISHMENT OF ZONING DISTRICTS**

**Section 10.02.01: Purpose**

The area located within the jurisdiction of this Chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the City of Middleton Comprehensive Plan, and to achieve the other purposes of this Chapter.

**Section 10.02.02: Standard Zoning Districts**

(1) For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts.

**Residential Zoning Districts**

SR-L	Single Family Residential – Low Density
SR-M	Single Family Residential – Medium Density
SR-H	Single Family Residential – High Density
MH-D	Manufactured Home Residential
TR-D	Two Family Residential – Duplex
TR-F	Two Family Residential – Two-Flat
MR-L	Multi-Family Residential – Low Density
MR-M	Multi-Family Residential – Medium Density
MR-H	Multi-Family Residential – High Density

**Nonresidential Zoning Districts**

**Mixed-Use**

INST	Institutional
MU-N	Mixed-Use Neighborhood
MU-A	Mixed-Use Avenue
MU-U	Mixed-Use Urban
MU-D	Mixed-Use Downtown

**Industrial**

I-L	Light Industrial
R-P	Research Park
I-M	Medium Industrial
I-H	Heavy Industrial

**Other**

IOS	Intensive Outdoor Storage
IOC	Intensive Outdoor Commercial
EXD	Extraction and Disposal
AIR	Airport
PR	Parks and Recreation
CON	Conservancy

**Agricultural**

AGR	Agricultural
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**Section 10.02.03: Interpretation of Zoning District Boundaries**

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- (2) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. See Wis. Stats. § 66.1003.
- (3) Annexations to or consolidations with the City subsequent to the effective date of this chapter shall be placed in the AGR Agricultural zoning district, unless the annexation ordinance temporarily places the land in another district. Within one year of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the Common Council.

**Section 10.02.03: Interpretation of Zoning District Boundaries**

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the City of Middleton:

- (1) Zoning district boundaries shown as following or approximately following the limits of any city, town, or county boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the City or Dane County tax maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (1) through (5), above, shall be construed to be at such distances there from as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

**Section 10.02.04: Description and Purpose of Zoning Districts**

The following Sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. The Intent statement of each zoning district is intended to convey the approximate gross densities for reference purposes, not regulatory purposes. Density on a given lot is determined through the bulk dimensional standards such as lot size, height, and setbacks. Definitions and regulations for land uses are provided in Article III. Section 10.03.05 includes a Table of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, by conditional use, as accessory uses, or as temporary uses. See Article IV for additional requirements on the location and bulk dimensions of structures in both residential and nonresidential developments.

**Sections 10.02.05 to 10.02.09: Reserved**

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**Section 10.02.10: (SR-L) Single Family Residential–Low Density Zoning District**

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**Section 10.02.10: (SR-L) Single Family Residential–Low Density Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings with approximate gross densities of 6 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Individual Family Living Arrangement
  - (c) Outdoor Open Space Institutional
  - (d) Passive Outdoor Recreation
  - (e) Active Outdoor Recreation
  - (f) Small Scale Public Services and Utilities
  - (g) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (h) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Boarding House Living Arrangement
  - (b) Bed and Breakfast
  - (c) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (d) Communication Tower
  - (e) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.10: (SR-L) Single Family Residential–Low Density Zoning District

- (7) Density, Intensity, and Bulk Regulations for the (SR-L) Single Family Residential – Low Density District.

	<b>Requirement</b>
Minimum Lot Area	7,200 square feet
Maximum Impervious Surface Ratio	45 percent
Minimum Lot Width	60 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	30 feet
Minimum Front Setback	20 feet
Minimum Front-Loaded Attached Garage Setback*	No more than 5 feet in front of the plane of the principal structure**
Minimum Porch Setback (front and street side yards on corner lots)**	8 feet
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	8 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback (interior)	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks;

\*Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street.

\*\* Front porches are not considered part of the front plane of the principal structure.

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**Section 10.02.11: (SR-M) Single Family Residential–Medium Density Zoning District**

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**Section 10.02.11: (SR-M) Single Family Residential–Medium Density Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for moderate density single family detached dwellings with approximate gross densities of 8 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Individual Family Living Arrangement
  - (c) Outdoor Open Space Institutional
  - (d) Passive Outdoor Recreation
  - (e) Active Outdoor Recreation
  - (f) Small Scale Public Services and Utilities
  - (g) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (h) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Boarding Housing Living Arrangement
  - (b) Bed and Breakfast
  - (c) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (d) Communication Tower
  - (e) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



(7) Density, Intensity, and Bulk Regulations for the (SR-M) Single Family Residential – Medium Density District.

	<b>Requirement</b>
Minimum Lot Area	5,000 square feet
Maximum Impervious Surface Ratio	55 percent
Minimum Lot Width	50 feet
Minimum Lot Depth	100 feet
Minimum Lot Frontage at Right-of-Way	30 feet
Front Setback	Minimum: 20 feet Maximum: 25 feet
Minimum Front-Loaded Attached Garage Setback*	No more than 5 feet in front of the plane of the principal structure**
Minimum Porch Setback (front and street side yards on corner lots)**	8 feet
Minimum Street Side Setback (on corner lots)	10 feet
Minimum Side Setback (interior)	5 feet
Minimum Rear Setback***	Alley-served lot: Minimum: 3 feet No alley: Minimum 20 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Front-loaded, attached garages shall comprise no more than 55 percent of the width of the ground floor building façade facing the street.

\*\*Front porches are not considered part of the front plane of the principal structure.

\*\*\*Note: This district is designed to allow alleys in the rear of the lot. For minimum alley dimensions see Chapter 19 Land Division and Subdivision Regulations.

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**Section 10.02.12: (SR-H) Single Family Residential–High Density Zoning District**

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**Section 10.02.12: (SR-H) Single Family Residential–High Density Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for high density single family detached dwellings with approximate gross densities of 14 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Individual Family Living Arrangement
  - (c) Outdoor Open Space Institutional
  - (d) Passive Outdoor Recreation
  - (e) Active Outdoor Recreation
  - (f) Small Scale Public Services and Utilities
  - (g) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (h) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Boarding Housing Living Arrangement
  - (b) Bed and Breakfast
  - (c) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (d) Communication Tower
  - (e) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.12: (SR-H) Single Family Residential–High Density Zoning District

- (7) Density, Intensity, and Bulk Regulations for the (SR-H) Single Family Residential – High Density District.

	Requirement
Minimum Lot Area	3,000 square feet
Maximum Impervious Surface Ratio	70 percent
Minimum Lot Width	30 feet
Minimum Lot Depth	80 feet
Minimum Lot Frontage at Right-of-Way	30 feet
Front Setback	Minimum: 15 feet, Maximum: 20 feet
Minimum Front-Loaded Attached Garage Setback*	No more than 5 feet in front of the plane of the principal structure**
Minimum Porch Setback (front and street side yards on corner lots)**	6 feet
Minimum Street Side Setback (on corner lots)	10 feet
Minimum Side Setback (interior)	5 feet
Minimum Rear Setback***	Alley-served lot: Minimum: 3 feet No alley: Minimum 15 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Front-loaded, attached garages shall comprise no more than 65 percent of the width of the ground floor building façade facing the street.

\*\*Front porches are not considered part of the front plane of the principal structure.

\*\*\*Note: This district is designed to allow alleys in the rear of the lot. For minimum alley dimensions see Chapter 19 Land Division and Subdivision Regulations.

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**Section 10.02.13: (MH-D) Manufactured Home Residential Zoning District**

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**Section 10.02.13: (MH-D) Manufactured Home Residential Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance subdivisions exclusively for manufactured and mobile home developments with approximate gross densities of 6 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Manufactured Home
  - (c) Individual Family Living Arrangement
  - (d) Outdoor Open Space Institutional
  - (e) Passive Outdoor Recreation
  - (f) Active Outdoor Recreation
  - (g) Small Scale Public Services and Utilities
  - (h) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (i) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Manufactured Home Subdivision or Park
  - (b) Bed and Breakfast
  - (c) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (d) Communication Tower
  - (e) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Sections 10.02.14 to 10.02.19: Reserved

(7) Density, Intensity, and Bulk Regulations for the (MH-D) Manufactured Home Residential District.

	<b>Requirement</b>
Minimum Lot Area	7,200 square feet
Maximum Impervious Surface Ratio	50 percent
Minimum Lot Width	60 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	30 feet
Minimum Front Setback	20 feet*
Minimum Porch Setback (front and street side yards on corner lots)*	8 feet
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	8 feet
Minimum Rear Setback	20 feet
Maximum Principal Building Height	18 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\* Front porches are not considered part of the front plane of the principal structure.

**Sections 10.02.14 to 10.02.19: Reserved**

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**Section 10.02.20: (TR-D) Two Family Residential–Duplex Zoning District**

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**Section 10.02.20: (TR-D) Two Family Residential–Duplex Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for single family detached and two family attached dwellings with approximate gross densities of 8 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Duplex
  - (c) Twin House
  - (d) Two-Flat
  - (e) Individual Family Living Arrangement
  - (f) Outdoor Open Space Institutional
  - (g) Passive Outdoor Recreation
  - (h) Active Outdoor Recreation
  - (i) Small Scale Public Services and Utilities
  - (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (k) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (l) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Board House Living Arrangement
  - (b) Bed and Breakfast
  - (c) Communication Tower
  - (d) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.20: (TR-D) Two Family Residential–Duplex Zoning District

(7) Density, Intensity, and Bulk Regulations for the (TR-D) Two Family Residential – Duplex District.

	<b>Requirement</b>
Minimum Lot Area	10,000 square feet*
Maximum Impervious Surface Ratio	55 percent
Minimum Lot Width	80 and/or 25 feet*
Minimum Lot Depth	120 feet
Minimum Total Lot Frontage at Right-of-Way	30 feet
Minimum Front Setback	20 feet
Minimum Front-Loaded Attached Garage Setback**	No more than 5 feet in front of the plane of the principal structure***
Minimum Porch Setback (front and street side yards on corner lots)***	8 feet
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	8 or 0 feet*
Minimum Rear Setback	25 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*When individual units are located on separate parcels, a minimum combined lot area of both parcels shall be 10,000 square feet, a minimum combined lot width of both parcels shall be 80', and each individual parcel shall be a minimum of 25' and a minimum shared side yard setback of 0' is required.

\*\*Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street.

\*\*\* Front porches are not considered part of the front plane of the principal structure.

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**Section 10.02.21: (TR-F) Two Family Residential – Two-Flat Zoning District**

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**Section 10.02.21: (TR-F) Two Family Residential – Two-Flat Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for single family detached and attached two family dwellings with approximate gross densities of 12 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Two Flat
  - (c) Individual Family Living Arrangement
  - (d) Outdoor Open Space Institutional
  - (e) Passive Outdoor Recreation
  - (f) Active Outdoor Recreation
  - (g) Small Scale Public Services and Utilities
  - (h) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (i) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (j) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Boarding Housing Living Arrangement
  - (b) Bed and Breakfast
  - (c) Communication Tower
  - (d) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.21: (TR-F) Two Family Residential – Two-Flat Zoning District

(7) Density, Intensity, and Bulk Regulations for the (TR-F) Two Family Residential – Two-Flat District.

	<b>Requirement</b>
Minimum Lot Area	7,200 square feet
Maximum Impervious Surface Ratio	70 percent
Minimum Lot Width	60 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	30 feet
Minimum Front Setback	20 feet
Minimum Front-Loaded Attached Garage Setback*	No more than 5 feet in front of the plane of the principal structure**
Minimum Porch Setback (front and street side yards on corner lots)**	8 feet
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	8 feet
Minimum Rear Setback	25 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	<b>Residential</b>
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street.

\*\* Front porches are not considered part of the front plane of the principal structure.

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**Section 10.02.22: (MR-L) Multi-Family Residential–Low Density Zoning District**

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**Section 10.02.22: (MR-L) Multi-Family Residential–Low Density Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small buildings such as townhouses, multiplexes, or apartments at low densities, with approximate gross densities of 12-30 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Duplex
  - (c) Twin House
  - (d) Two Flat
  - (e) Townhouse
  - (f) Multiplex
  - (g) Apartment
  - (h) Individual Family Living Arrangement
  - (i) Outdoor Open Space Institutional
  - (j) Passive Outdoor Recreation
  - (k) Active Outdoor Recreation
  - (l) Small Scale Public Services and Utilities
  - (m) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (n) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (o) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Boarding Housing Living Arrangement
  - (b) Live/Work Unit
  - (c) Group Day Care (9 or more children)
  - (d) Community Living Arrangement (16+ residents) meeting the requirements of Section 10.03.12
  - (e) Institutional Residential
  - (f) Transit Center
  - (g) Off-Site Parking Lot
  - (h) Off-Site Structured Parking
  - (i) Communication Tower
  - (j) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.22: (MR-L) Multi-Family Residential–Low Density Zoning District

- (7) Density, Intensity, and Bulk Regulations for the (MR-L) Multi-Family Residential – Low Density District.

	Requirement
Minimum Lot Area	8,000 square feet lot*
Maximum Impervious Surface Ratio	70 percent
Minimum Lot Width	80 feet and/or 20 feet*
Minimum Lot Depth	120 feet
Minimum Total Lot Frontage at Right-of-Way	20 feet
Minimum Front Setback	20 feet
Minimum Front-Loaded Attached Garage Setback	Even with the plane of the principal structure**
Minimum Porch Setback (front and street side yards on corner lots)**	8 feet
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	5 feet or 0 feet*
Minimum Rear Setback	20 feet
Maximum Principal Building Height	36 feet or 3 stories
Minimum Principal Building Separation	Per the Building Code
Maximum Principal Building Length	250 feet (See Section 10.07.20(3) or 10.07.30(3))
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	22 feet

\*When individual units are located on separate parcels, a minimum combined lot area of all parcels shall be 8,000 square feet, a minimum combined lot width of all parcels shall be 80', and each individual parcel shall be a minimum of 20' and a minimum shared side yard setback of 0' is required.

\*\* Front porches are not considered part of the front plane of the principal structure.

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**Section 10.02.23: (MR-M) Multi-Family Residential–Medium Density Zoning District**

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**Section 10.02.23: (MR-M) Multi-Family Residential–Medium Density Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in small and mid-sized buildings such as townhomes, multiplexes, or apartments at medium densities, with approximate gross densities of 30-60 dwelling units per acre.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Single Family Dwelling Unit
  - (b) Duplex
  - (c) Twin House
  - (d) Two Flat
  - (e) Townhouse
  - (f) Multiplex
  - (g) Apartment
  - (h) Individual Family Living Arrangement
  - (i) Outdoor Open Space Institutional
  - (j) Passive Outdoor Recreation
  - (k) Active Outdoor Recreation
  - (l) Small Scale Public Services and Utilities
  - (m) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12
  - (n) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12
  - (o) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Boarding House Living Arrangement
  - (b) Live/Work Unit
  - (c) Group Daycare Center (9 or more children)
  - (d) Community Living Arrangement (16+ residents) meeting the requirements of Section 10.03.12
  - (e) Institutional Residential
  - (f) Transit Center
  - (g) Off-Site Parking Lot
  - (h) Off-Site Structured Parking
  - (i) Communication Tower
  - (j) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.23: (MR-M) Multi-Family Residential–Medium Density Zoning District

- (2) Density, Intensity, and Bulk Regulations for the (MR-M) Multi-Family Residential – Medium Density District.

	Requirement
Minimum Lot Area	15,000 square feet lot***
Maximum Impervious Surface Ratio	75 percent
Minimum Lot Width	100 feet and/or 20 feet***
Minimum Lot Depth	120 feet
Minimum Total Lot Frontage at Right-of-Way	20 feet
Minimum Front Setback	15 feet
Minimum Front-Loaded Attached Garage Setback	Even with the plane of the principal structure****
Minimum Porch Setback (front and street side yards on corner lots)****	8 feet
Minimum Street Side Setback (on corner lots)	15 feet
Minimum Side Setback (interior)	8 feet or 0 feet***
Minimum Rear Setback	30 feet
Maximum Principal Building Height	48 feet or 4 stories**
Minimum Stepback (from rear and side yards)*	15 feet stepback for any building over 3 stories*
Minimum Principal Building Separation	Per the Building Code
Maximum Principal Building Length	250 feet (See Section 10.07.20(3) or 10.07.30(3))
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Rear or Side Yard Height Transition to Residential Districts. Where the district abuts an SR-L, SR-M, SR-H, TR-D, TR-F district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed 36 feet or three (3) stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (at a 45 degree angle) up to the maximum allowed height, and the building must incorporate façade articulation if greater than 40 feet in width. See Figure 10.01.23d.

\*\*Building height may exceed 48 feet or 4 stories up to 60 feet or 5 stories pursuant to adhering to the provisions of Section 10.03.06(4).

\*\*\*When individual units are located on separate parcels, a minimum combined lot area of all parcels shall be 15,000 square feet, a minimum combined lot width of all parcels shall be 100', and each individual parcel shall be a minimum of 20' and a minimum shared side yard setback of 0' is required.

\*\*\*\* Front porches are not considered part of the front plane of the principal structure.

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Section 10.02.24: (MR-H) Multi-Family Residential–High Density Zoning District

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**Section 10.02.24: (MR-H) Multi-Family Residential–High Density Zoning District**

- (1) Intent. This district is intended to create, preserve, and enhance areas for multi-family uses in mid-sized or large buildings such as townhomes, multiplexes, or apartments at higher densities, with approximate gross densities of 60-100 dwelling units per acre or even higher.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.

<ol style="list-style-type: none"> <li>(a) Single Family Dwelling Unit</li> <li>(b) Duplex</li> <li>(c) Twin House</li> <li>(d) Two Flat</li> <li>(e) Townhouse</li> <li>(f) Multiplex</li> <li>(g) Apartment</li> <li>(h) Individual Family Living Arrangement</li> <li>(i) Outdoor Open Space Institutional</li> <li>(j) Passive Outdoor Recreation</li> </ol>	<ol style="list-style-type: none"> <li>(k) Active Outdoor Recreation</li> <li>(l) Small Scale Public Services and Utilities</li> <li>(m) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12</li> <li>(n) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12</li> <li>(o) Community Garden</li> </ol>
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- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.

<ol style="list-style-type: none"> <li>(a) Boarding House Living Arrangement</li> <li>(b) Live/Work Unit</li> <li>(c) Group Daycare Center (9 or more children)</li> <li>(d) Community Living Arrangement (16+ residents) meeting the requirements of Section 10.03.12</li> </ol>	<ol style="list-style-type: none"> <li>(e) Institutional Residential</li> <li>(f) Transit Center</li> <li>(g) Off-Site Parking Lot</li> <li>(h) Off-Site Structured Parking</li> <li>(i) Communication Tower</li> <li>(j) Cultivation</li> </ol>
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- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.24: (MR-H) Multi-Family Residential–High Density Zoning District

- (2) Density, Intensity, and Bulk Regulations for the (MR-H) Multi-Family Residential – High Density District.

	Requirement
Minimum Lot Area	30,000 square feet lot***
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	200 feet and/or 20 feet***
Minimum Lot Depth	120 feet
Minimum Total Lot Frontage at Right-of-Way	20 feet
Minimum Front Setback	20 feet
Minimum Front-Loaded Attached Garage Setback	Even with the plane of the principal structure****
Minimum Porch Setback (front and street side yards on corner lots)****	8 feet
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	8 feet or 0 feet****
Minimum Rear Setback	30 feet
Maximum Principal Building Height	60 feet or 5 stories**
Minimum Stepback (from rear and side yards)*	15 feet stepback for any building over 3 stories*
Minimum Principal Building Separation	Per the Building Code
Maximum Principal Building Length	250 feet (See Section 10.07.20(3) or 10.07.30(3))
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\* Rear or Side Yard Height Transition to Residential Districts. Where the district abuts an SR-L, SR-M, SR-H, TR-D, TR-F district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed 36 feet or three (3) stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (at a 45 degree angle) up to the maximum allowed height, and the building must incorporate façade articulation if greater than 40 feet in width. See Figure 10.01.23d.

\*\* Building height may exceed 60 feet or 5 stories up to 84 feet or 7 stories pursuant to adhering to the provisions of Section 10.03.06(4).

\*\*\* When individual units are located on separate parcels, a minimum combined lot area of all parcels shall be 30,000 square feet, a minimum combined lot width of all parcels shall be 200', and each individual parcel shall be a minimum of 20' and a minimum shared side yard setback of 0' is required.

\*\*\*\* Front porches are not considered part of the front plane of the principal structure.

## Sections 10.02.25 to 10.02.29: Reserved

### Section 10.02.30: (INST) Institutional Zoning District

- (1) Intent. This district is intended to permit both large- and small-scale institutional development compatible with both residential and nonresidential zoning districts.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 

<ol style="list-style-type: none"> <li>(a) Office</li> <li>(b) Personal or Professional Service</li> <li>(c) Artisan Production Shop</li> <li>(d) Group Daycare Center (9 or more children)</li> <li>(e) Indoor Institutional</li> <li>(f) Outdoor Open Space Institutional</li> <li>(g) Passive Outdoor Recreation</li> </ol>	<ol style="list-style-type: none"> <li>(h) Active Outdoor Recreation</li> <li>(i) Small Scale Public Services and Utilities</li> <li>(j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12</li> <li>(k) Community Garden</li> </ol>
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- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 

<ol style="list-style-type: none"> <li>(a) Boarding Housing Living Arrangement</li> <li>(b) Physical Activity Studio</li> <li>(c) Commercial Kitchen</li> <li>(d) Food and Beverage Counter Service and Walk-In Pickup</li> <li>(e) Indoor Maintenance Service (Nonresidential)</li> <li>(f) Large Scale Public Service and Utilities</li> </ol>	<ol style="list-style-type: none"> <li>(g) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12</li> <li>(h) Community Living Arrangement (16+ residents) meeting the requirements of Section 10.03.12</li> <li>(i) Institutional Residential</li> <li>(j) Transit Center</li> <li>(k) Off-Site Parking Lot</li> <li>(l) Off-Site Structured Parking</li> <li>(m) Communication Tower</li> <li>(n) Cultivation</li> </ol>
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- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



## Section 10.02.30: (INST) Institutional Zoning District

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

	Requirement
Minimum Lot Area	10,000 square feet lot
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	60 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	30 feet
Minimum Front Setback	10 feet**
Minimum Porch Setback (front and street side yards on corner lots)**	6 feet
Minimum Street Side Setback (on corner lots)	10 feet
Minimum Side Setback (interior)	8 feet
Minimum Rear Setback	10 feet
Maximum Principal Building Height	55 feet or 4 stories
Minimum Stepback (from rear and side yards)*	15 feet stepback for any building over 3 stories*
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Rear or Side Yard Height Transition to Residential Districts. Where the district abuts an SR-L, SR-M, SR-H, TR-D, TR-F district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed 36 feet or three (3) stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (at a 45 degree angle) up to the maximum allowed height, and the building must incorporate façade articulation if greater than 40 feet in width. See Figure 10.01.23d.

\*\* Front porches are not considered part of the front plane of the principal structure.

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Section 10.02.31: (MU-N) Mixed-Use Neighborhood Zoning District

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**Section 10.02.31: (MU-N) Mixed-Use Neighborhood Zoning District**

- (1) Intent. This district is intended to provide for a variety of employment, retail, and community service opportunities in a small-scale setting while allowing some residential uses to occur at a density that can be accommodated within the bulk requirements of this zoning district.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |  |   |
|--|---|
| (a) Single Family Dwelling Unit          | (n) Bed and Breakfast   |
| (b) Duplex                               | (o) Indoor Maintenance Service (Nonresidential)   |
| (c) Twin House                           | (p) Indoor Institutional  |
| (d) Two-Flat                             | (q) Outdoor Open Space Institutional  |
| (e) Townhouse                            | (r) Passive Outdoor Recreation  |
| (f) Multiplex                            | (s) Active Outdoor Recreation   |
| (g) Apartment                            | (t) Small Scale Public Services and Utilities   |
| (h) Individual Family Living Arrangement | (u) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12 |
| (i) Mixed-Use Building                   | (v) Community Garden  |
| (j) Live/Work Unit                       |   |
| (k) Office                               |   |
| (l) Personal or Professional Service     |   |
| (m) Indoor Sales or Service              |   |
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |   |  |
|---|--|
| (a) Boarding House Living Arrangement                         | (j) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12 |
| (b) Artisan Production Shop                                   | (k) Community Living Arrangement (16+ residents) meeting the requirements of Section 10.03.12  |
| (c) Physical Activity Studio                                  | (l) Institutional Residential  |
| (d) Commercial Kitchen  | (m) Transit Center   |
| (e) Food and Beverage Counter Service and Walk-In Pickup      | (n) Off-Site Parking Lot   |
| (f) Restaurants, Taverns, and Indoor Commercial Entertainment | (o) Off-Site Structured Parking  |
| (g) Drive-Through and In-Vehicle Sales or Service             | (p) Communication Tower  |
| (h) Outdoor Commercial Entertainment                          | (q) Cultivation  |
| (i) Group Daycare Center (9 or more children)                 |  |
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.31: (MU-N) Mixed-Use Neighborhood Zoning District

(7) Density, Intensity, and Bulk Regulations for the (MU-N) Mixed-Use Neighborhood.

	Requirement
Minimum Lot Area	5,000 square feet lot*
Maximum Impervious Surface Ratio	75 percent
Minimum Lot Width	50 feet and/or 20 feet*
Minimum Lot Depth	100 feet
Minimum Total Lot Frontage at Right-of-Way	20 feet
Minimum Front Setback	15 feet
Minimum Front-Loaded Attached Garage Setback	Even with the plane of the principal structure**
Minimum Porch Setback (front and street side yards on corner lots)**	8 feet
Minimum Street Side Setback (on corner lots)	15 feet
Minimum Side Setback (interior)	5 feet or 0 feet*
Minimum Rear Setback	20 feet
Maximum Principal Building Height	36 feet or 3 stories***
Minimum Principal Building Separation	Per the Building Code
Maximum Principal Building Length	100 feet (See Section 10.07.20(3) or 10.07.30(3))
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	2 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*When individual units are located on separate parcels, a minimum combined lot area of all parcels shall be 5,000 square feet, a minimum combined lot width of all parcels shall be 50', and each individual parcel shall be a minimum of 20' and a minimum shared side yard setback of 0' is required.

\*\*Front porches are not considered part of the front plane of the principal structure.

\*\*\* Building height may exceed 36 feet or 3 stories up to 48 feet or 4 stories pursuant to adhering to the provisions of Sections 10.03.08(1) and 10.03.10(10).

## Section 10.02.32: (MU-A) Mixed-Use Avenue Zoning District

**Section 10.02.32: (MU-A) Mixed-Use Avenue Zoning District**

- (1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planned to become mixed-use in character and to establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses intended to occur at a density that can be accommodated within the bulk requirements of this zoning district. Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses. A Townhouse, Multiplex, or Apartment land use can only be a Principal Use Permitted by Right if the principal structure is located on a lot that has one street frontage, not including alleys. If the principal structure is located on a lot at the corner of two intersecting streets, such uses are not permitted unless they are a component of a Mixed-Use Building.
- |   |   |
|---|---|
| (a) Townhouse   | (m) Group Daycare Center (9 or more children)                         |
| (b) Multiplex   | (n) Bed and Breakfast   |
| (c) Apartments  | (o) Commercial Indoor Lodging   |
| (d) Individual Family Living Arrangement                      | (p) Indoor Maintenance Service (Nonresidential)                       |
| (e) Mixed-Use Building  | (q) Indoor Institutional  |
| (f) Live/Work Unit  | (r) Outdoor Open Space Institutional                                  |
| (g) Office  | (s) Passive Outdoor Recreation  |
| (h) Personal or Professional Service                          | (t) Active Outdoor Recreation   |
| (i) Indoor Sales or Service                                   | (u) Small Scale Public Services and Utilities                         |
| (j) Commercial Kitchen  | (v) Community Living Arrangement (1-8 residents) see Section 10.03.12 |
| (k) Food and Beverage Counter Service and Walk-In Pickup      | (w) Transit Center  |
| (l) Restaurants, Taverns, and Indoor Commercial Entertainment | (x) Community Garden  |
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |   |  |
|---|--|
| (a) Boarding House Living Arrangement             | (j) Community Living Arrangement (9-15 residents) see Section 10.03.12 |
| (b) Outdoor Sales and Display                     | (k) Community Living Arrangement (16+ residents) see Section 10.03.12  |
| (c) Artisan Production Shop                       | (l) Institutional Residential  |
| (d) Physical Activity Studio                      | (m) Off-Site Parking Lot   |
| (e) Outdoor Commercial Entertainment              | (n) Off-Site Structured Parking  |
| (f) Drive-Through and In-Vehicle Sales or Service | (o) Communication Tower  |
| (g) Vehicle Sales                                 | (p) Cultivation  |
| (h) Vehicle Service and Repair                    |  |
| (i) Water-Related Recreation                      |  |
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.



Section 10.02.32: (MU-A) Mixed-Use Avenue Zoning District

(7) Density, Intensity, and Bulk Regulations for the (MU-A) Mixed-Use Avenue District.

	<b>Requirement</b>
Minimum Lot Area	10,000 square feet lot****
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	60 feet and/or 25 feet****
Minimum Lot Depth	120 feet
Minimum Total Lot Frontage at Right-of-Way	30 feet
Minimum Front Setback	Min. 15 feet Max. 25 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	8 feet or 0 feet***
Minimum Rear Setback	20 feet
Minimum Principal Building Height	2 stories**
Maximum Principal Building Height	60 feet or 5 stories***
Minimum Stepback (from rear and side yards)*	15 feet stepback for any building over 3 stories*
Minimum Principal Building Separation	Per the Building Code
Maximum Principal Building Length	250 feet (See Section 10.07.20(3) or 10.07.30(3))
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Rear or Side Yard Height Transition to Residential Districts. Where the district abuts an SR-L, SR-M, SR-H, TR-D, TR-F district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed 36 feet or three (3) stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (at a 45-degree angle) up to the maximum allowed height, and the building must incorporate façade articulation if greater than 40 feet in width. See Figure 10.01.23d.

\*\*Any new principal building shall be a minimum of two stories in height. The second story shall be a minimum gross floor area equivalent to 50% of the gross floor area of the ground floor.

\*\*\* Building height may exceed 60 feet or 5 stories up to 72 feet or 6 stories pursuant to adhering to the provisions of Sections 10.03.08(1) and 10.03.10(10).

\*\*\*\*When individual units are located on separate parcels, a minimum combined lot area of all parcels shall be 10,000 square feet, a minimum combined lot width of all parcels shall be 60', and each individual parcel shall be a minimum of 25' and a minimum shared side yard setback of 0' is required.

## Section 10.02.33: (MU-U) Mixed-Use Urban Zoning District

**Section 10.02.33: (MU-U) Mixed-Use Urban Zoning District**

- (1) Intent. This district is intended to permit a wide range of freestanding large and mid-scale mixed-use, office, retail, service, lodging, and entertainment uses that are compatible with the desired community character along major commercial corridors. Residential uses are intended to occur at a density that can be accommodated within the bulk requirements of this zoning district.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses. A Townhouse, Multiplex, or Apartment land use can only be a Principal Use Permitted by Right if the principal structure is located on a lot that has one street frontage, not including alleys. If the principal structure is located on a lot at the corner of two intersecting streets, such uses are not permitted unless they are a component of a Mixed-Use Building.
- |   |   |
|---|---|
| (a) Townhouse   | (m) Group Daycare Center (9 or more children)   |
| (b) Multiplex   | (n) Bed and Breakfast   |
| (c) Apartments  | (o) Commercial Indoor Lodging   |
| (d) Individual Family Living Arrangement                      | (p) Indoor Maintenance Service (Nonresidential)   |
| (e) Mixed-Use Building  | (q) Indoor Institutional  |
| (f) Live/Work Unit  | (r) Outdoor Open Space Institutional  |
| (g) Office  | (s) Passive Outdoor Recreation  |
| (h) Personal or Professional Service                          | (t) Active Outdoor Recreation   |
| (i) Indoor Sales or Service                                   | (u) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12 |
| (j) Commercial Kitchen  | (v) Transit Center  |
| (k) Food and Beverage Counter Service and Walk-In Pickup      | (w) Community Garden  |
| (l) Restaurants, Taverns, and Indoor Commercial Entertainment |   |
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |  |   |
|--|---|
| (a) Boarding House Living Arrangement  | (k) Community Living Arrangement (16+ residents) meeting the requirements of Section 10.03.12 |
| (b) Outdoor Sales and Display  | (l) Institutional Residential   |
| (c) Artisan Production Shop  | (m) Production Greenhouse   |
| (d) Physical Activity Studio   | (n) Indoor Food Cultivation and Farming   |
| (e) Outdoor Commercial Entertainment   | (o) Off-Site Parking Lot  |
| (f) Drive-Through and In-Vehicle Sales or Service  | (p) Off-Site Structured Parking   |
| (g) Vehicle Sales  | (q) Communication Tower   |
| (h) Vehicle Service and Repair   | (r) Cultivation   |
| (i) Water-Related Recreation   |   |
| (j) Community Living Arrangement (9-15 residents) meeting the requirements of Section 10.03.12 |   |
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



## Section 10.02.33: (MU-U) Mixed-Use Urban Zoning District

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

	Requirement
Minimum Lot Area	20,000 square feet lot
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	100 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	50 feet
Minimum Front Setback	20 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	8 feet
Minimum Rear Setback	20 feet
Maximum Principal Building Height	120 feet or 10 stories**
Minimum Stepback (from rear and side yards)*	15 feet stepback for any building over 3 stories*
Minimum Principal Building Separation	Per the Building Code
Maximum Principal Building Length	250 feet (See Section 10.07.20(3) or 10.07.30(3))
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Rear or Side Yard Height Transition to Residential Districts. Where the district abuts an SR-L, SR-M, SR-H, TR-D, TR-F district at the rear or side lot line, building height at the rear or side yard setback line shall not exceed 36 feet or three (3) stories. From this point, building height may increase at a ratio of one foot of rise to one foot of horizontal distance away from the property line (at a 45 degree angle) up to the maximum allowed height, and the building must incorporate façade articulation if greater than 40 feet in width. See Figure 10.01.23d.

\*\* Building height may exceed 120 feet or 10 stories up to 144 feet or 12 stories pursuant to adhering to the provisions of Sections 10.03.08(1) and 10.03.10(10).

## Section 10.02.34: (MU-D) Mixed-Use Downtown Zoning District

**Section 10.02.34: (MU-D) Mixed-Use Downtown Zoning District**

- (1) Intent. This district is intended to permit downtown commercial and mixed-use development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development in a modern urban downtown development pattern that is compatible with traditional “Main Street” characteristics of the core blocks in Middleton’s historic downtown as depicted by the Downtown Design Overlay Zoning District. Residential uses are intended to occur at a density that can be accommodated within the bulk requirements of this zoning district.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses. A Townhouse, Multiplex, or Apartment land use can only be a Principal Use Permitted by Right if the principal structure is located on a lot that has one street frontage, not including alleys. If the principal structure is located on a lot at the corner of two intersecting streets, such uses are not permitted unless they are a component of a Mixed-Use Building.
- |  |   |
|--|---|
| (a) Townhouse  | (m) Bed and Breakfast   |
| (b) Multiplex  | (n) Commercial Indoor Lodging   |
| (c) Apartments   | (o) Indoor Maintenance Service<br>(Nonresidential)  |
| (d) Individual Family Living<br>Arrangement                      | (p) Indoor Institutional  |
| (e) Mixed-Use Building   | (q) Outdoor Open Space Institutional  |
| (f) Live/Work Unit   | (r) Passive Outdoor Recreation  |
| (g) Office   | (s) Active Outdoor Recreation   |
| (h) Personal or Professional Service                             | (t) Small Scale Public Services and<br>Utilities  |
| (i) Indoor Sales or Service                                      | (u) Community Living Arrangement (1-8<br>residents) meeting the requirements<br>of Section 10.03.12 |
| (j) Food and Beverage Counter Service<br>and Walk-In Pickup      | (v) Transit Center  |
| (k) Restaurants, Taverns, and Indoor<br>Commercial Entertainment | (w) Community Garden  |
| (l) Group Daycare Center (9 or more<br>children)                 |   |
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |   |   |
|---|---|
| (a) Boarding House Living Arrangement   | (g) Community Living Arrangement<br>(16+ residents) meeting the<br>requirements of Section 10.03.12 |
| (b) Artisan Production Shop   | (h) Institutional Residential   |
| (c) Physical Activity Studio  | (i) Off-Site Parking Lot  |
| (d) Commercial Kitchen  | (j) Off-Site Structured Parking   |
| (e) Outdoor Commercial Entertainment  | (k) Communication Tower   |
| (f) Community Living Arrangement (9-<br>15 residents) meeting the<br>requirements of Section 10.03.12 | (l) Cultivation   |
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Sections 10.02.35 to 10.02.39: Reserved

(7) Density, Intensity, and Bulk Regulations for the (MU-D) Mixed-Use Downtown District\*\*\*.

	Requirement
Minimum Lot Area	7,200 square feet
Maximum Impervious Surface Ratio	100 percent
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Lot Frontage at Right-of-Way	None****
Minimum Front Setback	Minimum: 0 feet Maximum: 10 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	Minimum: 0 feet Maximum: 10 feet
Minimum Side Setback (interior)	0 feet
Minimum Rear Setback	10 feet
Maximum Principal Building Height	60 feet or 5 stories**
Minimum Stepback (from street-facing façade(s))*	15 feet stepback for any building over 4 stories*
Minimum Principal Building Separation	Per the Building Code
Maximum Principal Building Length	250 feet (See Section 10.07.20(3) or 10.07.30(3))
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	15 feet, or 22 feet if the building adheres to principal setbacks

\*Any building exceeding 4 stories must provide a minimum 15-foot stepback from any street facing façade after the fourth story and must incorporate façade articulation, if greater than 40 feet in width. See Figure 10.01.23d.

\*\* Building height may exceed 60 feet or 5 stories up to 72 feet or 6 stories pursuant to adhering to the provisions of Sections 10.03.08(1) and 10.03.10(10).

\*\*\*See Section 10.02.84 for additional design requirements for properties located within the Downtown Design Overlay Zoning District.

\*\*\*\*A minimum of one access easement is required per lot without right-of-way frontage.

**Sections 10.02.35 to 10.02.39: Reserved**

## Section 10.02.40: (I-L) Light Industrial Zoning District

**Section 10.02.40: (I-L) Light Industrial Zoning District**

- (1) Intent. This district is intended to permit both small- and mid-scale industrial at an intensity which is consistent with economic development objectives and compatible with adjacent development. The primary distinguishing feature of this district is that it is geared toward indoor industrial activities with some loading and unloading which are not typically associated with high noise, soot, odors and other potential nuisances for adjoining properties.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Commercial Kitchen
  - (b) Indoor Maintenance Service (Nonresidential)
  - (c) Small Scale Public Services and Utilities
  - (d) Light Industrial
  - (e) Indoor Storage and Wholesaling
  - (f) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Commercial Animal Daycare
  - (b) Outdoor Sales and Display
  - (c) Artisan Production Shop
  - (d) Vehicle Sales
  - (e) Outdoor Open Space Institutional
  - (f) Passive Outdoor Recreation
  - (g) Active Outdoor Recreation
  - (h) Large Scale Public Services and Utilities
  - (i) Production Greenhouse
  - (j) Indoor Food Cultivation and Farming
  - (k) Indoor Food Production and Processing
  - (l) Transit Center
  - (m) Distribution Center
  - (n) Off-Site Parking Lot
  - (o) Off-Site Structured Parking
  - (p) Communication Tower
  - (q) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.40: (I-L) Light Industrial Zoning District

(7) Density, Intensity, and Bulk Regulations for the (I-L) Light Industrial District.

	<b>Requirement</b>
Minimum Lot Area	20,000 square feet
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	100 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	50 feet
Minimum Front Setback	25 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	10 feet
Minimum Rear Setback	30 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

## Section 10.02.41: (R-P) Research Park Zoning District

**Section 10.02.41: (R-P) Research Park Zoning District**

- (1) Intent. It is the intent of the City to enable research parks to be developed to enhance the future of business growth of the City in planned areas for the general mix of business, industrial, distribution, and limited retail operations. Retail use may be permitted providing such uses are compatible with the adjoining Research Park uses and do not contribute to excessive congestion, alter the character, or otherwise detract from the primary purpose of the Research Park as a business/industrial employment center.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Office
  - (b) Personal or Professional Service
  - (c) Indoor Institutional
  - (d) Small Scale Public Services and Utilities
  - (e) Light Industrial
  - (f) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Outdoor Sales and Display
  - (b) Artisan Production Shop
  - (c) Physical Activity Studio
  - (d) Commercial Kitchen
  - (e) Food and Beverage Counter Service and Walk-In Pickup
  - (f) Restaurants, Taverns, and Indoor Commercial Entertainment
  - (g) Outdoor Commercial Entertainment
  - (h) Drive-Through & In-Vehicle Sales or Services
  - (i) Group Daycare Center (9 or more children)
  - (j) Commercial Animal Daycare
  - (k) Commercial Indoor Lodging
  - (l) Outdoor Open Space Institutional
  - (m) Passive Outdoor Recreation
  - (n) Active Outdoor Recreation
  - (o) Large Scale Public Services and Utilities
  - (p) Transit Center
  - (q) Distribution Center
  - (r) Off-Site Parking Lot
  - (s) Off-Site Structured Parking
  - (t) Communication Tower
  - (u) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



## Section 10.02.41: (R-P) Research Park Zoning District

## (7) Density, Intensity, and Bulk Regulations for the (R-P) Research Park District.

	Requirement
Minimum Lot Area	20,000 square feet
Maximum Impervious Surface Ratio	75 percent
Minimum Lot Width	100 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	50 feet
Minimum Front Setback	25 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	10 feet
Minimum Rear Setback	20 feet
Maximum Principal Building Height	48 feet or 4 stories
Minimum Stepback (from front façade)*	15 feet stepback for any building over 3 stories
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

\*Any building exceeding 3 stories must provide a minimum 15-foot stepback from the façade after the third story and must incorporate façade articulation, if greater than 40 feet in width. See Figure 10.01.23d.

## Section 10.02.42: (I-M) Medium Industrial Zoning District

**Section 10.02.42: (I-M) Medium Industrial Zoning District**

- (1) Intent. This district is intended to permit mid-scale to large-scale industrial at an intensity which is consistent with economic development objectives and compatible with adjacent development. The primary distinguishing feature of this district is that it is geared toward indoor industrial activities with some raw materials or finished products stored outside. This district tends to be more intense uses than the I-L or R-P districts, but not typically a nuisance for adjoining properties.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Indoor Maintenance Service (Nonresidential)
  - (b) Small Scale Public Services and Utilities
  - (c) Large Scale Public Services and Utilities
  - (d) Light Industrial
  - (e) Indoor Food Production and Processing
  - (f) Indoor Storage and Wholesaling
  - (g) Distribution Center
  - (h) Freight Terminal
  - (i) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Commercial Animal Daycare
  - (b) Vehicle Service and Repair
  - (c) Outdoor Open Space Institutional
  - (d) Passive Outdoor Recreation
  - (e) Active Outdoor Recreation
  - (f) Heavy Industrial
  - (g) Production Greenhouse
  - (h) Indoor Food Cultivation and Farming
  - (i) Outdoor Storage and Wholesaling
  - (j) Personal Storage Facility
  - (k) Transit Center
  - (l) Off-Site Parking Lot
  - (m) Off-Site Structured Parking
  - (n) Communication Tower
  - (o) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.42: (I-M) Medium Industrial Zoning District

(7) Density, Intensity, and Bulk Regulations for the (I-M) Medium Industrial District.

	<b>Requirement</b>
Minimum Lot Area	20,000 square feet
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	100 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	50 feet
Minimum Front Setback	25 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	10 feet
Minimum Rear Setback	30 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

## Section 10.02.43: (I-H) Heavy Industrial Zoning District

**Section 10.02.43: (I-H) Heavy Industrial Zoning District**

- (1) Intent. This district is intended to provide space for self-contained and isolated manufacturing and industrial operations which are incompatible with residential and commercial uses because of potential nuisance or hazard generation. The primary distinguishing feature of this district is that it is geared toward both indoor and outdoor industrial activities which may be associated with high noise, soot, odors, and other potential nuisances for adjoining properties. The City will consider the use of this zoning district on a case-by-case basis at the request of a property owner.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |  |  |
|--|--|
| (a) Office   | (h) Production Greenhouse                    |
| (b) Indoor Maintenance Service<br>(Nonresidential) | (i) Indoor Food Cultivation and<br>Farming   |
| (c) Vehicle Service and Repair                     | (j) Indoor Food Production and<br>Processing |
| (d) Small Scale Public Services and<br>Utilities   | (k) Indoor Storage and Wholesaling           |
| (e) Large Scale Public Services and<br>Utilities   | (l) Distribution Center                      |
| (f) Light Industrial                               | (m) Freight Terminal                         |
| (g) Heavy Industrial                               | (n) Community Garden                         |
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |  |                                 |
|--|---------------------------------|
| (a) Indoor Shooting Range                    | (j) Off-Site Parking Lot        |
| (b) Adult-Oriented Entertainment<br>Business | (k) Off-Site Structured Parking |
| (c) Intensive Outdoor Activity               | (l) Communication Tower         |
| (d) Outdoor Open Space Institutional         | (m) Composting Facility         |
| (e) Passive Outdoor Recreation               | (n) Indoor Recycling Facility   |
| (f) Active Outdoor Recreation                | (o) Large Wind Energy System    |
| (g) Outdoor Storage and Wholesaling          | (p) Large Solar Energy System   |
| (h) Personal Storage Facility                | (q) Cultivation                 |
| (i) Transit Center                           | (r) Agricultural Services       |
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Sections 10.02.44 to 10.02.49: Reserved

(7) Density, Intensity, and Bulk Regulations for the (I-H) Heavy Industrial District.

	<b>Requirement</b>
Minimum Lot Area	5 acres
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	200 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	50 feet
Minimum Side Setback (interior)	50 feet
Minimum Rear Setback	30 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	<b>Residential</b>
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

**Sections 10.02.44 to 10.02.49: Reserved**

## Section 10.02.50: (IOS) Intensive Outdoor Storage Zoning District

**Section 10.02.50: (IOS) Intensive Outdoor Storage Zoning District**

- (1) Intent. This district is intended to permit large-scale outdoor storage uses associated with significant impacts on neighboring properties, particularly related to material usage, aesthetic, visibility, and other potential nuisances for adjoining properties. The City will consider the use of this zoning district on a case-by-case basis at the request of a property owner.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Office
  - (b) Outdoor Sales and Display
  - (c) Indoor Maintenance Service (Nonresidential)
  - (d) Outdoor Open Space Institutional
  - (e) Passive Outdoor Recreation
  - (f) Active Outdoor Recreation
  - (g) Small Scale Public Services and Utilities
  - (h) Light Industrial
  - (i) Production Greenhouse
  - (j) Indoor Storage and Wholesaling
  - (k) Outdoor Storage and Wholesaling
  - (l) Personal Storage Facility
  - (m) Salvage or Junkyard
  - (n) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Large Scale Public Services and Utilities
  - (b) Heavy Industrial
  - (c) Transit Center
  - (d) Distribution Center
  - (e) Freight Terminal
  - (f) Off-Site Parking Lot
  - (g) Off-Site Structured Parking
  - (h) Communication Tower
  - (i) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.50: (IOS) Intensive Outdoor Storage Zoning District

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

	<b>Requirement</b>
Minimum Lot Area	5 acres
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	50 feet
Minimum Side Setback (interior)	50 feet
Minimum Rear Setback	50 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

## Section 10.02.51: (IOC) Intensive Outdoor Commercial Zoning District

**Section 10.02.51: (IOC) Intensive Outdoor Commercial Zoning District**

- (1) Intent. This district is intended to permit large-scale outdoor commercial entertainment uses associated with significant impacts on neighboring properties, particularly related to traffic, parking, noise, operating hours, and lighting. The City will consider the use of this zoning district on a case-by-case basis at the request of a property owner.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Office
  - (b) Restaurants, Taverns, and Indoor Commercial Entertainment
  - (c) Outdoor Commercial Entertainment
  - (d) Campground
  - (e) Indoor Maintenance Service (Nonresidential)
  - (f) Outdoor Maintenance Service (Nonresidential)
  - (g) Intensive Outdoor Activity
  - (h) Water-Related Recreation
  - (i) Outdoor Open Space Institutional
  - (j) Passive Outdoor Recreation
  - (k) Active Outdoor Recreation
  - (l) Small Scale Public Services and Utilities
  - (m) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Large Scale Public Services and Utilities
  - (b) Outdoor Storage and Wholesaling
  - (c) Off-Site Parking Lot
  - (d) Off-Site Structured Parking
  - (e) Communication Tower
  - (f) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.51: (IOC) Intensive Outdoor Commercial Zoning District

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

	<b>Requirement</b>
Minimum Lot Area	5 acres
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	50 feet
Minimum Side Setback (interior)	50 feet
Minimum Rear Setback	50 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

## Section 10.02.52: (EXD) Extraction/Disposal Zoning District

**Section 10.02.52: (EXD) Extraction/Disposal Zoning District**

- (1) Intent. This district is intended to provide for quarrying, sand and gravel extraction, and landfill uses which, if sited properly, can be located within the City.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Office
  - (b) Indoor Maintenance Service (Nonresidential)
  - (c) Outdoor Maintenance Service (Nonresidential)
  - (d) Outdoor Open Space Institutional
  - (e) Passive Outdoor Recreation
  - (f) Active Outdoor Recreation
  - (g) Small Scale Public Services and Utilities
  - (h) Light Industrial
  - (i) Indoor Storage and Wholesaling
  - (j) Extraction
  - (k) Composting Facility
  - (l) Indoor Recycling Facility
  - (m) Waste Disposal/Landfill
  - (n) Salvage or Junkyard
  - (o) Sand and Mineral Processing
  - (p) Community Garden
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Large Scale Public Services and Utilities
  - (b) Heavy Industrial
  - (c) Off-Site Parking Lot
  - (d) Off-Site Structured Parking
  - (e) Communication Tower
  - (f) Large Wind Energy System
  - (g) Large Solar Energy System
  - (h) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.52: (EXD) Extraction/Disposal Zoning District

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

	<b>Requirement</b>
Minimum Lot Area	5 acres
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	50 feet
Minimum Side Setback	50 feet
Minimum Rear Setback	50 feet
Maximum Principal Building Height	50 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

## Section 10.02.53: (AIR) Airport Zoning District

**Section 10.02.53: (AIR) Airport Zoning District**

- (1) Intent. This district is established on lands owned by the City of Middleton and operated in conjunction with the activities of the Middleton Municipal Airport-Morey Field. Also, see Chapter 31 of the Municipal Code for Airport Regulations.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses, all of which shall be aviation-related and directly pertain to operations at Middleton Municipal Airport-Morey Field.
  - (a) Airport
  - (b) Heliport
  - (c) Office
  - (d) Indoor Maintenance Service (Nonresidential)
  - (e) Outdoor Maintenance Service (Nonresidential)
  - (f) Outdoor Open Space Institutional
  - (g) Passive Outdoor Recreation
  - (h) Small Scale Public Services and Utilities
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Restaurants, Taverns, and Indoor Commercial Entertainment
  - (b) Large Solar Energy System
  - (c) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.53: (AIR) Airport Zoning District

(7) Density, Intensity, and Bulk Regulations for the (AIR) Airport District.

	<b>Requirement</b>
Minimum Lot Area	5 acres
Maximum Impervious Surface Ratio	80 percent
Minimum Lot Width	200 feet
Minimum Lot Depth	200 feet
Minimum Lot Frontage at Right-of-Way	100 feet
Minimum Front Setback	50 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	50 feet
Minimum Side Setback (interior)	50 feet
Minimum Rear Setback	50 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

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**Section 10.02.54: (PR) Parks and Recreation Zoning District**

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**Section 10.02.54: (PR) Parks and Recreation Zoning District**

- (1) Intent. This district is established on lands owned by the City of Middleton and operated in conjunction with the activities of the Middleton Parks and Recreation Department.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Indoor Institutional
  - (b) Outdoor Open Space Institutional
  - (c) Passive Outdoor Recreation
  - (d) Active Outdoor Recreation
  - (e) Small Scale Public Services and Utilities
  - (f) Community Gardens
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Food and Beverage Counter Service and Walk-In Pickup
  - (b) Restaurants, Taverns, and Indoor Commercial Entertainment
  - (c) Outdoor Commercial Entertainment
  - (d) Campground
  - (e) Water-Related Recreation
  - (f) Large Scale Public Services and Utilities
  - (g) Off-Site Parking Lot
  - (h) Communication Tower
  - (i) Cultivation
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Section 10.02.54: (PR) Parks and Recreation Zoning District

(7) Density, Intensity, and Bulk Regulations for the (PR) Parks and Recreation District.

	<b>Requirement</b>
Minimum Lot Area	Determined by the Plan Commission
Maximum Impervious Surface Ratio	25 percent
Minimum Lot Width	150 feet
Minimum Lot Depth	None
Minimum Lot Frontage at Right-of-Way	None
Minimum Front Setback	20 feet
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	20 feet
Minimum Side Setback (interior)	20 feet
Minimum Rear Setback	20 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation	Per the Building Code
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback	3 feet
Minimum Side Setback (on corner)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	35 feet

Section 10.02.55: (CON) Conservancy Zoning District

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**Section 10.02.55: (CON) Conservancy Zoning District**

- (1) Intent. This district is established on lands that encompass lowland wetlands, combined with lands on the edge or fringe of wetlands, and upland areas. These areas are intended to be preserved as open space, natural habitat, scenic areas, lakeshores, wetlands, floodplains, drainageways, steep slopes, upland woodlands forests, floodways, or other similar environments, in addition to the provision below are also subject to the various overlay districts present on the property (see section 10.02.80). Where there is no overlay district present, the following regulations shall apply (subsection (2)-(7) below).
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Outdoor Open Space Institutional
  - (b) Passive Outdoor Recreation
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
  - (a) Small Scale Public Services and Utilities
  - (b) Cultivation
  - (c) Community Garden
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



Sections 10.02.56 to 10.02.59: Reserved

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

	<b>Requirement</b>
Minimum Lot Area	None
Maximum Impervious Surface Ratio	10%
Minimum Lot Width	None
Minimum Lot Depth	None
Minimum Lot Frontage at Right-of-Way	None
Minimum Front Setback	None
Minimum Porch Setback (front and street side yards on corner lots)	NA
Minimum Street Side Setback (on corner lots)	None
Minimum Side Setback (interior)	None
Minimum Rear Setback	None
Maximum Principal Building Height	None
Minimum Principal Building Separation	None
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	None
Minimum Parking Required	None
Minimum Dwelling Unit Structure Area	NA
<b>Accessory Buildings:</b>	
Minimum Front Setback	None
Minimum Side Setback	None
Minimum Side Setback (on corner)	None
Minimum Rear Setback	None
Maximum Height	None

**Sections 10.02.56 to 10.02.59: Reserved**

## Section 10.02.60: (AGR) Agricultural Zoning District

**Section 10.02.60: (AGR) Agricultural Zoning District**

- (1) Intent. This district is intended to preserve productive agricultural lands in the long-term, protect existing farm operations from encroachment by incompatible uses, promote further investments in farming, and may maintain eligibility for farming incentive programs. This district is also intended to permit very low-density single family detached residential development at a density of no more than one dwelling unit for every 35 gross acres.
- (2) Principal Uses Permitted by Right. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |   |   |
|---|---|
| (a) Single Family Dwelling Unit               | (j) Community Living Arrangement (1-8 residents) meeting the requirements of Section 10.03.12 |
| (b) Individual e Family Living Arrangement    | (k) Cultivation   |
| (c) Artisan Production Shop                   | (l) Indoor Food Cultivation and Farming   |
| (d) Commercial Animal Daycare                 | (m) Intensive Agriculture   |
| (e) Commercial Animal Boarding                | (n) Agricultural Services   |
| (f) Outdoor Open Space Institutional          | (o) Community Garden  |
| (g) Passive Outdoor Recreation                |   |
| (h) Active Outdoor Recreation                 |   |
| (i) Small Scale Public Services and Utilities |   |
- (3) Principal Uses Permitted only as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
- |  |                                     |
|--|-------------------------------------|
| (a) Bed and Breakfast                            | (i) Production Greenhouse           |
| (b) Campground                                   | (j) Indoor Storage and Wholesaling  |
| (c) Indoor Maintenance Service (Nonresidential)  | (k) Outdoor Storage and Wholesaling |
| (d) Outdoor Maintenance Service (Nonresidential) | (l) Communication Tower             |
| (e) Intensive Outdoor Activity                   | (m) Composting Facility             |
| (f) Water-Related Recreation                     | (n) Indoor Recycling Facility       |
| (g) Indoor Institutional                         | (o) Large Wind Energy System        |
| (h) Large Scale Public Services and Utilities    | (p) Large Solar Energy System       |
|  | (q) Husbandry                       |
|  | (r) On-Site Agricultural Retail     |
- (4) Accessory Uses Permitted by Right. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (5) Accessory Uses Permitted only as Conditional Use. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.28 for detailed definitions and requirements.
- (6) Temporary Uses. Refer to Section 10.03.05 Table of Land Uses and Section 10.03.30 for detailed definitions and requirements.



## Sections 10.02.61 to 10.02.69: Reserved

## (7) Density, Intensity, and Bulk Regulations for the (AGR) Agricultural District.

	Regulation
Maximum Residential Density*	1 dwelling unit per 35 acres*
Minimum Lot Area*	1 acre*
Maximum Lot Area	2 acres
Maximum Impervious Surface Ratio	25 percent
Minimum Lot Width	150 feet
Minimum Lot Depth	120 feet
Minimum Lot Frontage at Right-of-Way	75 feet
Minimum Front Setback	50 feet
Minimum Porch Setback (front and street side yards on corner lots)	42 feet
Minimum Street Side Setback (on corner lots)	50 feet
Minimum Side Setback (interior)	50 feet
Minimum Rear Setback	50 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation	10 feet
Minimum Pavement Setback (lot line to pavement, excludes driveway entrances)	5 feet on side and rear yards 10 feet from any street right-of-way
Minimum Parking Required	See Section 10.06.06
Minimum Dwelling Unit Structure Area	Per the Building Code
<b>Accessory Buildings:</b>	
Minimum Front Setback	Even with or behind the principal structure
Minimum Side Setback (on corner)	3 feet
Minimum Side Setback (interior)	Even with or behind the principal structure
Minimum Rear Setback	3 feet
Maximum Height	45 feet

\*Note: This district is designed to allow the property owner to create one new lot (with a minimum lot area of 1 acre and a maximum lot area of 2 acres) from a “parent lot” of between 35 and 70 acres. The new lot may include the existing residence, allowing the rest of the undeveloped original lot to be sold. The required maximum residential density of one dwelling per 35 acres is intended to retain agricultural or other rural uses until urban services are available to enable a zoning map amendment to a development-oriented zoning district.

## Sections 10.02.61 to 10.02.69: Reserved

**Section 10.02.70: Planned Unit Development Zoning District (GDP or SIP)**

- (1) Purpose. The purpose of this district is to provide for the possible relaxation of certain development standards pertaining to the base standards of any zoning district. In exchange for such flexibility, it is anticipated that development within a Planned Unit Development District will reflect the City's planning policies as set forth in the City's Comprehensive Plan and offer one or more of the following advantages:
  - (a) Positively contribute to the appearance and function of land uses and site design in the area.
  - (b) Promote a greater level of architectural quality while ensuring compatibility with other structures in the area.
  - (c) Conserve and protect environmentally sensitive areas, areas of natural beauty, and natural green spaces.
  - (d) Preserve the cultural and historic character and significance of existing structures or areas.
  - (e) Provide substantial buffers and transitions between different land uses and densities.
  - (f) Reduce congestion on streets and improve pedestrian and bicycle circulation.
  - (g) Development would not conflict with or cause overload on such facilities as schools, highways, police, fire, or utility services.
  - (h) Insure proper maintenance and preservation of any common areas for recreation and esthetic enhancement.
- (2) Intent. Planned unit developments are intended to encourage, promote, and provide improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this Chapter and the City of Middleton Comprehensive Plan. To this end, planned unit developments allow diversification and variation in the relationship of uses, structures, open spaces, and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. The Planned Unit Development District shall allow development to be designed, reviewed, approved, constructed, and managed as approved by the City Council rather than required by the underlying zoning district.
  - (a) The City may permit flexibility in the types of uses, area and yard requirements, off-street parking, and/or other regulations set forth in this Chapter by use of exceptions/base standard modifications subject to the demonstration of their appropriateness for the area under consideration.
  - (b) It is not intended that the City will automatically grant exceptions/base standard modifications in a Planned Unit Development District, and it is expected the City will grant only such exceptions when they are consistent and comparable with benefits to the community that result from the Planned Unit Development.
  - (c) The City may require, as conditions of approval, any reasonable stipulation, limitation, or design factor which will promote suitable development in the Planned Unit Development District.
  - (d) A public hearing process is required to review a request for a Planned Unit Development. This process will essentially combine the process for a Zoning Map Amendment (for the General Development Plan (GDP) Step) with that required for a Conditional Use (for the Specific Implementation Plan (SIP) Step), with several additional requirements. See Section 10.10.45 for the General Development Plan and Specific Implementation Plan requirements.
- (3) Provision of Flexible Development Standards for Planned Unit Developments.
  - (a) Permitted Location



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**Section 10.02.70: Planned Unit Development Zoning District (GDP or SIP)**

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1. Planned Unit Developments shall be permitted with the approval of Planned Unit Development zoning map amendment, specific to the approved Planned Unit Development, within all zoning districts.
- (b) Flexible Development Standards
  1. The following exemptions to the development standards of a base zoning district may be provided with the approval of a Planned Unit Development.
    - a. Land Use Requirements
      - i. All land uses listed as “Residential”, “Institutional”, “Mixed-Use”, “Commercial” or “Industrial” in Article III may be permitted within a Planned Unit Development.
    - b. Density, Intensity, and Bulk Requirements
      - i. All requirements listed in Article IV Bulk Regulations and Article II for Density, Intensity, and Bulk Regulations within the SR-L, SR-M, SR-H, MH-D, TR-D, TR-F, MR-L, MR-M, MR-H, I, MU-ON, MU-N, MU-A, MU-U, MU-D, I-L, R-P, I-M, I-H, and AIR Zoning Districts may be waived within a Planned Unit Development.
    - c. Landscaping Requirements
      - i. All requirements listed in Article VIII may be waived within a Planned Unit Development.
    - d. Parking and Loading Requirements
      - i. All requirements listed in Section 10.06.06 and 10.06.07 may be waived within a Planned Unit Development.
- (4) Applicability. Areas that may be deemed appropriate for a Planned Unit Development include, but are not limited to:
  - (a) Transitional areas that involve locations with a mix of different land uses where new development is proposed in an area of preexisting uses and buildings.
  - (b) Infill areas located in a developed area that involve parcels that may have been bypassed during the normal course of urbanization or that have been cleared.
  - (c) Redevelopment areas where first or subsequent uses and/or structures are to be replaced by new uses and/or structures.
  - (d) Special areas that include locations that are considered community gateways or entryway corridors and those areas identified as special planning areas in the City’s Comprehensive Plan
  - (e) Development areas where base zoning standards may not be appropriate and/or needed, and where the developer and community will benefit from a greater level of flexibility in land use and bulk controls.
- (5) Existing Planned Unit Developments. The following applies to any Planned Unit Development, or portion thereof, that was adopted prior to the effective date of this Chapter. (Prior to the effective date of this Chapter, Planned Unit Developments were referred to as Planned Development Districts or “PDDs.” For purposes of this Chapter and the Official Zoning Map, any reference to “Planned Development District” or “PDD” shall mean Planned Unit Development.)
  - (a) Any existing Planned Unit Development which has received both General Development Plan approval and Specific Implementation Plan approval, shall hereby reference the following most equivalent zoning district, as determined by the Zoning Administrator:

**Figure 10.02.70a Zoning District Translation Table**

Pre-2023 Zoning Districts	Most Equivalent Zoning District
R-1 Residential District	SR-L, SR-M, SR-H
R-2 Residential District	TR-D, TR-F
R-3 Residential District	MR-L
R-3A Residential District	MR-M, MR-H
B-1 Office District	MU-N
B-2 General Business District	MU-A
B-3 Highway Business District	MU-U
B-4 Downtown Business District	MU-D
I Industrial District	I-L, R-P, I-M
AG Agricultural District	AGR
CO-L Lowland Conservancy District	CON
CO-U Upland Conservancy District	CON

- (b) Any existing Planned Unit Development which has received both General Development Plan and Specific Implementation Plan approval, but is not yet effective because all required conditions have not yet been met, shall hereby meet all required conditions of the adopted General Development Plan and Specific Implementation Plan prior to seeking building permits. If the required conditions are not met and the Planned Unit Development expires per Section 10.10.45, the property shall revert back to the most equivalent zoning district in Figure 10.02.70a based on its pre-GDP approval, as determined by the Zoning Administrator.
- (c) Any existing Planned Unit Development which has received only General Development Plan approval, but has not received Specific Implementation Plan approval, shall hereby be subject to all requirements for Specific Implementation Plan approval in Section 10.10.45. If the Specific Implementation Plan is not approved and the Planned Unit Development expires per Section 10.10.45, the property shall revert back to the most equivalent zoning district in Figure 10.02.70a based on its pre-GDP approval, as determined by the Zoning Administrator.

**Sections 10.02.71 to 10.02.79: Reserved**



## Sections 10.02.80: Overlay Zoning Districts

**Sections 10.02.80: Overlay Zoning Districts**

- (1) Purpose. The purpose of this Article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth above in this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include protections against natural hazards, protections of valued natural and cultural resources, and guidelines for unique development situations. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.
- (2) How to Use Sections 10.02.81 – 10.02.87.
  - (a) A given property may lie within one or more overlay zoning district based on its geographic location. The provisions of this Article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district. For each overlay district established in this Article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the development regulations.
- (3) For the purpose of this Chapter, the following overlay zoning districts are hereby established.
  - (a) (WH) Well-Head Protection Overlay Zoning District
  - (b) (S) Shoreland Overlay District
  - (c) (A) Airport Height Limit Overlay District
  - (d) (DD) Downtown Design Overlay District
  - (e) (EC) Environmental Corridor Overlay District
  - (f) (F) Floodplain Overlay District. See Chapter 24 of the City Municipal Code
  - (g) (W) Wetland Overlay District. See Chapter 29 of the Municipal Code
- (4) Map of Overlay Zoning Districts
  - (a) Except where otherwise indicated in this Article, the overlay zoning districts are represented on the Official Zoning Map, adopted and from time to time amended by the City of Middleton.

**Section 10.02.81: Well-Head Protection Overlay Zoning District**

- (1) Purpose, Authority, and Applicability.
  - (a) Residents in the City of Middleton 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 Section is to institute land use regulations and restrictions to protect the City's drinking water and well fields, and to promote the health, safety and general welfare of the residents of the City of Middleton.
  - (b) Authority of the City to enact these regulations is established by the Safe Drinking Water Act in 42 U.S.C. § 300h-7; Wis. Stats. § 281.62(2)(a)5; Wis. Stats. §§ 62.23(7)(a) and (c); and Wis. Admin. Code § NR 811.16(5).
- (2) Definitions.
  - (a) Aquifer. A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.
  - (b) Cone of Depression. The area around a well, in which the natural water level has been lowered at least by one-tenth of a foot by pumping of the well.

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**Section 10.02.81: Well-Head Protection Overlay Zoning District**

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- (c) Existing Facilities. Current facilities, practices and activities which may cause or threaten to cause environmental pollution within that portion of the City’s wellhead protection area that lies within the corporate limits of the City. Existing facilities include but are not limited to the type listed in the Department of Natural Resources form 3300-215, “Public Water Supply Potential Contaminant Use Inventory Form” which is incorporated herein as if fully set forth.
  - (d) Five Year Time of Travel. The recharge area upgradient of the cone of depression, the outer boundary of which is defined by the estimated distance at all points from any pumping well that groundwater will take five years to travel to any pumping well.
  - (e) Recharge Area. The land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area extends beyond the corporate limits of the City of Middleton.
  - (f) Well Field. A parcel of land used for construction of a well to supply a municipal water system.
- (3) Wellhead Protection Area. Wellhead Protection Areas are hereby established consisting of requirements for minimum separation distances from municipal wells and designation of wellhead protection zones, in which land uses are regulated. These regulations overlay the regulations for the underlying zoning district designated for the area. Whenever the regulations in the Wellhead Protection Area and the underlying zoning regulations conflict, the more restrictive regulation shall apply.
- (a) Separation Distances. The following minimum separation distances shall be maintained from all municipal wells.
    - 1. Fifty feet between a municipal well and storm sewer main.
    - 2. Two hundred feet between a municipal well and:
      - a. Any sanitary sewer main, sanitary sewer manhole, or lift station. A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Waterworks Association (AWWA) C600 specifications. In no case may the separation distance between a municipal well and sanitary sewer main be less than 50 feet.; or
      - b. Single family residential fuel oil tank.
    - 3. Four hundred feet between a municipal well and:
      - a. A septic tank or soil adsorption unit receiving less than 8,000 gallons per day; or
      - b. A cemetery; or
      - c. A storm water pond.
    - 4. Six hundred feet between a municipal well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter “Commerce”) or its designated agent under Wis. Admin. Code § Comm. 10.10.
    - 5. One thousand feet between a municipal well and:
      - a. Land application of municipal, commercial or industrial waste; or
      - b. The boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under Wis. Admin. Code Chap. NR 718 while that facility is in operation; or
      - c. Industrial, commercial or municipal waste water lagoons or storage structures; or

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**Section 10.02.81: Well-Head Protection Overlay Zoning District**

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- d. Manure stacks or storage structures; or
  - e. A septic tank or soil adsorption unit receiving 8,000 gallons per day or more.
6. Twelve hundred feet between a municipal well and:
- a. Any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; or
  - b. Sanitary landfill; or
  - c. Any property with residual groundwater contamination that exceeds Wis. Admin. Code Chap. NR 140 enforcement standards that is shown on the Department of Natural Resources' geographic information system registry of closed remediation sites; or
  - d. A coal storage area; or
  - e. A salt or deicing material storage area; or
  - f. Gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under Wis. Admin. Code Chap. Comm 10.10; or
  - g. Bulk fuel storage facilities; or
  - h. Pesticide or fertilizer handling or storage facilities.
- (b) Wellhead Protection Zones.
1. Zone A. Zone A is the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contamination to the municipal wells. Zone A is equal to the Five Year Time of Travel.
  2. Zone A - Permitted Uses. The following uses are permitted within Zone A of the Wellhead Protection Area. Uses not listed shall be prohibited:
    - a. Parks, provided there is no on-site wastewater disposal or fuel storage tank facilities associated with this use.
    - b. Playgrounds.
    - c. Wildlife areas.
    - d. Non-motorized trails, such as bike, skiing, nature and fitness trails.
    - e. Residential, commercial and industrial property which is served by municipal sanitary sewer and lack underground and above-ground storage tanks.
  3. Zone B. Zone B is the secondary source of water for the municipal well aquifer because of the large cone of depression and a greater time of travel. Zone B is the area beyond the boundary of Zone A but within a 1,200 foot radius of a municipal well.
  4. Zone B - Permitted Uses. The following uses are permitted within Zone B of the Wellhead Protection Area. Uses not listed shall be considered prohibited:
    - a. All uses listed as permitted in Zone A.
    - b. Modified agricultural activities, including any crop not treated with pesticides and/or synthetic fertilizers.
    - c. Above-ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with Wis. Admin. Code Chap. Comm. 10.



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**Section 10.02.81: Well-Head Protection Overlay Zoning District**

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- d. Residential, commercial and industrial property which is served by municipal sanitary sewer or has a state-approved private on-site waste treatment system.
  - e. Motor vehicle filling and service stations that have received written approval from the Wisconsin Department of Commerce under Wis. Admin. Code Chap. Comm. 10.
5. Mapping. The location and boundaries of the Wellhead Protection Areas established by this Section shall be set forth in the City of Middleton Wellhead Protection Plan adopted pursuant to Wis. Admin. Code § NR 811.16(5) including plan components for existing wells. The provisions of the City of Middleton Wellhead Protection Plan and all future amendments thereto, are hereby incorporated into this Section as though fully set forth and described herein. The official copy of the City of Middleton Wellhead Protection Plan shall be kept in the office of the City Clerk and shall be available for view at City Hall.
- (4) Review of Building Permit Application Prior to the issuance of a building permit for any use in the Wellhead Protection Area, the Zoning Administrator shall review the proposed use to ensure that the use is consistent with this ordinance.
- (5) Exceptions and Revocations.
- (a) Applicants may seek exceptions to this ordinance by requesting a variance from the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the same standards for granting variances to this Section as for all zoning variances. Under no circumstances shall a variance be issued unless the Zoning Board of Appeals finds that the variance along with any conditions attached thereto will adequately protect the groundwater from contamination. Such conditions may include, but are not limited to requirements to post a bond or surety to guarantee funds to meet obligations, future groundwater monitoring.
  - (b) No variances shall be granted for any gasoline or fuel oil storage tank.
  - (c) Applicants for a variance shall be solely and exclusively responsible for any cost associated with the application, including but not limited to all of the following:
    1. The cost of any environmental impact study or other information gathering reasonably required by the Zoning Board of Appeals.
    2. The cost of City employees' time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the City Administrator, representing the City's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.
    3. The cost of City equipment employed in evaluating the application.
    4. The cost of mileage reimbursed to City employees in evaluating the application.
  - (d) The Zoning Board of Appeals may revoke a variance if any one or more of the following occur:
    1. A provision of this ordinance has been violated, and the violation has not been or cannot be satisfactorily remedied within a reasonable time frame as determined by the Zoning Board of Appeals.
    2. A condition imposed on the approval has been violated, and the violation has not been or cannot be satisfactorily remedied within a reasonable time frame as determined by the Zoning Board of Appeals.
    3. Use of the property is discontinued for a period of one (1) year.
- (6) Requirements for Existing Facilities and Land Uses Within Wellhead Protection Areas.

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**Section 10.02.81: Well-Head Protection Overlay Zoning District**

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- (a) Existing facilities and land uses shall, unless such facilities constitute a public nuisance or an imminent threat to public health and safety, shall be entitled to continue as a legal nonconforming use pursuant to Article V. This section shall not be interpreted to prohibit normal maintenance or minor repairs.
  - (b) The Director of Public Works may require existing facility owners to create, file, and maintain a contingency plan satisfactory to the Director of Public Works which details how the facility owner intends to respond to any emergency which may cause or threaten to cause environmental pollution that may occur at the facility, including, but not limited to plans for notifying State, County, and local officials.
- (7) Enforcement and Penalties.
- (a) In the event any contaminants are released which could endanger the water quality within a Wellhead Protection Area, the owner, operator or other responsible party causing said release shall immediately cease and desist all activities and operations posing any risk to groundwater quality, and shall provide notification and cleanup satisfactory to the Director of Public Works. Following any such discharge, the Director of Public Works may require owner to perform additional groundwater monitoring or other environmental analysis.
  - (b) The owner, operator or other responsible party shall be responsible for all costs of cleanup, including but not limited to, all of the following:
    - 1. The actual cost of City consultant fees at the invoice amount.
    - 2. The cost of City employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City Administrator, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation, and similar benefits.
    - 3. The cost of City equipment employed in the cleanup.
    - 4. The cost of mileage reimbursed to the City employees attributed to the cleanup.
  - (c) Violations. It shall be unlawful to construct or use any structure, land or water in violation of this Ordinance. Violations of this Section shall constitute a public nuisance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this Section.
  - (d) Penalties. Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) plus statutory costs, assessments and penalties. Each day a violation exists or continues shall constitute a separate offense.
- (8) Severability Clause. If any section, subsection, sentence, clause paragraph or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, or other applicable administrative body, such decision shall not affect the validity of any other section, subsection, sentence, clause, paragraph or phrase or portion thereof. The Common Council of the City of Middleton hereby declares that they would have passed this Ordinance and each section, subsection, sentence, clause, paragraph or phrase thereof irrespective of the fact that any one or more other sections, subsections, sentences, clauses, paragraphs, or phrases may be declared invalid or unconstitutional.

## Section 10.02.82: Shoreland Overlay Zoning District

**Section 10.02.82: Shoreland Overlay Zoning District**

- (1) Purpose. Uncontrolled use of shorelands and pollution of the navigable waters of the municipality adversely affects the public health, safety, convenience, and general welfare in various ways, including destruction of habitat for fish and aquatic life, the promotion of shoreline erosion, the destruction of shorecover and destruction of natural beauty. Pursuant to Wis. Stats. § 62.233, this ordinance is enacted to preserve regulations relating to certain shorelands previously subject to county shoreland regulations under Wis. Stats. § 59.692.
- (2) District Boundaries. The Shoreland Overlay District shall encompass all shorelands annexed by the City of Middleton after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stats. § 59.692. Shorelands, for purposes of this section, shall include:
  - (a) All lands within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages. Except as limited by paragraph (c), lakes, ponds or flowages shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources Surface Water Data viewer available on the DNR website, or are shown on United States Geological Survey quadrangle maps or other zoning base maps; and
  - (b) All lands within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Except as limited by paragraph (c), rivers and streams shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
  - (c) Shorelands shall not include lands adjacent to an artificially constructed drainage ditch, pond, or retention basin if the drainage ditch, pond or retention basin is not hydrologically connected to a natural navigable water body.
- (3) Determinations of Navigability. Determinations of navigability and ordinary high water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high water mark.
- (4) Applicability of Shoreland Overlay Regulations. Application of the Shoreland Overlay District designation does not repeal any existing zoning district designation or any other applicable ordinance, statute or other regulation. The Shoreland Overlay District regulations set forth under this Section supplement existing regulations shall apply whenever they establish a standard that is either not imposed by any other ordinance, statute or regulation or when they establish a standard that is more restrictive than that imposed by any other ordinance statute or regulation.
- (5) Shoreland Overlay District Regulations
  - (a) Setback from Water
    1. All principal and accessory buildings shall be set back at least 75 feet from the ordinary high-water mark.
    2. A setback less than 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



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**Section 10.02.83: Airport Height Limit Overlay Zoning District**

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- b. The principal building is constructed or placed within a distance equal to the average setback of the principal buildings on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.
- (b) Vegetative Buffer Zone. A vegetative buffer zone shall extend the entire length of the shoreline and 35 feet inland. Existing vegetation within the vegetation buffer zone shall be maintained except as follows:
1. 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.
  2. Vegetation may be removed in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and that extends no more than 35 feet inland from the ordinary high-water mark.

**Section 10.02.83: Airport Height Limit Overlay Zoning District**

- (1) Statutory Authorization. This Section is adopted pursuant to Wis. Stats. § 114.136.
- (2) Definitions.
  - (a) “Airport”. Middleton Municipal Airport—Morey Field, which is located in Section 3, Town 7 North, Range 8 East, in the City of Middleton, Dane County, Wisconsin.
  - (b) “Nonconforming use”. Any structure which does not conform to the provisions of this Ordinance or an amendment thereto, as of the effective date of this ordinance.
  - (c) “Person”. Any individual, firm, partnership, corporation, company, limited liability company, limited liability partnership, association, joint stock associations, or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
  - (d) “Structure”. Any object, including a mobile object, constructed, installed or located by a person.
  - (e) “Height”. The elevation above Mean Sea Level of the top of the structure, including any appurtenance installed thereon.
  - (f) “Permit”. Written permission from the City of Middleton on a form provided by the City stating that the proposed structure site either conforms to this Section or has been granted a variance, per subsection (6).
- (3) Airport Height Restriction Areas. All zones established by this section are as shown on the map dated September 4, 2003 entitled, “Height Limitation Zoning Map, Morey Airport, Dane County, Wisconsin,” which is attached hereto and adopted as part of this Section.
- (4) Nonconforming Uses
  - (a) Not Retroactive. The regulations prescribed by this Section shall not be construed to require the removal, lowering or other change or alteration of any structure not conforming to the regulations as of the effective date of this Section, or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided by subsection (6). Nothing herein contained shall require any change in the construction, alteration or intended use of any structure, if the construction or alteration of such was begun prior to the effective date of this Section, and if such is diligently prosecuted.
  - (b) Removal by Purchase. This section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.

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**Section 10.02.83: Airport Height Limit Overlay Zoning District**

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- (5) **Airport Height Limitations.** No structure shall be constructed, altered or located to a height in excess of the elevation indicated on the map referred to in subsection (3) of this Section. Any structure constructed, altered, or located in violation of this Section shall be removed at the owner's expense.
- (6) **Permits**
- (a) **Future Uses.** No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (3) of this Section until the owner or his or her agent shall have applied in writing and obtained a permit from the City Zoning Administrator. Application for such permit shall indicate the purpose for which the permit is desired, with sufficient information to permit the Zoning Administrator to determine whether such structure would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
- (b) **Existing Uses.** Before any nonconforming structure may be replaced, altered, or rebuilt, a permit shall be applied for and secured in the manner prescribed in subsection (6)(a) authorizing such change, replacement or repair. Such permit shall be granted if the structure will not become a greater hazard to air navigation than it was on the effective date of this ordinance, or than it was when the application for permit was made.
- (c) **Exemptions.** Permits are not required for structures less than thirty-five (35) feet in height above the ground and within one-half mile of the airport boundary, for structures less than fifty (50) feet in height above the ground within the area beginning one-half mile from the airport boundary and extending to one mile from the airport boundary, and for structures less than one hundred (100) feet in height above the ground within the area beginning one mile from the airport boundary and extending to three miles from the airport boundary.
- (d) **Posting.** Said permit shall be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.
- (e) **Variances.** Upon appeal in special cases the Board of Appeals may, after investigation and public hearing, grant a variance from the terms of this ordinance. Such variance shall not be contrary to the public interest or create a hazard to the safe, normal operation of aircraft.
- (7) **Administration.** It shall be the duty of the City Zoning Administrator to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made on a form provided by the Zoning Administrator. Applications for permits and applications for variances shall be granted or denied within 45 days of the date of filing. Applications for variances shall include evidence of Federal Aviation Administration review of the proposed construction (FAA Form 7460-1, "Notice of Proposed Construction"). Appeals shall be transmitted by the Zoning Administrator to the Board of Appeals for hearing and decision.
- (8) **Board of Appeals.** The City Zoning Board of Appeals, as established under Section 10.10.13, shall:
- (a) Hear and decide appeals from any determination made by the Zoning Administrator in the enforcement of this Ordinance; and
- (b) Hear and decide specific variances.
- (9) **Appeals and Review.**
- (a) **Aggrieved Person.** Any person aggrieved or affected by any decision or action of the Zoning Administrator made in the administration of this Section may appeal such decision or action to the Board of Appeals.
- (b) **Procedure.** Any appeal taken pursuant to this section shall be in conformity with the procedure established by the applicable Wisconsin Statutes (Wis. Stats. § 114).

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**Section 10.02.84: Downtown Design Overlay Zoning District**

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- (c) Meetings. In reviewing appeals under this Section, all meetings and hearings of the Zoning Board of Appeals shall be open to the public. Notice of all meetings of the Zoning Board of Appeals under this Section shall be given to the applicant, the Zoning Administrator and to the Clerk of the municipality where the property of the aggrieved person is located, if that property is outside the corporate limits of the City of Middleton. The Zoning Board of Appeals shall conduct a public hearing on each such matter that comes before it, preceded by publication of a Class 1 notice.
- (10) Fees. Permit and appeal fees shall be paid in the amount set forth in the Fee Schedule under Section 3.12 of the City of Middleton Municipal Code.
- (11) Penalties. Any person violating any of the provisions of this Section shall, upon conviction, be subject to a forfeiture as set forth in Section 30.04 of the City of Middleton Municipal Code.
- (12) Severability. If any of the provisions of this Section or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Section which can be given effect without the invalid provision or application, and to this end the provisions of this Section are declared to be severable.
- (13) Conflicting Regulations. Where there exists a conflict between any of the regulations or limitations prescribed in this Section and any other regulations applicable to the same area, whether the conflict be with respect to the height of the structure or any other matter, the more stringent limitations or requirements shall govern and prevail.
- (14) Effect. This Section shall take effect and be in force upon passage and publication. This Section supersedes any previous Section regulating the height of structures in the vicinity of the airport.

**Section 10.02.84: Downtown Design Overlay Zoning District**

- (1) Purpose. This district is intended to implement the urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area, as defined by the mapped boundaries of the Downtown Design Overlay Zoning District.
- (2) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Design Overlay Zoning District.
- (a) All design requirements for renovation, design alteration, and project review within the Downtown Overlay Zoning District can be found in Section 10.07.50 Special Areas.

**Section 10.02.85: Environmental Corridor Overlay Zoning District**

- (1) Purpose. This district is intended to preserve, protect, and enhance lakes, ponds, wetlands, woodlands, wildlife habitat areas, areas of rough topography, and related scenic areas. The preservation, protection and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; protect native plant communities; avoid location of structures on soils which are generally not suitable for such use; control erosion and sedimentation; and maintain the natural beauty of the City of Middleton.
- (2) District boundary. The Environmental Corridor (EC) Overlay District encompasses those areas delineated as environmental corridors by the Capital Area Regional Planning Commission (CARPC), as amended from time to time; archaeological and historical sites mapped by the State Historic Preservation Office (SHPO) or the Wisconsin Historical Society; any drainageway mapped by the Wisconsin Department of Natural Resources, CARPC or United States Geological Survey (USGS) ; and any drainageway of concern as determined by the City Engineer. The boundaries are depicted on the Official Zoning Map. Refinement of these boundaries is required by on-site delineation:



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**Section 10.02.85: Environmental Corridor Overlay Zoning District**

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- (a) Refinement of Overlay Zoning District boundaries by on-site delineation. Because the mapping of environmental and cultural resource areas protected by the City of Middleton as provided by county, state, and federal sources is general and not provided at a surveyed level of accuracy, the boundary of each resource on a parcel proposed for development activity that is identified on the City's map of overlay zoning districts and online map viewer shall be subject to a site visit and staking of each resource boundary located on the parcel. This staking shall be conducted by an expert in the resource officially recognized by the agency responsible for the general source mapping of that resource.
1. For the wellhead protection area, the staking shall be done by the City Engineer.
  2. For any archeological site mapped by the SHPO or the Wisconsin Historical Society, the staking shall be done by an expert recognized by that agency.
  3. For any historical site mapped by the Wisconsin Historical Society, the staking shall be done by an expert recognized by that agency.
  4. For any environmental corridor mapped by the Capital Area Regional Planning Commission (CARPC), the staking shall be approved by that agency and the Zoning Administrator.
  5. For any wetland mapped by the Wisconsin Department of Natural Resources, the staking shall be done by an expert recognized by that agency.
  6. For any floodway, flood fringe, or flood storage area identified by FEMA or the Floodplain Zoning Ordinance, the staking shall be done by a licensed surveyor or civil engineer and approved by the Floodplain Zoning Administrator.
  7. For any steep slopes area, any woodland, any stream or drainageway, the staking shall be done by a licensed surveyor or civil engineer.
  8. For the Ordinary High Water Mark (OHWM) of a navigable waterway, the staking shall be performed in consultation with the Wisconsin Department of Natural Resources and approved by the Zoning Administrator
- (b) The mapping of all resource area staking shall be conducted by a licensed surveyor or civil engineer, and all resource areas present on the parcel shall be depicted on all site plans, grading and erosion control plans, and stormwater management plans required for submittal to the City for development activity proposed for the parcel.
- (c) Existing developed impervious areas are exempt from inclusion within the environmental corridors.
- (3) Components of environmental corridors. Environmental corridor lands contain the following natural resource components: navigable and non-navigable natural streams and natural drainageways as mapped by WisDNR, CARPC, or USGS; drainageways of concern as determined by the City Engineer; vegetative buffers for wetlands and shorelands (per the Shoreland Overlay see Section 10.02.82); 100-year floodplains and floodways; steep slopes (with a 12 percent gradient and higher in the glaciated portions of the city, 20 percent gradient and higher for the driftless portion of the city); public lands, parks, and conservancy areas; wetlands; woodlands; navigable waterways; archaeological and historic sites; problem soil areas and unique geologic formations; endangered and sensitive habitats (based on DNR determination), stormwater facilities; significant or sensitive groundwater recharge areas.
- (4) Permitted uses. The following uses are permitted in the EC Overlay Zoning District:
- (a) Construction and maintenance of fences, piers, docks, walkways, including those built on pilings.
  - (b) Hiking, fishing, trapping, hunting, swimming, and boating, unless prohibited by other laws or ordinances.

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**Section 10.02.85: Environmental Corridor Overlay Zoning District**

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- (c) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, syrup, tree fruits and tree seeds in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.
  - (d) Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.
  - (e) Existing agricultural uses, provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided, that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
  - (f) Ditching, tilling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system, only to the extent necessary to maintain the level of drainage required to continue the agricultural use.
  - (g) Maintenance, repair, replacement and reconstruction of existing streets, roads and bridges.
  - (h) Forest and game management.
  - (i) Park and recreational activities and passive recreational trails.
  - (j) Preservation of scenic, historic, natural areas and critical species habitat sites.
  - (k) Grading, filling, and slope stabilization methods and structures such as retaining walls (including the removal of vegetation in such areas) used to remove, reduce, and stabilize steep slope areas as depicted on a grading and erosion control plan approved by the City Engineer.
- (5) Conditional uses. The following uses are permitted as conditional uses within the EC District:
- (a) Public services and utilities.
  - (b) Land disturbing activity (other than grading, filling, and slope stabilization per subsection (4)(k) above), meeting the requirements of this section.
  - (c) Development regulations within the EC District. Development may be accommodated in the upland portions of the EC District (not located within a floodway, floodplain, flood storage area, or the buffer of a wetland, lake, pond, navigable stream, or other drainageway) as a conditional use. The following provisions shall apply:
    - 1. All development shall comply with all of the requirements of the underlying standard zoning district, all other applicable overlay zoning districts, and the requirements of this section specific to the EC District.
    - 2. All land disturbing activities shall comply with City land division regulations (Chapter 19) and the construction and erosion control ordinance (Chapter 28).
    - 3. Development does not result in significant adverse water quality impacts or erosion potential as determined by the City engineer.
    - 4. Development of the remaining environmental corridor lands is prohibited by a conservation easement or deed restriction in a manner approved by the City attorney.
    - 5. The development shall not threaten the environmental integrity or function of the remaining corridor.
    - 6. Development is compact rather than scatted in nature.
    - 7. No structures shall be erected within the separation distances specified in subsection (6), below.

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**Section 10.02.86: Floodplain Overlay Zoning District**

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8. No lands shall be disturbed within the separation distances specified in subsection (6), below.
  9. No vegetation shall be removed from within the separation distances specified in subsection (6), below, except for invasive, non-native, dead or diseased vegetation. All development shall meet the separation distance requirements in subsection (6), below.
- (6) Separation distance requirements.
- (a) The disturbed or developed area shall be located a minimum of ten feet from woodlands.
  - (b) The disturbed or developed area shall be located a minimum of ten feet from steep slopes.
  - (c) All lands within 50 feet of the ordinary high-water mark of any other navigable water (including lakes, navigable ponds, navigable streams, or other navigable features) as mapped by WisDNR.
  - (d) All lands within 30 feet of the top-of-bank of any non-navigable drainageway mapped by WisDNR, CARPC, or USGS; and any other drainageway of concern as determined by the City Engineer.
  - (e) For the required setback of disturbed or developed areas from wetlands, shorelands, and floodplains, see Section 10.02.82 and Chapters 24 and 29 of the City of Middleton Municipal Code.
- (7) Tree cutting and shrubbery clearing limited. Except as permitted under a conditional use permit, lands lying within the EC District shall not be clear cut of trees, shrubbery or underbrush. No more than ten percent of the natural vegetation shall be removed from a parcel. Areas not occupied by structures or driveways shall be replanted with other vegetation that is equally effective in minimizing runoff, preventing erosion, and preserving natural beauty. Normal pruning, trimming and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.
- (8) Variances. Any requested variation from this Section shall be subject to review and approval by the Zoning Board of Appeals as described in Section 10.10.51.
- (9) Enforcement.
- (a) Penalty. Any person who violates, neglects, or refuses to comply with any of the provisions of this section shall be subject to a penalty as provided by Section 30.04 of the City of Middleton Municipal Code.
  - (b) Injunction. The City may, in addition to any other remedy, seek an injunction or restraining order against the party alleged to have violated the provisions of this section.
  - (c) Restoration costs. The person in violation of this section shall perform mitigation measures, such as reforestation wetland enhancements, erosion mitigation, or slope stabilization as determined appropriate by the City. As a substitute for, or in addition to any other action, the City may commence legal action against the person in violation of this section.

**Section 10.02.86: Floodplain Overlay Zoning District**

See Chapter 24 of the City Municipal Code.

**Section 10.02.87: Wetland Overlay Zoning District**

See Chapter 29 of the City Municipal Code.

**Sections 10.02.88 to 10.02.99: Reserved**



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## Section 10.03.01: Purpose

**ARTICLE III: LAND USE REGULATIONS****Section 10.03.01: Purpose**

The purpose of this Article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional use or temporary use permit.

**Section 10.03.02: Regulation of Allowable Uses**

The allowable land uses for each zoning district are established in Article II of this Chapter. Detailed descriptions and regulations for uses are found in Sections 10.03.06 through 10.03.30. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 10.10.51. For land uses not specifically listed, the Zoning Administrator shall make an interpretation to identify a comparable use or determine if an amendment to this Chapter is necessary.

- (1) **Principal Land Uses Permitted by Right.** Principal land uses listed as permitted by right (designated by the letter “P” in Section 10.03.05) are permitted per the general land use requirements of this Article; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable City, county, state, and federal regulations.
- (2) **Principal Land Uses Permitted as Conditional Uses.** Principal land uses allowed only with a conditional use permit (designated by the letter “C” in Section 10.03.05) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (1), above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 10.10.32. Except for uses approved under a general development plan and specific implementation plan in a planned unit development (see Section 10.10.45), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 10.10.32.
- (3) **Accessory Land Uses.** Accessory land uses are allowed subject to all the requirements and exceptions applicable to principal land uses permitted by right as listed in Subsection (1), above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exceptions applicable to principal land uses requiring a conditional use permit as listed in Subsection (2), above. Accessory land uses shall also comply with the following listed regulations.
  - (a) No accessory structure or use shall be constructed on any lot prior to the establishment of an allowable principal use, unless otherwise stated in this Chapter.
  - (b) Accessory land uses and structures shall not be located within the required front or street yard setback. This applies to corner, single-frontage, and double-frontage lots.
  - (c) In no instance shall an accessory structure, unfinished cellar, unfinished basement, tent, or recreational trailer be used as a residence.
- (4) **Temporary Land Uses.** Temporary land uses permitted by right (designated by the letter “P” in the Table of Land Uses in Section 10.03.05) are permitted on a temporary basis subject to permitting requirements of Section 10.10.30 of this Chapter. Temporary land uses permitted only with a conditional use permit (designated by the letter “C” in the Table of Land Uses) may be permitted subject to temporary use and conditional use permitting requirements of Sections 10.10.32.

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**Section 10.03.03: Regulations Applicable to All Land Uses**

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**Section 10.03.03: Regulations Applicable to All Land Uses**

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter.

- (1) Land Use Regulations and Requirements. All uses of land shall comply with all the regulations and requirements of this Chapter. Such regulations directly relate to the protection of the health, safety, and general welfare of the residents of the City of Middleton.
- (2) Density, Intensity, and Bulk Regulations and Requirements. All development and use of land shall comply with all the applicable requirements of Articles II and IV of this Chapter.
- (3) Overlay Zoning District Requirements. All land use and/or development of land shall comply with all the regulations and requirements of any applicable Overlay Zoning District (see Article II).
- (4) Performance Standards. All development of land shall comply with all applicable requirements established in Article VI.
- (5) Exterior Building Design Standards. All new, remodeled, and expanded residential and nonresidential development shall comply with all applicable building design guidelines as required in Article VII of this Chapter.
- (6) Landscape Regulations. All development of land shall comply with all the regulations and requirements of Article VIII pertaining to the provision of landscaping and bufferyards. Such requirements address issues such as minimum required landscaping of developed land and minimum required provision of bufferyards between adjoining zoning districts which are directly related to the effective bulk of a structure.
- (7) Signage Regulations. All land use and/or development of land shall comply with all requirements of Chapter 22 of the City Municipal Code, pertaining to the type and amount of signage permitted on property. Such requirements address issues such as the maximum area of permitted signage and the number and types of permitted signage.
- (8) Number of Buildings per Lot.

In all zoning districts a maximum of one principal building shall be permitted on any one lot, with the exception of the following:

- (a) Group or Large Developments (Section 10.06.02)
  - (b) Planned Developments (Section 10.02.70)
  - (c) Manufactured Home Parks (Section 10.03.06)
  - (d) Temporary buildings (Section 10.03.30)
- (9) Mixing Residential and Nonresidential Uses in a Building. With the exception of multiple use buildings described under Section 10.03.08, and home occupation land uses, no building containing a nonresidential land use shall contain a residential land use.
  - (10) Number of Land Uses per Building. Any number of land uses that are permitted by right can be combined within a building, per the limitations of those individual uses. Any number of land uses that require a conditional use permit can be combined within a building, per the limitations of those individual uses and with each approved through the conditional use process (Section 10.10.32).
  - (11) Accessory Uses. Accessory uses may be allowed where they comply with the following conditions and requirements:
    - (a) Separation from Principal Structures. Detached accessory buildings shall be separated as regulated by the Uniform Dwelling Code. The “separation” distance between a dwelling unit and accessory structure is determined by measuring the perpendicular distance from wall to wall of the structures. Minor attachments such as handrails, latticework, trellises, or pergolas may be



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**Section 10.03.03: Regulations Applicable to All Land Uses**

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- located in the required separation area and do not render the structures attached for setback purposes. All accessory buildings and structures on a lot are subject to the maximum impervious surface ratio requirements for each zoning district (Article II).
- (b) Conversion of Accessory Structures to Dwellings. The conversion of any accessory structure into a dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Chapter. The resulting occupancy will comply with the requirements governing new construction in such district, including minimum lot size, lot area per dwelling unit, building of lot coverage, dimensions of yards and other open spaces, and off-street parking.
- (c) Accessory Structures without Principal Structure.
1. No accessory structure shall be erected or constructed prior to the erection or construction of the principal structure, paved areas, or below grade improvements.
  2. When an accessory structure becomes the only structure on a lot as the result of demolition of the principal building, the accessory structure shall be demolished within 18 months of the demolition of the principal building. The Zoning Administrator shall have the ability to extend this period by an additional 18 months if the property owner has a concept plan, as approved by the Zoning Administrator, to build a new principal building or otherwise redevelop the site in a manner that uses the accessory structure.
- (12) Group and Large Development Requirements. A Group or Large Development may include any of the land uses in this Chapter that is permitted by right or by conditional use permit in the subject zoning district. All uses and/or development of land within a Group or Large Development shall comply with all requirements of Section 10.06.02.
- (13) Planned Development Requirements. All uses and/or development of land within a planned development shall comply with all requirements of Section 10.02.70 and 10.10.45.
- (14) Nonconforming Uses, Lots, Structures, and Site Requirements.
- (a) Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Article V.
  - (b) Land uses located on substandard lots or on nonconforming lots, nonconforming sites, or in nonconforming structures shall comply with all the regulations and requirements of Article V.
- (15) Site Plan Review Required. All development involving physical modifications to a site including but not limited to new developments, building additions, alterations, or removal; and additions to paving are subject to site plan review and approval in accordance with Section 10.10.43 of this Chapter, except for single family and two family dwelling units on individual lots in any zoning district.
- (16) Procedural Regulations and Requirements. All land use and/or development of land shall comply with all requirements of Article X, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.
- (17) Demolition of a Principal Structure. Where a principal structure has been removed, all driveways, paved areas, and below grade improvements on the lot shall be removed. All public utilities shall be abandoned at their connection with the main unless written exception is obtained from the City Engineer.

Section 10.03.04: Detailed Land Use Descriptions and Regulations

**Section 10.03.04: Detailed Land Use Descriptions and Regulations**

The land use categories employed by this Chapter are defined in Sections 10.03.06 through 10.03.30. Land use categories which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 10.10.50 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

**Section 10.03.05: Table of Land Uses**

The Table of Land Uses on the following pages is provided as a convenience for the City and the general public. Where there are conflicts between the text of this Chapter and the Table of Land Uses, the text shall prevail.

Single Family Residential – Low Density (SR-L)	Single Family Residential – Medium Density (SR-M)	Single Family Residential – High Density (SR-H)	Manufactured Home Residential – (MH-D)	Two-Family Residential – Duplex (TR-D)	Two-Family Residential – Two-Flat (TR-F)	Multi-Family Residential – Low Density (MR-L)	Multi-Family Residential – Medium Density (MR-M)	Multi-Family Residential – High Density (MR-H)	Institutional (INST)	Mixed-Use – Neighborhood (MU-N)	Mixed-Use – Avenue (MU-A)	Mixed-Use – Urban (MU-U)	Mixed-Use – Downtown (MU-D)	Light Industrial (I-L)	Research Park (R-P)	Medium Industrial (I-M)	Heavy Industrial (I-H)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Extraction/Disposal (EXD)	Airport (AIR)	Parks and Recreation (PR)	Conservancy (CON)	Agricultural (AGR)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
<b>Residential Land Uses (§10.03.06)</b>																									
						P	P	P		P	P	P	P												Apartment
C	C	C		C	C	C	C	C	C	C	C	C	C												Boarding House Living Arrangement
				P	P	P	P	P		P															Duplex
P	P	P	P	P	P	P	P	P		P	P	P	P											P	Individual Family Living Arrangement
			P																						Manufactured Home
			C																						Manufactured Home Subdivision or Park
						P	P	P		P	P	P	P												Multiplex
P	P	P	P	P	P	P	P	P		P													P		Single Family Dwelling Unit
						P	P	P		P	P	P	P												Townhouse
				P	P	P	P	P		P															Twin House
				P	P	P	P	P		P															Two-Flat
<b>Mixed-Use Buildings (§10.03.08)</b>																									
						C	C	C		P	P	P	P												Live/Work Unit
										P	P	P	P												Mixed-Use Building
<b>Commercial Land Uses (§10.03.10)</b>																									
																	C								Adult-Oriented Entertainment Business
									P	C	C	C	C	C	C									P	Artisan Production Shop
C	C	C	C	C	C					P	P	P	P											C	Bed and Breakfast
																			P			C		C	Campground

Section 10.03.05: Table of Land Uses

Single Family Residential – Low Density (SR-L)	Single Family Residential – Medium Density (SR-M)	Single Family Residential – High Density (SR-H)	Manufactured Home Residential – (MH-D)	Two-Family Residential – Duplex (TR-D)	Two-Family Residential – Two-Flat (TR-F)	Multi-Family Residential – Low Density (MR-L)	Multi-Family Residential – Medium Density (MR-M)	Multi-Family Residential – High Density (MR-H)	Institutional (INST)	Mixed-Use – Neighborhood (MU-N)	Mixed-Use – Avenue (MU-A)	Mixed-Use – Urban (MU-U)	Mixed-Use – Downtown (MU-D)	Light Industrial (I-L)	Research Park (R-P)	Medium Industrial (I-M)	Heavy Industrial (I-H)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Extraction/Disposal (EXD)	Airport (AIR)	Parks and Recreation (PR)	Conservancy (CON)	Agricultural (AGR)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required	
																								P	Commercial Animal Boarding	
														C	C	C									P	Commercial Animal Daycare
											P	P	P		C											Commercial Indoor Lodging
									C	C	P	P	C	P	C											Commercial Kitchen
										C	C	C			C											Drive-Through & In-Vehicle Sales or Service
									C	C	P	P	P		C								C		Food and Beverage Counter Service and Walk-In Pickup	
						C	C	C	P	C	P	P	P		C											Group Daycare Center
									C	P	P	P	P	P		P	P	P	P	P	P	P		C	Indoor Maintenance Service (Nonresidential)	
										P	P	P	P													Indoor Sales or Service
																	C									Indoor Shooting Range
																C		P						C	Intensive Outdoor Activity	
									P	P	P	P	P		P		P	P	P	P	P	P			Office	
										C	C	C	C		C				P				C			Outdoor Commercial Entertainment
																			P	P	P			C	Outdoor Maintenance Service (Nonresidential)	
											C	C		C	C			P			P				Outdoor Sales and Display	
									P	P	P	P	P		P										Personal or Professional Service	
									C	C	C	C	C		C										Physical Activity Studio	
										C	P	P	P		C				P		C	C			Restaurants, Taverns, and Indoor Commercial Entertainment	
											C	C		C											Vehicle Sales	
											C	C				C	P								Vehicle Service and Repair	
											C	C							P			C	C	C	Water-Related Recreation	
Institutional Land Uses (§10.03.12)																										
P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P		P			Active Outdoor Recreation	
							C	C	C	C	C	C	C													Community Living Arrangements (16+ residents)
P	P	P	P	P	P	P	P	P	P	P	P	P	P											P	Community Living Arrangements (1-8 resident)	
C	C	C	C	P	P	P	P	P	C	C	C	C	C												Community Living Arrangements (9-15 residents)	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	P	Small Scale Public Services and Utilities	
									P	P	P	P	P		P								P	C	Indoor Institutional	
							C	C	C	C	C	C	C												Institutional Residential	



Section 10.03.05: Table of Land Uses

Single Family Residential – Low Density (SR-L)	Single Family Residential – Medium Density (SR-M)	Single Family Residential – High Density (SR-H)	Manufactured Home Residential – (MH-D)	Two-Family Residential – Duplex (TR-D)	Two-Family Residential – Two-Flat (TR-F)	Multi-Family Residential – Low Density (MR-L)	Multi-Family Residential – Medium Density (MR-M)	Multi-Family Residential – High Density (MR-H)	Institutional (INST)	Mixed-Use – Neighborhood (MU-N)	Mixed-Use – Avenue (MU-A)	Mixed-Use – Urban (MU-U)	Mixed-Use – Downtown (MU-D)	Light Industrial (I-L)	Research Park (R-P)	Medium Industrial (I-M)	Heavy Industrial (I-H)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Extraction/Disposal (EXD)	Airport (AIR)	Parks and Recreation (PR)	Conservancy (CON)	Agricultural (AGR)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
									C					C	C	P	P	C	C	C		C		C	Large Scale Public Services and Utilities
P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	P	Outdoor Open Space Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	P	P	P	P	P	P	P	Passive Outdoor Recreation
<b>Industrial Land Uses (§10.03.14)</b>																									
																C	P	C		C					Heavy Industrial
											C		C		C	P								P	Indoor Food Cultivation and Farming
													C		P	P									Indoor Food Production and Processing
													P	P	P	P	P			P					Light Industrial
											C		C		C	P	P							C	Production Greenhouse
<b>Storage Uses (§10.03.16)</b>																									
														P		P	P	P		P				C	Indoor Storage and Wholesaling
																C	C	P	C					C	Outdoor Storage and Wholesaling
																C	C	P							Personal Storage Facility
<b>Transportation Land Uses (§10.03.18)</b>																									
																						P			Airport
														C	C	P	P	C							Distribution Center
																P	P	C							Freight Terminal
																						P			Helipoint
																C	C	C	C	C	C		C		Off-Site Parking Lot
																C	C	C	C	C	C				Off-Site Structured Parking
																C	C	C	C	C					Transit Center
<b>Telecommunication Land Uses (§10.03.20)</b>																									
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		C	Communication Tower
<b>Extraction and Disposal Land Uses (§10.03.22)</b>																									
																	C		P					C	Composting Facility
																			P						Extraction
																	C		P					C	Indoor Recycling Facility
																		P		P					Salvage or Junkyard
																				P					Sand and Mineral Processing
																				P					Waste Disposal/Landfill
<b>Energy Production Land Uses (§10.03.24)</b>																									
																	C		C	C				C	Large Solar Energy System
																	C		C					C	Large Wind Energy System
<b>Agricultural Land Uses (§10.03.26)</b>																									



Section 10.03.05: Table of Land Uses

Single Family Residential – Low Density (SR-L)	Single Family Residential – Medium Density (SR-M)	Single Family Residential – High Density (SR-H)	Manufactured Home Residential – (MH-D)	Two-Family Residential – Duplex (TR-D)	Two-Family Residential – Two-Flat (TR-F)	Multi-Family Residential – Low Density (MR-L)	Multi-Family Residential – Medium Density (MR-M)	Multi-Family Residential – High Density (MR-H)	Institutional (INST)	Mixed-Use – Neighborhood (MU-N)	Mixed-Use – Avenue (MU-A)	Mixed-Use – Urban (MU-U)	Mixed-Use – Downtown (MU-D)	Light Industrial (I-L)	Research Park (R-P)	Medium Industrial (I-M)	Heavy Industrial (I-H)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Extraction/Disposal (EXD)	Airport (AIR)	Parks and Recreation (PR)	Conservancy (CON)	Agricultural (AGR)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required		
Accessory Land Uses (§10.03.28)																											
																									*Boathouse		
P	P	P	P	P	P					P														P	Accessory Dwelling Unit		
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Communication Antenna	
										P	P	P	P	P	P	P	P								P	Company Cafeteria	
P	P	P	P	P	P	P	P	P	P	P	P	P	P												P	Detached Residential Accessory Building	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Electric Vehicle Charging	
																									P	Farm Residence	
P	P	P	P	P	P	P	P	P		P	P	P	P												P	Home Occupation	
										P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Incidental Indoor Sales	
										P	P	P	P	P	P	P	P	P	P	P	P	P			P	Incidental Light Industrial	
														P		P										P	Incidental Office
										P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Incidental Outdoor Sales and Display	
										P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Incidental Outdoor Storage	
P	P	P	P	P	P	P	P	P	P	P	P														P	In-Family Suite	
P	P	P	P	P	P	P	P	P	P	P	P	P	P												P	In-Home Daycare 4-8 Children	
																									P	Migrant Employee Housing	
										P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Nonresidential Accessory Structure	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	On-Site Parking Lot	
										P	P	P	P	P	P	P	P	P	P	P	P	P				On-Site Structured Parking	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Personal Antenna and Towers	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Residential Apiary	
P	P	P	P	P	P																				P	Residential Kennel	
																									P	Residential Stable	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Satellite Dish	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Short-Term Residential Rental	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Small Solar Energy System	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Small Wind Energy System	
Minor Accessory Structure (§10.03.28(8))																											
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Arbor/Trellis	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Awning/Canopy	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Basketball Hoop	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Bay Window/Balcony	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Birdbath, Birdhouse, or Birdfeeder	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Chimney	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	Clothes Line	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P	Decorative Pond	



Section 10.03.05: Table of Land Uses

Single Family Residential – Low Density (SR-L)	Single Family Residential – Medium Density (SR-M)	Single Family Residential – High Density (SR-H)	Manufactured Home Residential – (MH-D)	Two-Family Residential – Duplex (TR-D)	Two-Family Residential – Two-Flat (TR-F)	Multi-Family Residential – Low Density (MR-L)	Multi-Family Residential – Medium Density (MR-M)	Multi-Family Residential – High Density (MR-H)	Institutional (INST)	Mixed-Use – Neighborhood (MU-N)	Mixed-Use – Avenue (MU-A)	Mixed-Use – Urban (MU-U)	Mixed-Use – Downtown (MU-D)	Light Industrial (I-L)	Research Park (R-P)	Medium Industrial (I-M)	Heavy Industrial (I-H)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Extraction/Disposal (EXD)	Airport (AIR)	Parks and Recreation (PR)	Conservancy (CON)	Agricultural (AGR)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Eaves and Gutters	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Egress Window
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Elevated Deck/Porch
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Fire Escape
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Flag Pole
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Fountain
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Garden, Residential Composting, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Gazebo/Picnic Shelter
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Greenhouse
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Little Food Pantry
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Little Library
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Mechanical Equipment
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Outdoor Kitchen
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Patio/Freestanding Deck
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Paved Play Court
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Picnic Table/Bench
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Recreational Paved Path/Boardwalk/Platform
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Refuse Enclosure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Seasonal Decorations
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Statue/Art Object
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Stoop/Landing
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Swimming Pools
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Swing Set/Play Equipment
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Treehouse
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Walkways/Steps
Temporary Land Uses (§10.03.30)																										
									P	P	P	P	P													Farmer’s Market
P	P	P	P	P	P	P	P	P																		Garage or Estate Sale
																								P		Temporary Farm Product Sales/Roadside Stand
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Temporary Moving Container (Residential)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Temporary On-Site Construction Storage, Contractor’s Project Office, and On-Site Real Estate Sales Office
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Temporary Outdoor Assembly

Section 10.03.05: Table of Land Uses

Single Family Residential – Low Density (SR-L)	Single Family Residential – Medium Density (SR-M)	Single Family Residential – High Density (SR-H)	Manufactured Home Residential – (MH-D)	Two-Family Residential – Duplex (TR-D)	Two-Family Residential – Two-Flat (TR-F)	Multi-Family Residential – Low Density (MR-L)	Multi-Family Residential – Medium Density (MR-M)	Multi-Family Residential – High Density (MR-H)	Institutional (INST)	Mixed-Use – Neighborhood (MU-N)	Mixed-Use – Avenue (MU-A)	Mixed-Use - Urban (MU-U)	Mixed-Use – Downtown (MU-D)	Light Industrial (I-L)	Research Park (R-P)	Medium Industrial (I-M)	Heavy Industrial (I-H)	Intensive Outdoor Storage (IOS)	Intensive Outdoor Commercial (IOC)	Extraction/Disposal (EXD)	Airport (AIR)	Parks and Recreation (PR)	Conservancy (CON)	Agricultural (AGR)	Land Uses Permitted: Refer to the detailed definitions and requirements listed for each land use on the following pages.  P: By Right C: By Conditional Use Permit P/C: Refer to specific requirements for that land use to determine if a Conditional Use Permit is required
									P	P	P	P	P		P				P			P			Temporary Outdoor Sales
									P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C	Temporary Outdoor Storage Container (Nonresidential)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Temporary Refuse Container
									P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Temporary Relocatable Building
																									Temporary Shelter Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	Temporary Vehicle Sales

\*Boathouses are subject to the requirements of Wisconsin State Statutes 30.121 and Wisconsin Administration Code Chapter NR 325.

Section 10.03.06: Residential Land Uses

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**Section 10.03.06: Residential Land Uses**

- (1) **Apartment:** This dwelling unit type consists of a single structure with three or more individual attached dwelling units which take access from a shared entrance or hallway.

Regulations:

- (a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (b) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
- (c) See Section 10.07.20 for multi-family design standards and section 10.06.41 for on-site recreation space requirements.
- (d) Group Developments shall meet the standards of Section 10.06.02.
- (e) Minimum and maximum required parking: See Section 10.06.06.
- (f) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment land uses. Specific requirements for Apartments can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

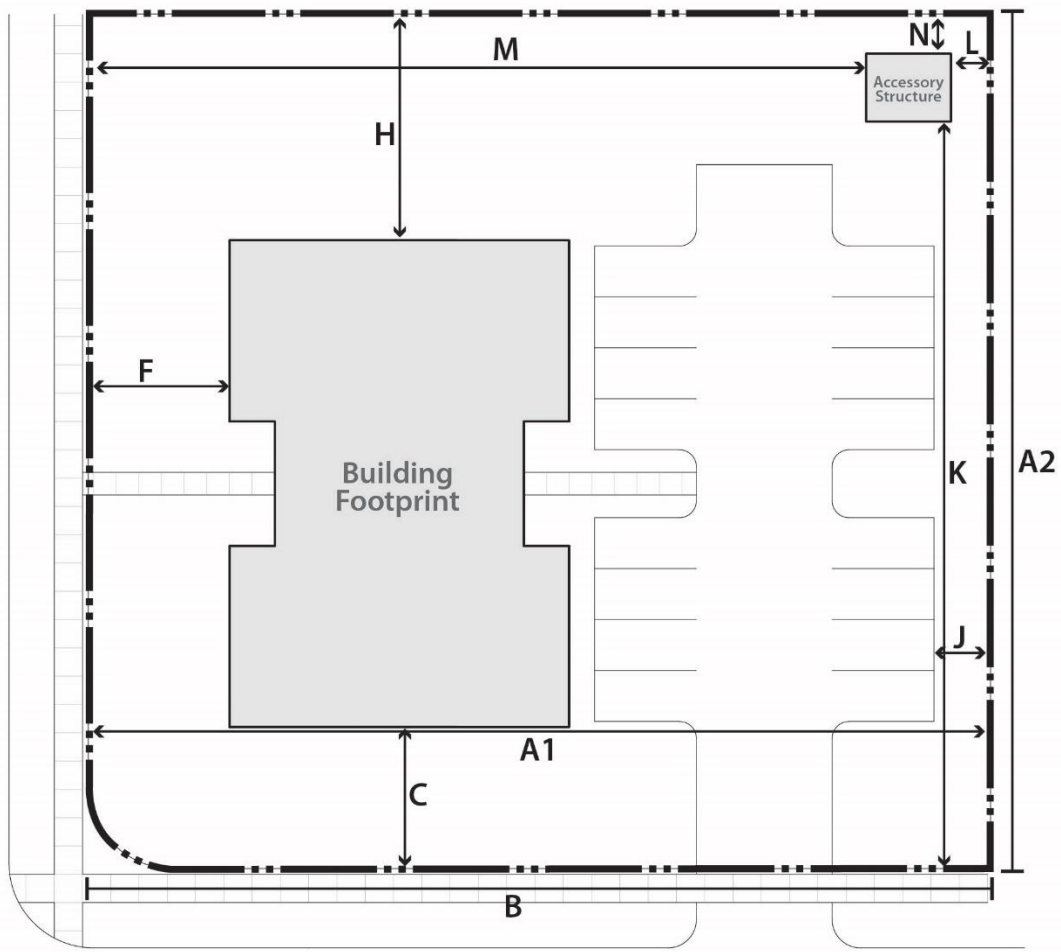


Section 10.03.06: Residential Land Uses

**Figure 10.03.06a: Apartment**

**Key to Figure**

- A Lot area ( $A1 \times A2$ )
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- H Rear setback and minimum deck setback (lot line to principal building or attached garage)
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



## Section 10.03.06: Residential Land Uses

- (2) **Boarding House Living Arrangement:** A residential land use where occupancy of a dwelling unit is shared by up to eight unrelated adult individuals. Boarding House Living Arrangements are a social configuration of occupants and must accompany one or more of the other Residential Land Use (Section 10.03.06) physical configurations.
- (a) Boarding House Living Arrangements are distinct from Individual Family Living Arrangements (occupied by no more than 1 family), which are regulated as separate land use types under Sections 10.03.06(5).
  - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  - (c) Boarding House Living Arrangements require a license and an annual on-site inspection to confirm full compliance with all zoning and building code requirements.
  - (d) Outdoor storage shall be restricted to rear yards.
  - (e) Minimum and maximum required parking: See Section 10.06.06.
- (3) **Duplex:** This dwelling unit type consists of two separate Single Family Dwelling Units, each having a private individual exterior entrance or private interior entrance from a shared foyer, and no shared internal access other than entry foyers and halls. Similar to Twin Houses, Duplexes are attached side-by-side units, each with a ground floor and roof. Unlike Twin Houses, the two dwelling units in a Duplex are located on one lot.

## Regulations:

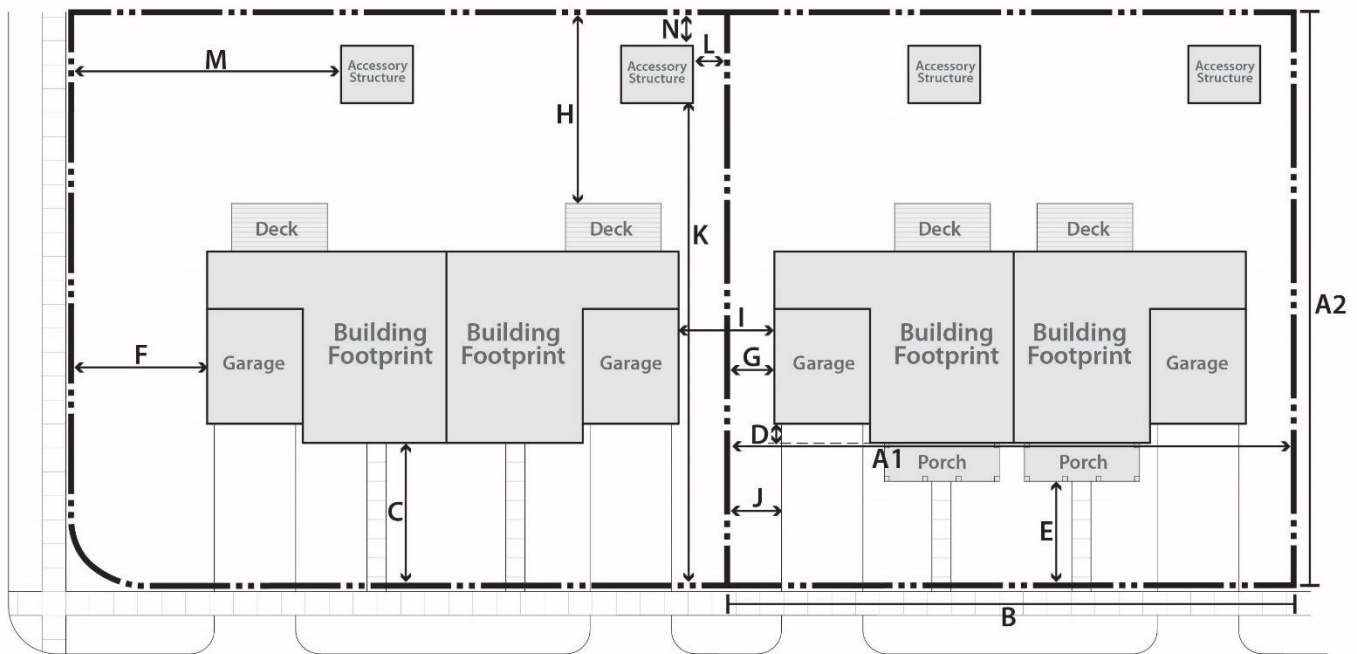
- (a) In the case where any dwelling unit is under separate ownership, recorded deed restrictions or covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (b) The common wall between the units shall be a one-hour fire wall extending from the basement floor to flush against the underside of the roof.
- (c) This dwelling unit type may not be split into additional residences.
- (d) Each duplex constructed following the adoption of this ordinance must provide a separate public water lateral, sanitary sewer lateral, and electric utility service to each of the two dwelling units in the structure.
- (e) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
- (f) See Section 10.07.10 for design standards for two family uses.
- (g) Minimum and maximum required parking: See Section 10.06.06.
- (h) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex land uses. Specific requirements for Duplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 10.03.06: Residential Land Uses

**Figure 10.03.06b: Duplex**

**Key to Figure**

- A Lot area ( $A1 \times A2$ )
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Attached garage setback (from principal building)
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- G Side setback (lot line to principal building or attached garage)
- H Rear setback and minimum deck setback (lot line to principal building or attached garage)
- I Principal building separation
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)





## Section 10.03.06: Residential Land Uses

- (4) **Exceed Maximum Principal Building Height:** A principal structure permitted to exceed the maximum building height for the zoning district up to the defined height limit as specified within the applicable zoning district. This provision must accompany one or more of the other Residential Land Use (Section 10.03.06) physical configurations.

Regulations:

- (a) Only permitted within the MR-M and MR-H zoning districts.
- (b) All other requirements of Article II and III must be met.
- (c) To exceed maximum principal building height within the applicable zoning district, the structure shall incorporate one or more height exceptions as described in herein.
  1. Structures with a voluntary contractual Land Use Restriction Agreements (LURA) with the City to provide income- and rent-restricted dwelling units (see subsection 2) or structures designed to be certifiable as a Net Zero Ready Building (see subsection 3) may exceed the base zoning district's maximum number of stories or height up to two additional floors unless the regulations pertaining to the zoning district identify that only one additional story is permitted. When two additional stories are allowed, the additional building height may be achieved through any or all of the approaches. The floor area of said additional floor(s) shall not exceed the area of any other residential floor in the building.
  2. To exceed the maximum number of stories or height, a structure with a Land Use Restriction Agreement with the City shall meet the following requirements:
    - a. The cumulative interior square footage of the affordable units shall be greater than or equal to fifty percent of the total interior square footage of all units and common amenity space, such as community rooms and fitness rooms, above the maximum number of stories or height in the base zoning district. This calculation shall be based on the floor that has the maximum square footage devoted to dwelling units. Subject to the details in the LURA, the cumulative square footage of the affordable housing units may be distributed throughout the structure.
    - b. The affordable units shall be rented to households with an income at or below sixty percent area median income limits and at or below rent limits for sixty percent of area median incomes as specified in the LURA.
    - c. The effective period of the LURA must be at least thirty years.
  3. To exceed the maximum number of stories or height, a Net Zero Ready Building shall meet the following requirements:
    - a. The structure must be certifiable Zero Energy or higher by either the International Living Future Institute (ILFI) or PHIUS+ from the Passive House Institute US.
    - b. The structure must complete an Energy Design Assistance or Energy Design Review with Focus on Energy.
    - c. The structure must receive an ENERGY STAR score benchmarked by an ENERGY STAR Portfolio Manager.
- (d) Minimum and maximum required parking: See Section 10.06.06.

Section 10.03.06: Residential Land Uses

- (5) **Individual Family Living Arrangement:** A residential land use in which occupancy of a dwelling unit is no more than one family or functional family. Individual Family Living Arrangements are a social configuration of occupants and must accompany one or more of the other Residential Land Use (Section 10.03.06) physical configurations listed throughout this Section.
  - (a) Individual Family Living Arrangements are distinct from Boarding House Living Arrangements, which are regulated as separate land use types under Sections 10.03.06(2).
  - (b) Individual Family Living Arrangements must accompany one or more of the other Residential Land Use (Section 10.03.06) physical configurations listed throughout this Section.
  - (c) Minimum and maximum required parking: See Section 10.06.06.

**Figure 10.03.06c: Number of Unrelated Adults Permitted by Land Use**

Individual Family Living Arrangement*	Boarding House Living Arrangement
1 family or functional family as defined in 10.01.23	Maximum of 8 unrelated adults

*\*Permitted by right in all legal dwelling units.*

- (6) **Manufactured Home:** A type of dwelling unit suitable for year-round occupancy designed to be towed as a single unit or in sections, with a permanent foundation, with walls of rigid, un-collapsible construction, and with water supply, sewage disposal, and electrical convenience. A Manufactured Home includes both a “mobile home” and a “manufactured home” as defined by Wisconsin Statutes. Any similar dwelling unit which has its own motor and/or remains on wheels shall be considered a recreational vehicle. A modular home is a home meeting the Uniform Building Code that is transported to the building site in sections, does not have a permanent chassis, and is permanently mounted on a permanent foundation. A modular home is regulated as a single family dwelling unit under Section 10.03.06(10).

Regulations:

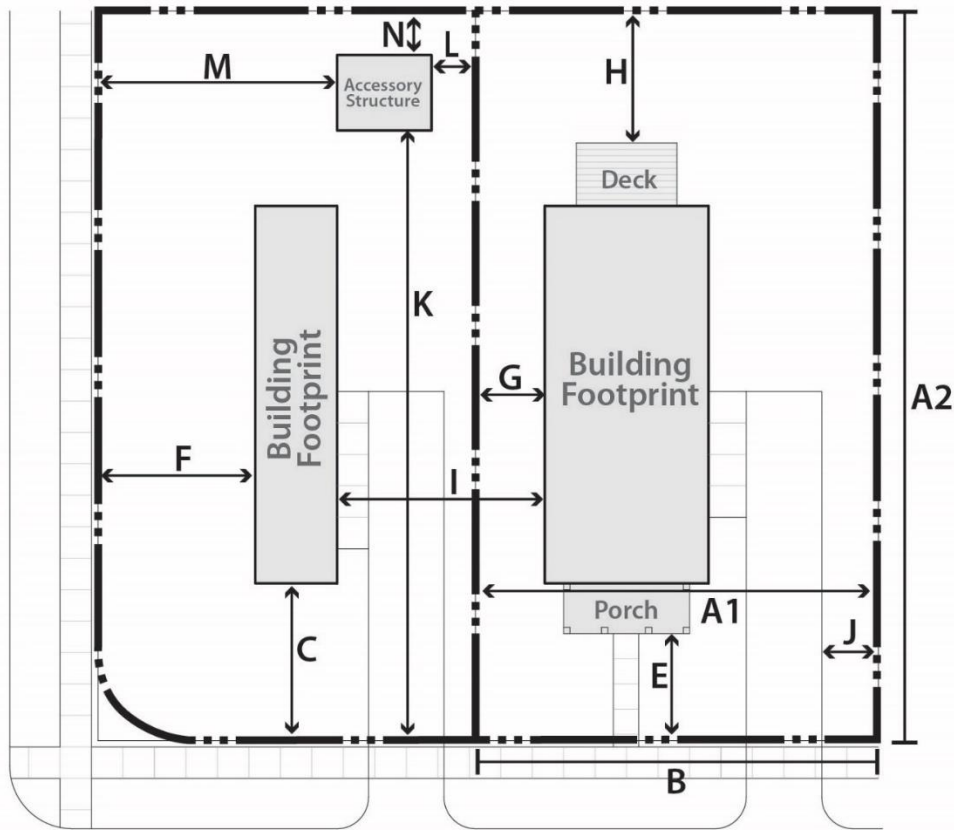
- (a) No Manufactured Home may be split into two or more residences.
- (b) Within 30 days of occupancy, the owner shall remove the axle and install skirting.
- (c) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City of Middleton Municipal Code.
- (d) The building design standards of Section 10.07.10 shall not apply.
- (e) Minimum and maximum required parking: See Section 10.06.06.
- (f) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Manufactured Home land uses. Specific requirements for Manufactured Homes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 10.03.06: Residential Land Uses

**Figure 10.03.06d: Manufactured Home**

**Key to Figure**

- A Lot area ( $A1 \times A2$ )
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- G Side setback (lot line to principal building or attached garage)
- H Rear setback and minimum deck setback (lot line to principal building or attached garage)
- I Principal building separation
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)





## Section 10.03.06: Residential Land Uses

- (7) **Manufactured Home Park:** This land use is a form of residential development which is exclusively reserved for individually sold or rented building pads located on a single parcel containing Manufactured Homes. Each Manufactured Home must meet the requirements listed under Section 10.03.06(6), above.

## Regulations:

- (a) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
  - (b) No access shall be permitted to local residential streets, except to the internal roadways and streets.
  - (c) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
- (8) **Manufactured Home Subdivision:** This land use is a form of residential development which is exclusively reserved for individually sold lots containing Manufactured Homes. Each lot and Manufactured Home must meet the requirements listed under Section 10.03.06(6), above.
- Regulations:
- (a) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
  - (b) No access shall be permitted to local residential streets, except to the internal roadways and streets.
  - (c) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
  - (d) Specific requirements for Manufactured Home Subdivisions can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.
- (9) **Multiplex:** This dwelling unit type consists of three or more individual attached dwelling units which have private, individual exterior entrances and are located on one lot.

## Regulations:

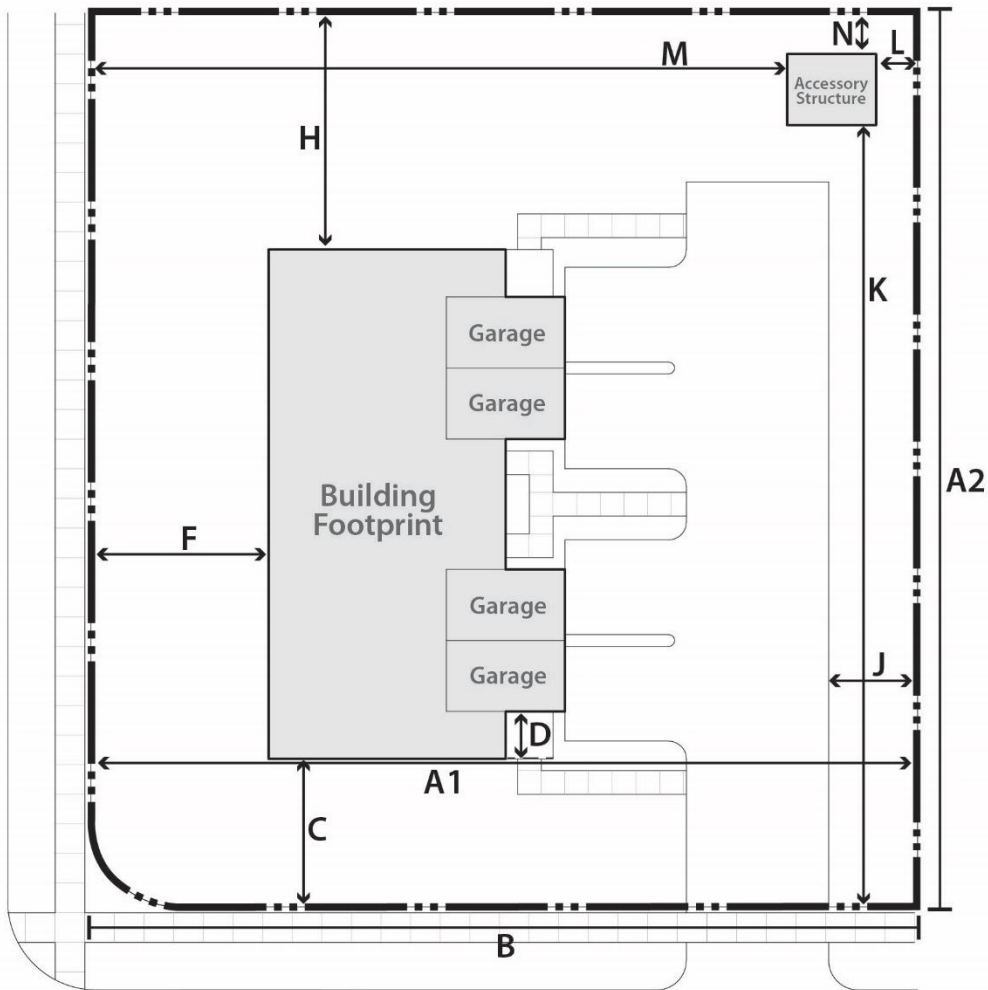
- (a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (b) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
- (c) Group Developments shall meet the standards of Section 10.06.02.
- (d) See Section 10.07.20 for multi-family design standards and section 10.06.41 for on-site recreation space requirements.
- (e) Minimum and maximum required parking: See Section 10.06.06.
- (f) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Multiplex land uses. Specific requirements for Multiplexes can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 10.03.06: Residential Land Uses

**Figure 10.03.06e: Multiplex**

**Key to Figure**

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- H Rear setback and minimum deck setback (lot line to principal building or attached garage)
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



Section 10.03.06: Residential Land Uses

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- (10) **Single Family Dwelling Unit:** This dwelling unit type consists of a fully detached single family residence which is located on an individual lot. Single family dwelling units are designed for one family and have no roof, wall, or floor in common with any other dwelling unit. A single family dwelling that contains an in-family suite or accessory dwelling unit is still considered a single family dwelling.

## Regulations:

- (a) The dwelling unit shall be a site-built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.
- (b) The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements. All development shall comply with the requirements of Chapter 11, 19, and 23 of the City of Middleton Municipal Code.
- (c) See Section 10.07.10 for design standards for single family dwelling units.
- (d) Minimum and maximum required parking: See Section 10.06.06.
- (e) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Single Family dwelling units. Specific requirements for Single Family dwelling units can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

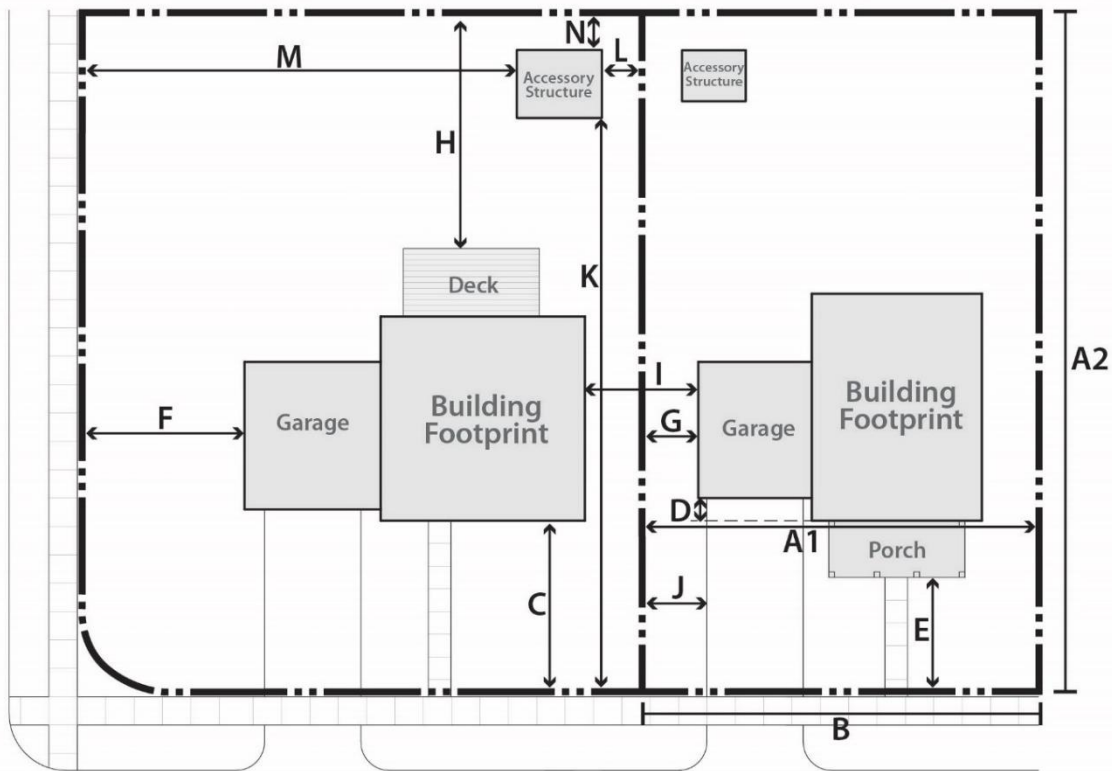


Section 10.03.06: Residential Land Uses

**Figure 10.03.06f: Single Family Dwelling Unit**

**Key to Figure**

- A Lot area ( $A1 \times A2$ )
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Attached garage setback (from principal building)
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- G Side setback (lot line to principal building or attached garage)
- H Rear setback and minimum deck setback (lot line to principal building or attached garage)
- I Principal building separation
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



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**Section 10.03.06: Residential Land Uses**

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- (11) **Townhouse:** This dwelling unit type consists of attached structures, each having a private, individual access. This dwelling unit type may be located on its own lot or a shared lot. Each dwelling unit shares at least one common wall with an adjacent dwelling unit.

**Regulations:**

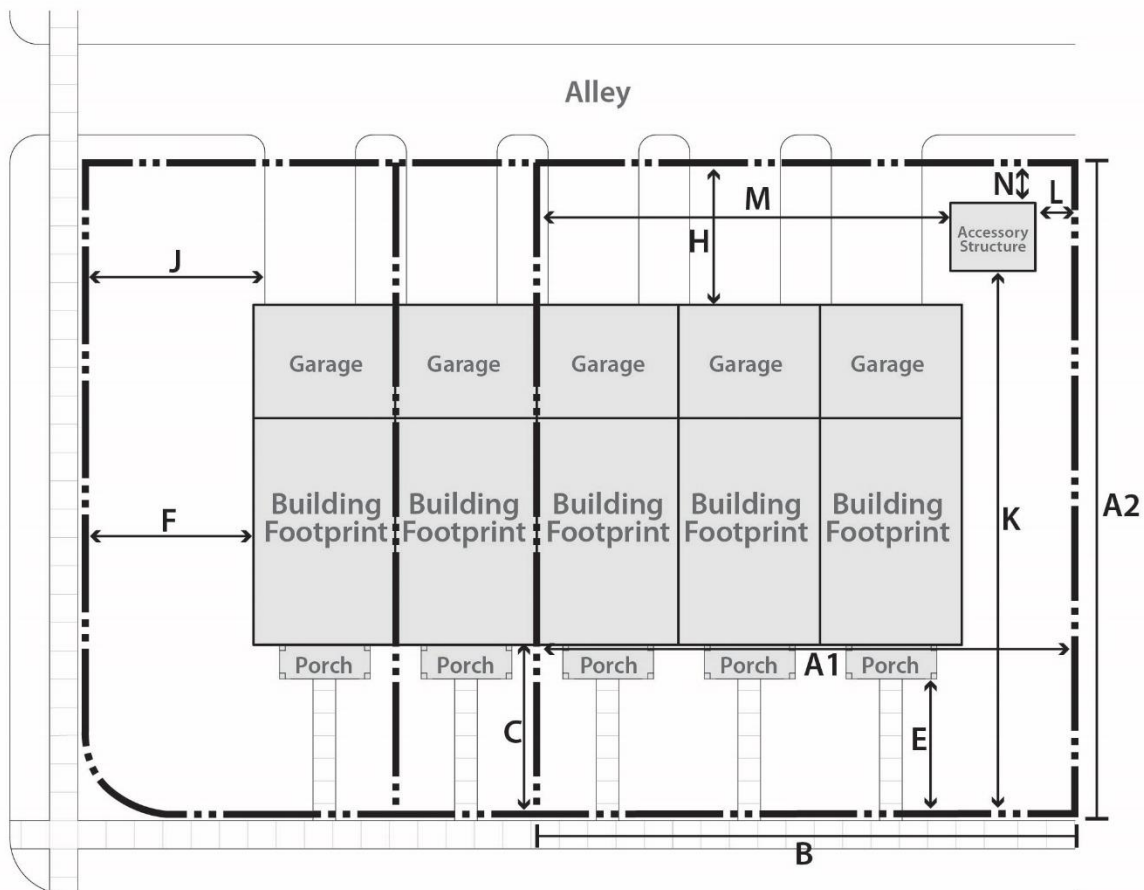
- (a) In the case where any dwelling unit is under separate ownership, recorded covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, are required.
- (b) Each townhouse constructed following the adoption of this ordinance must provide a separate public water lateral, sanitary sewer lateral, and electric utility service to each of the dwelling units in the structure.
- (c) The common wall between the units shall be a one-hour fire wall extending from the basement floor to flush against the underside of the roof. Eaves, patios, and decks may have a zero setback from any shared lot line.
- (d) Group Developments shall meet the standards of Section 10.06.02.
- (e) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
- (f) See Section 10.07.20 for multi-family design standards and section 10.06.41 for on-site recreation space requirements.
- (g) Minimum and maximum required parking: See Section 10.06.06.
- (h) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

Section 10.03.06: Residential Land Uses

**Figure 10.03.06g: Townhouse**

**Key to Figure**

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- H Rear setback and minimum deck setback (lot line to principal building or attached garage)
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)





Section 10.03.06: Residential Land Uses

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- (12) **Twin House:** This dwelling unit type consists of two separate Single Family Dwelling Units, each having a private individual exterior entrance or private interior entrance from a shared foyer, and no shared internal access other than entry foyers and halls. Similar to Duplexes, Twin Houses are attached side-by-side units, each with a ground floor and roof. Unlike Duplexes, each dwelling unit in a Twin House is located on a separate lot (also known as a zero-lot line duplex).

## Regulations:

- (a) Recorded deed restrictions or covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, utility and other inseparable improvements, are required.
- (b) The common wall between the units shall be a one-hour fire wall extending from the basement floor to flush against the underside of the roof. Eaves, patios, and decks may have a zero setback from any shared lot line.
- (c) This dwelling unit type may not be split into additional residences.
- (d) Each twin house constructed following the adoption of this ordinance must provide a separate public water lateral, sanitary sewer lateral, and electric utility service to each of the two dwelling units in the structure.
- (e) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
- (f) See Section 10.07.10 for design standards for two family uses.
- (g) Minimum and maximum required parking: See Section 10.06.06.
- (h) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Twin House land uses. Specific requirements Twin Houses can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.



Section 10.03.06: Residential Land Uses

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- (13) **Two-Flat:** This dwelling unit type consists of a single structure with two separate Single Family Dwelling Units, each having a private individual exterior entrance or private interior entrance from a shared foyer, and no shared internal access other than entry foyers and halls. Two-Flats are attached units within a single structure with one unit above the other.

## Regulations:

- (a) In the case where any dwelling unit is under separate ownership, evidence that covenants specifying respective obligations with regard to any common structures, such as the shared wall, roof, and other inseparable improvements, is required.
- (b) This dwelling unit type may not be split into more than two residences and remain a two-flat. A building with three or more residences is considered a multi-plex or apartment land use.
- (c) All development shall comply with the requirements of Chapter 11, 19, and 23 of the City Middleton Municipal Code.
- (d) See Section 10.07.10 for design standards for two family uses.
- (e) Minimum and maximum required parking: See Section 10.06.06.
- (f) The following figure is intended to provide a graphic depiction of the setback and dimensional requirements for Two-Flat land uses. Specific requirements for Two-Flats can be found in Article II under the density, intensity, and bulk requirements for each residential zoning district.

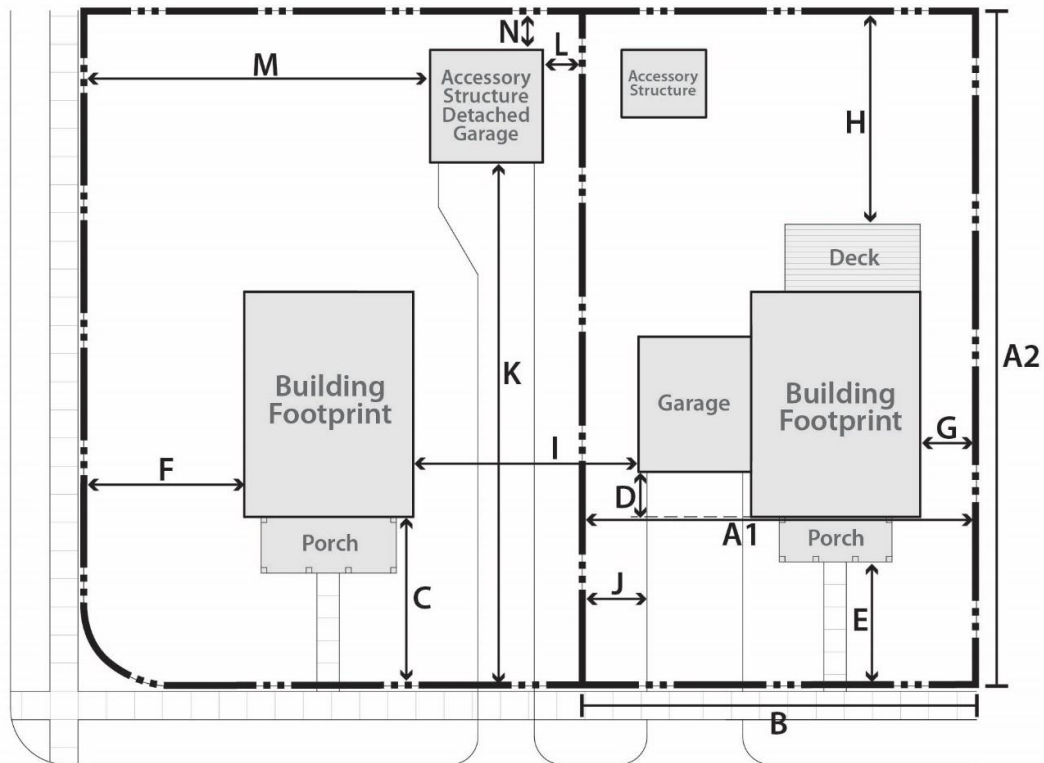


Section 10.03.07: Reserved

**Figure 10.03.06i: Two-Flat**

**Key to Figure**

- A Lot area (A1 x A2)
- A1 Front lot width (at building minimum setback line)
- A2 Lot depth
- B Lot frontage at right-of-way
- C Front setback
- D Attached garage setback (from principal building)
- E Porch setback (front and street side yards on corner lots)
- F Street side setback (corner lots) (lot line to principal building or attached garage)
- G Side setback (lot line to principal building or attached garage)
- H Rear setback and minimum deck setback (lot line to principal building or attached garage)
- I Principal building separation
- J Pavement setback (lot line to pavement excluding driveway entrance)
- K Accessory building front yard setback
- L Accessory building side (interior) (lot line to accessory building)
- M Accessory building side yard (corner)
- N Accessory rear setback (lot line to accessory building)



**Section 10.03.07: Reserved**

## Section 10.03.08: Mixed-Use Buildings

**Section 10.03.08: Mixed-Use Buildings**

- (1) **Exceed Maximum Principal Building Height:** A principal structure permitted to exceed the maximum building height for the zoning district up to the defined height limit as specified within the applicable zoning district. This provision must accompany one or more of the other Mixed-Use Building Land Use (Section 10.03.06) physical configurations.

Regulations:

- (a) Only permitted within the MU-N, MU-A, MU-U, and MU-D zoning districts.
- (b) All other requirements of Article II and III must be met.
- (c) To exceed maximum principal building height within the applicable zoning district, the structure shall incorporate one or more height exceptions as described in herein.
  1. Structures with a voluntary contractual Land Use Restriction Agreements (LURA) with the City to provide income- and rent-restricted dwelling units (see subsection 2) or structures designed to be certifiable as a Net Zero Ready Building (see subsection 3) may exceed the base zoning district's maximum number of stories or height up to two additional floors unless the regulations pertaining to the zoning district identify that only one additional story is permitted. When two additional stories are allowed, the additional building height may be achieved through any or all of the approaches. The floor area of said additional floor(s) shall not exceed the area of any other floor in the building.
  2. To exceed the maximum number of stories or height, a structure with a Land Use Restriction Agreement with the City shall meet the following requirements:
    - a. The cumulative interior square footage of the affordable units shall be greater than or equal to fifty percent of the total interior square footage of all units and common amenity space, such as community rooms and fitness rooms, above the maximum number of stories or height in the base zoning district. This calculation shall be based on the floor that has the maximum square footage devoted to dwelling units. Subject to the details in the LURA, the cumulative square footage of the affordable housing units may be distributed throughout the structure.
    - b. The affordable units shall be rented to households with an income at or below sixty percent area median income limits and at or below rent limits for sixty percent of area median incomes as specified in the LURA.
    - c. The effective period of the LURA must be at least thirty years.
  3. To exceed the maximum number of stories or height, a Net Zero Ready Building shall meet the following requirements:
    - a. The structure must be certifiable Zero Energy or higher by either the International Living Future Institute (ILFI) or PHIUS+ from the Passive House Institute US.
    - b. The structure must complete an Energy Design Assistance or Energy Design Review with Focus on Energy.
    - c. The structure must receive an ENERGY STAR score benchmarked by an ENERGY STAR Portfolio Manager.
- (d) Minimum and maximum required parking: See Section 10.06.06.

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- (2) **Live/Work Building:** A multi-unit building in which each dwelling unit is occupied by the business operator of a commercial use (such as a shop, office, studio, or other work space) in the same structure. Both uses shall be occupied by the same resident/business operator. The commercial use may be connected to the residential use.
- (a) Each unit in the live/work building shall be the primary dwelling of the occupant.
  - (b) The commercial use is subject to the regulations of the applicable land use category in Section 10.03.10. The commercial component of the live/work building is limited to the following land uses:
    - 1. Office
    - 2. Personal or Professional Service
    - 3. Indoor Sales or Service
    - 4. Artisan Production Shop
    - 5. Indoor Maintenance Service (Nonresidential)
  - (c) Employees who are not residents of the unit are permitted.
  - (d) Both uses are subject to the nonresidential density, intensity, and bulk requirements of Article II.
  - (e) Minimum and maximum required parking: See Section 10.06.06.
  - (g) Live/Work Buildings shall comply with the design standards for commercial and mixed-use land uses. See Section 10.07.30. See Section 10.06.41 for on-site recreation space requirements.
- (3) **Mixed-Use Building:** A building containing a mix of principal nonresidential land uses and principal residential land uses.
- Regulations:
- (a) This land use shall comply with all of the bulk and density requirements of the zoning district.
  - (b) Land Use Minimums.
    - 1. The principal indoor nonresidential use of any mixed-use building located at a corner of two or more streets shall consist of a minimum of 33 percent of that principal structure's total ground level gross floor area. (See Section 10.03.10 for Commercial and Section 10.03.12 for Institutional.) The required nonresidential use floor area shall be calculated based on the total ground floor area of the principal structure. If the ground floor area is 10,000 square feet or greater, the minimum requirement for nonresidential use space shall be 3,300 square feet.
      - a. Up to 25 percent of any lobby or entryway spaces intended for use by both residential and nonresidential land uses shall count toward the minimum amount of ground floor nonresidential use floor area required in the calculation above.
  - (c) Minimum and maximum required parking: See Section 10.06.06.
  - (d) Mixed-Use Buildings shall comply with the design standards for commercial and mixed-use land uses. See Section 10.07.30. See Section 10.06.41 for on-site recreation space requirements.

## Section 10.03.09: Reserved



## Section 10.03.10: Commercial Land Uses

**Section 10.03.10: Commercial Land Uses**

- (1) **Adult-Oriented Entertainment Business:** Adult-oriented entertainment businesses include an adult bath house, adult body painting studio, adult bookstore, adult cabaret, adult entertainment, adult mini-motion picture theater, adult modeling studio, adult motel, adult motion picture theater, adult motion picture theater (outdoor), adult novelty shop, and adult oriented entertainment as defined in Section 7.13 of the City of Middleton Municipal Code. A business defined as an adult-oriented entertainment business shall be located in accordance with the provisions in Section 7.13(1)(h).
- (2) **Artisan Production Shop:** A building or portion thereof used by 10 or fewer artists or artisans for the creation, preparation, display and sale of unique (rather than mass-produced) individually crafted items including artwork, jewelry, custom furniture, woodwork, sculpture, glass, metal, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use.

Regulations:

- (a) Minimum and maximum required parking: See Section 10.06.06.
- (3) **Bed and Breakfast:** Bed and Breakfasts are places of lodging that provide rooms for rent in the owner's personal residence, are occupied by the owner at the time of rental, and where the only meal served to guests is breakfast.

Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.40 along all property borders abutting residentially zoned property.
- (b) The dwelling unit in which the Bed and Breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast operation is active.
- (c) The facility shall comply with the requirements of Wis. Stats. § 254.61 and Wis. Admin. Code Chap. DHS 197.
- (d) Minimum and maximum required parking: See Section 10.06.06.
- (4) **Campground:** Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles, including recreational vehicle overnight stays in parking lots and other similar locations not in campgrounds.

Regulations:

- (a) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (b) Shall comply with the requirements of the Health Code of Dane County and applicable state regulations.
- (c) Minimum and maximum required parking: See Section 10.06.06.
- (5) **Commercial Animal Boarding:** Facilities where short-term and/or long-term animal boarding is provided, including commercial kennels, commercial stables, and animal shelters. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory and do not require separate consideration.

Regulations:

- (a) Outdoor animal containment areas shall be surrounded by a bufferyard with a minimum opacity of 0.80 along sides abutting residentially zoned property.
- (b) Each animal shall be provided with an indoor containment area.

## Section 10.03.10: Commercial Land Uses

- (c) Events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
- (d) Minimum and maximum required parking: See Section 10.06.06.
- (6) **Commercial Animal Daycare:** Facilities where short-term pet daycare is provided. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory and do not require separate consideration.
  - (a) Outdoor animal containment areas shall be surrounded by a bufferyard with a minimum opacity of 0.80 along sides abutting residentially zoned property.
  - (b) Each animal shall be provided with an indoor containment area.
  - (c) Events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (7) **Commercial Indoor Lodging:** Facilities where overnight housing in individual rooms or suites of rooms is provided, with each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens and may also provide indoor recreational facilities. Restaurant, lounge, fitness centers, and other on-site facilities available to non-lodgers are considered principal uses and therefore require review as a separate land use.

## Regulations:

- (a) Customer entrances shall be located 50 feet from residentially zoned property.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
- (c) Minimum and maximum required parking: See Section 10.06.06.
- (8) **Commercial Kitchen:** A building or portion thereof used for the preparation of food that can be rented or used as a classroom by different organizations, businesses, or individuals. Products produced on site may be sold off site.

## Regulations:

- (a) Shall comply with the requirements of the Health Code of Dane County and applicable state regulations.
- (b) Minimum and maximum required parking: See Section 10.06.06.
- (9) **Drive-Through and In-Vehicle Sales or Service:** Land uses where sales and/or services are conducted to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include, but are not limited to, drive-in facilities, drive-through facilities, fuel stations, and car washes.

## Regulations:

- (a) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility.
- (b) Drive-through windows shall not be located between the principal building and the street right-of-way.
- (c) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.

## Section 10.03.10: Commercial Land Uses

- (d) In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
  - (e) The setback of the outer edge of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, or the principal building setback, whichever is greater; a minimum of 20 feet from all residentially zoned property lines; and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 16 feet per the measurement of roof height.
  - (f) Any fuel pumps or pump islands shall be a minimum of 75 feet from any street or abutting lot line.
  - (g) Facility shall provide a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property.
  - (h) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscaped islands not part of an approved stormwater management system. Said curbs shall be 6 inches high.
  - (i) Minimum stacking lane length for drive-through facilities shall be as follows:
    1. Automatic automobile wash: 100 feet in front of the car wash entrance and 25 feet after the exit.
    2. Establishments selling food and/or drink: 100 feet in front of each order station, 55 feet between the order station and the pick-up window, and 25 feet after the pick-up window.
    3. All other uses: 55 feet in front of and 25 feet after each service window.
  - (j) Minimum required parking: Refer to the parking requirements of the other land use activities on the site, such as, but not limited to, Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.
- (10) **Exceed Maximum Principal Building Height:** A principal structure permitted to exceed the maximum building height for the zoning district up to the defined height limit as specified within the applicable zoning district. This provision must accompany one or more of the other Mixed-Use Building Land Use (Section 10.03.06) physical configurations.

## Regulations:

- (a) Only permitted within the MU-N, MU-A, MU-U, and MU-D zoning districts.
- (b) All other requirements of Article II and III must be met.
- (c) To exceed maximum principal building height within the applicable zoning district, the structure shall incorporate one or more height exceptions as described in herein.
  1. Structures with a voluntary contractual Land Use Restriction Agreements (LURA) with the City to provide income- and rent-restricted dwelling units (see subsection 2) or structures designed to be certifiable as a Net Zero Ready Building (see subsection 3) may exceed the base zoning district's maximum number of stories or height up to two additional floors unless the regulations pertaining to the zoning district identify that only one additional story is permitted. When two additional stories are allowed, the additional building height may be achieved through any or all of the approaches. The floor area of said additional floor(s) shall not exceed the area of any other floor in the building.
  2. To exceed the maximum number of stories or height, a structure with a Land Use Restriction Agreement with the City shall meet the following requirements:
    - a. The cumulative interior square footage of the affordable units shall be greater than or equal to fifty percent of the total interior square footage of all units and common



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amenity space, such as community rooms and fitness rooms, above the maximum number of stories or height in the base zoning district. This calculation shall be based on the floor that has the maximum square footage devoted to dwelling units. Subject to the details in the LURA, the cumulative square footage of the affordable housing units may be distributed throughout the structure.

- b. The affordable units shall be rented to households with an income at or below sixty percent area median income limits and at or below rent limits for sixty percent of area median incomes as specified in the LURA.
  - c. The effective period of the LURA must be at least thirty years.
3. To exceed the maximum number of stories or height, a Net Zero Ready Building shall meet the following requirements:
- a. The structure must be certifiable Zero Energy or higher by either the International Living Future Institute (ILFI) or PHIUS+ from the Passive House Institute US.
  - b. The structure must complete an Energy Design Assistance or Energy Design Review with Focus on Energy.
  - c. The structure must receive an ENERGY STAR score benchmarked by an ENERGY STAR Portfolio Manager.
- (d) Minimum and maximum required parking: See Section 10.06.06.
- (11) **Food and Beverage Counter Service and Walk-In Pickup:** Land uses which serve food and/or beverages at a counter to customers who typically consume the products off-site. A maximum of 12 seats may be provided to customers waiting for a food pickup plus customers consuming the products on-site. Examples of such land uses include ice cream parlors, bakeries, coffee shops, and primarily carry-out oriented restaurants.

Regulations.

- (a) Shall comply with the requirements of the Health Code of Dane County and applicable state regulations.
  - (b) All uses selling alcohol shall comply with Chapter 7 of the City of Middleton Municipal Code.
  - (c) Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (12) **Group Daycare Center (9+ Children):** Facilities which provide childcare services for 9 or more children. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a place of worship, school, business, or civic organization. In such instances, group daycare centers are considered a separate principal use and require review as such. See Wis. Admin. Code DCF §251.
- Regulations:
- (a) Group Daycare Centers shall not be located within a residential building.
  - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.50 along all property borders abutting residentially zoned property.
  - (c) Minimum and maximum required parking: See Section 10.06.06.
- (13) **Indoor Maintenance Service (Nonresidential):** Facilities where maintenance and repair service is provided and all operations are located entirely within an enclosed building, including the repair of

## Section 10.03.10: Commercial Land Uses

clocks, vacuum cleaners, and small appliances. This shall not include Vehicle Sales or Vehicle Service and Repair land uses.

Regulations:

(a) Minimum and maximum required parking: See Section 10.06.06.

- (14) **Indoor Sales or Service:** The sale and/or display of merchandise or equipment or non-personal or non-professional services, entirely within an enclosed building. Examples of such uses include, but are not limited to, general merchandise stores, grocery stores, butcher, sporting goods stores, antique stores, gift shops, laundromats, bakeries, copy and printing centers, and photo processing centers.

Regulations:

(a) Minimum and maximum required parking: See Section 10.06.06.

- (15) **Indoor Shooting Ranges:** Land use which provides an indoor shooting range service entirely within an enclosed building. Such activities often have the potential to be associated with nuisances related to amplified noise and lighting, safety and security, and late operating hours that extend significantly later than most other commercial land uses.

Regulations.

- (a) The building and method of operation shall conform to all applicable State and Federal standards for environmental protection and occupational health and safety. The applicant shall identify all such standards and demonstrate how the building and operation will comply including identification of any related state or federal reporting, inspection and permitting requirements.
- (b) The design and construction of the shooting range shall completely confine all ammunition rounds within the building in a safe, controlled manner.
1. Compliance shall be demonstrated by plans, certified by an architect or engineer licensed or certified by the State of Wisconsin with demonstrated experience in indoor shooting range design.
  2. Compliance with the standards and recommendations of the most current versions of the Range Design Criteria of the U.S. Department of Energy, Office of Health, Safety and Security or the National Rifle Association Range Source Book shall be prima facie evidence of satisfaction of this condition. Under no circumstance shall the applicant be relieved of the obligation to comply with any requirement otherwise imposed by state, federal or local law.
  3. The plans shall specify the type and caliber of ammunition the shooting range is designed to confine. No ammunition shall be used, stored, sold, or possessed within the indoor shooting range that exceeds the certified design and construction specification for the shooting range.
- (c) The applicant shall demonstrate that the operation shall not be a nuisance to neighboring property or other likely neighboring property uses including nuisances related to air quality and noise.
- (d) A security plan shall be established for the building securing the building from unauthorized entrants as well as security for any firearms stored on the premises. No firearms shall be stored on the premises unless they are stored in a gun safe or other locked storage facility or container.
- (e) The shooting range shall establish clear rules and procedures for the health, safety and order of the operation, its employees and patrons consistent with accepted industry practices which shall be conspicuously posted at the shooting range.
- (f) On-site supervision of the range shall be provided at all times by an adult who is an experienced shooting range operator. The shooting range operator shall be responsible for taking all

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reasonable actions to assure the conduct of employees and patrons and the conditions of health, safety and order of the shooting range comply with all related rules and procedures.

- (g) No person under the age of 18 shall be permitted within the shooting range unless accompanied by an adult at all times. This condition shall not apply to prohibit minors from participating in firearms safety classes supervised by a qualified adult instructor.
  - (h) Unless preempted by state or federal law, the Plan Commission may establish additional conditions or requirements including reporting or inspection requirements if it determines such conditions or requirements are reasonably necessary to protect the public health safety and welfare. Consideration shall be given to the cost and burden of such additional requirements upon the operation and upon City resources compared to the additional public benefit to be achieved, industry practices and evidence of experiences with similar operations in other communities.
  - (i) Minimum and maximum required parking: See Section 10.06.06.
- (16) **Intensive Outdoor Activity:** Land uses located on private or public property that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive outdoor activity land uses may include, but are not limited to, amusement parks, water parks, fairgrounds, outdoor stadiums, go cart tracks, paint ball, racetracks, ski hills, drive-in theaters, and tournament-oriented athletic facilities.

Regulations:

- (a) No Intensive Outdoor Activity shall take place before 7:00 am or after 10:00 pm except as explicitly authorized by the conditional use process.
  - (b) A bufferyard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting.
  - (c) Facilities serving a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children or seniors.
  - (d) Any activity area other than parking shall be set back a minimum of 100 feet from the property line.
  - (e) Minimum and maximum required parking: See Section 10.06.06. The Zoning Administrator may require a parking study to determine parking requirements.
- (17) **Office:** Indoor Offices where the primary function is the handling of information or administrative services. Office uses do not typically provide services directly to customers on a walk-in basis.

Regulations:

- (a) Minimum and maximum required parking: See Section 10.06.06.
- (18) **Outdoor Commercial Entertainment:** Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Outdoor commercial entertainment land uses may include, but are not limited to outdoor eating and drinking areas, sand volleyball courts, outdoor assembly areas, and outdoor swimming pools associated with another principal land use. Note that high-attendance facilities oriented to non-resident users or attendees and intensively lit tournament oriented outdoor facilities are considered intensive outdoor activity land uses (see Section 10.03.10(16)). Also see active outdoor recreation (Section 10.03.12(1)).

Regulations:

- (a) Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
- (b) Activity areas shall not be located closer than 50 feet to a residentially zoned property.



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- (c) Facility shall provide bufferyard with minimum opacity of 0.60 along all borders of the outdoor activity area abutting residentially zoned property.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (19) **Outdoor Sales and Display:** Land uses where the sale and display of merchandise or equipment is conducted outside of an enclosed building on more than a temporary basis. Examples include, but are not limited to, outdoor garden centers, outdoor recreation equipment sales, monument sales, flea markets, and manufactured and mobile housing sales. If the permanent Outdoor Sales and Display area is less than the equivalent of 5% of the total gross square footage of the building and is secondary to an Indoor Sales or Service use, such use shall instead be considered Incidental Outdoor Sales and Display under Section 10.03.28(12). Outdoor Sales and Display on a temporary basis shall be regulated by Temporary Outdoor Sales under Section 10.03.30(7). Also see Vehicle Sales (Section 10.03.10(24)).

## Regulations:

- (a) The outdoor display area shall be calculated as the area which would be enclosed by an imaginary line that would completely enclose all materials displayed outdoors in the smallest possible rectangle.
  - (b) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
  - (c) The display of items shall not be permitted in required setback areas, landscape areas, or bufferyards, unless located in a parking lot.
  - (d) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard as defined under Section 10.03.22(4), shall not be displayed.
  - (e) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by subsection (i), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
  - (f) Display areas shall be separated from any circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
  - (g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts. Signs, screening, enclosures, landscaping, or materials being displayed shall comply with requirements related to corner clearance, vision triangles, crosswalks, drive aisle width, parking stall dimensions, fire lanes, bike lanes, or similar requirements related to traffic and pedestrian safety.
  - (h) Outdoor Sales and Display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
  - (i) Minimum and maximum required parking: See Section 10.06.06.
- (20) **Outdoor Maintenance Service (Nonresidential):** Facilities where maintenance and repair service is provided and where all or any portion of the operation is located outside of an enclosed building. This shall not include Vehicle Sales or Vehicle Service and Repair land uses.

## Regulations:

- (a) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high, solid fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60.

## Section 10.03.10: Commercial Land Uses

- (b) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside fenced areas.
  - (c) Minimum and maximum required parking: See Section 10.06.06.
- (21) **Personal or Professional Service:** Indoor service land uses where the primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include establishments where customers make an appointment, such as professional services, insurance or financial services, realty offices, small scale by-appointment medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses including ancillary on site production of items used in the provision of such services, as defined by the Incidental Light Industrial accessory use (see Section 10.03.28(11)).

## Regulations:

- (a) Minimum and maximum required parking: See Section 10.06.06.
- (22) **Physical Activity Studio:** All land uses which provide a facility for training, instruction, and physical activity within an enclosed building. Such activities may have operating hours which extend significantly earlier or later than most other commercial land uses, and may employ amplified sound to set training tempo (see Section 10.06.31 for Noise Standards). Examples of such land uses include health or fitness centers, all forms of training studios (yoga, dance, art, martial arts, gymnastics, etc.), and music schools.

## Regulations.

- (a) No customer entrance of any kind shall be permitted within 50 feet of a residentially zoned property.
  - (b) Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property if outdoor physical activity takes place (see Section 10.08.30).
  - (c) Minimum and maximum required parking: See Section 10.06.06.
- (23) **Restaurants, Taverns, and Indoor Commercial Entertainment:** Land uses which provide restaurants, taverns, or entertainment services entirely within an enclosed building. Such activities have the potential to be associated with nuisances related to amplified music, noise, lighting, trash, and late operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include, but are not limited to, restaurants, brewpub, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls. Also see Section 10.03.10(18) for Outdoor Commercial Entertainment and Section 10.03.10(1) for Adult Entertainment.

## Regulations.

- (a) Shall comply with the requirements of the Health Code of Dane County and applicable state regulations.
  - (b) All uses selling alcohol shall comply with Chapter 7 of the City of Middleton Municipal Code.
  - (c) Customer entrances shall be located a minimum of 50 feet from residentially zoned property.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
  - (e) In the AIR district, this land use shall only be allowed within a terminal building.
- (24) **Vehicle Sales:** The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses shall also include an ancillary repair shop associated with the vehicle display lot and sales building.

## Section 10.03.10: Commercial Land Uses

## Regulations:

- (a) The display of vehicles shall not be permitted in green space areas, landscaped areas, or required bufferyards.
  - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
  - (c) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
  - (d) Inoperable vehicles or equipment or other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.
  - (e) Minimum and maximum required parking: See Section 10.06.06.
- (25) **Vehicle Service and Repair:** Facilities where vehicle service and/or repair is provided entirely within an enclosed building, including unlicensed or inoperable vehicles used for spare parts.

## Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of the display area abutting residentially zoned property.
  - (b) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
  - (c) Outdoor storage of unlicensed or inoperable vehicles is prohibited outside areas fully screened by a solid fence. Outdoor storage of other items typically stored or displayed in a junkyard or salvage yard shall not be permitted.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (26) **Water-Related Recreation:** Lake-related recreational facilities such as marinas, yacht clubs, bait shops, boat launching ramps, boat slips, boat storage, docking facilities, boat liveries and rentals, and boat repair and maintenance facilities, including gasoline pumps for marine use.

## Regulations:

- (a) Minimum required parking: Generally, one space is required per every four patrons at maximum capacity; however, the following specific requirements apply:
  - 1. Bait shops, marine supplies, and boat repair and maintenance facilities: One space per 300 square feet of gross floor area plus one space per employee on the largest work shift.
  - 2. Boat repair and maintenance facilities: One space per 400 square feet of gross floor area.
  - 3. Marinas, yacht clubs, boat slips, boat docking facilities, and boat liveries and rentals: One space per watercraft kept on site.
  - 4. Excursion and fishing cruises: One space per every four patrons at maximum capacity plus one space per employee on the largest work shift.
  - 5. Boat launching ramps: Per Wisconsin Department of Natural Resources regulations.



## Section 10.03.11: Reserved

**Section 10.03.11: Reserved****Section 10.03.12: Institutional Land Uses**

- (1) **Active Outdoor Recreation:** Recreational land uses which involve active recreational activities. Such land uses include tennis courts, basketball courts, ball diamonds, football fields, soccer fields, neighborhood parks, tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, and similar land uses.

Regulations:

- (a) Each location shall have appropriate hours of use and comply with the noise provisions of Article VI Performance Standards.
  - (b) Facilities using recreational facility night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
  - (c) All structures, paved areas, and active recreational improvements such as sandboxes, tot lots, tennis courts, and baseball backstops shall be located a minimum of 25 feet from any residentially zoned property.
  - (d) Facilities which serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children or seniors.
  - (e) Minimum and maximum required parking: See Section 10.06.06.
  - (f) An Active Outdoor Recreation Land Use that includes the following is required to obtain a Conditional Use Permit (10.10.32):
    1. Any on-site exterior lighting that exceeds 10.0 foot-candles.
    2. Any on-site parking that exceeds 50 spaces.
- (2) **Community Living Arrangement (1-8 Residents):** Facilities provided for in Wis. Stats. § 62.23(7)(i), including community living arrangements for adults as defined in Wis. Stats. § 46.03(22), community living arrangements for children as defined in Wis. Stats. § 48.743(1), foster homes as defined in Wis. Stats. § 48.02(6), and adult family homes and community-based residential facilities (CBRFs) as defined in Wis. Stats. § 50.01(1g).

Community Living Arrangements do not include Boarding Houses, Group Daycare Centers, nursing homes, homeless shelters, hospitals, prisons, or jails. Community Living Arrangement facilities are regulated depending upon their capacity as provided for in Wis. Stats. § 62.23(7)(i)1.-5., provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Regulations:

- (a) No Community Living Arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.
- (b) The total capacity of all Community Living Arrangements (of all capacities) in the City shall not exceed one percent of the City's population. The Zoning Administrator shall make this determination.
- (c) Foster homes housing four or fewer children and licensed under Wis. Stats. § 48.62 shall not be subject to (a), above; and shall not be subject to, or count toward, the total arrived at in (b), above.
- (d) Each facility shall have a rear and side yard which is visually screened from adjacent residential properties using a bufferyard with a minimum opacity of 0.20.

## Section 10.03.12: Institutional Land Uses

- (e) Minimum and maximum required parking: See Section 10.06.06.
  - (f) Driveways shall be considered legal “stacked” parking spaces, provided that each parking space is no less than 8 feet in width and 18 feet in depth. A driveway may contain one or more legal parking spaces.
  - (g) Any application is required to disclose in writing the capacity of the community living arrangement proposed.
- (3) **Community Living Arrangement (9-15 Residents):** See description under Subsection (2), above.  
Regulations:
- (a) See Regulations under Section (10.03.12(2)), above.
- (4) **Community Living Arrangement (16+ Residents):** See description under Subsection (2), above.  
Regulations:
- (a) See Regulations under Section (10.03.12(2)), above.
- (5) **Indoor Institutional:** Indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), government facilities, schools, places of worship, homeless day shelters, hospitals and walk-in clinics, nonprofit clubs, nonprofit fraternal organizations, convention centers, private institutional businesses, jails, prisons, and similar land uses.  
Regulations:
- (a) An off-street passenger loading area shall be provided if the majority of the users will be children or seniors (as in the case of a school, place of worship, library, or similar land use).
  - (b) Minimum and maximum required parking: See Section 10.06.06.
- (6) **Institutional Residential:** Residential development designed to accommodate Institutional Residential land uses, such as convents, monasteries, dormitories, fraternities, sororities, senior housing, retirement homes, assisted living facilities, nursing homes, hospices, convalescent homes, limited care facilities, rehabilitation centers, homeless shelters (with or without meal service), and similar land uses not considered to be Community Living Arrangements under Sections 10.03.12(2-4) of this ordinance or under the provisions of Wis. Stats. § 62.23.  
Regulations:
- (a) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
  - (b) Minimum required parking: The following specific parking requirements may apply.
    1. Public or private dormitory: One space per four residents plus one space per nonresident employee on the largest work shift.
    2. Monastery or convent: One space per four beds plus one space per employee on the largest work shift.
    3. Senior housing or retirement housing: One space per dwelling unit.
    4. Assisted living facility or limited care facility: Determined by the Zoning Administrator.
    5. Nursing home or hospice: Determined by the Zoning Administrator.

## Section 10.03.12: Institutional Land Uses

- (7) **Large Scale Public Services and Utilities:** Large scale facilities such as public works facilities and garages, wastewater treatment plants, potable water treatment plants, public and/or private utility substations, water towers, well houses, and similar land uses involving buildings and/or fenced enclosures. This does not include uses listed under Small Scale Public Services and Utilities.

Regulations:

- (a) All structures and outdoor storage areas shall be located a minimum of 20 feet from any residentially zoned property.
1. The siting of any new sewage treatment facility is subject to the required separation distances per NR 110.15(3)(d), unless a waiver is obtained through the Wisconsin Department of Natural Resources.
- (b) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (c) The exterior of all buildings shall meet the requirements for exterior materials of Article VII.
- (a) Minimum and maximum required parking: See Section 10.06.06.
- (8) **Outdoor Open Space Institutional:** Cemeteries, privately held permanently protected green space areas, open grassed areas not associated with any particular active recreational land use, and similar land uses.

Regulations:

- (a) Minimum and maximum required parking: See Section 10.06.06.
- (9) **Passive Outdoor Recreation:** Recreational land uses which involve passive recreational activities, such as arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas, and similar land uses.

Regulations:

- (a) Minimum and maximum required parking: See Section 10.06.06.
- (10) **Small Scale Public Services and Utilities:** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies and private utilities, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater detention or conveyance, or other comparable utilities. Small Scale Public Services and Utilities include such above-surface facilities as poles, guy wires, fire alarm boxes, water hydrants, lift stations, utility posts, police call boxes, cabinets, vaults, and standpipes. This land use category does not include larger utility facilities included under Large Scale Public Services and Utilities, such as electric substations, wastewater treatment plants, well houses, and water towers.

Regulations:

- (a) Small Scale Public Services and Utilities are exempt from density, intensity, and bulk regulations.
- (b) All structures and outdoor storage areas shall be located a minimum of 20 feet from any residentially zoned property. Does not include landscaping or storm water detention facilities.
- (c) The exterior of all buildings shall meet the requirements for exterior materials of Article VII.
- (d) Minimum and maximum required parking: See Section 10.06.06.



## Section 10.03.13: Reserved

**Section 10.03.13: Reserved****Section 10.03.14: Industrial Land Uses**

- (1) **Heavy Industrial:** Industrial activities that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples include, but are not limited to: fruit, vegetable, grain, dairy, and meat product producer and by-product producers; slaughterhouses; tanneries; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; plastic refinement and raw plastics material production; petroleum and coal product producers; asphalt, concrete or cement producers; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Wis. Stats. § Chapter 125.

## Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all borders of the property abutting properties which are not zoned I-H.
  - (b) All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property.
  - (c) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (d), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (2) **Indoor Food Cultivation and Farming:** Any business in which the principal activity is the production and wholesaling of plants or plant byproducts including fruits and vegetables that are grown on-site within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors. Indoor Food Production also includes the farming of aquatic organisms (plants and animals) under controlled conditions, and which is located entirely within an enclosed building and utilizes recirculating (closed) system technology. Such operations may also incorporate aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system.

## Regulations:

- (a) Signs, screening, enclosures, landscaping, storage, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (b) Site plans shall be provided which indicate the precise location of all outdoor activity areas.
- (c) Outdoor activity regulations.
  1. No outdoor activity areas shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
  2. All Outdoor Storage areas shall be located no closer to a residentially-zoned property than the required minimum setback for buildings on the subject property.

## Section 10.03.14: Industrial Land Uses

3. Outdoor Storage shall not be permitted in any landscaping areas, bufferyard areas, or permanently protected green space areas.
  4. All Outdoor Storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and/or fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials or products from view of non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.
  5. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (j), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  6. Outdoor Storage and/or Outdoor Sales and Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
  7. Outdoor display areas equivalent to 5% of the total gross square footage of the building or less shall comply with the requirements of Incidental Outdoor Sales and Display under Section 10.03.28(12). Outdoor display greater than the equivalent to 5% of the total gross square footage of the building shall comply with the requirements of Outdoor Sales and Display as a principal use under Section 10.03.10(19).
- (d) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
  - (e) The farming of aquatic plants and animals under controlled conditions shall take place entirely within an enclosed building.
  - (f) Prior to the issuance of a conditional use permit, applicants wishing to establish indoor aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the City of Middleton Public Works Department.
  - (g) Indoor aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
  - (h) The on-site retail sale of seafood or vegetables shall be considered Incidental Indoor Sales subject to the provisions of Section 10.03.28(10), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use.
  - (i) On-site composting shall be permitted, subject to the following regulations:
    1. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and evergreen landscaping.
    2. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
  - (j) Minimum and maximum required parking: See Section 10.06.06.
- (3) **Indoor Food Production and Processing:** Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (not including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth,

### Section 10.03.14: Industrial Land Uses

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or other permanent material. This land use also includes the following activities: the seasonal display of plants and related products outdoors; the farming of aquatic plants and animals under controlled conditions utilizing recirculating (closed) system technology; and aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system.

Regulations:

- (a) Outdoor display areas equivalent to 5% of the total gross square footage of the building or less shall comply with the requirements of Incidental Outdoor Sales and Display under Section 10.03.28(12). Outdoor display greater than the equivalent to 5% of the total gross square footage of the building shall comply with the requirements of Outdoor Sales and Display as a principal use under Section 10.03.10(19).
  - (b) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
  - (c) On-site processing of seafood is permitted; provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
  - (d) The on-site retail sale of seafood or vegetables shall be considered Incidental Indoor Sales subject to the provisions of Section 10.03.28(10), provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use.
  - (e) All farming of aquatic plants and animals shall take place entirely within an enclosed building.
  - (f) On-site composting shall be permitted, subject to the following regulations:
    - 1. Compost areas shall be fully screened on all four sides by a combination of on-site buildings, solid fencing, and evergreen landscaping.
    - 2. Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
  - (g) Minimum and maximum required parking: See Section 10.06.06.
- (4) **Light Industrial:** Facilities where all operations, with the exception of loading, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastics pellets and related material refined or produced off-site, mass-produced arts and crafts, and contractors shops for electrical, plumbing, HVAC, painting, plasters, and other similar trades. Industrial land uses may conduct indoor sales as an accessory use provided that the requirements of Section 10.03.28(10) are complied with.

Regulations:

- (a) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
  - (b) Minimum and maximum required parking: See Section 10.06.06.
- (5) **Production Greenhouse:** Any business in which the principal activity is the growing and wholesaling of plants or plant byproducts such as flowers, shrubbery, trees, and horticultural and floricultural products (not including fruits and vegetables) that are grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other permanent material. Such uses also often involve the seasonal display of plants and related products outdoors.



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Section 10.03.15: Reserved

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## Regulations:

- (a) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (f), below. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (b) Outdoor display areas equivalent to 5% of the total gross square footage of the building or less shall comply with the requirements of Incidental Outdoor Sales and Display under Section 10.03.28(12). Outdoor display greater than the equivalent to 5% of the total gross square footage of the building shall comply with the requirements of Outdoor Sales and Display as a principal use under Section 10.03.10(19).
- (c) Outdoor Storage and/or Outdoor Sales and Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (d) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (e) The facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all borders of Outdoor Sales and Display areas abutting residentially zoned property.
- (f) Minimum and maximum required parking: See Section 10.06.06.

**Section 10.03.15: Reserved****Section 10.03.16: Storage Land Uses**

- (1) **Indoor Storage and Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail associated with this use shall be considered accessory uses per Section 10.03.28(10).

## Regulations:

- (a) All new construction of any indoor storage and wholesaling land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
- (b) Minimum and maximum required parking: See Section 10.06.06.
- (2) **Outdoor Storage and Wholesaling:** Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an Outdoor Storage and Wholesaling land use. Examples of this land use include, but are not limited to, storage yards, equipment yards, lumber yards, and coal yards.

## Regulations:

- (a) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and solid fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80.

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Section 10.03.17: Reserved

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- (b) Outdoor storage areas accessory to a principal land use and occupying up to 5 percent of the gross building square footage or up to 500 square feet, whichever is less shall be regulated as Incidental Outdoor Storage under Section 10.03.28(14).
  - (c) The storage of items shall not be permitted in landscaping areas, bufferyard areas, or green space areas.
  - (d) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subsection (h). If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
  - (e) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential vehicle/vehicle and vehicle/pedestrian conflicts.
  - (f) Inoperable vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
  - (g) All new construction of any outdoor storage and wholesaling land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
  - (h) Minimum and maximum required parking: See Section 10.06.06.
- (3) **Personal Storage Facility:** Also known as “mini-warehouses,” these land uses are oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area.

## Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 0.80 along all property borders abutting residentially zoned property.
- (b) All storage shall take place entirely within an enclosed building.
- (c) All new construction of any personal storage facility land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
- (d) Minimum and maximum required parking: See Section 10.06.06.

## Section 10.03.17: Reserved

### Section 10.03.18: Transportation Land Uses

- (1) **Airport:** An area used for the landing and take-off of aircraft, as defined in Wis. Stats. §114.001(3), and any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and related air transportation facilities, per Wis. Stats. § 114.002(7).

## Regulations:

- (a) Airports shall conform to the regulations of Chapter 31 of the City of Middleton Municipal Code.
  - (b) All new construction of any airport land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
  - (c) Minimum required parking: Minimum and maximum required parking: See Section 10.06.06.
- (2) **Distribution Center:** Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail associated with this use shall be considered accessory uses per Section 10.03.28(10).

## Section 10.03.18: Transportation Land Uses

## Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
  - (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  - (e) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.
  - (f) All new construction of any distribution center land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
  - (g) Minimum and maximum required parking: See Section 10.06.06.
- (3) **Freight Terminal:** Land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment.

## Regulations:

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
  - (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
  - (c) In no instance shall activity areas be located within landscaping areas, bufferyard areas, or green space areas.
  - (d) All new construction of any freight terminal land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
  - (e) Minimum and maximum required parking: See Section 10.06.06.
- (4) **Heliport:** An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

## Regulations:

- (a) The Heliport shall be located at least 200 feet from any residentially used or zoned property, measured in a straight line from the closest point of the takeoff and landing area to the property line of the closest residentially used or zoned property. The application shall include an area map showing the distance between the proposed takeoff and landing area and the nearest residential property.
  - (b) The Heliport shall be constructed, operated, and maintained in accordance with the rules and regulations of the Federal Aviation Administration (FAA) and State.
  - (c) All new construction of any heliport land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (5) **Off-Site Parking Lot:** Off-Site Parking Lots include any areas used for the temporary surface parking of vehicles which are fully registered, licensed, and operable and which serve a principal land use located on a separate lot. See Section 10.06.06 for additional parking regulations.

## Regulations:

- (a) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.



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**Section 10.03.19: Reserved**

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- (b) Parking lots shall comply with the landscaping requirements of Article VIII.
- (6) **Off-Site Structured Parking:** Commonly referred to as a parking ramp or parking garage, Off-Site Structured Parking is a type of parking structure for the temporary parking of vehicles which are fully registered, licensed, and operable. Off-Site Structured Parking is a stand-alone, multi-level parking area in which one or more levels are supported above the lowest level. A parking structure may also include underground parking spaces. Parking structures that are incorporated into the same building as a separate principal land use shall be regulated as On-Site Structured Parking under Section 10.03.28(20). See Section 10.06.06 for additional parking regulations.

**Regulations:**

- (a) Parking structures may contain other commercial uses on the ground floor level. Such uses shall be limited to those permitted by right or by conditional use permit in the applicable zoning district.
- (b) Parking structures must meet all applicable bulk requirements.
- (c) Clearly-marked pedestrian connections between the parking structure and adjacent uses shall be required.
- (d) Screening or other improvements that shield parked vehicles from view at each level of the parking structure shall be required.
- (e) Parking structures shall comply with the landscaping requirements of Article VIII.
- (f) Exterior elevations shall be designed to minimize the use of blank concrete façades and shall have an architectural treatment that is compatible with the surrounding architectural context. Materials shall minimize glare in compliance with Section 10.06.34. Exterior elevations are encouraged to be designed to replicate the regular window pattern and other architectural elements of adjacent buildings. See Article VII.
- (7) **Transit Center:** A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include, but are not limited to, bus stations, train stations, and park and ride stations.

**Regulations:**

- (a) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.0 along all property borders abutting residentially zoned property.
- (b) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (c) All new construction of any transit center land use shall meet the requirements of Industrial Land Use Design Standards (see Section 10.07.40).
- (d) Minimum and maximum required parking: See Section 10.06.06.

**Section 10.03.19: Reserved****Section 10.03.20: Telecommunication Land Uses**

- (1) **Communication Tower:** Any structure that is designed and constructed for the purpose of supporting one or more antennas for communication purposes such as cellular telephones or similar, including self-supporting lattice towers, guyed towers, or monopole towers. For satellite dishes and antennas accessory to a principal use, see Section 10.03.28(21) and 10.03.28(25). Height shall be

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**Section 10.03.20: Telecommunication Land Uses**

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measured from finished grade to the highest point on the tower or other structure, including the base pad. This definition includes the mobile service support structure, supports, and equipment buildings.

Regulations:

- (a) **Applicability.** This land use shall not be regulated or permitted as Small Scale Public Services and Utilities, or Large Scale Public Services and Utilities. This Section shall apply to the following:
  1. **New towers.** All new towers in the City of Middleton shall be subject to these regulations.
  2. **Preexisting towers.** Preexisting towers shall not be required to meet the requirements of this Section, other than the requirements of Subsection (b) of this Section.
  3. **Towers shall be considered principal uses.** A different use on the same lot shall not preclude the installation of a tower on such lot.
  4. **See Section 10.03.28(3) for Communication Antennas,** an accessory land use typically associated with Communication Towers.
- (b) **Compliance with Federal Regulations.** Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §101-31 et seq., National Electrical Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (c) **Submittal and review procedure requirements and other requirements specific to Communication Towers** must be consistent with Wis. Stats. § 66.0404.
- (d) **Permit Required.** A permit is required for all new Communication Towers or modifications to existing Communication Towers. The permit application shall contain all of the following information:
  1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected support structure.
  3. The location of the proposed mobile service facility.
  4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
    - a. The application must also include a visual analysis, which may include an annotated photo montage, field mockup, or other technique prepared by or on behalf of the applicant which identifies the potential visual impacts, location, configuration, and the design capacity of the proposed facility to the satisfaction of the Plan Commission. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the impacts of the proposed facility and other

## Section 10.03.20: Telecommunication Land Uses

existing telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed personal wireless services. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

- (e) All service carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the City or outside the corporate limits from telecommunications facilities within the City, and all communication tower owners, shall register and provide to the City, pursuant to this ordinance, on forms to be provided by the Building Inspector and shall provide with each conditional use application the following information below. It shall be unlawful for any personal wireless services carrier or provider who offers or provides services within the City, or any communication tower owner who owns or operates telecommunications facilities within the City, to fail to register and provide the information required within thirty (30) days of such a request by the City.
1. The identity and legal status of the registrant, including any affiliates.
  2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
  3. A narrative and map description of registrant's existing telecommunications facilities within the City, adjacent cities, villages and townships.
  4. Such other information as the Building Inspector may reasonably require.
- (f) Placement Requirements.
1. Towers and guyed wires shall be set back from any property line a minimum distance equal to 100% of the height of the communication tower.
  2. The placement of towers on the roof of existing buildings must maintain a setback from residential zones or properties the same as the building setback required for new buildings.
  3. No communication tower shall be installed closer than one-quarter mile from another communication tower, measured from the base of the tower to the base of the proposed tower, unless it is a tower situated on a multi-tower zoning lot, or credible evidence to a reasonable degree of certainty acceptable to the Plan Commission is submitted showing a clear need for said new tower and the infeasibility of co-locating it on an existing site. For the purposes of this requirement, exempt telecommunications facilities unavailable for co-location shall not be included in the one-quarter mile computation.
- (g) Structural Requirements. Every telecommunication facility shall be designed and constructed so as to comply with the requirements of Wis. Admin. Code Chap. COMM 62.35 to 62.41, amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes, in effect at the time of construction, and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days or such time as determined by the Building Inspector to bring such tower into compliance with said codes. Failure to bring such tower into compliance within said 30 days or such time as determined by the Building Inspector shall constitute grounds for the removal of the tower or antenna at owner's expense.
- (h) Basic Tower and Building Design. All new communication towers, except exempt facilities as defined in subsection (i) below, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end all the following measures shall be implemented.
1. Communication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the City to be otherwise.
  2. Telecommunication support facilities see (i) Equipment Buildings below.



## Section 10.03.20: Telecommunication Land Uses

3. The City shall have the authority to require reasonable special design (materials, architectural features and color) of the communication tower where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features).
  4. Communication towers shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
  5. Accessory communication antenna shall be designed to blend with its supporting structure. The color selected shall be one that in the opinion of the Plan Commission will minimize the visibility of the antennas to the greatest extent feasible.
  6. All new communication towers shall be structurally and electrically designed to accommodate at least three (3) separate antenna arrays, unless credible evidence is presented that said construction is economically and technologically unfeasible or the Plan Commission determines that for reasons of aesthetics or to comply with the standards above, a communication tower of such height to accommodate three antenna arrays is unwarranted. Multi-user communication towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights. Parking areas, access roads, and utility easements shall be shared by site users, at fair market rates as determined by customary industry standards, when in the determination of the Plan Commission this will minimize overall visual impact to the community.
- (i) Equipment buildings. Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.
  2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
  3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible (e.g. integrated into the roof design) and/or is screened from view from adjacent roads and properties.
  4. Any ground-mounted equipment building used for accessory equipment must either be screened from view from all adjacent residential and commercial uses and potentially incompatible municipal uses with a bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
  5. All ground-mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district and shall meet all applicable building code requirements.
- (j) Height Requirements.
1. Tower height shall be restricted to 100 feet. Zoning District height restrictions shall not apply to commercial communication towers.
  2. Towers are subject to the Airport Height Limit Overlay Zoning Map. See Section 10.02.83.
- (k) Collocation. A proposed tower shall be structurally and electrically designed to accommodate the applicant's antenna and comparable antennas for two additional users. Towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
- (l) Advertising. No form of advertising or identification, or sign is allowed on the tower other than the customary manufacturer identification plate.
- (m) Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority.

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**Section 10.03.21: Reserved**

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- (n) Fencing. A tower shall be enclosed by solid fencing not less than 6 feet in height or a bufferyard with a minimum opacity of 0.40 and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (o) Color. The wireless communication tower and antennae shall be of a neutral color such as light gray or sky blue except as dictated by the Federal Aviation Administration (FAA) and be designed to minimize visibility and to blend into the surrounding environment. Towers with antennas shall be designed to withstand applicable wind load requirements as prescribed in the Uniform Building Code. Towers and/or antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be followed.
- (p) Abandonment.
  - 1. The applicant shall provide a written agreement stating that if the tower or transmitters are unused for a period exceeding 365 days, the applicant shall remove the tower or transmitters upon request from the City.
  - 2. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the commission written notice of the cessation of use.
  - 3. If unused facilities are not removed, the City may remove the items at the expense of the owner of the property upon which the tower was placed.
- (q) Inventory and Tracking System. The Zoning Administrator shall compile a list of existing telecommunications facilities within the City's jurisdiction based upon information provided by personal wireless services providers and communication tower owners. The Zoning Administrator shall maintain and update said list on a regular basis. The list shall also include the location of public facilities that may be available for co-location.
- (r) Exempt Facilities.
  - 1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.
- (s) Applications and Fees.
  - 1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the city within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.
  - 2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.

**Section 10.03.21: Reserved****Section 10.03.22: Extraction and Disposal Land Uses**

- (1) **Composting Facility:** Land uses devoted to the collection, storage, processing, and/or disposal of vegetation or food waste.

Regulations:

- (a) Composting facilities shall comply with all county, state, and federal regulations.

## Section 10.03.22: Extraction and Disposal Land Uses

- (b) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses.
  - (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
  - (d) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.
  - (e) Minimum and maximum required parking: See Section 10.06.06.
- (2) **Extraction:** Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

## Regulations:

- (a) The facility shall comply with all county, state, and federal regulations and provide copies of all approved county, state, and federal permits.
  - (b) The facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property.
  - (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
  - (d) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Dane County.
  - (e) Minimum and maximum required parking: See Section 10.06.06.
- (3) **Indoor Recycling Facility:** Land uses providing indoor materials recycling services including materials unloading, materials storage, materials sorting, and materials shipping. This land use does not involve any outdoor activities, outside of Temporary Outdoor Assembly land uses (see Section 10.03.30(6)).
- (a) Indoor Recycling facilities shall comply with all county, state, and federal regulations.
  - (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
  - (c) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (4) **Salvage or Junkyard:** Land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of unlicensed and/or inoperable vehicles intended for scraping or recycling. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. This shall not include Vehicle Service and Repair.

## Regulations:

- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property. A minimum 6-foot fence is permitted within the side yard or rear yard unless the height of the storage exceeds 6 feet, then the maximum height is 8 feet
- (b) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.



## Section 10.03.23: Reserved

- (c) In no instance shall activity areas be located within a landscaping or bufferyard areas.
  - (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
  - (e) Minimum and maximum required parking: See Section 10.06.06.
  - (f) Facility shall secure a salvage dealer license as required by the State of Wisconsin.
- (5) **Sand and Mineral Processing:** Land or structure used for processing sand or minerals, extracted on-site or transported to the site, that removes the desired product from the mineral or enhances the characteristics of the sand or mineral.

## Regulations:

- (a) Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property.
  - (b) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 100 feet from all roads and lot lines.
  - (c) In no instance shall activity areas be located within a bufferyard area.
  - (d) Shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
  - (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use. All site restoration plans must be submitted to Dane County.
  - (f) The facility shall comply with all county, state, and federal regulations and be able to provide copies of all approved county, state, and federal permits.
  - (g) Minimum and maximum required parking: See Section 10.06.06.
- (6) **Waste Disposal/Landfill:** Waste disposal facilities are any facilities and/or areas used for the disposal of solid wastes including those defined by Wis. Stats. § 289.01(33), but not including Indoor Recycling or Composting operations.

## Regulations:

- (a) Waste Disposal/Landfill facilities shall comply with all county, state, and federal regulations.
- (b) Facility shall be surrounded by a bufferyard with a minimum opacity of 1.00 along all borders of the property.
- (c) All buildings, structures, outdoor storage, and any other activity areas shall be located a minimum of 300 feet from all lot lines.
- (d) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.
- (e) Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration after cessation of the use.
- (f) Minimum and maximum required parking: See Section 10.06.06.

## Section 10.03.23: Reserved

Section 10.03.24: Energy Production Land Uses and Structures

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**Section 10.03.24: Energy Production Land Uses and Structures**

- (1) **Large Solar Energy System:** Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Large Solar Energy Systems are the only principal land use permitted on a property and are designed primarily to generate energy for commercial sale off-site. See Section 10.03.28(27) for Small Solar Energy Systems.
  - (a) Rooftop, ground-mounted, and building-mounted large solar energy systems may exceed the maximum height limit of the primary structure by up to 10 feet, but in cases where a rooftop or building-mounted system exceeds the maximum height limit, the panel must be set back from the edge of the roof a minimum distance equal to or greater than the height of the panel.
  - (b) Large solar system structures shall be finished in a rust-resistant, non-obtrusive finish, and color that is non-reflective.
  - (c) All electrical connections shall be located underground or within a building.
  - (d) No large solar energy system shall be lighted unless required by the Federal Aviation Administration.
  - (e) Clearing of natural vegetation for the purposes of installing a large solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the large solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.
    1. A Landscaping Plan per Section 10.08.20 is required for the entire property. Native plantings and pollinators are encouraged to co-exist with Large Solar Energy Systems.
  - (f) All access doors or access ways and electrical equipment shall be lockable.
  - (g) A large solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:
    1. A site plan drawn to scale showing the location of the proposed large solar energy system and per the requirements of Section 10.10.43.
    2. Elevations of the site drawn to scale showing the height, design, and configuration of the large solar energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small solar energy system.
    3. A standard foundation design along with specifications for the soil conditions at the site.
    4. Specific information on the type, size, rated power output, performance, and safety characteristics of the system, including the name and address of the manufacturer, model, and serial number.
    5. A description of emergency and normal shutdown procedures.
    6. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this Subsection.
    7. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
    8. Evidence of compliance with Federal Aviation Administration requirements.
  - (h) The requirements of Wisconsin Statutes, including but not limited to Wis. Stats. §§ 66.0401 and 66.0403, shall apply to all solar energy systems and in the evaluation of such requests. Solar energy systems are a conditional use.

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Section 10.03.25: Reserved

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1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
  - a. Serves to preserve or protect the public health or safety.
  - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
  - c. Allows for an alternative system of comparable cost and efficiency.
- (2) **Large Wind Energy System:** Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy. Large Wind Energy Systems have a total installed nameplate capacity of more than 300 kW or consist of individual wind turbines that have an installed nameplate capacity of more than 100 kW each.
  - (a) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. § 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of Wis. Admin. Code PSC 128, as amended, and this Section.
  - (b) Wind energy systems are a conditional use in every district that they are permitted. The City will apply Wis. Stats. § 66.0401 and Wis. Admin. Code PSC Chapter 128, as amended, in the evaluation of such requests.
    1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
      - a. Serves to preserve or protect the public health or safety.
      - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
      - c. Allows for an alternative system of comparable cost and efficiency.

## Section 10.03.25: Reserved

## Section 10.03.26: Agricultural Land Uses

- (1) **Agricultural Service:** Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include, but not limited to, agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial Composting uses, see Section 10.03.22(1)).

Regulations:

- (a) New Agricultural Service uses shall not be located in an existing or platted residential subdivision.
- (b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
- (c) Once discontinued for a period of 365 days, Agricultural Service uses shall not be re-established except by the granting of a conditional use permit, and shall only be permitted in the AGR district.
- (d) Minimum required parking: Minimum and maximum required parking: See Section 10.06.06.



## Section 10.03.26: Agricultural Land Uses

- (2) **Community or Market Garden:** Community or Market Garden areas for cultivation and related activities divided into one or more plots to be cultivated by more than one operator or member. These areas may be on public or private lands where on-site sales of crops are permitted.

Regulations:

- (a) Community and Market Gardens are permitted on lots of one acre in size or less. They are permitted to occur on lots with residential dwelling units as a standalone principal use or in combination with a residential dwelling unit principal land use as long as a Home Occupation permit is issued under Section 10.03.28(9)(q) and (r).
1. All activity and garden areas, signs, and structures shall be located a minimum of 10 feet from the lot line.
- (b) A site plan shall be submitted to the Zoning Administrator, for approval. Said site plan shall list the property owner, established sponsoring organization and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, park shelter, and availability of public parking.
- (c) Accessory Buildings.
1. The following structures are permitted in Community and Market Gardens: tool sheds, shade pavilions, restroom facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, and children's play areas.
  2. A combined total of 1,200 square feet of gross floor area of tool sheds, shade pavilions, restroom facilities, and planting preparation houses are permitted on the property by right. For lots larger than one acre, the maximum permitted combined total of gross floor area of these accessory structures on the property shall be increased by one square foot for every 100 square feet of lot area over one acre.
- (d) Signs shall comply with the regulations of Chapter 22.
- (e) Fences shall comply with the regulations in Section 10.06.40.
- (f) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
- (g) Minimum and maximum required parking: See Section 10.06.06.
- (3) **Cultivation:** Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. Cultivation includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered Cultivation if said plants are consumed by animals which are located off-site.

Regulations:

- (a) Minimum and maximum required parking: See Section 10.06.06.
- (4) **Husbandry:** All operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. Apiaries are also considered Husbandry land uses. This excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds), in addition to Residential Apiary accessory land uses (see Section 10.03.28(22)).

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**Section 10.03.27: Reserved**

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Regulations:

- (a) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
  - (b) All outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property.
  - (c) Minimum and maximum required parking: See Section 10.06.06.
- (5) **Intensive Agriculture:** All operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit per acre and/or agricultural activities requiring structures, equipment and/or infrastructure specific to one operation rather than to farming in general. Examples of such land uses include feed lots, hog farms, poultry operations, aquaculture, and other operations meeting this criterion.

Regulations:

- (a) New Intensive Agricultural uses shall not be located in or adjacent to an existing or platted residential subdivision.
  - (b) All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
  - (c) Intensive Agricultural uses shall be completely surrounded by a bufferyard with a minimum opacity of 1.0.
  - (d) Minimum and maximum required parking: See Section 10.06.06.
- (6) **On-Site Agricultural Retail:** The sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations and shall be regulated as a distinct land use. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

Regulations:

- (a) All structures shall meet all required setbacks for nonresidential land uses.
- (b) On-Site Agricultural Retail uses, once discontinued for a period of 365 days, shall not be re-established except with the granting of a conditional use permit, and shall only be permitted in the AGR district.
- (c) Minimum and maximum required parking: See Section 10.06.06.

**Section 10.03.27: Reserved****Section 10.03.28: Accessory Land Uses and Structures**

- (1) **Accessory Dwelling Unit (ADU):** 1) Residential dwellings located directly above the ground floor of a building used for an office, commercial, or institutional land use, or 2) a residential dwelling unit located on the same lot as a single-family dwelling unit, either in the same building as the single-family dwelling unit or in a detached building. An ADU is independently habitable and provides the basic requirements of shelter, heating, cooking and sanitation.

Regulations:

- (a) The number of occupants of the Accessory Dwelling Unit shall not exceed one family.

Section 10.03.28: Accessory Land Uses and Structures

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- (b) Additional entrances shall not be added to the front elevation of an existing building but may be added to side, rear, or street side elevations.
  - (c) Accessory Dwelling Unit entryways within a rear, side, or street side yard shall be connected to a street frontage by a paved walkway or driveway.
  - (d) Accessory Dwelling Units shall adhere to the principal setback requirements and other regulations for the underlying zoning district.
  - (e) For Accessory Dwelling Units located on the same lot as a single-family dwelling unit, the following additional regulations shall apply:
    - 1. The principal building or Accessory Dwelling Unit must be occupied by the owner of the property as their primary residence for a period of at least ten months in a calendar year. A restrictive agreement between the property owner and the City shall be recorded prior to issuance of a zoning permit and occupancy being granted.
    - 2. The Accessory Dwelling Unit shall not be sold separately or otherwise conveyed or titled separately from the principal dwelling.
    - 3. The maximum size of an Accessory Dwelling Unit shall not exceed the size of the principal dwelling's floor area.
    - 4. The appearance or character of the principal building must not be significantly altered so that its appearance is no longer that of a single-family dwelling.
  - (f) Minimum required off-street parking: None
  - (g) A Zoning Permit shall be required pursuant to Section 10.10.41 prior to establishing any Accessory Dwelling Unit.
- (2) **Boathouse:** A permanent structure used for the storage of watercrafts and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts (Wis. Admin. Code Chap. NR 325.03).
- (a) Boathouses are subject to the requirements of Wis. Stats. § 30.121 and Wis. Admin. Code Chap. NR 325.
- (3) **Communication Antenna:** Devices used for the transmission or reception of electromagnetic waves, attached to a Communication Tower, building, or alternative tower structures, including associated equipment buildings/cabinets.
- Regulations:
- (a) Applicability.
    - 1. A different use on the same lot shall not preclude the installation of an antenna or tower on such lot.
    - 2. This land use category includes the placement of new antennas and equipment buildings used in conjunction with an existing tower.
    - 3. Allowed as a permitted use in all zoning districts if the communication antenna meets all requirements in subsection (b) below.
  - (b) General Requirements.
    - 1. Compliance with Federal Regulations. Towers shall be erected and installed in accordance with the state electrical code adopted by reference in §10-31 et seq., National Electrical Safety Code, Federal Communications Commission, Federal Aviation Administration, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.



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**Section 10.03.28: Accessory Land Uses and Structures**

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2. Antennas shall not encroach into airspace prescribed by the most current Airport Height Limit Map. See Section 10.02.83.
  3. Co-Location of Communication Antennas on Communication Tower and Commercial Building: Antennas may be placed on commercial communication towers, and commercial, institutional, and industrial buildings.
    - a. Unless applicant is submitting an application to locate or co-locate upon an existing tower or structure, an analysis shall be prepared by or on behalf of the applicant; subject to the approval of the Plan Commission, which identifies all reasonable, technically feasible alternative locations and/or facilities which would be useable for the proposed personal wireless services. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size and adverse environmental impacts, including aesthetics, of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the Plan Commission making a finding that the proposed site results in fewer or less severe environmental impacts, including aesthetics, than any feasible alternative site. The City may require independent verification by a qualified engineer of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
  4. Height Requirements. Antenna height shall be restricted to 100 feet above grade when located on a commercial communication tower. Antenna height shall be restricted to 20 feet above the height of the commercial building roof or alternative tower structure when located on such structure. District height restrictions shall not apply to antennas.
  5. Alternative Structures. Antennas may be placed on alternative tower structures such as clock towers, bell steeples, light poles, water towers, or similar structures.
  6. Advertising. No form of advertising or identification, sign or mural is allowed on the antenna other than the customary manufacturer identification plate.
  7. Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's antenna and comparable antennas of additional users; and, the plans and specifications whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.
  8. Stealth requirements.
    - a. Antennas and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
    - b. A wall-mounted antenna shall be as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless it must for technical reasons. The antenna and cables on roofs shall not be visible from an adjacent public right-of-way.
- (c) Equipment buildings: Equipment buildings, including cabinets, used in connection with commercial communication antennas will be subject to the following conditions:
1. Any location and impact of the equipment buildings shall be made as minimal as possible so as not to prevent the principal use of the property.

Section 10.03.28: Accessory Land Uses and Structures

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2. Exterior storage of ground-mounted equipment or materials shall not be permitted.
  3. Equipment buildings or structures may be mounted on the roof of a building provided that such building or structure is placed as unobtrusively as possible (e.g. integrated into the roof design) and surrounded by a bufferyard with a minimum opacity of 0.40.
  4. Any ground-mounted equipment building used for accessory equipment must either be screened from view from all abutting residential uses and potentially incompatible municipal uses with a bufferyard with a minimum opacity of 0.40, or the equipment building must be constructed with similar materials, style, roof pitch, etc., to complement the architectural character of the surrounding neighborhood.
  5. All ground-mounted equipment buildings shall at a minimum meet the required setbacks of a principal structure for the underlying zoning district, and shall be located in the side or rear yards.
- (d) Exceptions. Exceptions to the setbacks and height requirements listed above may be granted by the Board of Zoning Appeals if appropriate engineering data is submitted showing that failure characteristics of the structure will not adversely impact abutting property and the structure does not encroach into airspace prescribed by the most current Airport Height Limit Map. See Section 10.02.83.
- (e) Abandonment.
1. The applicant shall provide a written agreement stating that if the antenna or transmitters are unused for a period exceeding 365 days, the applicant shall remove the antenna or transmitters upon request from the City.
  2. Within 30 days of the date on which the antenna use ceases, the permit holder shall provide the commission written notice of the cessation of use.
  3. If unused facilities are not removed, the City may remove the items at the expense of the owner of the property upon which the tower was placed.
- (f) Exempt Facilities.
1. Publicly owned and operated facilities required in the public interest to provide for and maintain a radio frequency telecommunication system, including digital, analog, wireless or electromagnetic waves, for police, fire and other municipal services.
- (g) Applications and Fees.
1. All co-location applications must be processed within the timeframes set forth by the Federal Communications Commission. Any application for the co-location of small wireless facilities must be processed by the city within 60 days of receiving a completed application and any other co-location facility application must be processed within 90 days of receiving a completed application.
  2. All fees associated with small wireless facilities must be a reasonable approximation of the objectively reasonable cost associated with maintaining infrastructure or processing an application in accordance with the maximum values set forth by the Federal Communications Commission.
- (4) **Company Cafeteria:** A food service operation which provides food only to company employees and their guests.
- Regulations:
- (a) Company Cafeterias shall meet state food service requirements.
  - (b) Company Cafeterias shall be located on the same property as a principal land use engaged in an operation other than food service.

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- (5) **Detached Residential Accessory Building:** Detached buildings accessory to a residential use including but not limited to buildings used to shelter parked passenger vehicles (including garages and carports), sheds and similar structures used to store residential maintenance equipment on the subject property, workshops, kennels, greenhouses, boathouses, and pool houses, per the Building Code. Such structures shall comply with the definition for Accessory Structure, Detached in Section 10.01.23.

Regulations:

- (a) **Size.** A combined total of 1,000 square feet of building footprint area for all detached accessory buildings on the property is permitted by right. For lots larger than one acre, the maximum permitted combined total of the building footprint area of all detached accessory buildings on the property shall be increased by one square foot for every 100 square feet of lot area over one acre. In no instance shall the detached accessory building area exceed the ground floor area of the principal building used for residence. Attached garages shall not count toward this total.
- (b) **Height.** See Article II for detached accessory building maximum building heights.
- (c) **Location.** Detached accessory buildings are permitted in the rear yard and side yards only, in compliance with minimum setback requirements for accessory structures.
1. For existing lakeshore lots having overall dimensions capable of supporting a dwelling structure and a garage and existing on August 17, 1984, carports, garages, storage structures, and accessory dwelling units may be located on the side of the lot having street frontage, at a specific location to be determined by the Zoning Administrator, guided by the principle that vehicles parked in the driveway should not overhang the functioning street right of way.
- (6) **Electric Vehicle Charging:** Includes all indoor and outdoor charging facilities for electric and hybrid electric vehicles. This land use is typically accessory to on-site parking, off-site parking, driveways, or indoor parking facilities.

Regulations:

- (a) **Equipment.** Vehicle charging equipment must be designed and located so as to not impede pedestrian, bicycle, or wheelchair movement or create safety hazards.
- (b) **Posted information.** Information must be posted identifying voltage and amperage levels and any type of use, fees, or safety information related to the electric vehicle charging station.
- (c) **Maintenance.** Electric vehicle charging stations must be maintained in all respects, including functioning of the equipment. A phone number or other current contact information must be provided on the equipment for reporting when it is not functioning, or other problems are encountered.
- (d) **Electric Vehicle Charging in all residential zoning districts (see Article II)** shall not be operated as a commercial venture and is limited to use only by residents and guests of residents.
- (e) **Parking requirements for Electric Vehicle Charging** can be found in Section 10.06.06(6).
- (7) **Farm Residence:** A Farm Residence is a single family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 10.03.26.
- (8) **Minor Accessory Structures and Obstructions:** Minor accessory structures are those features that are generally less than 16 feet in height and less than 120 sf in area and which, in the determination of the Zoning Administrator, are similar in size, character, and function to those listed. Obstructions are those features that are integral to or otherwise permanently attached to the principal structure. Other integral or attached features, which in the opinion of the Zoning Administrator are not similar to those listed in this table, shall comply with the principal building setbacks. See Section 10.01.23 for definitions of awning, balcony, canopy, deck, patio, porch, and recreational equipment.

Regulations:

- (a) All items must stay out of the vision triangle.



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## Minor Accessory Structures Permitted in Required Yard Setbacks

Minor Accessory Structures and Obstructions	Front	Side	Rear	Limitations
Structure Types				
Arbor/Trellis	√			Not more than 16 feet in height covering less than 10% of required setback.
Arbor/Trellis		√	√	Not more than 16 feet in height covering less than 50% of required setback.
Awning/Canopy	√	√	√	See Article IV for maximum encroachment standards.
Basketball Hoop	√	√	√	Not more than 16 feet in height.
Bay Window/Balcony	√	√	√	See Article IV for maximum encroachment standards.
Birdbath, Birdhouse, or Birdfeeder	√	√	√	
Chimney	√	√	√	See Article IV for maximum encroachment standards.
Clothes Line		√	√	Not more than 7 feet in height.
Decorative Pond		√	√	
Eaves and Gutter	√	√	√	See Article IV for maximum encroachment standards.
Egress Window	√	√	√	See Article IV for maximum encroachment standards.
Elevated Deck/Porch	√	√	√	See Article IV for maximum encroachment standards.
Fire Escape	√	√	√	See Article IV for maximum encroachment standards.
Flag Pole	√	√	√	Not more than 20 feet in height.
Fountain	√	√	√	Not more than 5 feet in height, no closer than 3 feet to any property line and no more than 20 square feet, which includes the water feature and supporting structure.
Garden, Residential Composting, Raised Garden Bed, Landscape Area, Rain Garden, or Bioswale	√	√	√	See landscaping requirements in Section 10.08.30 and bioswale/raingarden requirements in Section 10.08.50.
Gazebo/Picnic Shelters		√	√	Not more than 16 feet in height and no larger than 120 square feet.
Greenhouse		√	√	Must comply with all accessory setbacks.
Little Food Pantry	√			Not more than 5 feet in height, no larger than 4 square feet.
Little Library	√			Not more than 5 feet in height, no larger than 4 square feet.
Mechanical Equipment		√	√	
Outdoor Kitchen			√	Must comply with all accessory setbacks.
Patio/Freestanding Deck	√	√	√	Not more than 1 foot above established grade and in compliance with minimum landscape area ratio and minimum accessory structure setback of the zoning district.
Paved Play Court (basketball, tennis, pickle ball, etc.)		√	√	Must comply with all accessory structure setbacks.
Picnic Table/Bench	√	√	√	
Recreational Paved Path/Boardwalk/Platform	√	√	√	Minimum pavement setbacks apply.
Refuse Enclosure		√	√	All dumpsters shall be screened on four sides with a solid fence, wall, or gate 6 feet in height.
Seasonal Decorations	√	√	√	Not displayed longer than 90 days.
Statue/Art Objects	√	√	√	Not more than 5 feet in height with a footprint no larger than 20 square feet.
Stoop/Landing	√	√	√	
Swimming Pools		√	√	See Section 10.06.42 for requirements.
Swing Set/Play Equipment		√	√	Not more than 16 feet in height and covering no more than 120 square feet.
Treehouse			√	No more than 20 feet in height.
Walkways/Steps	√	√	√	Not more than 1 foot above grade.

- (9) **Home Occupation:** Economic activities performed within a principal or accessory residential dwelling unit that do not significantly alter the residential character of the dwelling unit, dwelling

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**Section 10.03.28: Accessory Land Uses and Structures**

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structure, or the parcel and are secondary and incidental. Examples include personal and professional services, handicrafts, and retail conducted online. Home Occupations are intended to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a business district. Home Occupations are those that include on-site customers or non-resident employees and are limited to low intensity businesses and businesses with limited overlap of customer visits. As of the adoption of this ordinance, any existing Home Occupation land use is a legal conforming land use.

**Regulations:**

- (a) The Home Occupation shall be conducted only within the enclosed area of the dwelling unit or the enclosed area of a residential accessory building or garage.
- (b) The Home Occupation shall be conducted by a resident who uses the location of the Home Occupation as their principal residence.
- (c) No more than two clients shall be seen at any given time.
- (d) No Home Occupations shall have outside employees or clients between the hours of 7:00 p.m. and 8:00 a.m.
- (e) There shall be no exterior evidence of the Home Occupation and no exterior alterations which change the character of the structure as a residential dwelling unit.
- (f) No structural alterations or construction involving features not customarily found in dwellings are allowed.
- (g) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
- (h) There shall be no adverse impact to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the Home Occupation.
- (i) The Home Occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (j) No vehicle larger than one ton capacity truck or van that is used in conjunction with a home occupation shall be stored on the premises or parked on adjacent residential streets. This prohibition shall also include specialized mobile equipment. Trailers will be allowed to park on the residential street provided that a home occupation permit is approved, the trailer is registered and a fee paid, and the trailer is safely parked adjacent to the permitted property in accordance with City on-street parking regulations.
- (k) No mechanical equipment or machinery shall be used other than is usually, customary, and incidental to the residence for domestic or hobby purposes.
- (l) The percentage of the gross finished floor area that may be devoted to the Home Occupation(s) shall not exceed 20 percent of the principal structure, or 300 square feet, whichever is less.
- (m) Home Occupations shall be carried out only by members of the immediate family residing on the premises and one non-resident employee.
- (n) The Home Occupation shall not involve manufacturing; processing; the sales or repair of large appliances, vehicles, or motors; commodity or equipment rental; care, grooming, breeding, or keeping of animals; or construction of equipment and machinery. Restaurants, taverns, clubs, amusement or entertainment establishments, or uses that dispatch persons other than the occupant of the residence or equipment from the premises are not permitted Home Occupations.
- (o) Items shall not be sold or offered for sale on the premises. This provision shall not apply to online sales.

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- (p) Minimum required parking: One space is required if there is a non-resident employee. Employee parking in the driveway is permitted.
  - (q) Permit Required.
    1. The applicant shall submit a completed application and any supporting documentation to the Zoning Administrator.
    2. A permit shall not be issued until the Zoning Administrator determines that the proposed Home Occupation complies with the standards as set forth in this ordinance.
      - a. All Community or Market Garden uses shall be required to obtain a Home Occupation permit, but are only subject to the provisions of Section 10.03.26(2).
    3. A permit for Home Occupation is valid for 365 days annually (January to December). It must be renewed every year, subject to the provisions of this Section.
  - (r) Special Permit Provisions.
    1. Approvals/permits required by other regulatory bodies such as the Health, Police, or Fire Departments must be submitted prior to the issuance of the Home Occupation permit.
    2. A permit for a Home Occupation is issued to an individual person. It is not transferable to any other resident, address, or other occupation. Upon termination of the permit holder's residency, the Home Occupation permit shall be null and void.
    3. A permit for a Home Occupation shall be revocable by the Zoning Administrator, due to failure of the owner/operator to observe all requirements of the permit and/or Zoning Ordinance.
- (10) **Incidental Indoor Sales:** Retail sales activity conducted exclusively indoors which is incidental to a principal land use such as Indoor Storage and Wholesaling on the same site.
- Regulations:
- (a) The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property.
  - (b) Minimum required parking: Adequate parking, per the requirements of Section 10.06.06, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
- (11) **Incidental Light Industrial:** Light industrial activities conducted exclusively indoors which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.
- Regulations:
- (a) The total area devoted to light industrial activity shall not exceed 15 percent of the total area of the buildings on the property.
  - (b) Minimum required parking: See Section 10.06.06.
- (12) **Incidental Outdoor Sales and Display:** The sale and display of merchandise or equipment outside of an enclosed building and is incidental to a principal commercial or industrial land use.
- Regulations:
- (a) Incidental Outdoor Sales and Display land uses shall comply with all regulations of Section 10.03.10(19).
  - (b) The display area shall not be greater than the equivalent to 5% of the gross floor area of the building. Display area in excess of equivalent to 5% of the gross floor area of the building shall be considered Outdoor Sales and Display as a principal use under Section 10.03.10(19).



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- (c) All outdoor display areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
  - (d) The display of items shall not be permitted in any landscaping areas, bufferyard areas, or green space areas.
  - (e) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirements applicable to the principal use. If the number of provided parking stalls on the property is already less than the requirement, display areas shall not further reduce the number of parking stalls already present.
  - (f) Outdoor display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, line of planters, or by a clearly marked paved area.
  - (g) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (13) **Incidental Office:** Indoor Offices where the accessory function is the handling of information or administrative services. Office uses do not typically provide services directly to customers on a walk-in basis.
- (a) The gross floor area devoted to office activity shall not exceed 25 percent of the total gross floor area of the buildings on the property.
  - (b) Minimum required parking: See Section 10.06.06.
- (14) **Incidental Outdoor Storage:** Outdoor storage which is incidental to a principal land use, such as Indoor Sales or Service, on the same site.

## Regulations:

- (a) All open storage areas and open containers shall be fully screened from view by a wall and a solid gate made of wood or similar material. The exterior of the wall must match the materials and color of the principal structure and shall be a minimum of 8 feet in height.
  - (b) The storage area shall not exceed 5 percent of the gross building floor area or up to 500 square feet, whichever is less. Storage area in excess of 5 percent of the gross building floor area or 500 square feet shall be regulated as Outdoor Storage and Wholesaling under Section 10.03.16(2).
- (15) **In-Family Suite:** An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. However, external entries serving as the primary or only access to the In-Family Suite are prohibited.

## Regulations:

- (a) In-Family Suites may not be occupied by a non-family member.
- (b) The maximum floor area cannot exceed 20% of the existing dwelling unit's finished habitable area.
- (c) In-Family Suites shall be considered and regulated as part of a single family dwelling unit.
- (d) The principal dwelling unit and the In-Family Suite shall together appear as a single family dwelling.
- (e) A separate walled garage area or driveway is not permitted.
- (f) A separate address for the In-Family Suite is not permitted.
- (g) A separate utility connection or meters are not permitted.

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- (h) A physical all-weather connection between the main living area and the In-Family Suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Family Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Family Suite.
- (i) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as “not a separate dwelling unit or apartment,” and a signed letter from the applicant stating agreement with this condition shall be filed.
- (16) **In-Home Daycare:** Occupied residences in which a licensed person or persons provide childcare for 4 to 8 children. The care of less than four children is not subject to the regulations of this Chapter. Wis. Stats. § 66.1017(1)(a).
- (17) **Migrant Employee Housing:** Migrant Employee Housing includes any facility subject to the regulation of Wis. Stats. § 103.90(3)(a).
- Regulations:
- (a) Migrant Employee Housing shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property lines adjacent to all properties in residential or mixed-use zoning districts.
- (b) Migrant Employee Housing shall be an accessory use to an active principal land use and under the same ownership.
- (18) **Nonresidential Accessory Structure:** Structures primarily used to shelter business vehicles or to store maintenance equipment for the subject property.
- Regulations:
- (a) The combined floor area of all structures shall not exceed the floor area of the principal building on the parcel.
- (b) See Article II for accessory structure maximum building heights and setbacks.
- (c) All nonresidential accessory structures must meet the design requirements of the principal land use on the site. See Article VII.
- (19) **On-Site Parking Lot:** On-Site Parking Lots are any areas located on the same site as the principal land use which are used for the temporary surface parking of vehicles which are fully registered, licensed, and operable. See Section 10.06.06 for additional parking regulations.
- Regulations:
- (a) Access and vehicular circulation shall be designed to prevent cut-through traffic.
- (20) **On-Site Structured Parking:** Structured parking which is accessory to a principal land use such as Apartments, Office, and Mixed-Use Buildings, and which is incorporated into the same building as the principal land use. Stand-alone structured parking that is not integrated with another land use shall be regulated as Off-Site Structured Parking, a principal use under Section 10.03.18(6). See Section 10.06.06 for additional parking regulations.
- Regulations:
- (a) On-Site Structured Parking shall comprise no more than 50% of the ground floor level on the primary street frontage. Underground parking that is partially above grade shall not count toward this total.
- (21) **Personal Antenna and Towers:** Devices used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. This definition includes the structure,

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supports, and equipment buildings. This land use applies to antenna and towers for personal use. Examples include amateur radio antenna and personal television antenna.

Regulations:

- (a) In the SR-L, SR-M, and SR-H districts, there may only be one roof-mounted antenna and one tower per lot. In all other districts there may be one antenna for each dwelling unit or business and one tower per lot.
  - (b) In all districts, freestanding towers with antennas may not be located in a front yard or street side yard or closer to the right-of-way than the closest edge of the principal building, whichever is less.
  - (c) The minimum required setback for freestanding towers with antennas shall be equal to the combined height of the tower and antenna.
  - (d) Towers are restricted to 50 feet and roof-mounted antennas are restricted to 30 feet above the highest peak of the roof.
  - (e) Guy wires shall not be anchored within a provided front yard or provided street side yard or closer to the right-of-way than the closest edge of the principal building, whichever is less. It shall be installed in such a manner as to protect the public safety and to minimize the visual impact on surrounding properties and from public streets.
  - (f) The attachment to an antenna or tower of any flag, decorative or commercial sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices is prohibited.
- (22) **Residential Apiary:** The assembly of one or more colonies of honey bees.
- (a) No bees shall be intentionally kept and maintained other than honey bees.
  - (b) No more than six hives may be kept on a single parcel and no hive shall exceed 20 cubic feet in volume.
  - (c) No hive shall be located closer than three feet from any property line in different ownership.
  - (d) No hive shall be located closer than 10 feet from a public right-of-way or 25 feet from a principal building on an abutting property in different ownership.
  - (e) A constant supply of water shall be provided for all hives.
  - (f) A flyway barrier at least 6 feet in height shall shield any part of a property line in different ownership that is within 25 feet of a hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation, or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded. The barrier shall further comply with any applicable fence regulations contained in Section 10.06.40.
- (23) **Residential Kennel:** An enclosed structure designed for the keeping of dogs that is accessory to a residential use.
- Regulations:
- (a) Outdoor containments for dogs shall be subject to the setback requirements for accessory structures for the district in which they are located.
  - (b) All dogs must be licensed. See Chapter 7 of the City of Middleton Municipal Code.
- (24) **Residential Stable:** An accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire.



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## Regulations:

- (a) Outdoor containments for equines shall be located a minimum of 25 feet from any residentially zoned property.
  - (b) A minimum lot area of 175,000 square feet (four acres) is required for a private residential stable.
  - (c) A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
  - (d) The minimum permitted size of horse or similar animal stall shall be 100 square feet.
- (25) **Satellite Dish:** A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite. This land use applies to dishes for personal use and private use.

## Regulations:

- (a) In all districts, satellite dishes less than 3 feet in diameter may be located anywhere on a lot, except the provided front yard or provided street side yard, or can be located on any principal or accessory building.
  - (b) In the SR-L, SR-M, SR-H, MH-D, TR-D, TR-F, MR-L, MR-M, and MR-H districts satellite dishes 3 feet in diameter and larger may only be located in rear yards or on the roof of a detached structure, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.
  - (c) In all other districts, satellite dishes 3 feet in diameter and larger may be erected on the roof of any principal or accessory buildings, and in side or rear yards; but shall not be located in street or front yards.
  - (d) No advertising or graphic designs exceeding 1 square foot are permitted on satellite dishes in any zoning district.
  - (e) In the event that a usable signal cannot be obtained by locating a satellite dish in locations permitted by this Chapter, the Board of Zoning Appeals may grant a variance to allow the placement of a satellite dish in any location.
- (26) **Short-Term Residential Rental:** Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients. It does not include private boarding houses (Section 10.03.06(12)) or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ACTP § 73.
- (a) Definitions.
    1. Tourist or Transient. A person who travels to a location away from his or her permanent address for a short period of time, not to exceed thirty days for vacation, pleasure, recreation, culture, business or employment.
    2. Operator. An "operator" is a person who is the owner or lessee of property being used as a Short-Term Residential Rental and who is conducting the Short-Term Residential Rental business by, among other things, interacting digitally and in person with guests and is identified in Short-Term Residential Rental listings and advertisements as the Short-Term Residential Rental "host." An operator may not be an LLC, Trust, Nonprofit, or other corporate entity.
    3. Primary Residence. A dwelling unit that serves as an individual's true, fixed and permanent home for at least 183 days in a calendar year and to which, whenever absent therefrom, that individual intends to return. Additional characteristics of a primary residence include, but are not limited to, where an individual receives mail, claims residence for purposes of voter

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registration, pays for utilities, and lists as their address on state issued identification cards. An individual can have only one primary residence.

- (b) Permitted by Right: All zoning districts.
1. Land Use Requirement: Short-Term Residential Rental shall only be located as an Accessory Land Use to a Residential Land Use as defined in Section 10.03.06.
  2. Annual City License Required: Each Short-Term Residential Rental shall operate only during the valid period of an Annual City of Middleton Short-Term Residential Rental License for each calendar year. Operating a Short-Term Residential Rental without a current version of a valid license shall be considered a violation of this Zoning Ordinance, and subject to the penalties of Section 10.10.60. The following information shall be provided on an annual basis, prior to issuance of said Annual City of Middleton Short-Term Residential Rental License:
    - a. Completed City of Middleton Short-Term Residential Rental Application, which includes the property owner's contact information; the designated operator's contact information; emergency contact information, the period of operation; and room tax registration information.
    - b. A current floor plan for the Short-Term Residential Rental at a minimum scale of one-inch equals 4 feet, and Site Plan of the property at a minimum scale of one-inch equals ten feet showing on-site parking spaces and trash storage areas;
    - c. General Building Code Inspection by City, and submittal of Official Building Code Inspection Report with no outstanding compliance orders remaining;
    - d. Proof of valid property and liability insurance for the dwelling unit;
    - e. Copy of State of Wisconsin Tourist Rental House License;
    - f. Copy of Public Health Madison Dane County Tourist Rooming House License;
    - g. Payment of an Administrative Fee, set annually by the City, to cover the costs to the City of administering the above.
    - h. The City of Middleton Short-Term Residential Rental License shall be issued with the completion of the above requirements.
  3. Property Management Requirements. Each Short-Term Residential Rental shall be managed consistent with the following requirements:
    - a. Only the owner of the property may operate a Short-Term Residential Rental, except that a renter may operate if explicitly allowed in the lease. A property owner proposing to operate a Short-Term Residential Rental in a dwelling unit that is subject to rules, regulations, or bylaws of a condominium association may only operate the dwelling unit as Short-Term Residential Rental if explicitly allowed by the condominium association.
    - b. If the Short-Term Residential Rental is operated for stays of more than six (6) but fewer than twenty-nine (29) consecutive days, the Short-Term Residential Rental may be operated for no more than 180 days in any consecutive 365-day period as provided in Wis. Stat. § 66.1014(2)(d). The 180 allowable days in any 365-day period must run consecutively and the Short-Term Residential Rental operator must give the Zoning Administrator notice of the first rental of any 365-day period.
    - c. If the Short-Term Residential Rental is operated for stays of one (1) to six (6) consecutive days, the tourist rooming house shall be the operator's primary residence.

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- d. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above occupies the residence at the time of rental, there is no limit to the number of days the Short-Term Residential Rental may operate.
  - e. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above does not occupy the residence at the time of rental, the Short-Term Residential Rental may operate no more than thirty (30) days per permitting year.
  - f. If an operator who is operating a Short-Term Residential Rental pursuant to subsection 3.c. above does not occupy the residence at the time of the rental, the Short-Term Residential Rental may not be rented to Multiple Unassociated Parties at the same time.
  - g. Maximum tourist or transient occupancy shall not exceed the lesser of two times the number of legal bedrooms in the dwelling unit or twelve (12). Children under the age of 12 shall not count toward the maximum tourist occupancy.
  - h. Each Short-Term Residential Rental shall provide and maintain a Guest Register and shall require all guests to register their true names and addresses before allowing occupancy. The Guest Register shall be kept intact and available by the operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
  - i. Each Short-Term Residential Rental shall maintain the following written Business Record for each rental of the Short-Term Residential Rental: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of one consecutive day), and the monetary amount or consideration paid for the rental. The Business Record shall be kept intact and available by the operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.
4. Property Operational Requirements. Each Short-Term Residential Rental shall be operated per the following requirements:
- a. Parking Requirements:
    - i. A minimum of one off-street parking spaces shall be provided on the subject property for each Short-Term Residential Rental. If the Short-Term Residential Rental provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two.
    - ii. All guest parking for vehicles and trailers shall be within a legal off-street parking space on an area paved with concrete or asphalt. No parking is permitted on gravel, lawn, or planter bed areas. Street parking for guests is not permitted.
  - b. Site Appearance Requirements:
    - i. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as a Short-Term Residential Rental visible on the exterior of the subject property.
    - ii. No exterior signage related to the Short-Term Residential Rental is permitted, other than the property address.
    - iii. No outdoor storage related to the Short-Term Residential Rental land use is permitted, except for typical residential recreational equipment, seating, and outdoor cooking facilities which are permitted only within the rear yard.
    - iv. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.



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Section 10.03.28: Accessory Land Uses and Structures

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- c. Neighborhood Impact Requirements:
  - i. No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.
  - ii. At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article VI of the Middleton Zoning Ordinance.
  - iii. No vehicular traffic shall be generated by the Short-Term Residential Rental at levels exceeding those typical for a detached single-family dwelling unit.
- d. Short-Term Residential Rental Advertising:
  - i. No outdoor advertising is allowed on the subject property.
  - ii. The Short-Term Residential Rental shall not be advertised for availability in any form of media unless the required City of Middleton Short-Term Residential Rental License has been issued.

## 5. Penalties and License Revocation

- a. For violations see Section 10.10.60.
- b. The Annual Short-Term Residential Rental License may be revoked for more than two violations of the requirements of the License, the requirements specific to Short-Term Residential Rental, the License, or the remainder of Zoning Code.

(27) **Small Solar Energy System:** Equipment and associated facilities that directly convert and then transfer or store solar energy into usable forms of thermal or electrical energy. Small Solar Energy Systems are accessory to a principal land use on a property and are designed primarily to generate energy for said principal land use.

## Regulations:

- (a) Except for in the Conservancy (CON) district, where they are allowed only as a conditional use, solar energy systems (rooftop, building-mounted, and freestanding) are permitted uses in all zoning districts as accessory structures. All restrictions on platted land that prevent or unduly restrict the construction and operation of solar energy systems, are void (Wis. Stats. § 236.292).
- (b) Freestanding solar energy systems shall only be located within the side and rear yards.
  - 1. They shall not be considered an impervious surface in the measurement of the maximum impervious surface ratio if the surface under the panels is pervious.
- (c) Rooftop and building-mounted small solar energy systems may exceed the maximum height limit of the primary structure by up to 10 feet, but in cases where the system exceeds the maximum height limit, the panel must be setback from the edge of the roof a minimum distance equal to or greater than the height of the panel.
- (d) See Article II for specific bulk, density, and intensity requirements for accessory structures in each district. There are no screening or design requirements for Small Solar Energy Systems.
- (e) The City will apply Wis. Stats. §§ 66.0401 and 66.0403 in the evaluation of small solar energy system plans.
  - 1. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety.
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.

## Section 10.03.29: Reserved

- c. Allows for an alternative renewable system of comparable cost and efficiency.
- (28) **Small Wind Energy System:** A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site consumption of utility power. Small wind energy systems have a total installed nameplate capacity of 300 kW or less and consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kW.
- (b) This Section provides the standards and procedures for issuance of conditional use permits for wind energy systems, as defined in Wis. Stats. § 66.0403(1)(m). The purpose of this Section is to ensure any proposed wind energy system complies with applicable provisions of Wis. Admin. Code Chap. PSC 128, as amended, and this Section.
- (c) Wind energy systems are a conditional use in every district. The City will apply Wis. Stats. § 66.0401 and Wis. Admin. Code Chap. PSC 128, as amended, in the evaluation of such requests.
1. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
    - a. Serves to preserve or protect the public health or safety.
    - b. Does not significantly increase the cost of the system or significantly decrease its efficiency.
    - c. Allows for an alternative renewable system of comparable cost and efficiency

**Section 10.03.29: Reserved****Section 10.03.30: Temporary Uses**

All of the following temporary uses shall comply with the standards and procedures herein. Unless stated otherwise below, temporary uses are limited to 90 days per calendar year. Temporary uses may be extended in duration through the conditional use process (See Section 10.10.32).

- (1) **Garage or Estate Sale (Auction).** Any temporary display of used household goods for sale on a property customarily used as a residence that does not exceed four days in duration and that occurs no more than four times in one calendar year. Such sales are also commonly referred to as rummage sales or yard sales.

Regulations:

- (a) The person or persons conducting the Garage or Estate Sale shall reside on the lot where the sale is conducted. Permits are not required for Garage or Estate Sales.
  - (b) Sales shall occur only during daylight hours.
  - (c) Garage or Estate Sales shall not exceed 4 days in duration.
  - (d) Garage or Estate Sales shall not be held more than four times in any 12 month period and shall not be held more than two times in any 30 day period.
  - (e) Signs shall comply with the regulations of Chapter 22.
- (2) **Farmer's Market.** Farmer's Markets include the temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot.

Regulations:

- (a) The parking lot shall have direct vehicular access to a collector or higher classification street.
- (b) Farmer's Market land uses are limited to the operating hours of 7 a.m. to 10 p.m.

## Section 10.03.30: Temporary Uses

- (3) **Temporary Farm Product Sales/Roadside Stand:** This land use includes the temporary outdoor display and sales of farm products, typically from a roadside stand.

Regulations:

- (a) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
  - (b) Sales and display activities shall be limited to daylight hours.
  - (c) Minimum required parking: Two spaces per vendor.
- (4) **Temporary Moving Container (Residential):** Portable storage containers designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Regulations:

- (a) The container shall not exceed outside dimensions of 20 feet in length, 8 feet in width, and 9 feet in height.
  - (b) The container shall be permitted on the property for up to 90 days associated with each change of occupancy as defined by a recorded change in property ownership or valid lease.
  - (c) The container cannot encroach on a public sidewalk, bike path, street, right-of-way, or neighboring property.
  - (d) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
- (5) **Temporary On-Site Construction Storage, Contractor's Project Office, and On-Site Real Estate Sales Office:** Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project, a structure containing an on-site construction management office for an active construction project, or a building which serves as an on-site sales office for a development project.

Regulations:

- (a) The land use shall be removed upon the expiration of the building permit associated with the active construction project. Projects requiring the land use to be in place beyond the expiration date of the building permit shall require a conditional use permit. Temporary Real Estate Offices shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
  - (b) Projects requiring the construction storage or contractor's project office structure to be in place for more than 365 days shall require a conditional use permit. Temporary On-Site Real Estate Sales Office uses that exceed 90 days per calendar year shall require a conditional use permit.
  - (c) The storage area shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.
- (6) **Temporary Outdoor Assembly:** Includes any organized outdoor assembly such as outdoor weddings, wedding receptions, or tent meetings. Refer to Sec. 7.17 of the City of Middleton Municipal Code for Special Event Permit requirements.

Regulations:

- (a) Temporary Outdoor Assembly uses that exceed 3 days per calendar year shall require a conditional use permit.
- (b) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (c) If subject property is located adjacent to a residentially zoned property, activities shall be limited to daylight hours.



## Section 10.03.30: Temporary Uses

- (7) **Temporary Outdoor Sales:** Includes the display of any items outside the confines of a building, which is not a permitted or conditional use or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, and fireworks sales (also see Chapter 7.09 of the City of Middleton Municipal Code). Food and/or beverage trucks, carts, stands, or trailers are regulated in Chapter 7.01 of the City of Middleton Municipal Code.

Regulations:

- (a) Temporary Outdoor Sales uses that exceed 90 days per calendar year shall require a conditional use permit.
  - (b) Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
  - (c) If subject property is located adjacent to a residential zoning district, sales and display activities shall be limited to daylight hours.
  - (d) The user shall provide a layout of the activities to the Zoning Administrator, for approval prior to any event or sales activity.
  - (e) Minimum required parking: None.
- (8) **Temporary Outdoor Storage Container (Nonresidential):** Enclosed, lockable storage containers such as shipping containers, semi-trailers, storage pods, or other fully enclosed trailers for use on a limited basis on a nonresidential property. Other forms of temporary outdoor storage containers are prohibited.

Regulations:

- (a) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
  - (b) The container shall be permitted on the property for up to 30 days per calendar year. Containers in place for more than 30 days per calendar year shall be regulated as Outdoor Storage and Wholesaling under Section 10.03.16(2) or Incidental Outdoor Storage under Section 10.03.28(14).
- (9) **Temporary Refuse Container:** Includes any receptacle or container used for the temporary disposal of refuse on-site usually in the form of a dumpster or other similarly large metal container associated with a construction, remodeling, moving, or other similar project on-site.

Regulations:

- (a) The container shall not exceed outside dimensions of 25 feet in length, 8 feet in width, and 8 feet in height or 40 yards of capacity.
  - (b) The container shall be permitted on the property for up to 30 consecutive days.
  - (c) The container cannot encroach on a public sidewalk, bike path, street, right-of-way, or neighboring property.
  - (d) The container must be placed on asphalt, concrete, or a similar hard-paved surface.
- (10) **Temporary Relocatable Building:** Includes any manufactured building which serves as a temporary building for less than 6 months.

Regulations:

- (a) Facilities serving for more than 6 months shall be considered conditional uses and are subject to the general standards and procedures presented in Section 10.10.32.
- (b) The structure shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

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**Sections 10.03.31 to 10.03.99: Reserved**

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- (11) **Temporary Shelter Structure:** These shelters are typically supported by poles, have a fabric or plastic roof and/or sides, and are commonly used for short term temporary storage of vehicles and other personal property. This does not include camping tents or permanent Residential Accessory Structures. Temporary Shelter Structures are prohibited.
- (12) **Temporary Vehicle Sales:** Includes the sale of personal vehicles and equipment on trailers such as ATVs, snowmobiles, motorcycles, horse trailers, campers, etc.

**Regulations:**

- (a) No more than one vehicle or trailer shall be for sale on any property at any given time for up to a maximum of 30 days per calendar year.
- (b) Vehicles or trailers for sale must be licensed.
- (c) Vehicles or trailers for sale must be owned by one of the following:
1. The property owner or lessee.
  2. An employee of the property owner or lessee, only during the hours in which the employee is working.
- (d) Vehicles or trailers for sale must be parked in a legal parking space or a residential driveway. Vehicles or trailers for sale shall not be parked on a lawn or other landscaped area.

**Sections 10.03.31 to 10.03.99: Reserved**

## Section 10.04.01: Purpose

**ARTICLE IV: BULK REGULATIONS****Section 10.04.01: Purpose**

This Article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the City of Middleton. The provisions of this Article interact closely with the density and intensity provisions described in Article II. Any nonconforming situation (lot, use, structure, and/or site) shall adhere to the provisions of Article V.

**Sections 10.04.02 to 10.04.09: Reserved****Section 10.04.10: Bulk Standards**

- (1) All structures shall comply with the requirements listed for each zoning district in Article II and the Airport Height Limit Overlay in Section 10.02.83.
- (2) All lots shall abut upon a public street. Refer to additional standards for lots and blocks in Chapter 19 of the Municipal Code.
- (3) On lots fronting two nonintersecting streets, a front yard must be provided on both streets.
- (4) On lots fronting three or more streets, on sharply curved streets, or lots where Figure 10.01.23b (in Article I) does not apply, the determination of the yards and appropriate setbacks shall be made by the Zoning Administrator.

**Sections 10.04.11 to 10.04.19: Reserved****Section 10.04.20: Exceptions to Maximum Height Regulations**

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Article II are the maximum permitted heights for all buildings and structures, except those exempted by this Section.

- (1) The following are permitted to exceed the maximum height regulations within any district where permitted, outside of the Airport Height Limit Overlay (Section 10.02.83): church spires; belfries; cupolas; penthouses and domes (not used for human occupancy); public monuments; stage towers or scenery lofts; water towers; fire and hose towers; tanks; utility poles; flag poles; chimneys; cooling towers; exhaust pipes; ventilators; skylights; telecommunications towers and antennas; satellite dishes; elevator bulkheads, grain elevators, feed mills, grain and seed mixing bins, concrete mixing bins, and other necessary mechanical appurtenances usually carried above roof level; and similar features. The provisions of this Chapter shall not apply to prevent the erection above the building height limit of a parapet wall or cornice for ornament (and without windows) extending above such height limit not more than 5 feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to the Wisconsin state building code.

**Sections 10.04.21 to 10.04.29: Reserved**

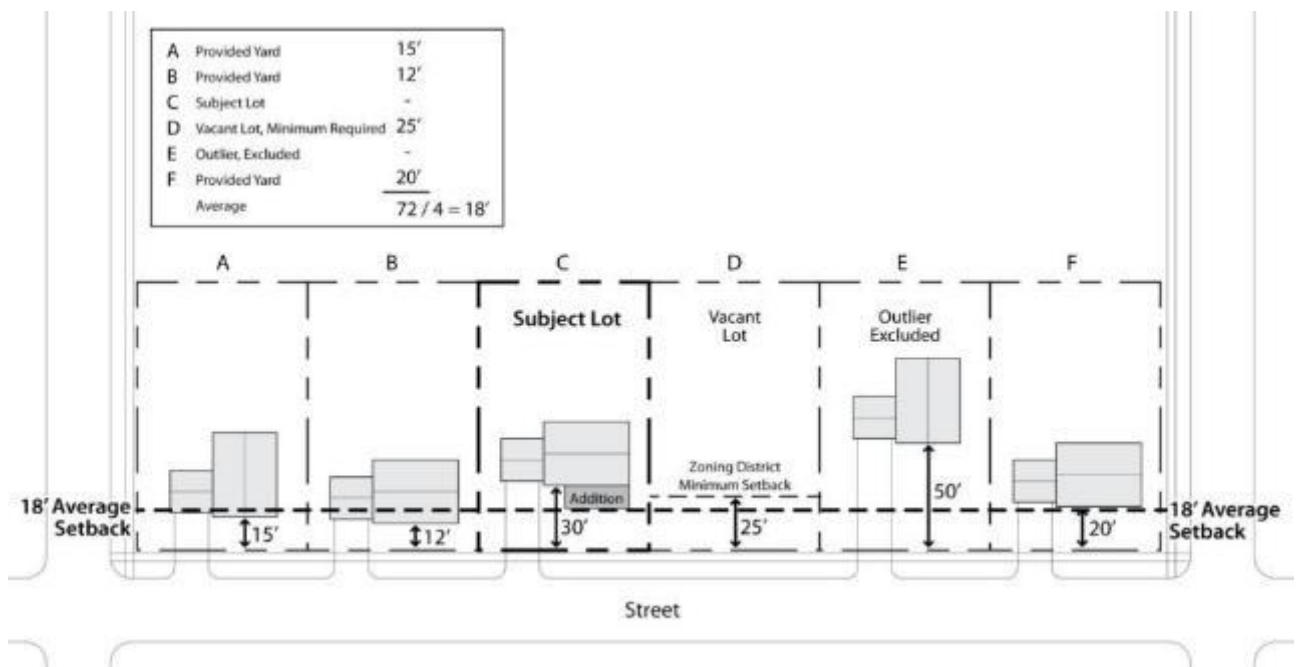


Section 10.04.30: Yard Setback Adjustments

**Section 10.04.30: Yard Setback Adjustments**

- (1) Lot size and minimum yard dimensions. No lot, yard, court, parking area, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) Front Yard Setback Adjustments.
  - (a) Decrease of Front Yard Setback.
    1. In the Single-Family, Two-Family, Multi-Family, and Mixed-Use zoning districts, a front yard setback may be reduced to the mean of the setbacks of the immediately adjoining lots that are on both sides of the subject lot. The following rules apply in calculating the mean setback (see Figure 10.04.30a):
      - a. Only the front yard setbacks on 5 or fewer adjoining lots, which are contiguous to each other in either direction of the subject lot and which are on the same side of the street as each other on the same block, may be used.
      - b. Where a lot is vacant, the minimum front yard setback of the zoning district for the proposed use will be applied to the vacant lot and factored into the averaging calculation.
      - c. Outliers, defined as yards with a setback that is equal to or greater than twice that of the next largest setback among the adjoining lots and thus which do not fit the established pattern of front yard setbacks, shall be excluded in calculating the mean front yard setback, as determined by the Zoning Administrator.
      - d. In residential districts, the minimum front yard and street side yard setback on any lot shall be at least 6 feet. The minimum setback for an attached or detached accessory building facing the front yard or street side yard shall be at least 20 feet.

**Figure 10.04.30a: Front Yard Averaging Example**



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**Sections 10.04.31 to 10.04.39: Reserved**

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- (b) Increase of Front Yard Setback.
  - 1. In the Single-Family, Two-Family, Multi-Family, and Mixed-Use zoning districts, blocks with mean front yard setback more than 5 feet over the minimum required front yard setback shall be increased to the mean of the adjoining same type of principal structures on said block or street. This regulation is intended to preserve and maintain the character of established neighborhoods that are typified by front yard setbacks substantially in excess of the minimum required front yard setback.
  - 2. Outliers, defined as yards with a setback that is equal to or less than half that of the next smallest setback among the adjoining lots and thus which do not fit the established pattern of front yard setbacks, shall be excluded in calculating the mean front yard setback, as determined by the Zoning Administrator.
- (3) Side Yard Setback Adjustments.
  - (a) Street Side Yard Setback Adjustments (for Corner Lots). On corner lots in the Single-Family, Two-Family, Multi-Family, and Mixed-Use zoning districts, the street side yard setback may be reduced to 8 feet, as may be necessary to attain at 30-foot buildable width. The required interior side yard setback must be maintained.
  - (a) Side Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required side setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter.
  - (b) Side Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 50 feet in width, the side yard may be reduced to 10 percent of the lot width but not less than 4 feet.
- (4) Rear Yard Setback Adjustments.
  - (a) Rear Yard Adjustments for Bufferyards. In instances where the required bufferyard width (per Article VIII) exceeds the minimum required rear setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard, with the exception of utility boxes/cabinets and other minor accessory structures exempt from the setback requirements of this Chapter.
  - (b) Rear Yard Adjustments for Small Lots. On lots under separate ownership on the effective date of this Chapter and less than 100 feet in depth, and where the minimum lot depth is required to be at least 100 feet, the rear yard may be reduced to 20 percent of the lot depth.
  - (c) Increase of Rear Yard Setback: A principal building on a lakeshore lot in a Single-Family, Two-Family, Multi-Family, or Mixed-Use zoning district shall have a minimum rear setback of 30 feet measured from the Ordinary High Water Mark.

**Sections 10.04.31 to 10.04.39: Reserved**

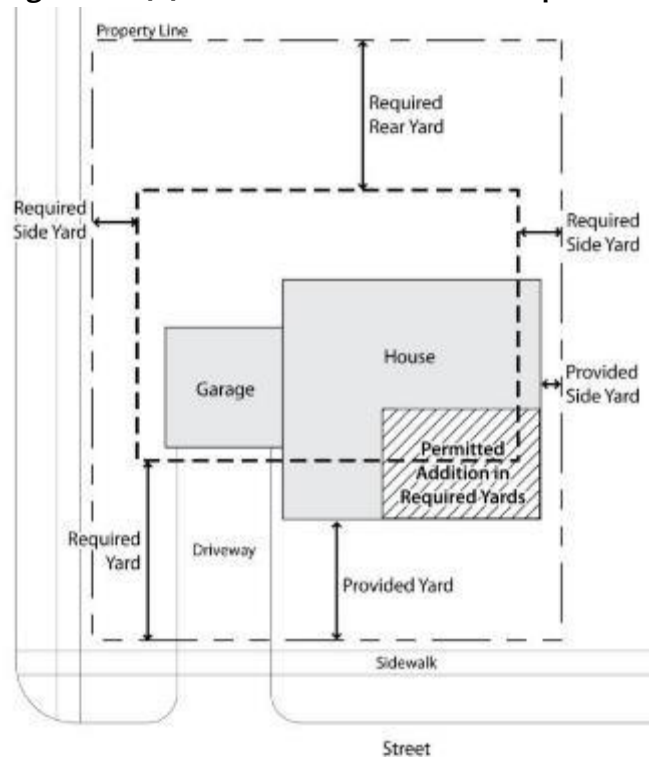
## Section 10.04.40: Projections into Required Yards

**Section 10.04.40: Projections into Required Yards**

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) With the exception of fences, minor accessory structures, and the permitted projections described in this Section, no principal or accessory structures shall be permitted within any portion of a front or street side yard.
  - (2) Permitted Projections into All Required Yards.
    - (a) For principal and accessory residential buildings, the ordinary projection of sills, belt courses, cornices, gutters, eaves, overhangs, ornamental features, pilasters, lintels, bay windows, chimneys, egress windows, and flues, provided they do not extend more than 2 feet into the required yards.
    - (b) Fences shall meet the requirements of Section 10.06.40.
    - (c) Additions (including vertical additions, additional floors, and architectural features), balconies, terraces, covered porches, or similar appurtenances not extending beyond the setback of the existing façade, may be located in the provided or required yard setback, whichever is more permissive. If the addition is a front-loaded garage or front-loaded garage addition, the minimum setback when facing the front yard or street side yard shall be at least 15 feet. In no instance shall any new addition be within 10 feet of an adjacent principal structure or within 2 feet of an adjacent property line. See Figure 10.04.40a.
1. All projection applications must demonstrate that the addition does not negatively impact the solar rights of existing solar panels on neighboring properties on the winter solstice.

**Figure 10.04.40a: Permitted Addition in Required Yards**



*Note: Building additions must meet the design standards of Article VII.*



## Section 10.04.40: Projections into Required Yards

- (d) Handicap Accessible Ramps.
1. Handicap ramps or other devices required to make reasonable accommodation under the Fair Housing Act or the Americans with Disabilities Act are to be permitted in any required setbacks, provided that the maximum encroachment into a required setback is the minimum dimension required by the Wisconsin Commercial Building Code or Wisconsin Uniform Dwelling Code for accessible ramps and that no other location is feasible outside the required setbacks. Only temporary and removable ramps shall be permitted to encroach into the required setbacks.
  2. Handicap Ramp Permit. Handicap ramps proposed for placement within required setback areas shall secure a Building Permit from the Building Inspector prior to construction. An application for a permit shall include a written statement explaining the reasons for the placement of the handicap ramp. The Zoning Administrator may also require a statement from a physician verifying the need for a handicap ramp.
  3. Handicap Ramp Removal. When a handicap ramp is placed within the required setback, the Zoning Administrator, may periodically require verification of the continual need for the handicap ramp. When it has been determined the handicap ramp is no longer needed, the Zoning Administrator, may order its immediate removal.
- (e) Any other provisions identified elsewhere in this Chapter (landscape features, tents, and other features where specific setbacks are established).
- (3) Permitted Projections into Required Front Yards.
- (a) All of the permitted projections listed under Subsection (2) above.
  - (b) Reference Article II for porch dimensions and Section 10.03.28 for minor accessory structures.
  - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the front yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
- (4) Permitted Projections into Required Street Side Yards (for Corner Lots).
- (a) All of the permitted projections listed under Subsection (2) above.
  - (b) Reference Article II for porch dimensions and Section 10.03.28 for minor accessory structures.
- (5) Permitted Projections into Required Interior Side Yards.
- (a) Reference Article II for porch dimensions and Section 10.03.28 for minor accessory structures.
  - (b) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a side yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
  - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the interior side yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.

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**Sections 10.04.41 to 10.04.99: Reserved**

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- (6) Permitted Projections into Required Rear Yards.
  - (a) Reference Article II for porch dimensions and Section 10.03.28 for minor accessory structures.
  - (b) Open fire escapes, fireproof outside stairways, and balconies opening upon fire towers may project into a rear yard not more than 3 ½ feet when so placed as not to obstruct light and ventilation.
  - (c) Uncovered entry platforms and steps necessary to comply with current ingress and egress regulations provided they do not extend more than 4 feet into the rear yard setback and are no more than 6 feet wide. Steps from the platform may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. Replacement steps for porches may be as wide as the steps being replaced and may extend into the front setback area for the distance needed to meet minimum building code requirements for risers and treads. These exceptions apply only to residential districts.
- (7) Permitted Projections in the Planned Unit Development District (PUD): Per approved Specific Implementation Plan (see Section 10.02.70).
- (8) Permitted Projections in the Well-Head Protection Overlay District. See Section 10.02.81.
- (9) Permitted Projections in the Shoreland Overlay District: See Section 10.02.82.
- (10) Permitted Projections in the Airport Height Limit Overlay District. See Section 10.02.83.
- (11) Permitted Projections in the Wetland Overlay District: See Chapter 29 of the City of Middleton Municipal Code.
- (12) Permitted Projections in the Floodplain Overlay District: See Chapter 24 of the City of Middleton Municipal Code.

**Sections 10.04.41 to 10.04.99: Reserved**

## Section 10.05.01: Purpose

**ARTICLE V: NONCONFORMING SITUATIONS****Section 10.05.01: Purpose**

The purpose of this Article is to establish regulations for the following nonconforming situations created legally prior to the effective date of this Chapter: nonconforming uses, nonconforming and substandard lots, nonconforming structures, and other nonconforming sites.

**Sections 10.05.02 to 10.05.09: Reserved****Section 10.05.10: Nonconforming Uses**

- (1) Definition. A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) Continuance of a Nonconforming Use.
  - (a) Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section.
  - (b) Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit to be granted legal conforming status.
  - (c) If a parcel or lot contains an existing nonconforming use, the addition of a new conforming use on that parcel or lot shall require a conditional use permit, subject to the standards, criteria, and procedures prescribed by Section 10.10.32, in order to ensure compatibility with the existing nonconforming use. Whether uses are compatible shall be determined by the Plan Commission.
  - (d) In the absence of a conditional use permit granting it legal conforming status, a nonconforming use shall be discontinued before a new conforming use may be added to the parcel.
- (3) Modification of a Nonconforming Use. A structure containing a nonconforming use shall not be enlarged or increased to occupy a greater area of lot, parcel, site, and/or structure than was occupied at the time of the effective date of this Chapter.
- (4) No nonconforming use of a premise shall be moved in whole or in part to any other portion of the lot, parcel, site and/or structure than was occupied upon the effective date of this Chapter.
- (5) Discontinuance of a Nonconforming Use.
  - (a) When any nonconforming use of any structure or land is discontinued for a period of one year, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter. The discontinuance of a nonconforming use is defined as the discontinued use of any building or premises for any trade or industry for which the building or premise was used when the ordinance took effect.
  - (b) The property owner has the burden to prove that the nonconforming use has been continuously maintained over time. Potential forms of documentation include but are not limited to utility bills; tax records; business licenses; listing in telephone, business, or city directories; advertisements in dated publications; building, land use, or development permits; insurance policies; leases; dated aerial photos; insurance maps that identify use or development such as Sanborn Maps; or land use and development inventories prepared by a government agency.
- (6) Ordinary Maintenance and Repairs of a Structure and Land Containing a Nonconforming Use.



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**Sections 10.05.11 to 10.05.19: Reserved**

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- (a) The ordinary maintenance and repairs made to a structure or land containing or related to a nonconforming use is permitted. Ordinary maintenance and repairs are defined as follows:
  - 1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
  - 2. Overlaying an off-street parking and/or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking and/or loading lot.
  - 3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.
- (b) In no instance shall said maintenance and repairs exceed, over the life of the structure, 50 percent of the present equalized assessed value of said structure or property prior to said repairs, in accordance with Wis. Stats. § 62.23(7)(h).

**Sections 10.05.11 to 10.05.19: Reserved****Section 10.05.20: Nonconforming and Substandard Lots**

- (1) Definition. A nonconforming or substandard lot is a lot legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.
- (2) Applicability: The following Section shall apply to all lots in the City except in the following circumstances:
  - (a) The lot did not legally exist as of the effective date of this Chapter.
  - (b) The lot is subject to a court order to the contrary of this Section.
- (3) Blanket Conforming Status.
  - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. This Subsection ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
  - (b) After the effective date of this Chapter, no lot shall be created which does not meet the density, intensity, and bulk requirements of the zoning district, except any lot located within a subdivision platted prior to the effective date of this Chapter may return to its originally-platted dimensions and configurations.
- (4) New Development: A lot of record existing upon the effective date of this Chapter in any zoning district, which does not meet the minimum lot area, width, and frontage requirements for the zoning district, may be utilized only for a single family dwelling unit, two family dwelling unit, or a permitted nonresidential use, provided that such development complies with all of the density, intensity, and bulk regulations for that zoning district.

**Sections 10.05.21 to 10.05.29: Reserved**

## Section 10.05.30: Nonconforming Structures

**Section 10.05.30: Nonconforming Structures**

- (1) Definition. A nonconforming structure is a structure legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter.
- (2) The following Section shall apply to all structures in the City except in the following circumstances:
  - (a) The structure did not legally exist as of the effective date of this Chapter.
  - (b) The structure is subject to a court order to the contrary of this Section.
  - (c) Where there are conflicts between or among regulations within this Section and other regulations such as floodplain, wetland, environmental corridor, and shoreland regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (3) Blanket Conforming Status.
  - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to any structure lawfully existing upon the effective date of this Chapter, except for signs (see Chapter 22), exterior lighting (see Chapter 33), or accessory structures (defined in Section 10.03.28).
  - (b) The repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure is permitted in accordance with Wis. Stats. § 62.231(5m).
  - (c) Structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Board of Zoning Appeals under Section 10.10.51.
  - (d) This Subsection is intended to eliminate the new and/or continued classification of structures as nonconforming subject to the requirements of this Chapter. This provision addresses two different situations:
    1. Any structure erected prior to the original adoption of zoning by the City of Middleton that does not meet some or all of the bulk or intensity requirements of this Chapter.
    2. In some instances, this Chapter establishes new bulk or intensity requirements that existing legal structures under the previous Zoning Ordinance do not meet.
  - (e) This Section therefore ensures that owners of such structures legally established prior to the effective date of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
- (4) Continuation. Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (5) Unsafe Conditions. Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- (6) Alterations.
  - (a) For the purposes of this Section, alterations shall be defined as being one or more of the following:
    1. Adding, removing, changing, or rearranging the supporting members of an existing structure, such as load-bearing walls, columns, beams, girders, trusses, or interior partitions.
    2. Pulverizing and/or removing asphalt or concrete from off-street parking and loading facilities and/or access drives to the extent of exposing the base course, whether or not repaving of such area occurs.

## Section 10.05.30: Nonconforming Structures

3. Full-depth reclamation and mix and mill in-place processes that pulverize the parking facility surface and blend it on-site with the existing aggregate base.
  4. For the purposes of this Section, “size” is defined as the site coverage, physical dimension, volume, height, length, width, or gross floor area.
- (b) A nonconforming structure may be altered provided that the nonconforming structure does not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
- (7) Additions.
- (a) An addition shall be defined as anything that increases the size of a building or structure.
  - (b) Additions made to nonconforming structures shall be permissible in required setbacks subject to the following:
    1. The addition shall not encroach any further into the established nonconforming yard setbacks or required yard setbacks.
    2. The addition shall conform to all other requirements of the district in which it is located.
  - (c) Additions shall meet all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- (8) Relocation.
- (a) Relocation shall be defined as any repositioning of a structure on its site or moving any structure to another site.
  - (b) No structure shall be moved in whole or in part to any other location on the same or any other site unless the structure complies with all of the provisions of this Chapter.
  - (c) If a structure is relocated to a new site, it shall also comply with all other provisions of this Chapter, including, but not limited to, maximum lot coverage, off-street parking and loading facilities, and landscaping standards.
- (9) Ordinary Maintenance and Repairs.
- (a) The ordinary maintenance and repairs made to a nonconforming structure is permitted.
  - (b) Ordinary maintenance and repairs are defined as follows:
    1. The repair or replacement of doors, windows, nonbearing walls, fixtures, heating and air conditioning components, wiring, plumbing, siding, roofing, or other nonstructural components.
    2. Overlaying an off-street parking and/or loading lot, which shall mean adding a layer of asphalt or concrete to an existing off-street parking and/or loading lot.
    3. Resurfacing the asphalt or concrete of the off-street parking, loading facilities, and/or access drives without exposing the base course and overlaying such area.
- (10) Destruction and Reconstruction. A damaged, destroyed, or removed structure may be restored to the size, location, design and use that it had immediately before the damage, destruction, or removal occurred without any limits on the costs of the repair, reconstruction, or improvement if either (a) or (b), below, apply. The burden of proof in regard to the location, dimensions, configuration, and exterior building materials of the damaged or removed structure shall be upon the property owner to demonstrate prior to the issuance of a building permit.
- (a) The structure was damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other act identified by Wis. Stats. § 62.23(7) on or after March 2, 2006.
  - (b) The structure was damaged, destroyed, removed, or partially removed by other means on or after the effective date of this Chapter.



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**Sections 10.05.31 to 10.05.39: Reserved**

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- (c) For special regulations pertaining to the reconstruction of nonconforming single family or two family driveways, refer to Section 10.06.03(13)(a)1. For special regulations pertaining to the reconstruction of nonconforming multi-family or commercial parking lots, refer to Section 10.06.06(7)(e).

**Sections 10.05.31 to 10.05.39: Reserved****Section 10.05.40: Other Nonconforming Sites**

- (1) Definition. A nonconforming site is a site legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which would not be permitted under the current terms of this Chapter because it does not meet the building and site design requirements of this Chapter. Such building and site design components may include one or more of the following:
  - (a) Bulk, intensity, and density requirements.
  - (b) Exterior building materials requirements.
  - (c) Exterior building design requirements.
  - (d) Number of parking spaces required.
  - (e) Landscaping requirements.
  - (f) Bufferyard requirements.
  - (g) Fencing requirements.
- (2) Blanket Conforming Status.
  - (a) Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all development sites in their configuration existing or as finally approved as of the effective date of this Chapter, except for signs (see Chapter 22), exterior lighting (see Chapter 33), or accessory structures (defined in Section 10.03.28).
  - (b) After the effective date of this Chapter, additional site development that would result in the enlargement, expansion, or extension of uses, structures or other development per (1)(a) through (g), above, will not be allowed to occur without such additional site development being in full compliance with the provisions of this Chapter.
  - (c) This Subsection is intended to prevent the creation of nonconforming sites related to the building and site design requirements of this Chapter.
  - (d) This Subsection ensures that sites approved prior to the effective date of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.
- (3) New Development. All new buildings, structures, parking areas, and parking stall counts, including reconstructions, shall comply with all site design requirements of this Chapter, including the components of (1)(a) through (g), above, for the new or reconstructed portion of the development.
- (4) Conformance Required Where Possible. On nonconforming lots where the site configuration and undeveloped area are sufficient to comply with site design requirements, any change that would make compliance with the site design requirements of this Chapter impossible shall not be permitted, as determined by the Zoning Administrator.
- (5) On nonconforming lots where the site configuration and undeveloped area are not sufficient to comply with all site design requirements, but space is available to reduce the degree of one or more nonconformities, the Zoning Administrator, shall determine the manner and degree to which each site nonconformities shall be brought into conformance, specifically to improve public safety and/or reduce public nuisances.

Sections 10.05.41 to 10.05.99: Reserved

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- (6) Creation of Additional Nonconformity Prohibited. Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted.

**Sections 10.05.41 to 10.05.99: Reserved**

## Section 10.06.01: Purpose

**ARTICLE VI: PERFORMANCE STANDARDS****Section 10.06.01: Purpose**

The purpose of this Article is to indicate the standards and minimum requirements for group and large developments; vehicle, bicycle, and pedestrian access; visibility; off-street parking and traffic circulation; off-street loading; exterior lighting; exterior storage; vibration, noise, air pollutions, odor, glare, fire, toxic/hazardous materials, and noise standards; fencing; swimming pools; vacant buildings; and outdoor recreational space within the jurisdiction of this Chapter.

**Section 10.06.02: Group and Large Development Standards**

- (1) Purpose. The purpose of this Section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the City of Middleton.
- (2) Definitions.
  - (a) Group Development.
    1. Any development located on one lot and comprised of any combination of 2 or more principal buildings on the same lot in any zoning district.
  - (b) Large Development.
    1. Any new development containing any single building in which the area of the building footprint exceeds 50,000 square feet in any nonresidential zoning district. Does not include new additions to structures existing prior to the adoption of this Chapter of less than 50,000 square feet, or basements and penthouses when used primarily for storage and mechanical equipment. Common examples of large developments include big-box commercial uses.
- (3) Exceptions. The following situations are exempt from the requirements of this Section.
  - (a) Development in the following zoning districts:
    1. Planned Unit Development District
    2. Light Industrial District
    3. Medium Industrial District
    4. Heavy Industrial District
    5. Airport District
    6. Parks and Recreation District
  - (b) Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator, that any principal building can be subsequently subdivided with a lot and yards conforming to the requirements of this Chapter.
- (4) Review and Approval.
  - (a) All group developments and large developments require a conditional use permit (see Section 10.10.32 for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district. For any Large Development, a concept review meeting shall be held before both the Plan Commission and Common Council, either jointly or separately, with notice of such meeting provided by regular mail, at the applicant's expense, fourteen (14) days prior to said meeting, to all owners of property within 3,000 feet of the subject property. Said notice shall, in addition to the nature of the project and time and location of the meeting, provide instructions as to how to receive or view a copy of the application materials.



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**Section 10.06.02: Group and Large Development Standards**

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- (b) Land uses permitted by right in the applicable zoning district shall be permitted by right within an approved group and/or large development, subject to the provisions of this Section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.
  - (c) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that land use category. The consideration of the conditional use for the group development and/or large development may occur in conjunction with the review for additional conditional land uses.
  - (d) The detailed land use regulations in Article III that pertain to each proposed land use shall also apply within a group development and/or large development, as will all other applicable provisions of this Chapter.
- (5) Changes to an Approved Group and/or Large Development.
- (a) Following initial issuance of a conditional use permit for the group development and/or large development, all subsequent changes determined to be significant by the Zoning Administrator, to site design and building design (including addition of structures, additions to structures, and expansions of parking or storage areas) in the group development and/or large development shall require an amendment to the approved conditional use permit regardless of individual land use(s).
  - (b) Changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.
  - (c) Changes to individual land uses within a group development and/or large development listed as conditional uses within the applicable zoning district shall be allowed only by amendment to the conditional use permit, regardless of whether or not said use entails modifications to the building and/or site layout in the group development and/or large development.
- (6) Standards Applicable to Group Developments and/or Large Developments.
- (a) Land uses and development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space requirements; access, parking, loading requirements; exterior lighting requirements (Chapter 33); and signage requirements (Chapter 22).
    - 1. For Multi-Family, Commercial, Mixed Use, and Institutional Land Uses, see Sections 10.07.20(3) and 10.07.30(3) for façade articulation and maximum building façade length standards.
  - (b) The applicant shall demonstrate how the proposed development relates to each of the following criteria:
    - 1. Complements the design and layout of nearby buildings and developments.
    - 2. Enhances, rather than detracts from, the desired character of the surrounding area.
    - 3. All buildings within the group and/or large development shall be compatible with one another in terms of architectural quality and design, as determined by the Plan Commission.
- (7) General Layout and Future Divisibility of Group Developments.
- (a) Development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. Building

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**Section 10.06.02: Group and Large Development Standards**

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- envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will facilitate the subdividing of group developments in the future (if such action is so desired).
- (8) **Roadway Connections.** All nonresidential projects shall have direct access or access through an easement to a collector level street; or to a local street or arterial street if no other access is available, as deemed appropriate by the City.
  - (9) **Parking.** Parking lot designs and number of spaces shall meet the requirements of Section 10.06.06.
  - (10) **Outdoor Display Areas.** Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a minimum of 5 feet or by a physical barrier visible to drivers and pedestrians.
  - (11) **Outdoor Storage Uses and Areas.** Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, forklifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan. Outdoor storage uses and areas shall meet the screening requirements of Section 10.06.21.
  - (12) **Landscaping.** Landscaping shall meet the standards in Article VIII.
  - (13) **Lighting.** On-site exterior lighting shall meet the standards in Chapter 33.
  - (14) **Signage.** Signage shall meet the standards in Chapter 22.
  - (15) **Additional Rules Applicable to Large Developments** (as defined in Subsection (2)(b), above).
    - (a) **Building Placement and Site Layout.** Building placement and orientation shall facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and shall forward objectives as described in the City's Comprehensive Plan.
    - (b) **Compatibility Report.** The City may require a written Compatibility Report citing adequate evidence that the proposed building and overall development project shall be compatible with the City's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall be paid for by the developer and shall specifically address one or more of the following items:
      1. **Compatibility Report Narrative.** The City may require a narrative describing how the proposed development meets the building placement and site layout requirements of Subsection (a), above.
      2. **Traffic Impact Analysis.** The City may require that a traffic impact analysis (TIA) be completed in accordance with Section 10.06.03(15)(c).
    - (c) **Small Area Plan.** The City may require that a detailed small area plan be submitted and approved by the Plan Commission. The detailed small area plan shall be prepared for all areas within 1,000 feet of the subject property (as measured from the outer perimeter of the subject property or group of properties proposed for development), and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood or area. The detailed small area plan shall contain the following specific elements, drawn to scale:
      1. **Demonstration** that the proposed small area plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, community character provisions of the City's Comprehensive Plan.
      2. **Proposed land use** with specific zoning districts and existing land uses, if present.

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**Section 10.06.03: Vehicle Access Standards**

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3. Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.
4. Conceptual stormwater management facilities.
5. Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
6. Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
7. Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.

**Section 10.06.03: Vehicle Access Standards**

- (1) Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of driveways and other points of access to public rights-of-way for various sites and uses.
- (2) Applicability. The requirements of this Section shall apply to each driveway and access point onto a public street or right-of-way in all new developments. Additional regulations relating to driveways can be found within Chapter 19 of the City of Middleton Municipal Code and the Access Management Plan.
- (3) Review and Approval. Through the site plan review process (see Section 10.10.43), the Zoning Administrator and City Engineer shall review and recommend for approval all proposed access points on the subject property. Also, see Chapter 19 of the Middleton Municipal Code.
- (4) Access Limitation by Functional Classification. See the City of Middleton Access Management Plan.
- (5) Number of Access Points. One street access point shall be established per site. In the case of any parcel with street frontage greater than 200 feet along a street that is not functionally classified as an arterial or collector street, two street access points may be permitted with the approval of a Site Plan (see Section 10.10.43).
- (6) Access near Street Intersections. See the City of Middleton Access Management Plan.
- (7) Driveway Location. Any new driveway access point shall be indicated on the site plan and reviewed by city staff for conformance with the standards of this ordinance.
- (8) Angle of Intersection with Public Right-of-Way. All driveways and other access points shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall ideally intersect at an angle of 90 degrees.
- (9) Visibility Standards. All driveways and other access points shall comply with the visibility standards of Section 10.06.05.
- (10) Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that avoids congestion on public streets and other safety hazards.
  - (a) Traffic into and out of all off-street parking, loading, and traffic circulation shall be forward-moving, with no backing into public streets. Single- and two-family land uses are exempt from this standard.
- (11) Depiction on Required Site Plan. Any and all proposed driveways and other access points on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
- (12) Surfacing.



## Section 10.06.03: Vehicle Access Standards

- (a) Driveways shall follow the surfacing requirements of Section 10.06.06(7)(f).
- (13) Nonconforming Driveways.
- (a) Nonconforming driveways shall comply with all of the regulations and requirements of Article V for nonconforming structures.
1. Legally established driveways located on properties containing single or two family land uses that do not conform to current performance standards shall be improved to current standards if repair or rehabilitation is greater than 50% of its value.
- (b) Shared driveways (driveways located on multiple lots and typically situated over lot lines) that existed prior to the adoption of this Chapter may remain legal driveways. No new or reconstructed shared driveways may be established unless cross-access easements are recorded with the Register of Deeds.
- (14) Design of Single and Two Family Residential Driveways.
- (a) Minimum Driveway Setback. All driveways shall meet all pavement setbacks of the applicable zoning district in Article II and be a perpendicular extension from the street to the garage or primary parking facility.
- (b) Driveway Width.
1. Driveways shall be a minimum width of 10 feet. Driveways leading to garages are limited to a maximum width of 24 feet at the lot line (see Figure 10.06.03a. label “A”), but may increase to the width of the garage or legal uncovered parking area next to the garage between the side or street side lot line and the outer extent of the garage or parking area. The length of the widened section shall not exceed 18 feet. See Figure 10.06.03b. label “A”, “B”, and “C”. Where no garage exists, the maximum driveway width shall be 12 feet.
    - a. If a 10-foot driveway width is unattainable, the Zoning Administrator may reduce the minimum required driveway width to that which is deemed functional. This remedy shall only be implemented if the allowances for small lots of Section 10.04.30 are unattainable.
  2. Where the width of the driveway at the garage or uncovered parking area exceeds the maximum width of the driveway at the lot line, the driveway shall be tapered between the garage or the edge of the uncovered space alongside the garage and the lot line starting a minimum of 5 feet inside the parcel. See Figure 10.06.03b. label “B”. When leading to a legal uncovered space next to the garage, the driveway width shall be the least possible needed and shall not exceed 24 feet in width at the property line.
  3. Driveways for two family uses with adjacent, attached garages are limited to 24 feet maximum width at the property line for each driveway leading to each unit. See Figure 10.06.03c. label “A”.

## Section 10.06.03: Vehicle Access Standards

Figure 10.06.03a: Driveways up to 24 Feet Wide

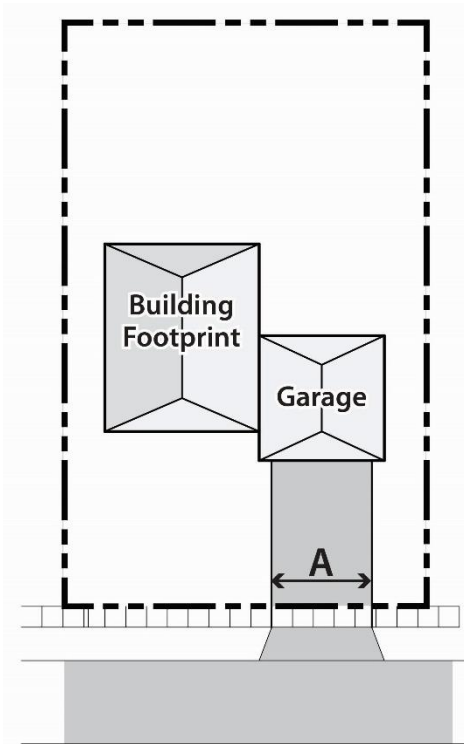


Figure 10.06.03b: Driveways Wider than 24 Feet

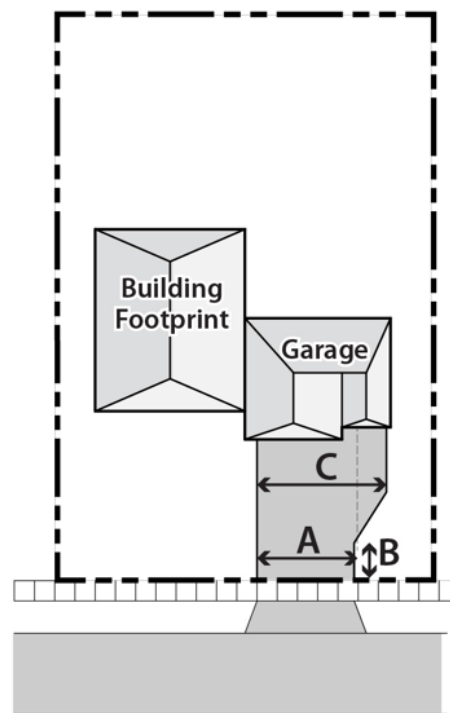
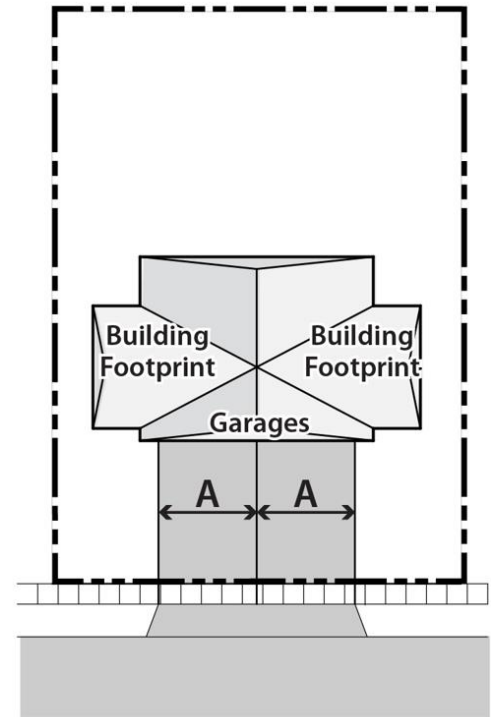


Figure 10.06.03c: Two Family Dwellings with Two Driveways



- (15) Design of Multi-Family Residential, Mixed-Use, Institutional, Commercial, and Industrial Use Driveways.
- Minimum Driveway Setback. With the exception of interconnected drives and parking areas with an established cross access easement, driveways shall meet the minimum pavement setback as required in Article II for the applicable zoning district.
  - Driveway Width. Driveways shall be a minimum width of 10 feet. The maximum driveway width shall be 30 feet, unless required to be larger for fire access or large volumes of long-wheelbase vehicles. The design of such larger driveways shall be determined by City staff through the Site Plan review (Section 10.10.43) or a Traffic Impact Analysis.
  - Traffic Impact Analysis. The City may require that a traffic impact analysis (TIA) be completed in accordance with the City of Middleton Traffic Impact Analysis Guidelines and Access Management Policy. The Wisconsin Department of Transportation (WisDOT) has TIA requirements that shall be followed if the lot has direct access to the State Trunk Highway System.

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**Section 10.06.04: Bicycle and Pedestrian Access Standards**

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**Section 10.06.04: Bicycle and Pedestrian Access Standards**

- (1) Purpose. The purpose of this Section is to support the use of alternative modes of transportation and promote the safety and general welfare of the public by establishing requirements for pedestrian and bicycle access and bicycle parking.
- (2) Applicability. The requirements of this Section shall apply to all new development or redevelopment.
- (3) Quantity. One pedestrian and bicycle access point is required to at least one street frontage.
- (4) Off-Site Connections. Pedestrian and bicycle access shall include appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods.
- (5) On-Site Connections. The entire development shall provide walkways for full and safe pedestrian and bicycle access within the development. A walkway or walkway system may be used by both pedestrians and bicyclists.
  - (a) Walkways shall provide pedestrian access through or around off-street parking areas from street sidewalks to building entries. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and walkways shall not be located and aligned solely based on the outline of a parking lot configuration unless such configuration allows for direct pedestrian access.
  - (b) Design Requirements.
    1. Walkways shall not be less than 5 feet in width and shall be grade-separated from the parking lot or otherwise delineated with pavement markers, planters, or alternate paving materials. Parked vehicles shall not encroach upon this minimum width.
    2. The entirety of the on-site pedestrian walkway system shall be marked and defined using pavement treatments, signs, lighting, median refuge areas, and landscaping as appropriate, as consistent with the Americans with Disabilities Act and the building code, and as approved by the Zoning Administrator.
    3. Where the pedestrian walkway crosses drive aisles or internal roadways, the pedestrian crossing shall emphasize and place priority on pedestrian access and safety.
    4. The material and layout of the pedestrian walkway shall be continuous throughout the property, outside of areas in which the driveway paving may be different than pedestrian walkway paving.
    5. Walkways shall meet the minimum pavement setback as required in Article II for the applicable zoning district.

**Section 10.06.05: Visibility Standards**

- (1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) Applicability. The requirements of this Section shall apply to all new development or redevelopment.
- (3) Review and Approval. Through the site plan review process (see Section 10.10.43), the Zoning Administrator shall review and approve all development for conformance with this Section and Chapters 22 and 33.
- (4) Vision Triangle at Public Streets. A vision triangle extending 15 feet from all public street right-of-way intersections shall be maintained for local street intersections and 30 feet when the intersection

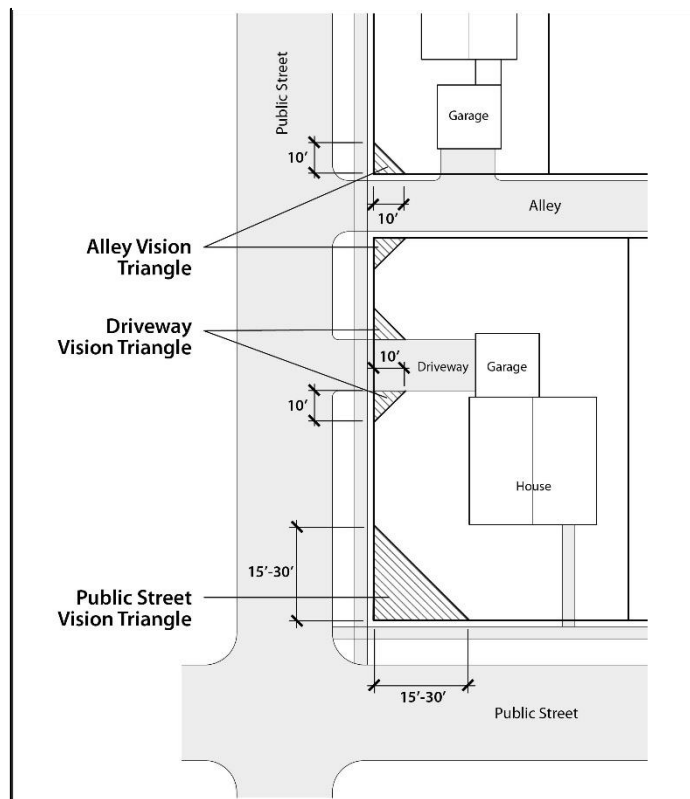


Section 10.06.05: Visibility Standards

includes streets functionally classified by the Greater Madison Metropolitan Planning Organization as collector or arterial. If the street intersection is curved, the vision triangle distance shall be maintained as if the right-of-way were extended to create a 90 degree corner. No wall, fence, structure, sign, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 10 feet above the centerline grade elevations of the intersecting streets, alleys, or railroad tracks with the exception of fencing, which shall be no greater than 30% opaque. Development in the MU-D district and development located on streets with signalized intersections may be granted a reduction in the minimum vision triangle requirement through the conditional use process (Section 10.10.32).

- (5) Vision Triangle at Alleys and Driveways. A vision triangle extending 10 feet along the property line from alleys and driveways shall be maintained. No wall, fence, structure, utility structure or appurtenance, or vegetation shall be permitted within such vision triangle which materially impedes vision between the height of 2 ½ feet and 10 feet above the centerline grade elevations of the intersecting streets, alleys, or railroad tracks. Development in the MU-D district shall be exempt from this requirement.

Figure 10.06.05a: Visibility Standards



Section 10.06.06: Off-Street Parking and Traffic Circulation

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**Section 10.06.06: Off-Street Parking and Traffic Circulation**

- (1) Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the use of various sites and types of development. The bicycle parking requirements are intended as a means of reducing dependence on private automobiles, reducing pollution and congestion associated with automobile use, and fostering more compact development patterns which encourage transit, bicycle, and pedestrian circulation.
- (2) Applicability. The requirements of this Section shall apply to all new development and redevelopment.
- (3) Review and Approval. Through the site plan review process (see Section 10.10.43), the Zoning Administrator shall review and approve all development for conformance with this Section.
- (4) Depiction on Required Site Plan. All required elements of the Site Plan (Section 10.10.43) shall be depicted on the submitted Site Plan for off-street parking and traffic circulation.
- (5) Computation. Fractional space requirements of up to one-half ( $\frac{1}{2}$ ) space shall be rounded down to the next whole number and greater than one-half ( $\frac{1}{2}$ ) rounded up to the next whole number.
- (6) Parking Quantity Standards.
  - (a) Minimum Number of Required Off-Street Parking Spaces. Off-street parking requirements for each land use are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift.
    1. The term "capacity" means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater.
    2. The term "employees on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant.
    3. The term "gross floor area" shall mean the total floor area inside the building envelope on all levels of a building.
  - (b) A garage stall shall be considered a parking space (see subsection (7) below).
  - (c) One reserved parking space shall be provided for each service vehicle used by the operation during business hours.
  - (d) See Figure 10.06.06a for the number of parking spaces required by land use. Also see Figure 10.06.06b for the number of ADA-compliant off-street parking spaces required by land use.

Section 10.06.06: Off-Street Parking and Traffic Circulation

**Figure 10.06.06a: Number of Off-Street Parking Spaces Required by Land Use**

Land Use		Automobile Minimum Required	Automobile Maximum Permitted	*Bicycle Minimum Required
Residential	Single Family Dwelling Unit, Manufactured Home, Duplex, Twin House, Two Flat	1 per dwelling unit	4 outside spaces	None
	Townhouse	1 per dwelling unit	2 outside spaces	1 per dwelling
	Multiplex and Apartments	1 per dwelling unit	2.5 per dwelling unit	1 for every efficiency or 1 bedroom, 1/2 space per additional bedroom; 1 guest space per 10 dwelling units in the building.
	Accessory Dwelling Unit	None	2 per dwelling unit (not to exceed maximum allowed for principal use)	1 per dwelling unit
	Individual Family Living Arrangement	See applicable land use above.		
	Boarding House Living Arrangement	Determined by Zoning Administrator	4 outside spaces	1 per dwelling unit, plus 1 for every 3 bedrooms
Mixed	Live/Work Unit	1 per DU + 1 per 2 employees	2 outside spaces	1 per dwelling unit
	Mixed-Use Building	Calculated based on separate components	Per the maximum of each individual land use	Calculated based on separate components
Commercial	Offices	1 per 500 SF of gross floor area in excess of 2,000 square feet	125% of minimum	1 per 2,000 SF of gross floor area
	Restaurants, Taverns, and Other Indoor or Outdoor Commercial Entertainment or Food and Beverage Counter Service and Walk-In Pickup or Indoor Shooting Range or Intensive Outdoor Activity or Adult-Oriented Entertainment	20% of maximum capacity of persons	40% of maximum capacity of persons	5% of capacity of persons
	Group Daycare Center	1 per 15 clients plus 1 per 2 employees	200% of minimum	1 per 5 employees
	Commercial Animal Daycare or Boarding	1 space per every 1,000 SF of gross floor area, plus 1 space for every 2 employees on the largest shift	125% of minimum	1 per 5 employees
	Commercial Indoor Lodging or Bed and Breakfast	1 space per room for rent, plus 1 space for each employee on the largest work shift	125% of minimum	1 per 10 hotel rooms; 1 per 2 B&B rooms
	Water-Related Recreation	See Section 10.03.10(26)	125% of minimum	1 per 2,000 SF of gross floor area



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Land Use	Automobile Minimum Required	Automobile Maximum Permitted	*Bicycle Minimum Required	
Outdoor Display	1 space per 2,000 SF of gross outdoor floor area	125% of minimum	None	
Drive-Through and In-Vehicle Sales or Service	Refer to the parking requirements of the other land use activities on the site, such as Indoor Sales and Service land uses for a gas station/convenience store, or Office land uses for a bank.	125% of the minimum parking requirements	Calculated based on other land uses	
Campground	1 space per campsite	125% of the minimum parking requirements	5 spaces per 20 campsites	
All Other Commercial Uses	1 per 500 SF of gross floor area in excess of 2,000 square feet	125% of minimum	1 per 2,000 SF of gross floor area	
Institutional	Schools, Colleges, and Trade Schools	1 space per classroom + 1 space per 5 students of legal driving age	1 space per classroom + 1 space per 3 students of legal driving age	
	Place of Worship	1 per 70 SF of gross floor area in main worship space	125% of minimum	
	Funeral Home	1 per 200 SF of gross floor area of assembly area	125% of minimum	
	Hospital	Determined by Zoning Administrator		
	Community Living Arrangement	Determined by Zoning Administrator	4 outside spaces	1 per dwelling unit, plus 1 for every 3 bedrooms
	Institutional Residential	See Section 10.03.12(7)	125% of minimum	1 per 4 units, plus 1 per 5 employees
	All other Institutional Uses	Determined by Zoning Administrator		1 per 2,000 SF of gross floor area
Other Uses	Industrial Uses, Storage Uses, Transportation Uses, or Extraction Uses	1 space per 2 employees on the largest work shift	1 space per employee on the largest work shift	
	Outdoor Storage and Wholesaling	1 space per every 10,000 square feet of gross floor area, plus 1 space per 2 employees on the largest work shift	125% of minimum	
	Transit Center or Airport	Determined by Zoning Administrator		
	Off-Site Parking Lot, Off-Site Structured Parking	None		
	Telecommunication Uses or Energy Production Uses	None		
	Agricultural Uses	Determined by Zoning Administrator		1 per 5 employees
	All Accessory and/or Temporary Uses	None, except as required for the principal land use or in Section 10.03.28	None, except as required for the principal land use or in Section 10.03.28	None, except as required for the principal land use or in Section 10.03.28

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\* For all multi-family and mixed-use land uses, a minimum of 1 bicycle space shall be provided for every dwelling unit consisting of an efficiency or 1-bedroom unit; ½ space per additional bedroom; 1 guest space per 10 dwelling units. At least ninety percent (90%) of required resident bicycle parking shall be designed as long-term parking as described in Section 10.06.06(7). Any guest parking shall be designed as short-term parking as defined in Section 10.06.06(7).

For all commercial, institutional, and industrial land uses, a minimum of 4 bicycle spaces (the equivalent of two two-sided bike racks) shall be provided. At least ninety percent (90%) of all bicycle parking for these uses shall be designed as short-term parking as defined in Section 10.06.06(7).

For parking lots containing more than 40 automobile parking spaces, off-street bicycle parking spaces shall be provided. The number of off-street bicycle parking spaces to be provided shall be 5 plus a number equal to 5 percent of the automobile parking space requirement or 20 bicycle parking spaces, whichever is less.

A nonresidential use’s automobile parking requirement may be reduced by providing additional bicycle parking. After the bicycle parking requirement has been met, a minimum of 4 bicycle parking spaces may be provided in lieu of 1 required automobile parking space, with a maximum reduction of up to 5 automobile parking spaces.

**Figure 10.06.06b: Number of Handicap Off-Street Parking Spaces Required by Land Use\***

*Per Wis. Admin. Code § COMM 62.1106.*

	Total Parking Spaces Provided	Required Minimum Number of Accessible Spaces
All Land Uses	1 to 25	1
	26 to 50	2
	51 to 75	3
	76 to 100	4
	101 to 150	5
	151 to 200	6
	201 to 300	7
	301 to 400	8
	401 to 500	9
	501 to 1,000	2% of total
	More than 1,000	20 plus one for each 100 over 1,000

\*Any existing parking areas intended to be restriped shall provide accessible parking spaces per the requirements above in accordance with the 2010 ADA Standards for Accessible Design.

- (e) Potential Reduction in Minimum Parking Requirements. The parking requirements listed in Figure 10.06.06a can be reduced or eliminated as determined by the Plan Commission through a Conditional Use Permit, Planned Development, Site Plan review, or Parking Study.
- (f) Electric Vehicle Charging Requirements. Parking facilities shall be designed and built to meet the following requirements.
  1. Definitions. See Section 10.01.23.
  2. Applicability. The requirements of this subsection shall apply to any new parking facility, or to any parking facility that is expanded by a net gain of 10 or more parking spaces being created after the adoption of this ordinance. A parking facility may be maintained or reconstructed without triggering the requirements of this subsection.
    - a. Where ten or more parking spaces are being provided for any residential land use (Section 10.03.06), a minimum of two (2) Level 2 Electric Vehicle Charging Stations shall be provided and the following standards in Figure 10.06.06c shall be met.
    - b. Where parking is being provided where people may park vehicles in excess of six hours, as determined by the Zoning Administrator, a minimum of two (2) Level 2 Electric Vehicle Charging Stations shall be provided and the following standards in Figure 10.06.06c shall be met:

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- i. Applicable land uses include: Indoor Institutional, Commercial Indoor Lodging, Office, Transportation (Section 10.03.18), and any other Commercial (Section 10.03.10) or Institutional (Section 10.03.12) land use where people typically park vehicles in excess of six hours.
- ii. Non-applicable land uses include: Personal or Professional Service, Indoor Sales and Service, Food and Beverage Counter Service and Walk-In Pickup, Restaurants, Taverns, and Indoor Commercial Entertainment, Industrial (Section 10.03.14), Storage (Section 10.03.16), Telecommunication (Section 10.03.20), Extraction and Disposal (Section 10.03.22), Energy Production (Section 10.03.24), Agricultural (Section 10.03.26), Accessory (Section 10.03.28), Temporary (Section 10.03.30), and any other Commercial (Section 10.03.10) or Institutional (Section 10.03.12) land use where people typically park vehicles less than 6 hours.

**Figure 10.06.06c Electric Vehicle Parking Requirements**

Years	Electric Vehicle Ready Parking Spaces (percentage of total parking spaces provided)*
2023-2025	10%
2026-2030	20%
2031-2035	30%
2036-2040	40%
2041+	50%

\* See Section 10.01.23 for definitions.

- (g) Limit on the Number of Off-Street Parking Spaces Provided. No site plan may be approved for a multi-family, mixed-use, or nonresidential use which contains more than the maximum totals in Figure 10.06.06a of the development’s required parking spaces, except as granted through a conditional use permit. Consideration of the following factors shall be given in considering a conditional use permit request:
  - 1. The proposed development has unique or unusual characteristics (such as high sales volume or low parking turnover) which creates a parking demand that exceeds the maximum ratio and does not typically apply to comparable uses.
  - 2. The lot is designed to allow for more intensive future site development.
  - 3. Pedestrian and bicycle connectivity is provided through the lot and connects to adjacent local and regional transit, pedestrian, and bicycle facilities.
  - 4. The need for additional parking cannot be reasonably met through provision of on-street or shared parking with nearby uses.
- (h) Parking Studies. The Zoning Administrator may require a parking study to determine parking requirements. Where a parking study is required, the study shall contain information on the anticipated number of employees, customers, visitors, clients, shifts, events, or deliveries to the use, and may refer to other studies or similar situations elsewhere.
- (i) Partial or Phased Development of Required Parking Spaces.
  - 1. Any development may seek permission from the Plan Commission to phase-in a portion of its required parking at time of site plan review; however, the site plan shall depict the minimum number of required parking spaces.
  - 2. Areas required for parking, but not immediately improved, shall be reserved for future parking.
  - 3. Undeveloped future parking areas shall be seeded with a grass mix or vegetative cover acceptable to the Zoning Administrator until said area is developed into a parking surface.



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**Section 10.06.06: Off-Street Parking and Traffic Circulation**

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- (j) Joint Off-Site Parking Facilities.
  - 1. Parking facilities which have been approved by the Plan Commission to provide required parking for one or more uses shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
  - 2. Joint Use Parking Facility. Up to a 30 percent reduction in the number of required parking spaces for 4 or more separate uses, 10 percent for 3 separate uses, and 5 percent for 2 separate uses may be authorized by the Zoning Administrator, following approval of a plan which provides for a collective parking facility.
  - 3. Day-Night Use Parking Facility. The Zoning Administrator may authorize the shared day-night use of parking facilities under the following conditions:
    - a. Up to 50 percent of the parking facilities by nighttime uses may be supplied by the off-street parking facilities of daytime uses.
    - b. Up to 50 percent of the parking facilities of daytime uses may be supplied by the off-street parking facilities of nighttime uses.
  - 4. The applicant(s) for approval of a joint or day-night use parking facility shall demonstrate to the satisfaction of the Zoning Administrator that there is no substantial conflict in the demand for parking during the principal operating hours of the uses for which the joint parking facility is proposed to serve. Conditions required for joint use shall be as follows:
    - a. The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use shall be located within 1,000 feet of such parking facilities. A walkway shall be provided between joint off-site parking facilities meeting the standards of Section 10.06.04.
    - b. A properly drawn legal instrument, executed by the parties concerned for joint use of off-street parking facilities, duly approved as to form and manner of execution by the City attorney, shall be recorded at the Register of Deeds. Said agreement shall cover a period of no less than 30 years. Joint use parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this Chapter.
- (7) Design Standards.
  - (a) Parking Space Design Standards. Other than accessible parking, permitted parking in residential driveways, and where otherwise regulated in this Section, each off-street parking space shall comply with the minimum requirements of Figure 10.06.06d. All parking spaces shall have a minimum vertical clearance of at least 7 feet.

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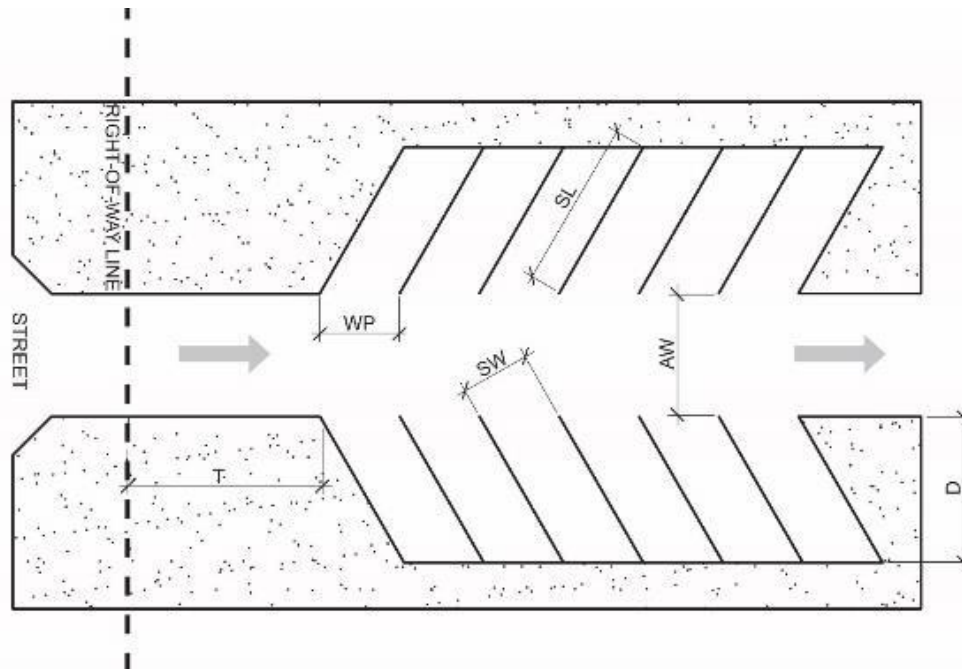
**Figure 10.06.06d: Parking Layout Dimensions**

Minimum Permitted Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9'	9'	9'	9'	9'
Stall Width Parallel to Aisle (WP)	20'	12'6"	10'3"	9'3"	9'
Stall Depth to Wall (D) <sup>1</sup>	9'	18'	18'	18'	18'
Stall Length (SL)	18'	25'	22'	20'	18'6"
Cross Aisle Width for 1-way traffic flow (AW)	14'	14'	16'	23'	24'
Cross Aisle Width for 2-way traffic flow with angled parking	24'	24'	24'	24'	24'
Throat Length (right-of-way to parking angle) (T) <sup>2</sup>	Figure 10.06.06i				

Notes:

<sup>1</sup>Stall Depth (D) may be reduced by 2 feet, provided vehicle overhang is located over a landscaped area or pedestrian walk if said walk is oversized to provide a minimum of 5 feet of clear pedestrian access and a concrete curb or wheel stop is provided to protect vegetation and pedestrians.

<sup>2</sup>In no case shall the throat length be less than the required setback.



(b) Parking Space Design for Single and Two Family Uses.

1. Legal Spaces.

a. Parking spaces shall be provided either within a garage, in a driveway, or as uncovered parking spaces meeting the requirements of this Section. See Figures 10.06.06e and 10.06.06f. and Section 10.06.03(14).

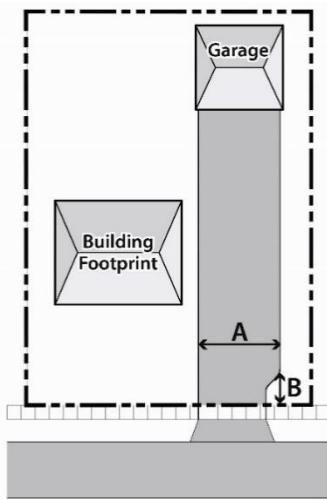
2. Driveway Parking Spaces. A driveway parking space shall be at least 10 feet wide and 18 feet deep. Driveway Parking Spaces may be stacked when each space in the stack is for the same dwelling unit.

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

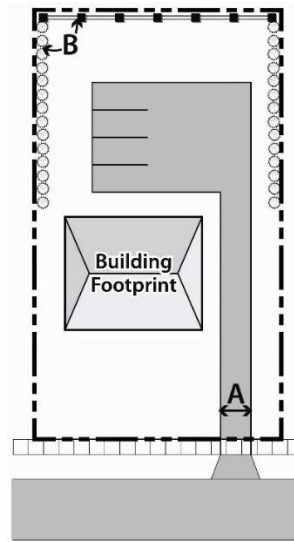
Section 10.06.06: Off-Street Parking and Traffic Circulation

- a. No more than 4 uncovered parking spaces shall be permitted per lot.
  - b. Uncovered parking spaces shall meet all setbacks per Section 10.06.06(8) and shall be screened per Section 10.06.06(7)(h). See Figures 10.06.06g and 10.06.06h.
  - c. Uncovered parking spaces shall be surfaced in accordance with this Chapter. Uncovered parking spaces shall follow the surfacing requirements of Section 10.06.06(7)(f).
  - d. On interior lots, 1 uncovered parking space is permitted alongside a garage provided said space is not located between the building and the street or the building and the rear lot line and provided said space meets the driveway design standards in Section 10.06.03(8). Parking spaces shall be screened from view per Section 10.06.06(7)(h). See Figure 10.06.06g.
  - e. On corner lots, 1 uncovered parking space is permitted alongside the garage provided said space is not located between the building and the street and provided said space meets the driveway design standards in Section 10.06.03(8). Parking spaces shall be screened from view per Section 10.06.06(7)(h). See Figure 10.06.06h.
4. Lots shall not exceed maximum the impervious surface ratio for the applicable zoning district.

**Figure 10.06.06e: Covered Parking Requirements**



**Figure 10.06.06f: Uncovered Parking Requirements**





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Figure 10.06.06g: Parking Beside Detached Garage – Interior Lots

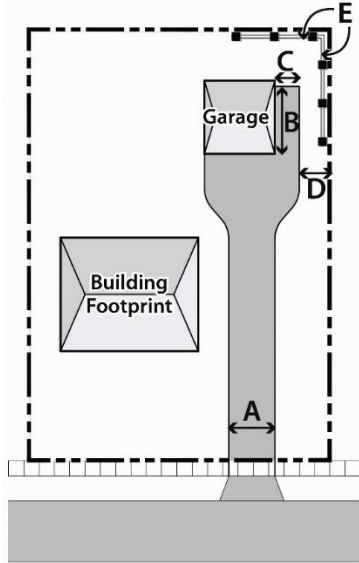
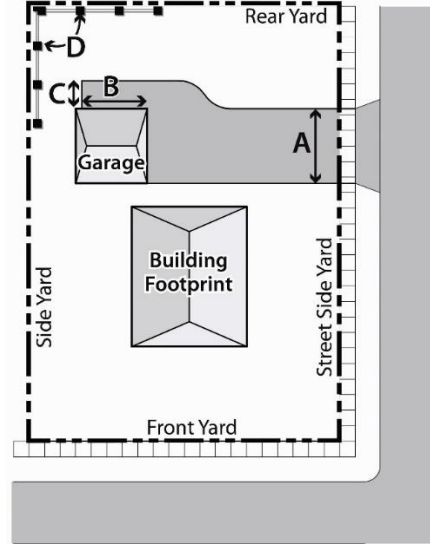


Figure 10.06.06h: Parking Beside Detached Garage – Corner Lots



- (c) Parking Space Design for residential uses served by individual driveways (single-family detached, twin house, duplex, townhouse, and multi-plexes served by individual driveways) shall comply with the following standards:
1. Driveway Parking Spaces.
    - a. Driveways shall be considered legal, “stacked” (meaning in front of one another) parking spaces for all required stalls.
    - b. Required parking spaces may be located in a driveway and/or in a garage. Each space shall be at least 10 feet wide and 18 feet deep.
  2. Off-street parking spaces on small lots (as defined in Sec. 10.04.30) may be stacked for the same building unit.
  3. Parking is not permitted in the front yard, except for driveways leading to legal parking spaces.
  4. Driveway parking spaces are permitted with the following setbacks:
    - a. Front yard setback: no less than the setback of the front façade of the principal structure.
    - b. Side yard setback between the front and rear façades of the principal structure: no less than the minimum pavement setback as required in Article II for the applicable zoning district.
  5. Rear yard parking spaces not contained in a driveway are permitted with the following setbacks:
    - a. Side yard setback past the rear façade of the principal structure and the rear lot line: per the side setbacks for accessory structures established in Article II
    - b. Rear yard setback: per the rear setbacks for accessory structures established in Article II
  6. Uncovered parking spaces situated beyond the rear façade of the principal structure shall be screened with a minimum of 5-foot tall vegetation, solid fencing, or other material that

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**Section 10.06.06: Off-Street Parking and Traffic Circulation**

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creates a solid screen, impervious to sight from adjacent properties, excluding views from the side of the lot where access is provided.

7. Uncovered parking spaces shall follow the surfacing requirements of Section 10.06.06(7)(f). Uncovered parking spaces shall be paved in accordance with this Chapter within 365 days of grading. During the permitted 365 days, a minimum aggregate base of 4 inches is required.
- (d) Off-Street Parking and Traffic Circulation Standards for Multi-Family and Nonresidential Uses.
1. Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
  2. Surfacing. All off-street parking and traffic circulation areas shall follow the surfacing requirements Section 10.06.06(7)(f).
  3. Drainage. All off-street parking and traffic circulation areas shall be designed in such a manner so as not to alter the surface water drainage pattern on adjacent properties nor cause erosion, and to meet the requirements of Chapter 26 of the City of Middleton Municipal Code.
  4. Marking. All off-street parking and traffic circulation areas shall be marked, striped, and maintained in a clear and visible manner which clearly indicates parking spaces, pedestrian walkways, and other designated areas.
  5. Curbing. A 6-inch-high curb shall be installed around all parking areas and internal landscape islands, except as follows:
    - a. Where stormwater management facilities are utilized as part of an approved grading and drainage plan, use of curb cuts or other alternatives to the installation of curbing may be considered by the City Engineer, provided that measures are taken to protect the landscaping from vehicular circulation damage. See also landscaping requirements in Section 10.08.30(2).
    - b. For industrial uses within industrial zoning districts, curbing is only required adjacent to buildings, planting islands, required front yards, and where necessary to prevent any part of a vehicle from extending over or beyond any pedestrian paths or rights-of-way.
  6. Access.
    - a. Each off-street parking space shall open directly upon an aisle or driveway that is wide enough to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into any pedestrian way or arterial or collector street.
      - i. Parking, loading, and traffic circulation areas serving less than 6 parking spaces are permitted to connect into local streets, but shall not connect into collector or arterial streets. Refer to the traffic control requirements of Section 10.06.03.
  7. Lighting. See Chapter 33.
  8. Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Chapter 22.
  9. Landscaping and Screening. Parking lots shall meet the screening requirements of Section 10.06.06(7)(h). Landscaping used to meet this requirement shall count toward the landscaping required for paved areas in Article VIII.

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10. Minimum Permitted Throat Length.

- a. Refer to Figure 10.06.06i below to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the centerline of the access drive.
- b. In no case shall the throat length be less than a parking lot’s minimum required setback.

**Figure 10.06.06i Minimum Permitted Throat Length**

Land Use	Type	Scale of Development	Type of Access Street	
			Collector	Arterial
Residential	Any Residential	0-100 dwelling units	25'	-
		101-200 dwelling units	50'	75'
		201+ dwelling units	75'	125'
Commercial	Office	0-50,000 gross sq.ft.	25'	50'
		50,000-100,000 gross sq.ft.	25'	75'
		100,000-200,000 gross sq.ft.	50'	100'
		200,001+ gross sq.ft.	100'	150'
	In-Vehicle Sales	0-2,000 gross sq.ft.	25'	75'
		2,001 gross sq.ft.	50'	100'
	Indoor Entertainment	0-15,000 gross sq.ft.	25'	50'
		15,001 gross sq.ft.	25'	75'
	Commercial Lodging	0-150 rooms	25'	75'
		151+ rooms	25'	100'
	Other Commercial Uses	0-25,000 gross sq.ft.	25'	50'
		25,001-100,000 gross sq.ft.	25'	75'
		100,000-500,000 gross sq.ft.	50'	100'
500,001+ gross sq.ft.		75'	200'	
Industrial	All Industrial uses	0-100,000 gross sq.ft.	25'	50'
		100,000-500,000 gross sq.ft.	50'	100'
		500,000+ gross sq.ft.	50'	200'
All Other Use	6+ Parking Space		25'	50'

(e) Special Provisions for Nonconforming Parking Lots.

- 1. Legally established parking facilities constructed prior to the effective date of this Chapter which do not meet the minimum setbacks required by this Chapter shall be permitted to be reconstructed with reduced setbacks, subject to approval of a parking lot layout plan by the Plan Commission. Said parking lot layout plan shall be designed in accordance with the dimensions identified in Figure 10.06.06d of this Chapter. Parking lot setback reductions shall only be provided in the following instances:
  - a. To prevent the loss of legal parking spaces as required by this Chapter.
  - b. To prevent the loss of required internal circulation aisles.
  - c. To retain the functionality of the parking lot.



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**Section 10.06.06: Off-Street Parking and Traffic Circulation**

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2. The remaining setback area shall be devoted to landscape buffer area per the landscape requirements for paved areas described in Section 10.08.30(2). If, in the opinion of the Zoning Administrator, the remaining setback area cannot effectively support any type of vegetation, the parking facility may be reconstructed to the existing setback, with the exception that curbing, decorative masonry wall, and/or wrought iron fence be installed along said parking lot perimeter to prevent vehicles from encroaching over the right-of-way or property lines.
  3. Parking lots with existing curbing installed along perimeter property lines and adjacent to the right-of-way shall be allowed to be reconstructed inside of said curbed area.
  4. The provisions of this Chapter pertaining to the installation of curbing located in Section 10.06.06(7)(d)5. and internal landscaping located in Section 10.08.30(2) shall not apply to the reconstruction of parking lots of 50 stalls or less.
- (f) Surfacing.
1. All off-street parking, loading, and traffic circulation areas shall be graded and surfaced so as to be dust-free and properly drained and shall be paved with a hard, all-weather or other surface.
    - a. Paved pads surfaced with concrete and/or asphalt may be used for recreation equipment trailer storage and/or residential utility trailer storage in any provided interior side yard or rear yard.
    - b. Paved pads surfaced with concrete or asphalt are required for any motorized vehicles including passenger vehicles, light trucks, recreational vehicles (RVs), and any recreation equipment not on a trailer.
  2. The following shall be exempt from these surfacing requirements:
    - a. Driveways in the AGR district shall be exempt except for the first 20 feet of the driveway closest to the right-of-way, which shall be asphalt or concrete.
    - b. All agricultural land uses (Section 10.03.26).
- (g) Installation and Maintenance.
1. Off-street parking and circulation areas and required screening and landscaping shall be continuously maintained in good condition and appearance. Surfacing, lighting, barriers, markings, planting materials, and all other aspects of the off-street parking and circulation facility shall be repaired or replaced in compliance with the provision of this Chapter.
  2. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times, except for approved phased development of parking spaces as provided for by Section 10.06.06(6)(i), above. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 10.03.16.
- (h) Screening Requirements. The following requirements shall apply to all uncovered parking areas except as otherwise provided for by this Section:
1. Off-Street Parking Areas Abutting a Public Street.
    - a. Any off-street parking area shall provide a minimum 10-foot green area between the right-of-way and the paved surface of the parking lot along all street frontages. Plant material shall consist of evergreen and deciduous species. The green area shall be well maintained and plantings shall be promptly replaced if dead or diseased.

## Section 10.06.06: Off-Street Parking and Traffic Circulation

- b. Non-planted areas of this green area shall not be paved, but shall either be covered with a weed barrier and mulch, planted with ground cover, or both.
2. Off-Street Parking Areas Abutting Other Off-Street Parking Areas.
    - a. Except for single family and two family dwelling units, any off-street parking area abutting another off-street parking area shall provide a 5-foot minimum green area between the lot line and the paved surface of the parking lot. This green area shall be landscaped with a combination of shrubs, trees, and ground cover.
  3. Off-Street Parking Areas Abutting Residential Districts. Any off-street parking area shall provide a solid fence or solid wall at least 5 feet in height and not more than 6 feet in height along all lot lines abutting a residential district, except the maximum height shall be 3 feet when located within the required or provided front yard or street yard, whichever is closer to the street. Alternately, a dense hedge/evergreen shrub border at least 5 feet high may be used to meet this screening requirement. Where the parking area abuts an alley, a 10-foot green area, as required in Subsection 1.a., above, may be substituted for the required fence, wall, or hedge.
  4. Landscaping used to meet these requirements shall count toward the landscaping required for paved areas in Article VIII.
- (i) Bicycle Parking Standards.
1. Required provision of bicycle parking areas. Compliance with this Section is required in the case of any change in use or occupancy. See Figure 10.06.06a. Specifications for Bicycle Parking Spaces.
    - a. 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 one hundred (100) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position. Short-term bicycle parking shall be ground mount non-vertical, and have a six (6) foot minimum vertical clearance.
    - b. 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. Required long-term bicycle parking for multi-family residential uses shall not be located within dwelling units or within deck, patio areas, or private storage areas accessory to dwelling units. With permission of the Zoning Administrator, long-term bicycle parking spaces for nonresidential uses may be located off-site within three hundred (300) feet of the site. Up to fifty percent (50%) of long-term 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. Bicycle parking not meeting dimensional or access aisle requirements may be installed but shall not count towards a minimum bicycle parking requirement.
    - c. All racks shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position. All racks shall accommodate cable locks and “U” locks including removing the front wheel and locking it to the rear fork and frame. The “inverted-U” type bike rack is the preferred bicycle parking rack and means of providing off-street bicycle parking spaces as required in this Section (“wheel-bender” style bike racks do not provide sufficient support). One inverted-U type rack will count as 2 bicycle parking spaces. Freestanding bicycle parking racks shall be securely fastened to the ground.

Section 10.06.06: Off-Street Parking and Traffic Circulation

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- d. Bicycle parking spaces shall be located on a paved or pervious, surface with a slope no greater than three percent (3%). Surfaces shall not be gravel, landscape stone, or wood chips.
  - e. 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 shall be accessible without moving another bicycle and its placement shall not conflict with pedestrians and motorized traffic. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. The spaces shall be placed where bicyclists would naturally transition to pedestrian mode.
- (8) Locational Standards.
- (a) Locational Prohibitions for Off-Street Parking Areas.
    - 1. On a lot containing a single family or two family dwelling unit, off-street parking shall not be located between the principal structure and a street right-of-way, except within residential driveways leading to a legal parking space.
    - 2. No private parking shall occur on street terraces, sidewalks, or publicly-owned driveways.
  - (b) Setbacks.
    - 1. The distance from an off-street parking area to the property line of an abutting property shall meet the required setbacks in Article II.
    - 2. Existing parking areas that do not meet the requirements of this Chapter may be maintained or repaired at their setback as of the effective date of this Chapter.
- (9) Limitations on Uses of All Off-Street Parking Areas.
- (a) All vehicles shall be in condition for safe and legal performance on public rights-of-way, be registered, and display current license plates.
  - (b) Under no circumstances shall any vehicle or equipment be used as living quarters, except in approved Campground land uses.
  - (c) Outside of active construction activities associated with an approved Building Permit, vehicles or equipment not normally associated with a residential use shall not be parked or stored outdoors on a residential property except for as provided in subsection (d) below. On a nonresidential property, such vehicles or equipment shall not be parked or stored outdoors, except in areas identified on an approved site plan for the purpose of heavy vehicle parking or an Outdoor Storage land use. Such vehicles or equipment include:
    - 1. Construction equipment such as bulldozers, backhoes, skid steers, and fork lifts
    - 2. Dump and stake body style trucks
    - 3. Cube type vans and trucks
    - 4. Landscaping business equipment such as tractors, tree spades, graders, and scrapers
    - 5. Semi-trailers and tractors
    - 6. Concession, vending, and catering trailers
    - 7. Commercial/industrial equipment trailers and lifts
    - 8. Tow trucks, wreckers, or car carriers except for 1 light-duty tow truck (not a roll back, flat bed, or carrier type) with a gross vehicle weight not exceeding 12,000 pounds may be parked



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**Section 10.06.07: Off-Street Loading Standards**

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on a residential lot when on call, operating under the rotating call list established and kept by the City of Middleton Police Department

9. Amusement rides and similar vehicles
- (d) In residential districts and on lots associated with residential uses, accessory off-street parking facilities shall be solely for the parking of motor vehicles, which shall be regulated as follows:
1. No front yard of any residential district and no front yard of a lot associated with a residential use shall be used for the parking of a motor vehicle except in approved driveways. Motor vehicles parked on any legal driveway shall not be permitted within five feet of any right-of-way line of a street.
  2. A maximum of one commercial vehicle per dwelling unit may be parked outdoors on residential property provided that the vehicle is used by a resident of the dwelling unit, has a manufacturer's gross vehicle weight rating of 10,000 pounds or less, and is less than 21 feet in length.
  3. No person shall park any motor truck, truck trailer, trailer, semitrailer or any other vehicle or combination of vehicles weighing more than 10,000 pounds, except recreational vehicles or motor homes are permitted if parked in a driveway or other legal off-street parking space.
  4. A recreational vehicle (RV) associated with and customary to residential uses may be parked as if a passenger vehicle but shall not be utilized for the storage of goods, materials, or equipment other than that which is considered part of the RV or essential to its function.
    - a. No person shall park or store any recreational equipment within the front yard or corner side yard of any residential zoning district unless the equipment is parked on a driveway which meets all of the requirements in this Section.
    - b. Recreational equipment may be stored on any type of surface in the rear yard or the interior side yard areas. If the rear yard of a corner lot abuts the side yard of an adjacent residence, any recreational equipment stored in said rear yard shall not be closer to the street than the required front yard setback distance for said adjacent residence.
    - c. Recreational equipment longer than thirty (30) feet shall not be stored anywhere outdoors in any residential zoning district unless the piece of recreational equipment is being loaded, unloaded, cleaned or otherwise prepared for use or extended storage. The time period that recreational equipment longer than thirty (30) feet may be kept outdoors shall not exceed seven (7) days during any thirty (30) day period. For purposes of this subsection, the length of a piece of recreational equipment shall include any portion of a trailer that the equipment is loaded onto.

**Section 10.06.07: Off-Street Loading Standards**

- (1) Purpose. The purpose of this Section is to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) Applicability. All institutional, commercial, industrial, storage, and transportation land uses shall provide off-street loading facilities in accordance with the regulations of this Section. Depending on the land use, off-street loading standards may be waived by the Plan Commission.
- (3) Review and Approval. All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 10.10.43).

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**Sections 10.06.08 to 10.06.19: Reserved**

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- (4) Depiction on Required Site Plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to its location and configuration on the site plan required for the development of the subject property.
- (5) Location.
  - (a) Loading areas shall be located on the private lot off an adjacent alley, service drive, or other paved open space on the same lot, shall provide adequate receiving platforms or other facilities per subsection (6) below, and shall not be located within or interfere with any public right-of-way while in use.
  - (b) Loading areas shall be located on the same lot as the use served.
  - (c) For development with a gross floor area of greater than 10,000 square feet, loading areas shall not be located in a required front yard.
  - (d) Loading areas shall be located at least 50 feet from a residential district.
  - (e) Loading areas shall be located 25 feet or more from the intersection of 2 street right-of-way lines.
- (6) Size of Loading Area. Structures shall provide functional receiving platforms or other facilities of adequate width, length, and at least 14 feet of vertical vehicle clearance..
- (7) Access to Loading Area. Each loading area shall be located so as to facilitate access to a public street or alley, shall not interfere with other vehicular or pedestrian traffic, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way while in use.
- (8) Surface. All required loading areas shall follow the surfacing requirements of Section 10.06.06(7)(f).
- (9) Use of Required Loading Areas. Loading areas shall not be used to provide the required number of parking spaces.
- (10) Lighting. See Chapter 33 of the City of Middleton Municipal Code.
- (11) Signage. See Chapter 22 of the City of Middleton Municipal Code.

**Sections 10.06.08 to 10.06.19: Reserved****Section 10.06.20: Exterior Lighting Standards**

- (1) See Chapter 33 for Exterior Lighting Standards.

**Section 10.06.21: Exterior Storage and Screening Standards**

- (1) Purpose. The purpose of this Section is to control the use of exterior storage so as to promote the safety and general welfare of the public. For additional requirements relating to exterior storage for specific uses, refer to Article III of this zoning ordinance.
- (2) Applicability. The requirements of this Section apply to all development.
- (3) Review and Approval.
  - (a) All developments and redevelopments will be reviewed for conformance with this Section through the site plan review process (see Section 10.10.43).
  - (b) Outdoor Storage land uses shall meet the requirements of 10.03.16.
- (4) Requirements for Exterior Storage.
  - (a) Requirements for Exterior Storage in Multi-Family and Mixed-Use Zoning Districts.

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**Section 10.06.21: Exterior Storage and Screening Standards**

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1. All materials and equipment shall be stored within a completely enclosed building except for the following: screened refuse containers, construction materials, landscape materials, and related equipment connected within on-site construction. Materials related to construction and landscaping projects shall not be stored outdoors after the completion of the project.
  2. Such outdoor storage shall not be located within any front yard or required street yard (except for vehicles in designated off-street parking spaces). Outdoor storage shall conform to all setback requirements or shall be located a minimum of 5 feet from all property lines, whichever is more restrictive.
- (b) Screening for storage land uses shall comply with the requirements of Section 10.03.16. Screening for Incidental Outdoor Storage land uses shall comply with the requirements of Section 10.03.28(14).
- (c) Screening shall be maintained in accordance with the approved Site Plan.
- (5) Exterior Storage of Refuse.
- (a) Refuse or Recycling Enclosures.
    1. For multi-family, institutional, commercial, mixed-use buildings, and industrial uses, all trash storage areas are recommended within the building, but if such use is located on the exterior of the building, trash storage areas shall be located within an enclosure at least 6 feet in height that completely screens the view of all trash and trash storage containers. The exterior of said enclosure shall be constructed of solid wood that matches or is complementary to the exterior of the principal building or be one or more of the materials used on the exterior of the main building. A solid gate shall be used to gain access to the storage area; said gate shall be constructed of an opaque material or interwoven slat fencing.
    2. No exterior trash storage or dumpsters shall be located between a building and a public street except if in the opinion of the Zoning Administrator, no other suitable location is available for such purpose, and provided the dumpster area is developed in a manner so as to minimize its appearance from a public street.
- (6) Mechanical Equipment and On-Site Utilities.
- (a) Definition. Mechanical equipment is defined as devices installed for a use appurtenant to the property, structures, or principal use. Mechanical equipment includes, but is not limited to, HVAC equipment, transformers, gas and electric meters, utility-related equipment, exhaust fans external to buildings, louvers, vents, and industrial process equipment. The following equipment shall be exempt from screening requirements due to functional concerns: satellite dishes, personal antennas and towers, industrial smoke stacks, and solar or wind energy systems.
  - (b) Applicability. The screening of mechanical equipment and utilities shall be required for all uses as regulated in this Chapter, except for single family and two family dwelling units and those exempted in other sections of the City of Middleton Municipal Code. Figure 10.06.21a addresses the applicability of the screening requirements for various situations.



Section 10.06.21: Exterior Storage and Screening Standards

**Figure 10.06.21a: Applicability of Mechanical Equipment Screening Requirements**

Change or Improvement	Screening Requirements
Building Replacement	Required
Building Relocation	Required
Physical Building Addition	Required when single or cumulative additions exceed 50% of the floor area of original building
Additional or Replacement of Mechanical Units to Existing Buildings	Required in front yard or street side yard
New Buildings	Required

**Figure 10.06.21b: Mechanical Equipment Screening--Land Use and Zoning District**

Use and District	Screening Requirements
Existing mechanical in all zoning districts. – side yard, rear yard, and rooftop-mounted	Screening <b>not</b> required
New or replaced mechanical equipment in all zoning districts, except for single and two family land uses. – front yard, street yard, or street side yard	Screening required
Any new development or land use change in all zoning districts, except for single and two family land uses. – street yard, side yard, rear yard, and rooftop-mounted	Screening required

- (c) Situations which change the status of a conforming mechanical equipment installation to nonconforming status such as a change in zoning or establishment of a use shall be regulated as set forth in Article V.
- (d) Screening Design Standards for Ground-mounted Equipment. Ground-mounted mechanical equipment shall be hidden from view through the use of any of the following methods:
  1. Earth berm(s) with evergreen landscaping at a combined height sufficient to fully screen the equipment from the right-of-way or other users of the site.
  2. A bufferyard with a minimum opacity of 0.4 that completely surrounds the equipment.
  3. Any opaque fence or wall permitted in the zoning district.
- (e) Screening Distance.
  1. Mechanical equipment is considered to be screened if it is not visible using an opaque combination of plants and/or permitted exterior materials (See Article VII) that is a minimum of the height of the object being screened, when viewed from any public sidewalk or street or from any point along the property line of the subject property.

Sections 10.06.22 to 10.06.29: Reserved

- 2. Exceptions can be made for elevated roads that are of a considerable higher grade from that of the mechanical equipment, for drastic grade changes, or for other special circumstances as determined by the Zoning Administrator.
- (f) See Article VII of this zoning ordinance for requirements for building-mounted and roof-mounted mechanical equipment.
- (g) On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.

**Sections 10.06.22 to 10.06.29: Reserved**

**Section 10.06.30 Vibration Standards**

- (1) Purpose. The purpose of this Section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- (3) Review and Approval. Through the site plan review process (see Section 10.10.43), the Plan Commission shall review and approve all development on the subject property.
- (4) Depiction on Required Site Plan. Any activity or equipment which creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.
- (5) Requirements. No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given in Figure 10.06.30a, below.
- (6) Method of Measurement. Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula:  $D = K/f$ , where  $D$  = displacement in inches;  $K$  = a constant to be determined by reference to Figure 10.06.30a below;  $f$  = the frequency of vibration transmitted through the ground (cycles per second).

**Figure 10.06.30a: Vibration Measurement Constant**

Change or Improvement	K	K
	All Other Districts	LI, MI, HI Districts
<u>On OR Beyond Any Adjacent Lot Line</u>		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
<u>On OR Beyond Any Residential District Boundary Line</u>		
Continuous	0.003	0.003
Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

Section 10.06.31 Noise Standards

**Section 10.06.31 Noise Standards**

- (1) Purpose. The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance, or agricultural operations.
- (3) Requirements. All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 10.06.31a (as adjusted where applicable in Figure 10.06.31b) and as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property where said lot abuts property within any residential, mixed-use, or institutional zoning district.
- (4) Nonconforming Noise. Noise that was in effect as of the effective date of this Chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter is the responsibility of the noise producer.

**Figure 10.06.31a: Maximum Permitted Noise Level at Lot Line for Continuous Noise**

Zoning District	Increase in Noise Level Over Ambient Level
SR-L, SR-M, SR-H, MH-D, TR-D, TR-F, MR-L, MR-M, MR-H, AGR, PR, CON	Plus 3 dBA
INST, MU-N, MU-A, MU-U, MU-D	Plus 5 dBA
I-L, R-P, I-M, I-H, IOS, IOC, EXD	Plus 8 dBA

**Figure 10.06.31b: Adjustment Factors for Maximum Noise Levels Measured at Lot Line**

Type of Operation in Character of Noise	Correction in Decibels
Daytime Operation Only	Plus 5 dBA
Noise Source Operates Less Than 20% of Any 1-Hour Period	Plus 5 dBA
Noise Source Operates Less Than 5% of Any 1-Hour Period	Plus 10 dBA
Noise Source Operates Less Than 1% of Any 1-Hour Period	Plus 15 dBA
Noise of Impulsive Character (hammering, etc.)	Minus 5 dBA
Noise of Periodic Character (hum, speech, etc.)	Minus 5 dBA

**Section 10.06.32 Air Pollution Standards**

- (1) Purpose. The purpose of this Section is to regulate the creation of air pollution which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.



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**Section 10.06.33 Odor Standards**

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- (2) **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) **Standards.** In addition to all applicable state and federal standards, the following shall apply:
  - (a) The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.
  - (b) Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
  - (c) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
  - (d) Outdoor accessory structure wood furnaces are prohibited in the City of Middleton for public health and safety reasons.
  - (e) All other applicable state and federal standards.

**Section 10.06.33 Odor Standards**

- (1) **Purpose.** The purpose of this Section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the healthy, safety, and general welfare of the public.
- (2) **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public wastewater treatment plants shall be exempted from the requirements of this Section as essential public services.
- (3) **Standards.** Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, mixed-use, or Institutional zoning district.

**Section 10.06.34 Glare and Heat Standards**

- (1) **Purpose.** The purpose of this Section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.
- (2) **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) **Standards.** No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. No glare-producing materials shall be used on the exterior of any structure, including any metal building, which are hazardous to aviation, or result in glare in the eyes of pilots using the Airport. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by Wis. Stats. § 66.0401 shall be entitled to the protection of its provisions.

## Section 10.06.34 Glare and Heat Standards

- (4) Bird-Safe Glass Requirements. The intent of these requirements is to reduce the heightened risk for bird collisions with glass on specified building designs and configurations.
- (a) This section pertains to all exterior construction and development activity, including the expansion of existing buildings and structures, as specified herein.
  - (b) Glass area shall be measured as one continuous panel of glass or other transparent materials, or a set of two or more such panels divided by mullions of six inches in width or narrower. Panels surrounded on all sides by solid walls or mullions wider than six inches shall be considered individual windows. Spandrel or opaque glass with reflectivity of 14% or less shall not be included in the calculation of glass area.
  - (c) Bird-Safe Glass Treatment Requirements. Glass areas on the following buildings or structures shall be treated to reduce the risk of bird collisions by incorporating a pattern of visual markers that are either: a) dots or other isolated shapes that are 1/4" in diameter or larger and spaced at no more than a two-inch (2") by two-inch (2") pattern; or b) lines that are 1/8" in width or greater and spaced no more than 2" apart; low reflectance opaque materials; building-integrated structures like non-glass double-skin facades, metal screens, fixed solar shading, exterior insect screens, and other features that cover the glass surface; or other similar mitigation treatments approved by the Zoning Administrator.
    1. Buildings or structures over 10,000 square feet. For any building or structure over 10,000 square feet in size (floor area of above-grade stories), bird-safe glass treatment is required as follows:
      - a. For building façades where the first sixty (60) feet from grade are comprised of greater than or equal to fifty percent (50%) glass:
        - i. At least eighty-five percent (85%) of the glass shall be treated; and
        - ii. All glass within fifteen (15) feet of a building corner shall be treated when see through or fly through conditions exist.
      - b. For building façades where the first sixty (60) feet from grade are comprised of less than fifty percent (50%) glass:
        - i. At least eighty-five percent (85%) of the glass, on glass areas fifty (50) square feet or over shall be treated; and
        - ii. Of all glass areas over fifty (50) square feet, any glass within fifteen (15) feet of a building corner shall be treated.
      - c. All glass railings shall be treated.
      - d. All glass on enclosed building connections shall be treated up to sixty (60) feet above-grade.
    2. Sky-bridges. For buildings and structures of any size, all glass on above-ground bridges shall be treated.
    3. At-grade glass. For buildings and structures of any size, all at-grade glass features such as sound walls or glass screens shall be treated.

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**Section 10.06.35 Fire and Explosions**

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**Section 10.06.35 Fire and Explosions**

- (1) Purpose. The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all land uses and activities.
- (3) Standards. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the State of Wisconsin.

**Section 10.06.36 Toxic, Noxious, and Waste Materials**

- (1) Purpose. The purpose of this Section is to regulate the handling of toxic, noxious, or waste material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all land uses and activities.
- (3) Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

**Section 10.06.37 Hazardous Materials**

- (1) Purpose. The purpose of this Section is to provide information to the City regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) Applicability. The requirements of this Section apply to all land uses and activities involving any one or more of the following:
  - (a) Soil and plant additives subject to Wis. Stats. § 94.65.
  - (b) Pesticides subject to Wis. Stats. § 94.67.
  - (c) Biological products subject to Wis. Stats. § 95.39.
  - (d) Hazardous substances subject to Wis. Stats. § 100.37.
  - (e) Toxic substances as defined in Wis. Stats. § 101.58(2)(j).
  - (f) Infectious agents as defined in Wis. Stats. § 101.58(2)(f).
  - (g) Any material for which the State of Wisconsin requires notification of a local fire department.
  - (h) Any other uses, activities, or materials which are subject to county, state, or federal hazardous, or related, materials regulations.
- (3) Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal.

**Sections 10.06.38 to 10.06.39: Reserved**



## Section 10.06.40: Fencing Standards

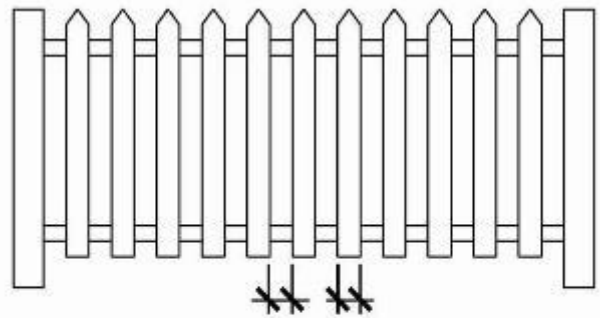
**Section 10.06.40: Fencing Standards**

- (1) Purpose. The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) Applicability. The requirements of this Section apply to all fencing, landscape walls, and decorative posts for all land uses and activities.
- (3) Review and Approval. Fences shall be reviewed and approved by the Zoning Administrator or through the issuance of a conditional use permit, and shall require a building permit.
- (4) Temporary Fencing. Permits are not required for temporary fencing. Temporary fencing shall be permitted for the following purposes:
  - (a) Garden fencing such as chicken wire or woven wire during the growing season, provided that the fencing is designed to support plants and/or help keep out garden pests.
  - (b) The use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1.
  - (c) The protection of excavation and construction sites and the protection of plants during grading and construction, in association with an active building permit.
- (5) Design and Materials.
  - (a) Materials.
    1. Fences shall be constructed using the following materials:
      - a. Naturally resistant or treated wood, brick or masonry, natural stone, wrought iron, vinyl, galvanized and/or coated chain link, metal cable within a solid frame, or any other material of comparable quality as approved by the Zoning Administrator.
    2. Fences shall not be constructed using the following materials:
      - a. Rope, string, wire products, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, pallets, fiberglass or plastic panels.
    3. Rules Related to Specific Materials.
      - a. Permanent chicken wire fences or snow fences shall not be used.
      - b. Wire mesh and non-coated/non-galvanized chain link fencing is not permitted within front yards in the SR-L, SR-M, SR-H, MH-D, TR-D, TR-F, MR-L, MR-M, and MR-H zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses.
      - c. Non-corrugated, solid metal fences are permitted in the I-L, I-M, I-H, IOS, IOC, AIR, and EXD zoning districts.
      - d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing when located at least 6 feet above the ground and shall be permitted only in the I-H, IOS, EXD, and AIR districts. Such fences shall meet the setbacks for the principal structure.
      - e. Coated chain link fences shall have a minimum 9-gauge thickness, and a top rail support is required. Coated chain link fences shall not be permitted in front or street yards and shall not extend toward the street beyond the front of the building.
  - (b) Design.

Section 10.06.40: Fencing Standards

1. With the exception of fences used for required screening, any fence located in the front yard shall be a maximum of 50 percent opaque, meaning that the spaces between the pickets are equal to or greater than the width of the pickets. See Figure 10.06.40a.
2. A fence that includes pre-woven or interwoven privacy fence slats and that is at least 90 percent opaque shall be considered a solid fence.

**Figure 10.06.40a: Fencing Standards**



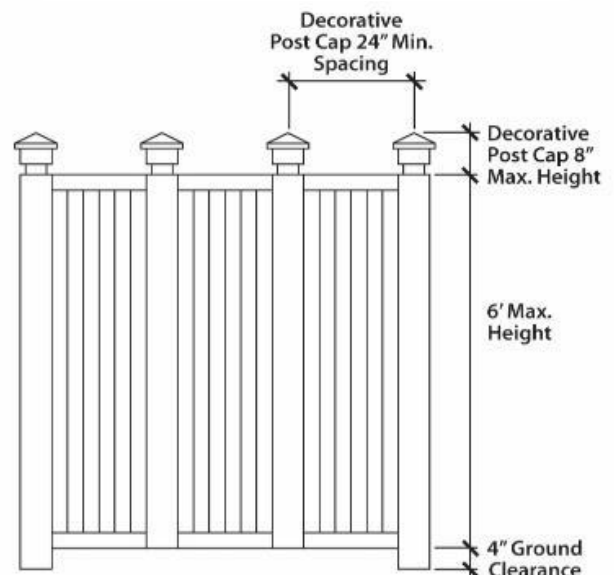
**50% Max. Opacity**  
**Opening must be at least as wide as picket**

(6) Height.

(a) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following (also see Figure 10.06.40c):

1. In the SR-L, SR-M, SR-H, MH-D, TR-D, TR-F, MR-L, MR-M, MR-H, INST, MU-N, MU-A, MU-U, MU-D, R-P, PR, and CON zoning districts:
  - a. 3 feet when located within the required or provided front yard or street yard, whichever is closer to the street.
  - b. 3 feet when located between the lakeshore and the required or provided rear or side yard facing the lake.
  - c. 6 feet within the side yard or rear yard, but not in the required front yard or forward of the front façade of the principal building.
2. In the I-L, I-M, I-H, AGR, IOS, IOC, and EXD zoning districts:
  - a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.
  - b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.
  - c. Where permitted, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence. See 10.06.40(5)(a)3.

**Figure 10.06.40b: Fence Measurements**



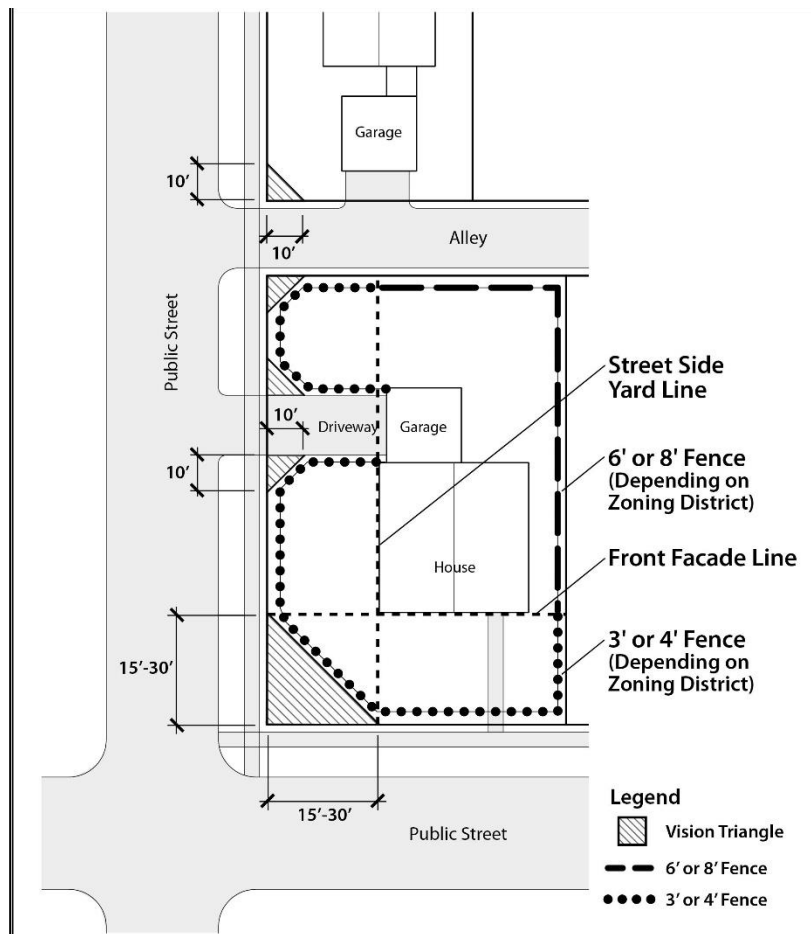
- (b) Height shall be measured from the ground immediately under the fence to the top rail of the fence.
- (c) Height Exceptions.
  1. Decorative posts at a minimum spacing of 24 inches may extend 8 inches above the maximum height. See Figure 10.06.40b.
  2. To accommodate slopes and/or lawn maintenance, up to 4 inches of ground

Section 10.06.40: Fencing Standards

clearance shall be allowed which will not contribute to the measurement of maximum fence height.

3. Berms with slopes less than or equal to a minimum of 3 feet of horizontal to a maximum of every 1 foot of vertical (i.e. 3:1) shall not contribute to the measurement of maximum fence height.
- (7) Location.
  - (a) Fences shall meet the visibility standards in Section 10.06.05.
  - (b) Fences may be located within or on any property line.
  - (c) Fences legally constructed prior to the effective date of this Chapter shall be permitted to be replaced in their existing location, unless they encroach into a public utility or access easement.
- (8) Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property, i.e. with the finished side facing outward.
- (9) Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

**Figure 10.06.40c: Fencing Standards**





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**Section 10.06.41: On-Site Recreational Space Requirements**

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**Section 10.06.41: On-Site Recreational Space Requirements**

- (1) On-Site Recreational Space Requirements for Multi-Family and Mixed-Use Land Uses.
  - (a) Each multi-family or mixed-use development containing 3 or more dwelling units shall provide on-site recreational space suitable for inside gathering space and outdoor recreation such as sitting, sunbathing, grilling, and playing catch. This space could include a children's play area, indoor gathering/community spaces, and/or shared outdoor porch, balcony, or rooftop terrace. On-site recreational space may be provided at ground level, in the building, or other areas including but not limited to communal porches/decks, balconies, and rooftops.
  - (b) Minimum Area. A minimum of 200 square feet per building plus 25 square feet per bedroom of usable recreation space shall be provided.
  - (c) Required on-site recreational space shall be for the private use of residents and need not be open to the public.
- (2) Buildings shall be organized in relation to open spaces to create a balance of usable open space and efficient circulating and parking. The requirements of this Section shall not override the establishment of an orderly, positive, and urban character of the relationship of buildings to streets.
- (3) Required on-site recreational space may be divided into multiple distinct spaces, provided that no single space is smaller than 100 square feet or narrower than 10 feet in any direction.
- (4) The following will not count toward the total outdoor recreational space requirement:
  - (a) Areas in the required front yard or street side yard setbacks.
  - (b) Areas used for on-site parking or within 2 feet of parking stalls (as measured from the face of the curb).
  - (c) Areas used for landscaping, stormwater infiltration, bicycle parking, trash and recycling storage, or mechanical equipment.
- (5) Required on-site recreational space shall not count toward land dedication or fee in lieu of land dedication requirements of City of Middleton Ordinance Fee Schedule.

**Section 10.06.42: Swimming Pool Standards**

- (1) Purpose. The purpose of this Section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- (2) Applicability. This Section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 24 inches, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. The Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 10.10.43).
- (4) Permit Required. A building permit shall be secured prior to the commencement of construction or erection of a private or residential swimming pool, or on any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.

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**Section 10.06.42: Swimming Pool Standards**

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- (5) **Exempt Pools.** Non-filtered storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section. Decorative ponds that are less than 36 inches in depth are exempt from the provisions of this Section. Spas and hot tubs with lockable tops are also exempt. Lockable tops shall be securely fastened in place at all times when the hot tub is not in actual use.
- (6) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection (4), above, unless the following requirements are observed:
  - (a) All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the City now in effect or hereafter enacted.
  - (b) All plumbing work shall be in accordance with all applicable ordinances of the City and all state plumbing codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the City Engineer.
  - (c) All electrical installations, including lighting and heating, which are used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.
- (7) **Setbacks and Other Requirements.** Private swimming pools shall be erected or constructed on rear or side yards only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building. The water surface and supporting structure of all swimming pools shall be at least 8 feet from any lot line, and it shall be at least 8 feet from any building unless designed and approved as an addition to a building.
- (8) **Enclosure.** Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall be a maximum of 6 feet in height from ground level and a minimum of 4 feet in height from ground level and a minimum of 4 feet from the water surface edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure.
  - (a) Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removeable ladder or gate is provided, as approved by the Zoning Administrator.
  - (b) This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.
- (9) **Compliance.** All swimming pools existing at the time of adoption of this Chapter not satisfactorily fenced shall comply with the fencing requirements of Subsection (8) when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance.
- (10) **Filter System Required.** All private swimming pools within the meaning of this Chapter shall have some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (11) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

**Sections 10.06.43 to 10.06.99: Reserved**



## ARTICLE VII: EXTERIOR BUILDING DESIGN STANDARDS

### Section 10.07.01: Purpose and Applicability

- (1) Purpose. The purpose of this Section is to regulate the design and materials used for the exterior of buildings and structures within the City so as to maintain and enhance the attractiveness and values of property in the community. This Article is further intended to support the creation of a pedestrian-oriented urban environment that emphasizes architectural and urban design principles of human scale and visual interest. Additionally, this Article is intended to ensure the development of structures that maintain a long-lasting appearance; withstand the effects of time and exposure to the elements; resist damage in areas with high vehicular and pedestrian traffic and in areas where larger equipment that could cause damage is commonly used; that maintain a consistent character of development based on land use and zoning district particular to each development; and that contribute to the long-term economic and social vitality of the City of Middleton.
- (2) Applicability. The standards herein apply to the following. See Section 10.07.10 for the applicability of building design standards to single and two family buildings. Manufactured Home, Telecommunication, Extraction and Disposal, Energy Production, and Agricultural land uses are exempt for the exterior design guideline of this Article.
  - (a) New Construction. The requirements of this Section shall apply to all structures and buildings within the City constructed after the effective date of this Chapter.
  - (b) Additions. Additions to buildings constructed after the effective date of this Chapter shall comply with the standards of this Section.
    1. All additions shall match or be substantially similar to the design and materials of the existing building.
  - (c) Alterations. For buildings constructed prior to the effective date of this Chapter, alterations that do not impact the floor area of the building shall comply with the standards of this Section, or shall match or be substantially similar to the existing building design and materials. Ordinary repairs and maintenance are not considered alterations.
  - (d) Exceptions and Appeals.
    1. Exceptions. Exceptions to the building design standards set forth in this Section may be granted by the Zoning Administrator, to permit substitute building materials or construction of comparable quality or design when it can be demonstrated that the provisions of this Section are infeasible and that the granting of such exception is in keeping with the purpose of this Section. Decisions rendered by the Zoning Administrator may be appealed to the Plan Commission.
    2. Appeals. Any person affected by a decision of the Zoning Administrator, may petition for a hearing before the Plan Commission.
    3. Waivers. The Plan Commission is authorized to grant one or more waivers for specific design requirements in this Section when the Plan Commission finds the design to constitute an exemption as described above in subsection 1. or finds an alternative design standard also achieves the Purpose of this Section (10.07.10(1)).
      - a. Granting of waivers by the Plan Commission shall be identified within the conditions of approval as part of the design review component of any Site Plan review (Section 10.10.43).

Sections 10.07.02 to 10.07.09: Reserved

- (e) Beyond the rules in this Section, additional building design standards may apply to:
  - 1. Group and Large Developments (see Section 10.06.02)
  - 2. Conditional Use Permits (see Section 10.10.32)
  - 3. Planned Unit Development Districts (see Section 10.0.2.70)
- (3) Review and Approval. Through the site plan review and building permit processes, the Zoning Administrator shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.
- (4) Exterior Building Materials. The 4 classes of building materials referenced in this Chapter have the following meanings:
  - (a) Class I materials include brick, brick veneer, stone, stone veneer, and glass (curtain/storefront).
  - (b) Class II materials include split face or decorative block, and stucco.
  - (c) Class III materials include architectural/decorative metal panels, EIFS, residential aluminum siding, and siding made of wood, wood composite, vinyl, or fiber cement.
  - (d) Class IV materials include smooth face or non-decorative block; concrete panels (tilt-up or precast); asphaltic, fiberglass, metal, or poly-roofing siding; non-decorative metal panels; corrugated metal; and plywood, chipboard, or other non-decorative wood. Also includes any material not listed in (a) through (c) above.

**Figure 10.07.01a: Exterior Building Material Requirements by Use\***

Type of Construction	Land Use (see Article III)	Exterior Building Materials Permitted
New Construction of Any Kind	Single Family, Duplex, Twin House, Two Flat	See Section 10.07.10
New Construction of Any Kind	Townhouse, Multiplex, Apartment	Class I, II, or III
New Construction of Any Kind	Mixed-Use, Commercial, Institutional	Predominantly Class I with Class II and III used as accents/trim (less than 50% of the total building façade)
New Construction of Any Kind	Industrial, Storage, Transportation,	Class I, II, or III with some expectations for Class IV as noted in Section 10.07.40)
Any Exterior Change	Within the Downtown Design Overlay District	See Section 10.07.50

\*Manufactured Home, Telecommunication, Extraction and Disposal, Energy Production, and Agricultural land uses are exempt for the exterior design guideline of this Article.

**Sections 10.07.02 to 10.07.09: Reserved**

## Section 10.07.10: Single- and Two-Family Uses

**Section 10.07.10: Single- and Two-Family Uses**

These standards apply to all single-family, duplex, twin house, and two-flat land uses, buildings, and structures constructed after the effective date of Chapter.

- (1) Purpose. The purpose of this Section is to maintain the basic architectural quality of residences within the community, to minimize architectural and building construction practices that may detract from the character and appearance of the neighborhood as a whole, and to ensure compatible design between existing and new homes. These standards apply to all single and two family structures within the City of Middleton, with the exception of Manufactured Homes defined in Section 10.01.23.
- (2) Existing Buildings: Changes and Additions.
  - (a) Changes to Existing Buildings. For the purposes of this Section, a change to an existing principal structure is considered any alteration or demolition to the materials, wall plane, and/or architectural features of any front or side façade.
  - (b) Setbacks. See the base zoning district's bulk dimensions table for all minimum setback requirements in Article II.
  - (c) Front-loaded, Attached Garages. Front-loaded, attached garages shall comprise no more than 50 percent of the width of the ground floor building façade facing the street.
- (3) New Construction: Principal Structures.
  - (a) Setbacks. See the base zoning district's bulk dimensions table for all minimum setback requirements in Article II. For Infill Sites only, front yard setbacks for new principal structures shall be consistent and align with the prevailing building setbacks found along the block and surrounding neighborhood, as follows:
    1. The front yard setback of a new principal structure on an infill site shall be determined by the existing front yard setbacks of the principal buildings on the 2 properties abutting the subject property's side yards. The front yard setback shall be no greater than the largest setback of said abutting properties and shall be no less than the smallest setback of said abutting properties.
      - a. If either or both said abutting properties are vacant, the minimum front yard setback of the zoning district of the subject property applies.
      - b. If a new residential building is being constructed adjacent to an existing nonresidential use, the front yard setback of the new residential building shall be no greater than the setback of the abutting residential property, or no less than the minimum front yard setback of the zoning district of the subject property, whichever is less.
      - c. If a new residential building is being constructed between two existing nonresidential uses, the minimum front yard setback of the zoning district of the subject property shall be used.
  - (b) Front-loaded, Attached Garages. Front-loaded, attached garages for new construction on infill sites shall meet the regulations for existing buildings in Subsection (2), above.
  - (c) Height. See the base zoning district's bulk dimensions table for all maximum height requirements in Article II.



**Sections 10.07.11 to 10.07.19: Reserved****Section 10.07.20: Multi-Family Uses**

These standards apply to all townhouse, multiplex, and apartment land uses, buildings, and structures constructed after the effective date of Chapter. See Article VIII for landscaping standards.

- (1) Exterior Materials. Multi-family buildings shall be clad in Class I, II or III materials. Class IV materials are prohibited.
  - (a) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.
  - (b) Metal roofs and exterior metal walls shall be coated in compliance with the appropriate ASTM standards based on the roof or wall material. The most common materials and standards are galvanized steel (ASTM A 653 G-90), 55% aluminum-zinc alloy coated steel (ASTM A 792 AZ 50), 5% aluminum alloy-coated steel (ASTM A 875 GF60), aluminum-coated steel (ASTM A 463 T2 65), or pre-painted steel (ASTM A 755).
  - (c) Exterior building materials in conjunction with façade articulations listed below in Section 10.07.20(3) shall be used to create the building's distinct horizontal base, middle, and top.
- (2) Building Entrance.
  - (a) The primary entrance shall be on the front façade facing the street.
  - (b) The primary entrance shall be covered a minimum of 3 feet from the door. Recessed 3-foot entries shall be deemed to meet this requirement.
  - (c) Exterior entry doors for individual units shall be residential in style (and shall include frame and panel (real or decorative)).
  - (d) Exterior entry doors for multiple units may be residential (as described in Subsection (1) above) or commercial in style (glass).
- (3) Façade Articulation.
  - (a) Maximum Permitted Building Length.
    1. All principal structures on a lot located in the MU-N district shall be limited to a maximum exterior building façade length of 100 feet.
    2. All principal structures on a lot located in the MR-L, MR-M, MR-H, MU-A, MU-U, and MU-D districts shall be limited to a maximum exterior building façade length of 250 feet.
  - (b) Façade lengths shall not be greater than 40 feet without articulation such as:
    1. Recesses or projections that step back or project a portion of the main façade plane.
    2. Recesses or projections of upper floors from the ground floor façade plane.
    3. Vertical division using different textures or materials.
    4. Division of the façade into individual units through the use of windows, entrances, arcades, porches, decks, balconies, lighting, etc.
    5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.
    6. Public art installations located directly on a facade, such as murals.

Section 10.07.20: Multi-Family Uses

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- (c) On façades facing the street, windows and/or doors shall be required in order to promote a visual connection to the street.
    - 1. The total area of windows and doors, including trim, shall comprise a minimum of 20 percent of the total façade area, excluding gables.
    - 2. Structured in-building vehicle parking or access is permitted on the ground floor of a structure in accordance with the standards below:
      - a. Vehicle access is permitted from any façade of the structure to the right-of-way and structured in-building parking shall be fully enclosed on all sides within the structure.
      - b. All ground floor facades of the structure that directly face a right-of-way shall not directly adjoin any on-site vehicle parking area within the structure and shall include residential or nonresidential uses, as determined by the Zoning Administrator, on the ground floor of the structure between said façade and the parking area.
  - (d) See Article II for zoning district stepback requirements.
- (4) Wall Details, Trim, and Windows.
- (a) Exterior windows shall match the architectural character of the building.
  - (b) All façade openings shall be articulated or appropriately trimmed through the use of materials such as lintels, sills, surrounds, shutters, etc.
  - (c) Natural wood shall be painted or stained unless it is cedar, redwood or other naturally weather-resistant species intended to be exposed.
  - (d) Pressure-treated lumber shall be painted or stained after a curing period of no greater than 18 months.
- (5) Patios, Decks, and Balconies.
- (a) Ground-level patios and decks facing the street shall be bordered with landscape treatments, in accordance with Article VIII as depicted and approved on the Site Plan (Section 10.10.43).
    - 1. Covered porches are exempt from this requirement.
  - (b) Exterior stairs leading to a deck or balcony are not permitted on the front or street side of a building.
    - 1. On corner lots, exterior stairs shall be permitted on the interior side façade.
  - (c) Exterior corridors shall be covered by the building roof, shall be located within the footprint of the building foundation, and shall not be visible from the street.
  - (d) Upper-story decks and balconies shall be cantilevered, supported by vertical columns, or supported from above.
- (6) Mechanical and Exterior Building Systems.
- (a) Drainage pipes and air intakes and exhaust vents for high-energy gas applications and meters on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.
  - (b) Facade-mounted Equipment.
    - 1. Window-mounted air conditioning units shall not be permitted in any window that faces a public street and shall not encroach into exterior balconies, porches, decks, or patios.

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**Sections 10.07.21 to 10.07.29: Reserved**

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- a. When no alternative is available, units shall be masked (painted, encased, etc.) in order to blend into the building's exterior finish and shall be flush-mounted so as not to project beyond the main plane of the façade more than necessary.
2. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district shall not encroach into exterior balconies, porches, decks, or patios and shall be screened in a manner that is:
  - a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
  - b. Incorporated as part of the building wall and/or flush-mounted so as not to project beyond the main plane of the façade.
  - c. Consistent with the color of the structure to which the equipment is attached.
- (c) Roof-mounted Equipment. Roof-mounted equipment shall be screened, preferably by parapet walls. Other acceptable screen types shall be:
  1. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
  2. Consistent with the color of the structure to which the equipment is attached.
  3. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.
- (d) See Section 10.06.21 for screening requirements for ground-mounted mechanical systems.
- (7) Wall or Roof-Mounted Lighting. See Chapter 33 of the City of Middleton Municipal Code.

**Sections 10.07.21 to 10.07.29: Reserved****Section 10.07.30: Commercial, Mixed-Use, and Institutional Uses**

These standards apply to all mixed-use, commercial, and institutional land uses, buildings, and structures constructed after the effective date of Chapter. See Article VIII for landscaping standards.

- (1) Orientation.
  - (a) Buildings shall be oriented so that the front façade faces the road with the highest traffic volumes.
  - (b) All façades facing a public right-of-way shall be designed to have the appearance of a front façade, meaning each shall include windows, doors and/or other architectural components typically associated with front façades, as approved by the Zoning Administrator.
  - (c) Service or loading areas shall not be permitted between the building and the public street.
  - (d) Drive-through windows shall not be located between the building and the public street.
- (2) Exterior Materials. Commercial buildings shall be predominately clad in Class I materials. Class II and Class III materials may be used as accents and trim not to exceed 50 percent of the total building façade. Class IV materials are prohibited.
  - (a) Rear building elevations not facing a public street or public parking lot shall be exempt from this requirement.



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**Section 10.07.30: Commercial, Mixed-Use, and Institutional Uses**

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- (b) Standing seam metal roofs with exposed fasteners shall be prohibited.
  - (c) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.
  - (d) Exterior building materials in conjunction with façade articulations listed below in Section 10.07.30(3) shall be used to create the building's distinct horizontal base, middle, and top.
- (3) Façade Articulation.
- (a) Maximum Permitted Building Length.
    - 1. All principal structures on a lot located in the MU-N district shall be limited to a maximum exterior building façade length of 100 feet.
    - 2. All principal structures on a lot located in the MR-L, MR-M, MR-H, MU-A, MU-U, and MU-D districts shall be limited to a maximum exterior building façade length of 250 feet.
  - (b) Façade lengths shall not be greater than 40 feet without articulation such as:
    - 1. Recesses or projections that step back or project a portion of the main façade plane.
    - 2. Recesses or projections of upper floors from the ground floor façade plane.
    - 3. Vertical division using different textures or materials.
    - 4. Division of the façade into individual components (i.e., storefronts, distinct uses) through the use of architectural elements such as porches, balconies, windows, covered entrances, arcades, awnings, marquees, lighting, signage, etc.
    - 5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.
    - 6. Public art installations located directly on a facade, such as murals.
  - (c) Buildings shall be designed so each façade includes at least 1 design element to break up the flatness of blank walls and shall at a minimum include varied materials or colors, change in texture, expressed joints and details, or surface relief. Flat, unadorned walls shall be avoided.
    - 1. Additional elements used to break up the façade may include balconies, lintels, sills, headers, belt courses, reveals, pilasters, windows, chimneys, and other ornamental features as deemed appropriate by the Zoning Administrator.
  - (d) On façades facing the street, windows and/or doors shall be required in order to promote a visual connection to the street.
    - 1. The total area of windows and doors, including trim, shall comprise a minimum of 20 percent of the total façade area, excluding gables.
    - 2. Structured in-building vehicle parking or access is permitted on the ground floor of a structure in accordance with the standards below:
      - a. Vehicle access is permitted from any façade of the structure to the right-of-way and structured in-building parking shall be fully enclosed on all sides within the structure.
      - b. All ground floor facades of the structure that directly face a right-of-way shall not directly adjoin any on-site vehicle parking area within the structure and shall include residential or nonresidential uses, as determined by the Zoning Administrator, on the ground floor of the structure between said façade and the parking area.
  - (e) See Article II for zoning district stepback requirements.

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**Sections 10.07.31 to 10.07.39: Reserved**

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- (4) Building Entrance.
  - (a) The main entrance shall be clearly defined and accentuated through the use of detailing, distinctive materials, and/or colors, projections or recesses, porticos, covered entrances, stoops, or other features as deemed appropriate by the Zoning Administrator.
- (5) Mechanical and Exterior Building Systems. Mechanical and exterior building systems shall meet the regulations for multi-family buildings in Section 10.07.20(6).
- (6) Wall or Roof-Mounted Lighting. Wall or roof-mounted lighting shall meet the regulations for multi-family buildings in Section 10.07.20(6).

**Sections 10.07.31 to 10.07.39: Reserved****Section 10.07.40: Industrial Uses**

These standards apply to all industrial, storage, and transportation land uses, buildings, and structures constructed after the effective date of Chapter. See Article VIII for landscaping standards.

- (1) Architectural Design.
  - (a) Buildings shall be designed to include façade articulation; flat, unadorned walls shall be avoided.
  - (b) Buildings shall be oriented so as to face the road with the highest traffic volumes. This requirement shall not apply to buildings with frontage on state or federal highways, unless there is direct access from the development to the highway.
    - 1. If a visitor, office, and/or customer entrance component is included in the building, such space(s) shall be clearly defined and accentuated through the use of detailing, windows, distinctive materials and/or colors, projections or recesses, or other architectural features as deemed appropriate by the Zoning Administrator.
  - (c) See Article II of this zoning ordinance for zoning district stepback requirements.
- (2) Exterior Materials. Industrial buildings shall be clad in Class I, II or III materials. Certain Class IV materials are also acceptable as noted.
  - (a) For all façades facing a public street, a minimum of 15 percent of the façade shall be composed of Class I building materials.
    - 1. This requirement may be reduced to 10 percent of the façade provided that other elements are incorporated into the building and site design, such as façade articulation, increased landscaping, or other improvements approved by the Zoning Administrator.
  - (b) Smooth-faced/non-decorative block (Class IV materials) may be used if enhanced on all elevations with Class I or II materials in combination with decorative fascia, overhangs, trim, lintels, sills, headers, belt courses, reveals, pilasters, windows, chimney, or other architectural features as deemed appropriate by the Zoning Administrator. In such cases, Class I or II materials shall amount to more than 15 percent of each façade.
  - (c) Concrete panels (tilt-up/precast) (Class IV materials) may be used if they are part of a palette of permitted materials or if they incorporate horizontal and vertical articulation including, but not limited to, changes in color or texture.
  - (d) EIFS and similar material shall only be used above the ground floor.
  - (e) Non-decorative metal panels (Class IV materials) may be used if enhanced on all elevations with Class I or II materials in combination with decorative fascia, overhangs, trim, lintels, sills, headers, belt courses, reveals, pilasters, windows, chimney, or other architectural features as

## Section 10.07.40: Industrial Uses

- deemed appropriate by the Zoning Administrator. In such cases, Class I or II materials shall amount to more than 15 percent of each façade.
1. In the AGR, I-L, I-M, I-H, IOS, IOC, EXD, and AIR zoning districts, visible exterior fasteners shall be the same color as the attached wall for any principal or accessory building visible from a public street.
  2. In all other zoning districts, exterior wall fasteners shall be fully concealed from view.
- (f) Materials of comparable quality may be substituted for any class of material or be used as a decorative element if the material can be removed or replaced with a permitted exterior material, as determined by the Zoning Administrator.
- (3) Façade Articulation.
- (a) Façade lengths shall not be greater than 100 feet without articulation such as:
    1. Recesses or projections that step back or project a portion of the main façade plane.
    2. Recesses or projections of upper floors from the ground floor façade plane.
    3. Vertical division using different textures or materials.
    4. Division of the façade into individual components (i.e., storefronts, distinct uses) through the use of architectural elements such as porches, balconies, windows, covered entrances, arcades, awnings, marquees, lighting, signage, etc.
    5. Roof form variation such as the inclusion of dormers, change in roof lines, or change in roof type.
    6. Public art installations located directly on a facade, such as murals.
- (4) Mechanical and Exterior Building Systems.
- (a) Applicability. See Section 10.06.21 to determine whether screening is required.
  - (b) Drainage pipes on exterior walls shall match or be complementary to the color of the roof and wall onto which they are mounted.
  - (c) Building-mounted Equipment.
    1. Building-mounted equipment installed on the façade visible from an adjacent public right-of-way or residential district shall be disguised or screened in one of the following ways:
      - a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
      - b. Incorporated as part of the building wall and/or flush-mounted so as not to project beyond the main plane of the façade.
      - c. Consistent with the color of the structure to which the equipment is attached.
  - (d) Roof-mounted Equipment. Roof-mounted equipment visible from an adjacent public right-of-way or residential district shall be screened, preferably by parapet walls. Other acceptable screen types shall be:
    - a. Architecturally compatible with the primary structure to which the equipment is attached. Screening materials shall be identical to or substantially similar to the materials used on the building façade to which the equipment is attached.
    - b. Consistent with the color of the structure to which the equipment is attached.



## Sections 10.07.41 to 10.07.49: Reserved

- c. Designed to be an integral part of the building's architectural design and give the impression that it is something other than a mechanical screen.

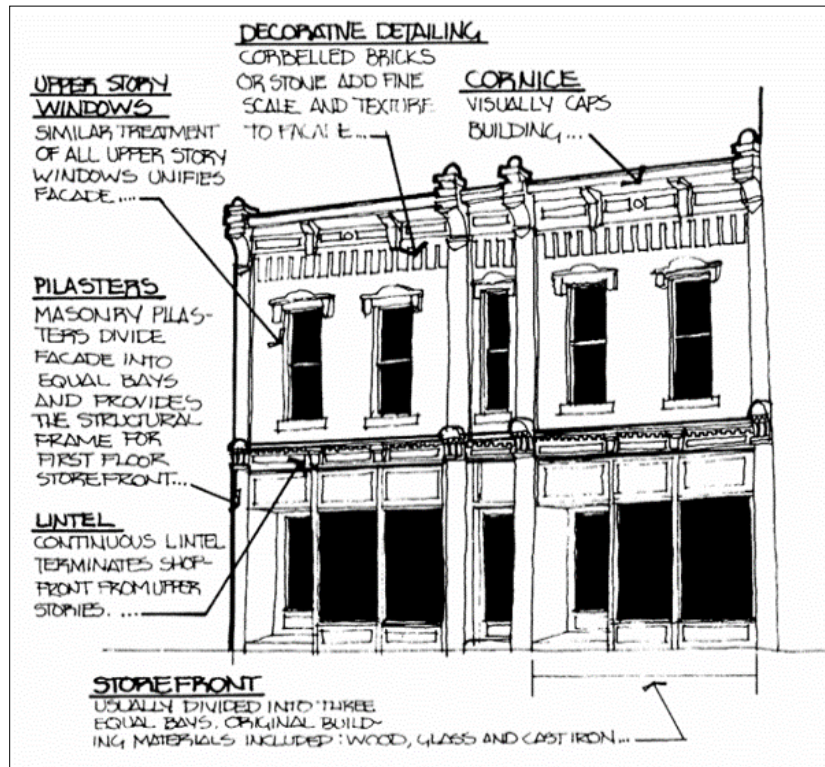
**Sections 10.07.41 to 10.07.49: Reserved****Section 10.07.50: Special Areas**

- (1) Downtown Design Overlay zoning district Design Standards. All see Section 10.02.84.
  - (a) Purpose. This district is intended to implement the urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area, as defined by the mapped boundaries of the Downtown Design Overlay zoning district.
  - (b) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Design Overlay district (See Section 10.02.84).
  - (c) Review and Approval.
    1. There are three categories of review in this district:
      - a. **Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)
      - b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)
      - c. **Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)
    2. Plan Commission review and approval may be required. The three categories and procedural requirements for review and approval are described fully in Section 10.10.44.
    3. Design standards for changes meeting the criteria for Project Review are found in Section 10.07.50(1)(e), below. Design standards for changes meeting the criteria for Design Alteration Review or Renovation Review are found in Section 10.07.50(1)(f), below.
    4. Designated Historic Structures. These regulations are separate and in addition to requirements related to changes to Local, State, and National Landmarks and properties as regulated by the City of Middleton Landmarks Commission. Prior to taking action, the Plan Commission shall consult with the Landmarks Commission for all properties designated as historic, contributing to a historic district, or considered by a study or survey to be eligible for listing on a local, state, or national register.
  - (d) Design Theme: The design theme for the Downtown Design Overlay District is based on its historical, pedestrian-oriented development pattern that incorporates retail, residential, and institutional uses. Building orientation and character includes minimum setbacks at the edge of the sidewalk, multi-story structures, use of alleys for access, and on-street or other off-site parking. The design theme is characterized by a variety of architectural styles popular at the time, including Italianate, Romanesque, and Neoclassical, in a multi-story format with office, storage, or residential located over commercial. The façades of these buildings have a traditional main street storefront appearance, are relatively small in scale, have street yard and side yard setbacks of zero feet, have prominent horizontal and vertical patterns formed by regularly spaced window and door openings, detailed cornice designs, rich detailing in masonry coursing, window detailing

## Section 10.07.50: Special Areas

and ornamentation, and are predominately brick, stone, or wood. Exterior building materials are of high quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple, and muted. Exterior signage blends, rather than contrasts, with buildings in terms of coloring (complementary to building), location (on-building), size (small), and number (few).

**Figure 10.07.50a: Architectural Components**



- (e) Design Standards for Project Review (New Construction, Building Additions, and Building Alterations).
1. The design standards contained in this Subsection shall apply to all changes meeting the criteria for Project Review (including all new buildings, building additions, and new building appurtenances). Such activities shall correspond to the following:
    - a. The following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of façade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of façade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening.
  2. Building Setback. Throughout the district, the setback of buildings from street yard and side yard property lines shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
    - a. See Article II for zoning district setback requirements.
  3. Building Height.
    - a. See Article II for zoning district maximum height requirements.

## Section 10.07.50: Special Areas

4. Building Mass.
  - a. Throughout the district, the mass of buildings shall be compatible with existing buildings in the immediate area which conform to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
  - b. The characteristic proportion (relationship between façade height and width) of the design theme shall be maintained.
  - c. Building mass for large structures (with a façade area exceeding 5,000 square feet) shall be disguised through the use of façade articulations, or through the use of exterior treatments which give the impression of directly adjoining individual buildings, as determined by the Plan Commission.
5. Horizontal Rhythms. The horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building, and shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
6. Vertical Rhythms. The floor heights on main façades shall appear visually in proportion to those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices and sign bands shall be compatible in design and elevation with those of existing buildings in the immediate area which conform to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
7. Roof Forms. Flat or gently sloping roofs which are not visible from the street shall be used. Mansards or other exotic roof shapes not characteristic of the design theme described in Subsection (1)(d) above, as determined by the Plan Commission, shall not be used. See Figure 10.07.50b.

**Figure 10.07.50b: Roof Forms**



## Section 10.07.50: Special Areas

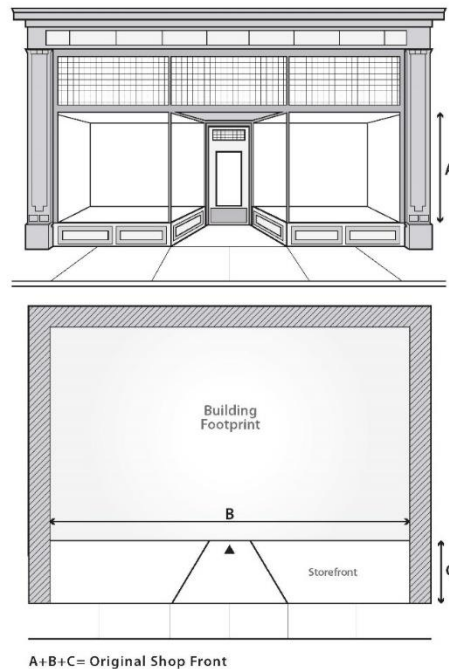
8. Exterior Materials. Selected building materials shall be compatible with those of existing buildings within the same block-face which conform to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
  - a. Masonry. Stone or brick facing shall be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted.
  - b. Siding.
    - i. Wood, thin board texture vinyl, fiber cement, or textured metal clapboard siding may be appropriate, particularly if the proposed non-masonry exterior was used on a building which conforms to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
    - ii. Clapboard or board and batten may be appropriate in certain instances where used on the existing structure within the same block-face which conforms to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
    - iii. Class IV materials are prohibited.
  - c. Glazing. Clear, or slightly tinted glass or related glazing material shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted, unless needed in a special situation as determined by the Plan Commission.
9. Exterior Surface. Exterior surface appurtenances shall be compatible with those of existing buildings in the immediate area which conform to the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
  - a. The traditional storefront design theme (characterized by strong horizontal and vertical rhythms formed by building openings, windows, and transom windows) shall be employed for all new nonresidential buildings. Ground floors consisting entirely of residential or office uses shall be exempt from this requirement.
  - b. Throughout the district, avoid cluttering building façades with brackets, wiring, meter boxes, antennae, gutters, downspouts and other appurtenances. Unnecessary signs shall also be avoided. Where necessary, such features shall be colored so as to blend in, rather than contrast, with the immediately adjacent building exterior. Extraneous ornamentation which is inconsistent with the design theme described in Subsection (1)(d) above, as determined by the Plan Commission, is also prohibited.
10. Awnings and Marquees. Awning and marquee size, color and placement shall complement the architectural character of the building, as determined by the Plan Commission.
  - a. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used for awnings.
  - b. Aluminum or suspended metal canopies shall be prohibited.
  - c. Signage applied to awnings shall be simple and durable.
  - d. Backlit awnings are prohibited.
11. Exterior Lighting. On-building exterior lighting shall be compatible and harmonious with the design theme described in Subsection (1)(d) above and Chapter 33 of the City of Middleton Municipal Code, as determined by the Plan Commission.
  - a. On-Building Lighting. The design, color, height, location, and light quality of all on-building light fixtures shall be consistent for all light fixtures.

## Section 10.07.50: Special Areas

- b. Ground-Mounted Lighting. The design, color, height, location and light quality of ground-mounted lighting shall be consistent with the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
12. Signage. See Chapter 22 for all signage requirements.
13. Cleaning. Structural components and exterior materials shall be cleaned when necessary, and with only the gentlest possible methods.
- a. Low-pressure water, steam cleaning, and soft natural bristle brushes are permitted.
  - b. Sandblasting and power washing (more than 400 psi) are prohibited.
  - c. Other methods shall be pre-approved by the Plan Commission.
- (f) Design Standards for Design Alteration Review and Renovation Review (Changes to the Exterior Appearance of a Property).
1. Applicability. The design standards contained in this Subsection shall apply for the following changes to the exterior of a property:
- a. All changes meeting the criteria for Design Alteration Review (including painting, roofing, siding, architectural component substitution, fencing, paving, and signage)
  - b. All changes meeting the criteria for Renovation Review (including repainting, re-roofing, residing, or replacing with identical colors, finishes, and materials)
  - c. Any other instance in which existing construction is proposed for rehabilitation and/or restoration. (New projects, building additions, and new appurtenances and features shall comply with the Design Standards of Subsection (1)(e), above.)
2. In General. Buildings shall be restored relying on physical evidence (such as photographs, original drawings, and existing architectural details) as much as possible, in keeping with the design theme described in Subsection (1)(d) above, as determined by the Plan Commission.
3. Exterior Materials and Surface Features. Materials and features identical to the original exterior materials and surface features shall be used. If replacement with identical materials and features is not possible, other features and materials may be used, provided they are compatible with the design and style of the building, as determined by the Plan Commission.
- a. Where such knowledge is lacking, materials and features in common use at the time of building erection shall be used.
  - b. Significant architectural features, including cornices, moldings and coursings shall be preserved or replaced with identical features and materials where possible.
4. Windows and Doors. The size, proportion, and rhythm of original windows and doors shall not be altered.
- a. Original window and door openings shall not be blocked. Where now blocked, blocked window and door openings shall be restored where possible.
  - b. Window and door features, including lintels, sills, architraves, shutters, pediments, hoods and hardware, shall be preserved where possible.
    - i. If preservation is not possible, as determined by the Plan Commission, window and door features shall be replaced with identical features and materials. If replacement with identical features and materials is not possible, other features and materials may be used, provided they are compatible with the design and style of the building, as determined by the Plan Commission.

## Sections 10.07.51 to 10.07.99: Reserved

- ii. Dark frames (i.e. anodized bronze) shall be used to replace storefront and upper story windows.
  - iii. Clear aluminum finishes and mill finish aluminum storm windows are prohibited.
  - iv. If shutters are proposed, real, functional shutters or shutters that are the same dimensions as real, functional shutters (as opposed to purely decorative shutters) shall be used.
5. Storefronts. Storefronts shall fit inside the original shop front in terms of all 3 dimensions (vertical, horizontal and front to back articulation). See Figure 10.07.50c.
  - a. Display windows shall be restored to their original appearance.
  - b. The configuration of display windows shall be substantially similar to the original configuration. This provision shall be construed to prohibit garage doors and bay windows when they were not part of the original building design.
6. Entrances, Porticos, and Porches. Original porches, and steps shall be retained, except as required to meet accessibility standards. Porches, porticos, steps, and related enclosures which do not comply with the architectural design theme, as determined by the Plan Commission, shall be removed. See Section 10.04.40 for ramp requirements.
7. Roofs. The original roof shape and character of visible materials shall be retained. Original architectural features which give the roof its essential character, including dormer windows, cupolas, cornices, brackets, chimneys and weathervanes, shall be preserved if in keeping with the architectural design theme described in Subsection (1)(d) above, as determined by the Plan Commission.

**Figure 10.07.50c: Storefronts**

## Sections 10.07.51 to 10.07.99: Reserved



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## Section 10.08.01: Purpose

**ARTICLE VIII: LANDSCAPING REQUIREMENTS****Section 10.08.01: Purpose**

The purpose of this Article is to establish landscaping requirements and other regulations intended to preserve and maintain vegetation within in a manner that promotes the natural resource protection, aesthetic, and public health goals of the City.

**Sections 10.08.02 to 10.08.09: Reserved****Section 10.08.10: Applicability**

- (1) The requirements of this Section shall not apply retroactively to existing buildings, structures, or paved areas, including requirements for bufferyards.
- (2) Any use for which site plan approval is required under Section 10.10.43 shall provide landscaping in accordance with the regulations of this Section, including the following development.
  - (a) New buildings and paved areas. The entire site shall provide landscaping per the requirements of this Article.
  - (b) Expansions. Only the new portion of building or paved area or installation of mechanical equipment shall provide landscaping per the requirements of this Article.
  - (c) Two or more parking areas interconnected by on-site vehicular circulation are treated as one lot as are unconnected parking areas when separations (unpaved) between them are less than 20 feet in width. Unconnected parking areas with a separation of 20 feet or more shall be considered separate parking lots.
- (3) Where insufficient site area remains to comply with all provisions of this Section, the Plan Commission may require compliance to the greatest extent practical.
- (4) This Article is designed to encourage preservation of existing plants on the site. If existing plant material meets the requirements of this Article and will be preserved on the subject property following the completion of development, it may be counted as contributing to the landscaping requirements and worth double the landscaping point value per plant.
- (5) Exemptions.
  - (a) Parking areas of 4 or more spaces shall meet the paved area landscaping requirements for paved areas. Any parking area of 3 or fewer spaces is exempt from the paved area landscaping requirements.
  - (b) All land uses in the Mixed-Use Downtown District are exempt from landscaping requirements for building frontages, street frontages, and yards, but shall meet the paved area landscaping requirements for paved areas of 4 or more spaces.
  - (c) Single family dwelling units, two family dwelling units, and agricultural land uses are exempt from landscaping requirements. See Section 10.06.06(7)(h) for screening requirements for uncovered parking spaces associated with single family and two family land uses.
- (6) Changes to the Landscaping Plan. The City may allow or require changes to the landscaping plan of Section 10.08.20 or the landscaping requirements of Section 10.08.30, as provided for below.
  - (a) The Zoning Administrator, and the Plan Commission shall have the authority to allow alterations or substitutions of one type of plant for another to the landscaping requirements as long as the

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**Sections 10.08.11 to 10.08.19: Reserved**

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altered requirements achieve an equivalent or greater level of landscaping on a site. Such alternations or substitutions may be based on the following:

1. Unusual conditions
  2. The consideration of landscape architecture approaches
  3. The preservation of existing trees
  4. The consideration of Wisconsin native landscaping
  5. When larger size plantings are provided as part of the overall landscape plan
  6. When more shrubs may be appropriate versus more trees, and vice versa
  7. Utility or other easements
- (b) The Zoning Administrator, and the Plan Commission shall have the authority to require the modification of any landscaping plan including the rearrangement of landscaping points on a site to better meet aesthetic, environmental, and stormwater management goals or objectives.

**Sections 10.08.11 to 10.08.19: Reserved****Section 10.08.20: Landscape Plan**

The applicant shall provide a digital copy of a landscaping plan. The plan shall be drawn at a reasonable scale to clearly delineate the landscape improvements and depict the following, at the discretion of the Zoning Administrator:

- (1) The name and address of the developer/owner, architect/designer name, date of plan preparation, date and description of all revisions, name of project or development, scale of plan, and north point indication.
- (2) All property lines and easements.
- (3) Zoning of the subject property and abutting properties.
- (4) The location, dimensions, and minimum clearance requirements per Chapter 20 of the City of Middleton Municipal Code of all existing and proposed structures, parking lots, driveways, roads, underground utilities, right-of-way, sidewalks, ground signs, refuse disposal areas, fences, freestanding electrical equipment and other utility boxes, and other freestanding structural features.
- (5) The location and contours of all proposed berms at 2-foot intervals; elevations of gutters or swales; locations of inlets, catch basin, storm sewers, and all other wet utilities; and direction of drainage.
- (6) The location, size, and type (common and scientific) of all existing plant material on the site and designation of all trees and shrubs to be saved and/or removed.
- (7) The location, quantity, size at planting, and type (common and scientific) of all proposed plant material. All plants shall be drawn at the spread they will achieve at maturity.
- (8) The number of landscaping points per Figure 10.08.30d for all plant material.
- (9) Details of refuse disposal area screening and mechanical equipment and utility screening.
- (10) Linear feet of the new/expanded building foundation and street frontage.
- (11) Square footage of the total lot and new/expanded paved area.

**Sections 10.08.21 to 10.08.29 Reserved**



## Section 10.08.30: Landscaping Requirements

**Section 10.08.30: Landscaping Requirements**

Landscaping shall be provided based on the following requirements for building foundations, paved areas, street frontages, yards, and bufferyards.

**(1) Building Foundations.**

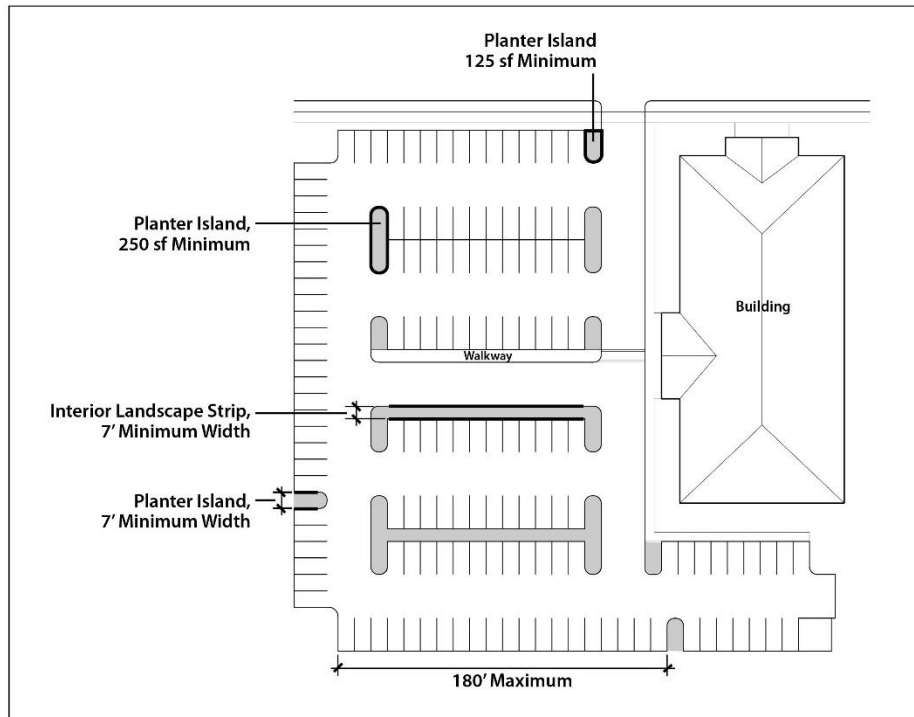
- (a) For every 100 linear feet of building foundation, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 10.08.30d.
- (b) Tall trees shall not be used to meet building foundation landscaping requirements.
- (c) Building foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation.
- (d) Building expansions shall be subject to the same landscaping formula requirements as new buildings (see Figure 10.08.30d). The formula shall not be applied to portions of the building foundation developed prior to the adoption of this ordinance, but it is strongly encouraged that the entire building be brought into conformance with this Chapter.
- (e) The measurement of the building foundation may be simplified as the smallest single rectangle that contains the entire building perimeter, except where the sides of the building face an adjacent public street, in which case the actual perimeter shall be measured.

**(2) Paved Areas.**

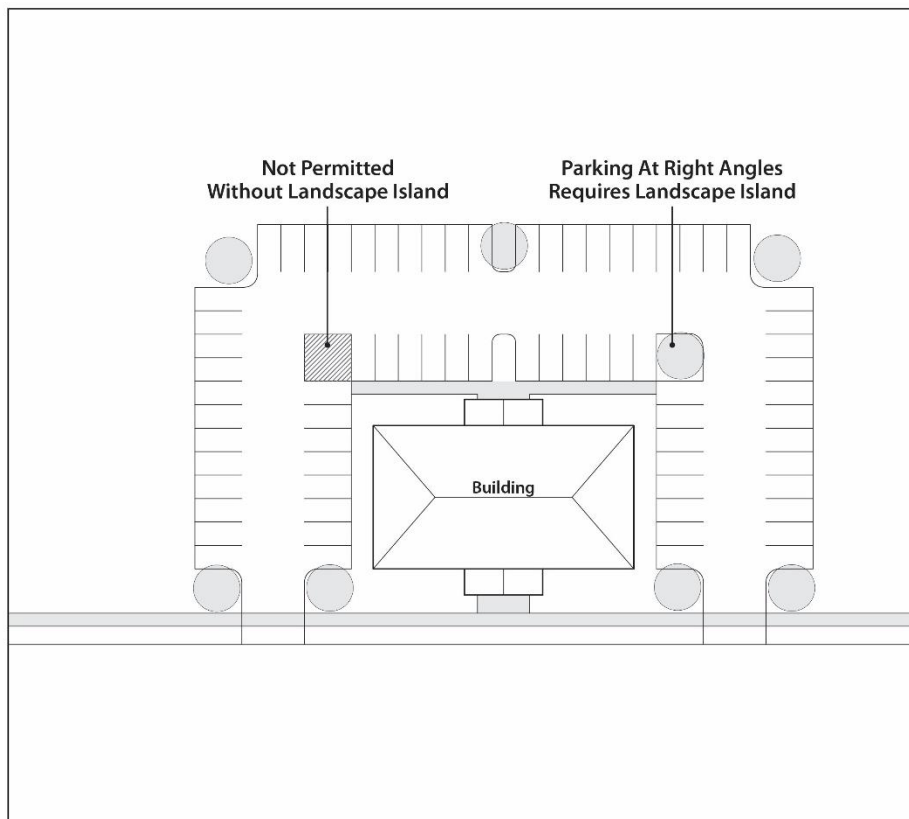
- (a) For every 10 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement), landscaping shall at a minimum meet the number of landscaping points specified in Figure 10.08.30d.
- (b) Paved area landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the paved area. Said area does not have to be provided in one contiguous area. Plants used to fulfill this requirement shall visually screen parking, loading, and circulation areas from view from public streets.
- (c) A minimum of 30 percent of all points shall be devoted to medium or tall trees, or a combination of such trees, and a minimum of 40 percent of all points shall be devoted to shrubs.
- (d) Parking Lot Design. See also Section 10.06.06(7).
  1. Interior parking lot landscaping shall be required for any parking lot with more than 20 parking spaces. Internal parking lot landscaping shall be accomplished by the installation of landscaped planter islands or other types of landscaping application approved by the Zoning Administrator.
  2. Landscaped planter islands shall be required at the ends of all parking rows, driveway entrances, and at intermediate locations such that there is a maximum of 180 feet between islands. See Figure 10.08.30a.
    - a. Landscaped planter islands are required where 2 rows of parking stalls meet at a right angle. See Figure 10.08.30b.

Section 10.08.30: Landscaping Requirements

**Figure 10.08.30a: Requirements for Interior Landscaping**

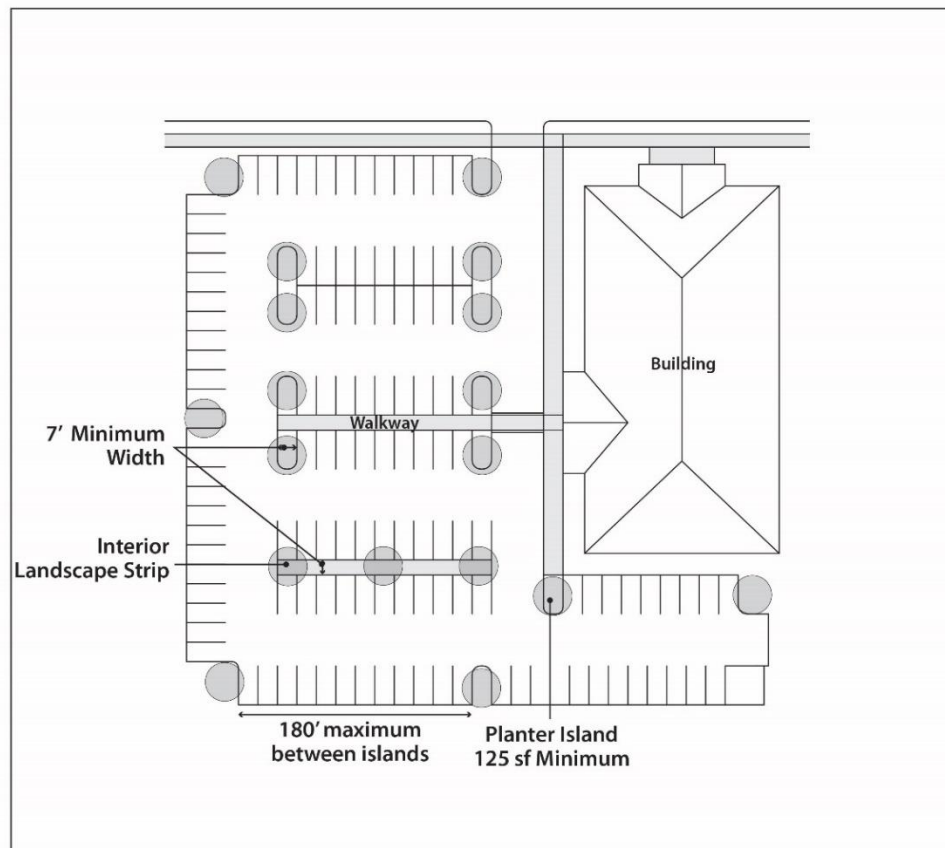


**Figure 10.08.30b: Parking Rows at Right Angles**



## Section 10.08.30: Landscaping Requirements

3. Each landscaped planter island shall be no less than 125 square feet in area and 7 feet in width, measured from the back of the curb. For double-parking rows, each landscaped planter island shall be no less than 250 square feet in area. The 7-foot width requirement may be reduced to accommodate the triangular shape resulting from angled parking.
  - a. Exception. A continuous 7-foot wide landscape strip may be provided between double parking rows in place of landscaped planter islands.
  - b. See Figure 10.08.30a, b, and c.

**Figure 10.08.30c: Interior Landscaping**

4. All islands shall be crowned for positive drainage, unless bio-retention methods of stormwater management are utilized per a stormwater management plan approved by the City Engineer.
5. One shade tree shall be provided for every island and for every 40 linear feet of continuous landscape strip, except as would be in conflict with a lighting fixture or underground wet utility pipe. Medium or low trees (evergreen or deciduous) may be used to supplement deciduous shade trees in locations that may not support healthy shade tree or tall deciduous tree growth. This determination shall be made by the Zoning Administrator. For double-row parking, 2 shade trees or tall deciduous trees shall be required for each island. See Figure 10.08.30g for minimum planting sizes.

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**Section 10.08.30: Landscaping Requirements**

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6. In addition to the required trees and shrubs, islands shall be planted with grass, low ground cover, shrubs, flowers, decorative stone/river rock, mulch, or a combination thereof. Mulches and decorative stone shall be installed so that the loose material will not erode, fall, be plowed, or be otherwise transported onto paved surfaces.
  7. To ensure proper visibility within the parking lot, landscaping shall not impede on-site traffic visibility or the vision triangle per Section 10.06.05.
- (e) Parking lot screening required by Section 10.06.06(7)(h) shall count toward the landscaping requirements of this Section.
  - (f) Paved area expansions (see Section 10.08.10(2)) shall be subject to the same landscaping formula requirements as new paved areas (see 10.08.30d). Rain gardens, pollinator gardens, bioswales or other Low Impact Development Approach plantings are encouraged.
- (3) **Street Frontages.**
- (a) For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 10.08.30d.
  - (b) Street frontage landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the public street right-of-way.
  - (c) Landscaping shall not be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility. See Section 10.06.05.
  - (d) A minimum of 50 percent of all points shall be devoted to some combination of trees.
  - (e) In the case of any new principal building, building expansion, new paved area, or paved area expansion on a previously-developed site, a percentage of the landscaping points specified in Figure 10.08.30d shall be required.
- (4) **Yards.**
- (a) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).
  - (b) For every 1,000 square feet of gross floor area of all principal and accessory buildings on the site, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 10.08.30d.
  - (c) Landscaping required by this Section is most effective if located away from other areas required for landscaping such as building foundations, street frontages, paved areas, protected green space areas, or bufferyards.
  - (d) Building expansions shall be subject to the same landscaping formula requirements as new buildings (see Figure 10.08.30d). The formula shall not be applied to portions of buildings developed prior to the adoption of this ordinance.
- (5) **Bufferyards.** A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing that are required to eliminate or reduce existing or potential nuisances (e.g. dirt, litter, noise, glare, signs, and incompatible land uses, buildings, or parking areas).
- (a) The required level of bufferyard opacity is listed in Figure 10.08.30e. Detailed bufferyard requirements are listed in Figure 10.08.30f. Opacity is a quantitatively-derived measure which



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- indicates the degree to which a particular bufferyard screens the abutting property. The required level of opacity indicated is directly related to the degree to which the potential character of development differs between different zoning districts.
- (b) Bufferyards shall be located along (and within) the outer perimeter of a lot wherever 2 different zoning districts abut one another. Bufferyards shall not be required in front yards or along public street frontages.
  - (c) To ensure that the year-round screening objectives are fulfilled, only the plant classifications in Figure 10.08.40b listed as “Appropriate for Screening” shall count toward bufferyard point totals, unless non-screening plants are used in combination with a solid fence or a berm of 6 feet or more, in accordance with Figure 10.08.30f.
  - (d) Reduction of Required Bufferyard Width.
    - 1. Intent. This Subsection is intended to allow for the reduction of the required width of a required bufferyard where the presence of permanently protected green space or similar areas provides equivalent permanent screening and separation benefits as would be provided by the otherwise required bufferyard.
    - 2. Where the minimum permitted width for the required bufferyard is not available under the current or proposed state of development, the Planning Commission, may reduce the width required for the bufferyard to that currently available on the site, provided that the portion of the site that requires a bufferyard contains 1 or more of the following:
      - a. Steep slopes that contain retaining walls or rip-rap
      - b. Permanently undevelopable green space or other permanently protected green space designated on site plans such as a native or restored prairies or park savannas, wetlands, bodies of water, floodplains, drainageways, upland woods, stormwater basins, or other natural resource protection areas, including areas protected by covenants or conservation easements.
    - 3. If there is permanently protected green space located on an adjoining property adjacent to the portion of a site that requires a bufferyard, the Planning Commission, may reduce the width required for the bufferyard. The reduction shall consist of no more than 1 foot for every 3 feet of permanently protected green space on the adjoining property, as measured from the property line at a right angle into said adjacent property. There shall be no reduction in the number of landscape points required.
  - (e) Use of Required Bufferyard and Landscaped Areas.
    - 1. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian or bike trails provided that no required landscaping material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met.
    - 2. No swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses shall be permitted.
    - 3. No parking, buildings, outdoor light fixtures, and no outdoor display of storage of materials shall be permitted.
    - 4. Paving in such areas shall be limited to that required for necessary access to or across the subject property or for a passive recreational use such as paved multiuse trails or pedestrian walkways.

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- (6) Determination of Landscaping Requirements.
  - (a) The requirements of this Article are additive to each other and any other landscaping or screening requirements in this Chapter.
  - (b) Landscape points used to meet one requirement (e.g. building foundations, paved areas, street frontages, yards, or bufferyards) shall not be used to meet another requirement.
- (7) Measurement and Calculation.
  - (a) Landscaping point values shall be doubled for mature existing landscape plantings that are retained and protected with the development of the site. Existing plantings eligible for double point values shall be determined by the Zoning Administrator.
  - (b) In calculating the number of required landscaping points under the provisions of this Section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet.
  - (c) Any partial plant derived from the required calculations of this Section (for example: 23.3 shade trees) shall be rounded up to the next whole plant (for example: 24 shade trees).
- (8) Utility Easements. Landscaping materials, fences and berms located within a duly recorded utility, stormwater, or a pedestrian easement, that may have been permitted per terms of an easement encroachment agreement, shall not count toward meeting a landscaping requirement, unless authorized otherwise by the City and the easement holder. However, the width of such areas may be counted as part of a landscaping width requirement for bufferyards.
- (9) Other Green Space Areas. Green space areas not used for landscape plantings other than natural resource protection areas shall be graded and seeded or sodded with an acceptable maintainable seed mix, restored to native vegetation. Alternatively, such areas may be maintained in crop production if a principal use exists on-site and if approved by the Zoning Administrator.

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**Figure 10.08.30d: Landscaping Requirements for Regular Development\***

	Landscaping Component**				
	Building Foundation Perimeter	Paved Areas	Street Frontage Length	Yards	Bufferyards
<b>Type of Landscaping:</b>	A minimum of 25 % of points on side facing public street and 50% of points on side of main entrance. Shade Trees and Tall Trees not allowed.	A minimum of 30% of points devoted to Tall Trees and 40% to Shrubs.	A minimum of 50% of points devoted to Tall Trees & 30% to Medium Trees.	Any type allowed.	See types “Appropriate for Screening” in Figure 10.08.40b
<b>Native Plantings:</b>	Wisconsin native plant species identified in Figure 10.08.40a shall be a minimum of 75% of all landscaping points and plantings provided.				
<b>Placement of Landscaping:</b>	Within 10 feet of building foundation.	Within 10 feet of paved area or within paved area.	Within 10 feet of street right-of-way.	Any location.	Within bufferyard, per Figure 10.08.30f
<b>Calculation of Landscaping Points by Zoning District:</b>	Points per 100 linear feet of building foundation	Greater of: points per 10 parking stalls or 10,000 square feet of paved area	Points per 100 feet of street right-of-way frontage	Points per 1,000 sq ft of gross floor area on all floors of all buildings on a lot	See Figure 10.08.30f
Agricultural (AGR)	20	20	20	10	
Single-Family Residential (SR-L) (SR-M) (SR-H)	40	50	100	20	
Two-Family Residential (TR-D) (TR-F)	50	50	100	20	
Multi-Family Residential (MR-L) (MR-M) (MR-H)	60	50	100	20	
Manufactured Home Res. (MH-D)	40	50	100	20	
Institutional (INST)	40	50	100	20	Only required along certain zoning district boundaries.
Mixed-Use Neighborhood (MU-N)	40	50	100	20	
Mixed-Use Avenue (MU-A) Mixed-Use Urban (MU-U)	80	50	100	20	
Mixed-Use Downtown (MU-D)	0	50	0	0	See Figure 10.08.40b for requirements.
Research Park (R-P)	80	50	100	20	
Light Industrial (I-L)	60	50	100	20	
Medium Industrial (I-M)	40	40	60	10	
Heavy Industrial (I-H)	30	30	50	10	
Intensive Outdoor Storage (IOS)	60	50	100	20	
Intensive Outdoor Comm.(IOC)	60	50	100	20	
Airport (AIR)	60	50	100	20	
Extraction (EX)	30	30	50	10	

\*Note: Single family dwelling units, two family dwelling units, and agricultural land uses are exempt from landscaping requirements. Additionally, any parcel zoned Parks and Recreation (PR) or Conservancy (CON) are exempt from landscaping requirements.

\*\*See Figures 10.08.30g and 10.08.40a for points associated with plant types and see Figure 10.08.70a-g for example of the point calculations used for this table.

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**Figure 10.08.30e: Required Bufferyard Opacity Values**

Apply the required opacity value from this Figure to Figure 10.08.30f and select the most appropriate bufferyard option. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.

	AGR, PR, CON	SR-L, SR-M, SR-H	TR-D, TR-F	MH-D	MR-L, MR-M	MR-H, MU-N, INST	MU-D	MU-A, MU-U, R-P	I-L	I-M	I-H	IOS, IOC, AIR	EX
Agriculture (AGR)													
Parks and Recreation (PR)	*												
Conservancy (CON)													
Single Family Residential–Low (SR-L)	*	0											
Single Family Residential–Medium (SR-M)	*	0											
Single Family Residential–High (SR-H)	*	0											
Two Family Residential-Duplex (TR-D)	*	0	0										
Two Family Residential-Two Flat (TR-F)	*	0	0										
Manufactured Home Residential (MH-D)	*	.2	.2	0									
Multi-Family Residential–Low (MR-L)	*	.2	.2	.2	0								
Multi-Family Residential–Medium (MR-M)	*	.3	.3	.3	0	0							
Multi-Family Residential-High (MR-H)	*	.3	.3	.3	.2	0							
Mixed-Use Neighborhood (MU-N)	*	.3	.3	.3	.2	0							
Institutional (INST)	*	.3	.3	.3	.2	0							
Mixed-Use Downtown (MU-D)	*	.3	.3	.3	.3	.2	0						
Mixed-Use Avenue (MU-A)	*	.4	.4	.3	.3	.2	0	0					
Mixed-Use Urban (MU-U)	*	.4	.4	.3	.3	.2	0	0					
Research Park (R-P)	*	.4	.4	.3	.3	.2	0	0					
Light Industrial (I-L)	*	.4	.4	.4	.4	.4	.3	.3	0				
Medium Industrial (I-M)	*	.4	.4	.4	.4	.4	.3	.3	.3	0			
Heavy Industrial (I-H)	*	.6	.6	.6	.6	.6	.3	.3	.3	.3	0		
Intensive Outdoor Storage (IOS)	*	.6	.6	.6	.6	.6	.4	.4	.4	.3	.2	0	
Intensive Outdoor Commercial (IOC)	*	.6	.6	.6	.6	.6	.4	.4	.4	.3	.2	0	
Airport (AIR)	*	.6	.6	.6	.6	.6	.4	.4	.4	.3	.2	0	
Extraction (EX)	*	.8	.8	.8	.8	.8	.6	.6	.6	.5	.4	.4	0

Subject Property Zoning District:



Section 10.08.30: Landscaping Requirements

**Figure 10.08.30f: Detailed Bufferyard Requirements**

Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure
0.05	00	10	Minimum 44 inch picket fence*
	00	10	Minimum 4 foot wood rail fence*
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10	Minimum 44 inch picket fence*
	38	10	Minimum 4 foot wood rail fence*
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
0.20	62	35	N/A
	00	35	Minimum 4 foot berm
	00	10	Minimum 6 foot solid fence*
	84	10	Minimum 44 inch picket fence*
	133	15	Minimum 4 foot wood rail fence*
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
0.30	10	35	Minimum 4 foot berm
	135	40	N/A
	00	40	Minimum 5 foot berm
	00	10	Minimum 6 foot solid fence*
	198	15	Minimum 44 inch picket fence*
	320	20	N/A
	240	20	Minimum 4 foot wood rail fence*
	276	25	N/A
	252	30	N/A
	235	35	N/A
0.40	104	35	Minimum 4 foot berm
	223	40	N/A
	44	40	Minimum 5 foot berm
	215	45	N/A
	209	50	N/A
	00	50	Minimum 6 foot berm
	53	10	Minimum 6 foot solid fence*
	330	20	Minimum 44 inch picket fence*
	440	25	N/A
	362	25	Minimum 4 foot wood rail fence*
0.40	385	30	N/A
	349	35	N/A
	208	35	Minimum 4 foot berm
	327	40	N/A
	148	40	Minimum 5 foot berm
	310	45	N/A

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Opacity	Required Number of Landscaping Points per 100 feet	Required Minimum Width (in feet)	Required Structure
0.50	299	50	N/A
	56	50	Minimum 6 foot berm
	150	10	Minimum 6 foot solid fence*
	564	30	N/A
	405	30	Minimum 44 inch picket fence*
	492	30	Minimum 4 foot wood rail fence*
	499	35	N/A
	319	35	Minimum 4 foot berm
	454	40	N/A
	261	40	Minimum 5 foot berm
	422	45	N/A
	405	50	N/A
	160	50	Minimum 6 foot berm
	388	55	N/A
	374	60	N/A
0.60	250	10	Minimum 6 foot solid fence*
	433	35	Minimum 4 foot berm
	541	35	Minimum 44 inch picket fence*
	630	35	Minimum 4 foot wood rail fence*
	626	40	N/A
	379	40	Minimum 5 foot berm
	570	45	N/A
	525	50	N/A
	270	50	Minimum 6 foot berm
	500	55	N/A
	480	60	N/A
	0.80	415	30
655		40	Minimum 4 foot berm
627		45	Minimum 5 foot berm
873		45	Minimum 44 inch picket fence*
910		50	N/A
505		50	Minimum 6 foot berm
809		50	Minimum 4 foot wood rail fence*
804		55	N/A
744		60	N/A
710		65	N/A
1.00	677	70	N/A
	636	40	Minimum 8 foot solid fence
	732	50	Minimum 8 foot solid fence
	751	50	Minimum 8 foot solid fence
	867	55	Minimum 8 foot solid fence
	1091	60	Minimum 8 foot solid fence
	1136	60	Minimum 8 foot solid fence
	1083	65	Minimum 8 foot solid fence
	994	70	Minimum 8 foot solid fence
	934	75	Minimum 8 foot solid fence
	892	80	Minimum 8 foot solid fence

Notes: \*Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

**Figure 10.08.30g: Landscaping Points**

Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Shade Tree <sup>1</sup>	40	3” diameter
Tall Deciduous Tree <sup>1</sup>	30	2 ½” diameter
Medium Deciduous Tree <sup>1</sup>	15	2” diameter
Low Deciduous Tree <sup>1</sup>	10	1.5” diameter
Tall Evergreen Tree <sup>1</sup>	40	5’ Tall
Medium Evergreen Tree <sup>1</sup>	20	4’ Tall
Low Evergreen Tree <sup>1</sup>	12	3’ Tall
Tall Deciduous Shrub	10	3’ Tall
Medium Deciduous Shrub	3	2’ Tall
Low Deciduous Shrub	1	1’ Tall
Medium Evergreen Shrub	5	2’ Tall/Wide
Low Evergreen Shrub	3	1’ Tall/Wide
Perennials/Ornamental Grasses	1	1 Gallon Container
Rain Garden & Bioswale Plants	1	4-6” Container, 12” O.C. Spacing
Non-Contributory Plants	0	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865

<sup>1</sup> Any existing on-site mature tree that is protected with no impervious surface or grading within its canopy is worth two times the point value as provided in this table. If said tree dies, it shall be replaced with the comparable new tree landscaping points as provided in this table. Any multi-stem tree shall be a minimum of 1 ½ - 2 inches in diameter.

**Sections 10.08.31 to 10.08.39: Reserved**

Section 10.08.40: Classification of Plant Species

**Section 10.08.40: Classification of Plant Species**

- (1) Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 10.08.40a. This list is not intended to be exhaustive, and the Zoning Administrator, shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 10.08.40b for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 10.08.40c for a list of species to use selectively or to avoid.
- (2) Wisconsin native plant species identified below in Figure 10.08.40a shall be a minimum of 75% of all landscaping points provided, 75% of all plantings installed, and count for only the baseline point value required. Once this requirement is satisfied, any additional native plant species provided shall count for double the point values shown below.

**Figure 10.08.40a: Commonly-Used Appropriate Landscaping Species**

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name	Native Planting Type*
Shade Trees	50	Maple	<i>Acer spp.</i>	Yes
	50	Linden (Basswood, Redmond, Little Leaf)	<i>Tilia spp.</i>	Yes
	50	Elms (hybrids)	<i>Ulmus spp.</i>	No
	50	Oak (White, Northern Red, Bur, Swamp White)	<i>Quercus spp.</i>	Yes
	50	Honey Locust (male cultivars)	<i>Gleditsia triacanthos var. inermis</i>	No
	50	Hackberry	<i>Celtis occidentalis</i>	Yes
Tall Deciduous Trees	30	Chinkapin oak	<i>Quercus muehlenbergii</i>	Yes
	50	Kentucky Coffee Tree (male cultivars)	<i>Gymnocladus dioicus.</i>	Yes
	30	Ginkgo (male cultivars)	<i>Ginkgo biloba</i>	No
	30	State Street Miyabe maple	<i>Acer miyabei 'Morton'</i>	No
	15	Serviceberry	<i>Amelanchier*</i>	Yes
Medium Deciduous Trees	15	Eastern Redbud	<i>Cercis canadensis</i>	No
	15	Winter King Hawthorn	<i>Crataegus viridis</i>	No
	15	Hornbeam (Musclewood)	<i>Carpinus caroliniana</i>	Yes
	15	Ironwood/Hophornbeam	<i>Ostrya virginiana</i>	Yes
	15	Callery/Chanticleer pear	<i>Pyrus calleryana</i>	No
Low Deciduous Trees	10	Hazelnut	<i>Corylus spp.</i>	Yes
	10	Flowering crabapples	<i>Malus spp.</i>	No
	10	Prairie crabapple	<i>Malus ioensis</i>	Yes
	10	Japanese tree lilac	<i>Syringa reticulata</i>	No
Tall Evergreen Trees	40	Firs	<i>Abies spp.</i>	No
	40	Black Hills Spruce	<i>Picea glauca var. densata*</i>	No
	40	Serbian Spruce	<i>Picea omorika</i>	No
	40	Pine	<i>Pinus spp. (not nigra)</i>	Yes
Medium Evergreen Trees	20	Juniper (Red Cedar)	<i>Juniperus virginiana</i>	Yes
	20	Arborvitae	<i>Thuja spp.</i>	Yes



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Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name	Native Planting Type*
	20	Eastern hemlock	<i>Tsuga canadensis</i>	Yes
Low Evergreen Trees	12	Juniper (Mountbatten)	<i>Juniperus chinensis</i>	No
Tall Deciduous Shrubs	10	Dogwood (Gray, Pagoda)	<i>Cornus spp.</i>	Yes
	10	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	<i>Viburnum spp.</i>	Yes
Medium Deciduous Shrub	3	Elderberry	<i>Sambucus candensis "aurea"</i>	No
	3	Forsythia (Virginia, Rugosa)	<i>Forsythia</i>	No
	3	Shrub Rose	<i>Rosa spp.</i>	Yes
	3	Potentilla	<i>Potentilla spp.</i>	Yes
	3	Bush Honeysuckle	<i>Diervilla spp.</i>	Yes
	3	Ninebark	<i>Physocarpus spp.</i>	No
	3	Azalea	<i>Rhododendron (Azalea) spp.</i>	No
	1	Weigela	<i>Weigela spp.</i>	No
	1	Cotoneaster	<i>Cotoneaster spp.</i>	No
Low Deciduous Shrubs	1	Gro-Low Sumac	<i>Rhus aromatica</i>	Yes
Medium Evergreen Shrubs	5	Juniper (Pfitzer)	<i>Juniperus x pfitzeriana</i>	No
	5	Yew (Japanese)	<i>Taxus spp.</i>	No
Low Evergreen Shrubs	2	Boxwood	<i>Buxus spp.</i>	No
	2	Juniper (Sergeant, Creeping, Andorra)	<i>Juniperus spp.</i>	No
Ornamental Grasses	1	Prairie Dropseed	<i>Sporobulus heterolepsis</i>	Yes
	1	Little Bluestem	<i>Schizachyrium scoparium</i>	Yes
	1	Karl Foerster Feather Reed Grass	<i>Calamagrostis x acutiflora 'Karl Foerster'</i>	No
	1	Sideoats Grama	<i>Bouteloua curtipendula</i>	Yes
	1	Coneflower	<i>Echinacea spp.</i>	Yes
Perennial Plantings	1	Black-Eyed Susan	<i>Rudbeckia</i>	Yes
	1	Lily	<i>Lilium spp.</i>	No
	1	Daylily	<i>Hemerocallis spp.</i>	No
	1	Columbine	<i>Aquilegia spp.</i>	Yes
	1	Aster	<i>Aster spp.</i>	Yes
	1	Blazing Star	<i>Liatris spp.</i>	Yes
	1	Peony	<i>Paeonia spp.</i>	No
	1	Pachysandra	<i>Pachysandra spp.</i>	No
	1	Stonecrops	<i>Sedum spp.</i>	Yes
	1	Astilbe	<i>Astilbe spp.</i>	No
	1	Hosta	<i>Hosta spp.</i>	No
Pollinator Perennials	2	Butterfly Weed	<i>Asclepias tuberosa</i>	Yes
	2	Smooth Blue Aster	<i>Aster laevis</i>	Yes
	2	Wild Bergamot	<i>Monarda fistulosa</i>	Yes
	2	Prairie Blazing Star	<i>Liatris pycnostachya</i>	Yes

Section 10.08.40: Classification of Plant Species

Plant Category	Landscaping Point Value Per Plant	Common Name	Scientific Name	Native Planting Type*
Rain Garden Mix	2	Sweet Black-Eyed Susan	<i>Rudbeckia subtomentosa</i>	Yes
	2	Smooth Penstemon	<i>Penstemon digitalis</i>	Yes
	2	Showy Goldenrod	<i>Solidago speciosa</i>	Yes
	2	Prairie Dropseed	<i>Sporobolus heterolepis</i>	Yes
	2	Prairie Onion	<i>Allium stellatum</i>	Yes
	2	Lance-leaf (sand) Coreopsis	<i>Coreopsis lanceolata</i>	Yes
	2	Wild Lupine	<i>Lupinus perennis</i>	Yes
	2	Pale Purple Coneflower	<i>Echinacea pallida</i>	Yes
	2	Purple Prairie Clover	<i>Sporobolus heterolepis</i>	Yes
	2	Boneset	<i>Eupatorium perfoliatum</i>	Yes
	2	Blue Vervain	<i>Verbena hastata</i>	Yes
	2	Brown Fox Sedge	<i>Carex vulpinoidea</i>	Yes
	2	Wild Columbine	<i>Aquilegia canadensis</i>	Yes
	2	Blue Wood Aster	<i>Aster cordiflorium</i>	Yes
	2	Tell Bellflower	<i>Campanula americana</i>	Yes
	2	Cardinal Flower	<i>Lobelia cordiflorium</i>	Yes
	2	Palm Sedge	<i>Campanula mericana</i>	Yes
	2	Mountain Mint	<i>Pycnanthemum (native species)</i>	Yes
	2	Downy Wood Mint	<i>Blephilia ciliata</i>	Yes

\*Wisconsin native plant species identified in this column shall be a minimum of 75% of all landscaping points and plantings provided.

Section 10.08.40: Classification of Plant Species

**Figure 10.08.40b: Sample Plant Species Appropriate for Specific Situations**

Classification	Landscaping Point Value Per Plant	Common Name	Scientific Name
Appropriate for Planting Under Power Lines	Medium Deciduous Tree	Serviceberry	<i>Amelanchier</i>
	Low Deciduous Tree	Flowering crabapple	<i>Malus spp.</i>
	Low Deciduous Tree	Japanese tree lilac	<i>Syringa reticulata</i>
Appropriate for Screening	Tall Deciduous Shrub	Dogwood (Grey or Pagoda)	<i>Cornus</i>
	Tall Evergreen Tree	Firs	<i>Abies spp.</i>
	Tall Evergreen Tree	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
	Tall Evergreen Trees	Spruces	<i>Picea spp.</i>
	Tall Evergreen Trees	Pines	<i>Pinus spp.</i>
	Tall Evergreen Tree	Douglas fir	<i>Pseudotsuga menziesii var. glauca</i>
	Tall Evergreen Tree	Eastern hemlock	<i>Tsuga canadensis</i>
Salt Tolerant	Medium Evergreen Tree	Arborvitae	<i>Thuja occidentalis</i>
	Shade Tree	Kentucky Coffee Tree	<i>Gymnocladus dioica</i>
	Shade Tree	Northern Red Oak	<i>Quercus rubra</i>
	Shade Tree	Swamp White Oak	<i>Quercus bicolor</i>
	Shade Tree	Honey Locust	<i>Gleditsia triacanthos</i>
	Shade Tree	White Oak	<i>Quercus alba</i>
	Tall Deciduous Tree	Ginkgos	<i>Ginkgo spp</i>
	Medium Deciduous Tree	Canadian Serviceberry	<i>Amelanchier canadensis</i>
	Low Deciduous Tree	Flowering Crabapples	<i>Malus spp</i>
	Tall Deciduous Shrub	Dogwood (Gray, Pagoda)	<i>Cornus spp</i>
	Tall Deciduous Shrub	Common Lilac	<i>Syringa vulgaris</i>
	Tall Deciduous Shrub	Viburnum	<i>Viburnum</i>
	Medium Deciduous Shrub	Black Chokeberry	<i>Aronia melanocarpa</i>
	Medium Deciduous Shrub	Forsythia	<i>Forsythia spp</i>
	Low Deciduous Tree	Japanese Tree Lilac	<i>Syringa reticulata</i>
	Low Deciduous Shrub	Potentilla	<i>Cinquefoils</i>
	Low Deciduous Shrub	Azalea	<i>Azalea spp</i>
	Low Deciduous Shrub	Snowberry	<i>Symphoricarpos</i>
	Tall Deciduous Shrub	Staghorn Sumac	<i>Rhus typhina</i>
Tall Deciduous Shrub	Mockorange	<i>Philadelphus</i>	
Medium Evergreen Shrub	Pfitzer Juniper	<i>Juniperus x pfitzeriana</i>	
Medium Evergreen Shrub	Yew (Japanese)	<i>Taxus spp</i>	
Low Evergreen Shrub	Boxwood	<i>Buxus spp</i>	

Section 10.08.40: Classification of Plant Species

**Figure 10.08.40c: Prohibited Species and Species to Use Selectively**

Classification	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use	
			Sparingly <sup>1</sup>	Reason
Shade Tree	Non-resistant elms	<i>Ulmus spp.</i>	Prohibited	Dutch Elm Disease
	Boxelder	<i>Acer negundo</i>	Prohibited	Spread quickly, self seed and sucker aggressively, attract bugs
	Freeman Maple	<i>Acer x freemanii</i>	Prohibited	Historically over-planted
	Norway Maples	<i>Acer platanoides</i>	Prohibited	Over-planted, dense, become weedy through self seeding
	Red Maples	<i>Acer rubrum</i>	Use Selectively	Not urban tolerant, prefer acidic soil
	Sugar Maples	<i>Acer saccharum</i>	Use Selectively	Not urban tolerant, best in open space settings
	Silver Maple	<i>Acer saccharinum</i>	Prohibited	Branches drop, become weedy through self seeding and aggressive root systems
Tall Deciduous Tree	Autumn Blaze Maple	<i>Acer x freemanni</i>	Prohibited	Historically over-planted
	Ash trees	<i>Fraxinus spp.</i>	Prohibited	Emerald Ash Borer
	Black Walnut	<i>Juglans nigra</i>	Prohibited	Root toxins limit other plant growth, drops messy tennis ball sized fruit
	Bradford pears	<i>Pyrus calleryana "bradford"</i>	Prohibited	Branches tend to break
	Cottonwood	<i>Populus deltoids, populus fremontii, or populus nigra</i>	Prohibited	Weak wood and aggressive root systems, seed litter
	Poplar	<i>Populus</i>	Prohibited	Aggressive root systems, short lived weedy nature
	Willow	<i>Salix</i>	Use Selectively	Weak wooded and prone to storm damage, aggressive roots
Medium Deciduous Tree	Ailanthus, Tree of Heaven	<i>Ailanthus altissima</i>	Prohibited	Invasive non-native
	European white birch	<i>Betula pendula</i>	Prohibited	Bronze Birch Borer
	White mulberry	<i>Morus alba</i>	Prohibited	Invasive non-native
Low Deciduous Tree	Purple Leaf Cherry Plum, Japanese Purple Plum	<i>Prunus cerasifera 'Atropurpurea'</i>	Use Selectively	Drops fruit
	Purple Sandcherry	<i>Prunus x cistena</i>	Use Selectively	Short-lived
	Russian Olive	<i>Elaeagnus angustifolia</i>	Prohibited	Drops fruit, invasive, non-native
Tall Deciduous Shrub	Buckthorns	<i>Rhamnus cathartica</i>	Prohibited	Invasive, non- native
	Autumn-olive	<i>Elaeagnus umbellata</i>	Prohibited	Invasive, non- native
	Multiflora rose	<i>Rosa multiflora</i>	Prohibited	Invasive, non- native
Medium Deciduous Shrub	Japanese spirea	<i>Spiraea japonica</i>	Prohibited	Invasive (re-seed)
	Burning bush	<i>Euonymus alatus</i>	Prohibited	Invasive, non- native
	Honeysuckle	<i>Lonicera spp.</i>	Prohibited	Invasive, non- native



Sections 10.08.41 to 10.08.49: Reserved

Classification	Common Name	Scientific Name	Prohibited <sup>2</sup> or Use Sparingly <sup>1</sup>	Reason
Low Deciduous Shrub	Japanese Barberry	<i>Berberis thunbergii</i>	Prohibited	Invasive
Tall Evergreen Tree	Austrian pine	<i>Pinus nigra</i>	Prohibited	Susceptibility to many diseases and pests

Notes:

<sup>1</sup>“Species to Use Sparingly” may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than 1 plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 Tall Deciduous Trees, no more than 1 of those 20 trees may be classified as a “Species to Use Sparingly.” The purpose of this provision is to encourage plant species diversity throughout the City.

<sup>2</sup>“Prohibited Species” shall not be included as part of any landscaping plan that is subject to City review per Section 10.10.43. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease. Also see the Wisconsin Department of Natural Resources Regulated Species list for all Prohibited and Restricted Species. Additional tree species that are not recommended, should be used sparingly, or should be selectively used by location have been added to this list beyond those listed in the source above.

<sup>3</sup>“Species to Use Selectively” should only be used in locations that meet the plant’s growing requirements, such as soil type, salt, pollution and other site impacts. These species should be used in locations that do not negatively impact surroundings.

**Sections 10.08.41 to 10.08.49: Reserved**

**Section 10.08.50: Standards for Rain Gardens and Bioswales**

(1) Definition.

- (a) Rain gardens can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.
- (b) Bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

(2) Requirements.

- (a) The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the City’s landscaping guidelines. Rain gardens and bioswales may count for 20 points for every 20 square feet for yard, building foundation, and/or paved area requirements, provided the following requirement is met.
  - 1. Rain gardens and bioswales shall count for no more than 100 total points of the required landscaping per site.
- (b) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on

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**Sections 10.08.51 to 10.08.59: Reserved**

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- the lot relative to hard-surfaced areas, downspouts, site topography, and drainage patterns; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials that will be used to line the rain garden or bioswale. The installation of a rain garden shall not change drainage patterns at the lot line. See the Wisconsin Department of Natural Resources Technical Standards for Rain Gardens for more information.
- (c) Installation shall not be proposed for any of the following areas of a site:
1. Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an under-drain and an impervious basin liner;
  2. Areas where the characteristics of the soil would not allow for the proper infiltration, as defined by the Wisconsin Department of Natural Resources, of water into the ground; or
  3. Areas where there are expected to be high levels of foot traffic, unless such areas are protected from foot traffic.
  4. Areas less than 5 feet from any building foundation with frost footings or pavement and less than 10 feet from any building foundation with a full basement.
- (d) The owner of the site shall record a maintenance agreement with the City if utilized for required stormwater management on the site. Specifically: kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale will be inspected on a bi-annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.
- (e) Bioswales and rain gardens shall be generously (and appropriately) vegetated with native plantings to qualify for landscaping points. If bioswales and rain gardens (or portions thereof) are lined with turf but do not include other vegetation, then they will not count toward meeting landscaping point requirements.
- (f) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications are submitted and approved by the City Engineer. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

**Sections 10.08.51 to 10.08.59: Reserved****Section 10.08.60: Installation Requirements**

- (1) Installation. Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property. Failure to comply with this requirement shall be subject to the fees and penalties in Sections 10.10.60 and 10.10.61.
- (2) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- (3) The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the City for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:
  - (a) Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm may be located toward the interior or exterior of the subject property and at least

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**Sections 10.08.61 to 10.08.99: Reserved**

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- 50 percent of the required landscaping points shall be located toward the exterior of the subject property.
- (b) A property owner may establish through a written agreement, recorded with the Register of Deeds that an abutting property owner agrees to provide on the immediately abutting portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property. Responsibility for maintenance of bufferyard landscaping shall be included as part of this agreement.
  - (c) Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the alteration of drainage patterns at the lot line and in the creation of a safety or visibility hazard. Plant material located on any berm shall be placed to facilitate water infiltration to maximize plant survival. A flat portion of the top of the berm shall be utilized for planting, if possible.
  - (d) The restrictions on types of plants listed in this Article shall apply.
- (4) Upon completion of the approved landscape improvements, a certification of compliance shall also be submitted by the owner or agent.
- (5) Maintenance.
- (a) The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section.
  - (b) The owner of the premises shall be responsible for the watering, maintenance, repair, and replacement of all landscaping, fences, and other landscape architectural features on the site. All planting beds shall be kept weed-free. Plant material which has died shall be replaced with equivalent vegetation within twelve months.

**Sections 10.08.61 to 10.08.99: Reserved****ARTICLE IX: RESERVED**

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## Section 10.10.01: Purpose

**ARTICLE X: ADMINISTRATION AND PROCEDURES****Section 10.10.01: Purpose**

The purpose of this Article is to establish responsibilities for the administration of this Chapter, and the enforcement procedures and penalties for non-compliance with the provisions of this Zoning Ordinance. The purpose of this Article is also to establish procedural requirements for zoning text amendments, zoning map amendments, and various development approvals under this Chapter, including but not limited to conditional use permits, temporary use permits, variances, certificates of occupancy, and site plan review and approval.

**Section 10.10.02: Exempt Activities**

The following activities do not require review or approval by the City under this Chapter.

- (1) Official public information installed by or at the direction of a governmental unit.
- (2) The maintenance or improvement of a public road, sidewalk, or railroad track within the boundaries of the right-of-way.
- (3) Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal, or construction on established rights-of-way of any sewer and water mains and laterals, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

**Sections 10.10.03 to 10.10.09: Reserved****Section 10.10.10: Zoning Administrator**

The Zoning Administrator is hereby designated as the administration and enforcement officer for the provisions of this Chapter. The general duty of the Zoning Administrator is to interpret and administer this Chapter. Examples of duties include:

- (1) Maintain records of this Chapter, including, but not limited to, all maps, amendments, conditional uses, temporary uses, site plans, planned developments, occupancy permits, variances, appeals, interpretations, and applications thereof.
- (2) Receive, review, analyze, and develop written reports on all applications for amendments to this Chapter, zoning map amendments, conditional use permits, temporary use permits, land use permits, site plans, special area design review, planned developments, interpretations, variances, appeals, violations and penalties, or other development matters.
- (3) Serve as staff to the Plan Commission, Zoning Board of Appeals, and other boards and commissions as assigned.
- (4) Issue land use permits when the requirements of the Chapter have been met, and make and maintain records thereof.
- (5) Coordinate official development review processes among government offices to the extent feasible.
- (6) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.
- (7) Conduct inspections to determine compliance with the terms of this Chapter and to take remedial action when required. Issue citations for the enforcement of this Chapter.
- (8) Make interpretations regarding the provisions of this Chapter per Section 10.10.50.

## Section 10.10.11: Plan Commission

**Section 10.10.11: Plan Commission**

- (1) The Plan Commission, together with its other statutory duties, shall make recommendations relating to the planning and development of the City to the Common Council, other public officials, and other interested organizations and residents. The Plan Commission is established in Section 2.06 of the City of Middleton Municipal Code.
- (2) General Duties and Responsibilities. The Plan Commission shall:
  - (a) Approve a recommended annual budget for the Plan Commission; when requested, review and comment on the budgets of agencies or functions that pertain to planning.
  - (b) Develop, adopt, and review the City Comprehensive Plan and elements thereof, including elements applicable to extraterritorial areas.
  - (c) Make reports and recommendations relative to the planning and development of the City and its environs to public officials and agencies; utility companies; civic, educational, professional, and other organizations; and residents and other community stakeholders.
  - (d) Receive referrals pursuant to Wis. Stats. § 62.23(5) and (6), or otherwise, and make reports upon the following matters: the location and architectural design of public buildings; the location of statues or memorials; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, parking areas, or memorials or public grounds; the location, extension, abandonment or authorization for any public utility; plats of land or certified survey maps within the City limits or within the extraterritorial plat review jurisdiction; location, character and extent of acquisition, leasing or sale of lands for public or semi-public housing, redevelopment, and the amendment or repeal of any zoning or official map ordinance. Referrals and reports under this section are in addition to zoning/design reviews under other provisions of the Zoning Ordinance.
  - (e) Additional Duties and Responsibilities. The Plan Commission shall have such powers under Wisconsin Statutes, or City Ordinances as may be necessary to enable it to perform its functions and promote municipal planning.
- (3) Except where they are the final step in the review process as established by this Chapter, the functions of the Plan Commission are recommendatory to the Common Council pursuant to guidelines set forth in this Chapter as to various matters, and always being mindful of the intent and purposes of this Chapter.
- (4) See Figure 10.10.20a for a summary of the Plan Commission's role in administering this Chapter.

**Section 10.10.12: Common Council**

- (1) The Common Council, the governing body of the City, subject to recommendations by the Plan Commission, has ultimate authority to adopt changes and amendments to this Zoning Ordinance and the Official Zoning Map and other functions as determined by this Chapter. The Common Council is established in Chapters 1 and 2 of the City of Middleton Municipal Code.
- (2) See Figure 10.10.20a for a summary of the Common Council's role in administering this Chapter.

Section 10.10.13: Zoning Board of Appeals

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**Section 10.10.13: Zoning Board of Appeals**

A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in the enforcement of this Chapter.

- (1) **Appointments, Terms, Rules, and Procedures.** The Zoning Board of Appeals shall be appointed and shall be governed as to terms, vacancies, removals, and as to rules and procedures by Wis. Stats. § 62.23(7)(e) and the provisions herein.
- (2) **Public Hearings.** The Zoning Board of Appeals shall conduct a public hearing on all administrative appeals, variances and other decision matters before it and shall cause a Class 1 Notice under Wis. Stats. Chapter 985 to be published and shall give due notice of the hearing to all parties in interest.
- (3) **Procedure and Record.** Any party may appear in person or by agent at such hearing. The Chair may administer oaths to parties testifying and may compel attendance of witnesses. All testimony before the Board by persons other than Board members and all documentary evidence or material pertaining to matters before the Board shall be received at hearings conducted by the Board, provided that the content of relevant ordinance or statutory materials shall be deemed to be before the Board in all cases and need not be entered into the record. All parties in interest shall be afforded reasonable opportunity to comment on all materials or information so received. Board members who are in possession of facts that may have a bearing on the matter before the Board shall enter the same into the record of the hearing and opportunity shall be allowed for comment on such entries.
- (4) **Deliberations and Decisions.** The Board shall deliberate on matters before it. The concurring vote of a majority of the members of the Board present shall be necessary to approve any appeal, variance, or other decision by the Board. The vote of each matter decided by the Board shall be recorded in the minutes. If a member is absent or if a member fails to vote, such facts shall similarly be recorded. The minutes of the Board shall show the Board's decisions and votes of members thereon. Each decision of the Board shall be accompanied by written reasons in support of the decision. All decisions shall be made in strict accordance with the standards of the Ordinance and the Board shall decide all matters before it within a reasonable time.
- (5) **Powers.** The Board of Appeals shall have the powers established in Wis. Stats. § 62.23(7)(e) Examples of such powers include:
  - (a) **Hear Appeals.** To hear and decide appeals where it is alleged there is an error in any order, ruling, requirement, decision, or determination made by the Zoning Administrator.
  - (b) **Authorize Variances.** To authorize upon appeal in specific cases such variance from the terms of this Chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured, and substantial justice done.
  - (c) **Extend Districts.** To permit the extension of a district where the boundary line of a district divides a lot held in single ownership at the time of adoption of this Chapter.
  - (d) **Interpret Ordinances.** Interpret the provisions of this Chapter in such a way as to carry out the intent and purpose of this Chapter as shown on the Official Zoning Map where the actual street layout on the ground varies from the street layout on the aforesaid map.
  - (e) **Vary Height and Area Regulations.** To vary height and area regulations where there is an exceptional or unusual physical condition of the lot, which condition is not generally prevalent in the neighborhood and which condition when related to the height and area regulations of this Chapter would present a reasonable or sensible arrangement of structures on the lot.

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**Sections 10.10.14 to 10.10.19: Reserved**

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- (f) Vary Parking Regulations. To vary the parking regulations where an applicant demonstrates conclusively that the specific use of a structure would make unnecessary the parking spaces required by this Chapter.
- (6) See Figure 10.10.20a for a summary of the role of the Zoning Board of Appeals in administering this Chapter.

**Sections 10.10.14 to 10.10.19: Reserved****Section 10.10.20: Review and Approval Required**

- (1) Review procedures vary depending on the type of request; however, procedures within this Article generally adhere to three common elements:
  - (a) Submittal of a complete application, including fee payment and appropriate supplemental information.
  - (b) Review by appropriate City staff and/or officials.
  - (c) Action by appropriate City officials or staff to approve, conditionally approve, or deny the request.
- (2) Figure 10.10.20a summarizes the procedures, agencies, and personnel involved in the various procedures authorized by this Chapter. Detailed zoning procedures are discussed in Section 10.10.30 through 10.10.53 of this Article. Figure 10.10.20a is provided as a convenience for the City and general public.



## Section 10.10.20: Review and Approval Required

**Figure 10.10.20a: Review and Approval Activities and Bodies**

Application Process	Staff	Plan Commission	Common Council	Zoning Board of Appeals
RE = Review and Evaluate, IP = Issues Permit, RR = Review and Recommend, PH = Public Hearing, PM = Public Meeting, A = Final Action				
Annexation (Wis. Stats. §66.0217)	RR		RE, A	
Appeal (§10.10.52)	RR			PH, RE, A
Building Permit	RE, IP	See Chapter 11 of the Municipal Code		
Certificate of Occupancy (§10.10.42)	RE, IP			
Conditional Use Permit (§10.10.32)	PM*, RR	RE, A		Appeal
Design Standard Variance (Article VII)	RR	RE, A		
Easement Acceptance/Release (Wis. Stats. §62.23)	RE, A		RE, A	
Floodplain Map Amendment (Chapter 24)	Refer to Chapter 24 of the Municipal Code			
Group and Large Development (§10.06.02)	PM*, RR	RE, A	Appeal	
Interpretation (§10.10.50)	RE, A			Appeal
Land Interest Transfer	RE, A			
Land Division-CSM/no new lot (Chapter 19)	RE, A			
Land Division-CSM/new lot (Chapter 19)	RR	RE, A		
Land Division-Preliminary Plat (Chapter 19)	RR	RR	RE, A	
Land Division-Final Plat (Chapter 19)	RR	RR	RE, A	
Official Map (§Wis. Stats. §62.23(6))	PM, RR	PH, RR	RE, A	
Planned Unit Development (§10.10.45)	PM*, RR	PH, RR	RE, A	
Planning Document/Plans	PM, RR	RR	RE, A	
Sign Permit	Refer to Chapter 22 of the Municipal Code			
Site Plan (§10.10.43)	RR, RE*, A*	RE, A		
Special Area Design Review (§10.10.43)		See Section 10.10.43		
Street Vacation/Discontinuance (Wis. Stats. §66.1003)	RR	RR	PH, RE, A	
Temporary Use (§10.03.30)	RE, IP			
Variance (§10.10.51)	RR			PH, RE, A
Violations and Penalties (§10.10.60)	RE, A			
Zoning Map Amendment (§10.10.30)	PM*, RR	PH, RR	RE, A	
Zoning Ordinance Amendment (§10.10.30)	RR	PH, RR	RE, A	
Zoning Permit (§10.10.41)	RE, IP			

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

*\* If determined to be necessary or appropriate by the Zoning Administrator.*

Section 10.10.21: Notice of Public Hearings

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**Section 10.10.21: Notice of Public Hearings**

In order to allow owners of property and other legitimately interested parties to have a fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

- (1) Notice of any public hearing which the Council, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of hearing, and the matter to be presented at the hearing.
- (2) The notice for variances shall be published as a Class 1 notice. The notice for zoning ordinance amendments, zoning map amendments, and conditional use permits shall be published as a Class 2 notice.
- (3) The notice of public hearing shall be published in a newspaper of general circulation in the City before the public hearing, as prescribed by Wis. Statutes or local ordinances.
- (4) Notice of the public hearing shall be mailed to the last known address of all parties-in-interest at least ten (10) days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of record of all lots or parcels adjacent extending 100 feet therefrom, or directly opposite thereto extending 100 feet from the street frontage of such; the owners of all lands included in the petition; and the owner or operator of an airport lying within 1 mile of lands included in the petition.
- (5) At least twenty-one (21) days prior to the date of the public hearing, the applicant shall cause a sign to be posted upon the property subject to the application in the form and manner of the signage described in Chapter 22: Sign Code.

**Section 10.10.22: Public Meetings**

- (1) For certain “more complicated” proposals, the Zoning Administrator has the discretion to require a public meeting. Such meetings shall provide an opportunity for interested parties to examine the proposal and allows the applicant to provide a thorough explanation of the proposal, answer questions from the public and City, and potentially amend the proposal based on public input.
- (2) Where a public meeting is required, within 90 days of filing of a complete application, the applicant shall hold a public meeting to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The City shall supply a list of property owners to the applicant upon request.
  - (a) The public meeting shall be held at a time and location that an average member of the public can reasonably attend, as determined by the Zoning Administrator.
  - (b) The Zoning Administrator shall be notified of and invited to the public meeting in order to assist the applicant and public on the topic.
  - (c) The public meeting shall be noticed in a manner consistent with City requirements.
  - (d) Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the City.
  - (e) The public meeting shall be held prior to review and action by the Plan Commission.
  - (f) Alternative to a Public Meeting. Instead of a public meeting, notification by mail introducing and informing property owners within 100 feet of the subject property of the proposal may substitute for a public meeting, if deemed appropriate by the Zoning Administrator.

**Section 10.10.23 to 10.10.29: Reserved**

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**Section 10.10.30: Zoning Ordinance or Zoning Map Amendment**

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**Section 10.10.30: Zoning Ordinance or Zoning Map Amendment**

- (1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the provisions of this Chapter or the Official Zoning Map. Refer also to the requirements of Wis. Stats. § 62.23(7)(d).
- (2) Initiation of Request for Amendment. Proceedings for an amendment of this Chapter or the Official Zoning Map may be initiated by one of the following methods:
  - (a) An application by any member of the general public (only applicable to amendments of this Chapter).
  - (b) An application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property (only applicable to amendments of the Official Zoning Map).
  - (c) A recommendation by the Plan Commission to the Common Council.
  - (d) Action of the Common Council.
  - (e) A recommendation by City staff.
- (3) Application Requirements.
  - (a) An application to amend the regulations of this Zoning Ordinance shall contain the following (digital files should be submitted whenever possible, if applicable):
    1. The Section(s) of the current provisions of this Chapter which are proposed to be amended.
    2. The text which is proposed to replace the current text.
    3. Written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the Comprehensive Plan.
    4. Any further information needed to facilitate appropriate review and generation of a report to the Plan Commission and Common Council.
  - (b) An application to amend the Official Zoning Map shall also contain the following (digital files should be submitted whenever possible, if applicable):
    1. A map of the subject property to scale depicting:
      - a. All lands for which the zoning is proposed to be amended and all other lands within 100 feet of the boundaries of the subject property.
      - b. All parcels numbers for the subject property.
      - c. Current zoning of the subject property and its environs within 100 feet of the subject property, and the jurisdiction(s) which maintains that control.
      - d. All lot dimensions of the subject property.
      - e. A graphic scale and north arrow.
    2. Legal description of the property.
    3. Written justification for the proposed Official Zoning Map amendment, including evidence that the application is consistent with the Comprehensive Plan.
    4. Traffic Impact Analysis. The City may require that a traffic impact analysis (TIA) be completed in accordance with Section 10.06.03(15)(c).
    5. Any further information needed by the Plan Commission, such as the potential need for a study to verify water and sewer infrastructure capacities, to facilitate the making of a comprehensive report to the Plan Commission and Common Council.

Section 10.10.30: Zoning Ordinance or Zoning Map Amendment

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- (4) Review by the Zoning Administrator.
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant and the application will not be forwarded.
- (b) The Zoning Administrator shall review the complete application and evaluate whether the proposed amendment:
1. Advances the purposes of this Chapter as outlined in Section 10.01.03 and the applicable rules of Wisconsin Department of Administration.
  2. Advances the purposes of the general Article and specific Section in which the amendment is proposed to be located.
  3. Complies with the Comprehensive Plan.
  4. Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
  5. Addresses any of the following factors that may not be addressed in the current zoning text:
    - a. A change in the land market, or other factors which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
    - b. New methods of development or types of infrastructure.
    - c. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
    - d. Any other factor deemed appropriate by the City.
  6. Addresses any of the following factors that are not properly addressed on the current Official Zoning Map:
    - a. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan.
    - b. A mapping mistake was made, including the omission on the Official Zoning Map of an approved zoning map amendment.
    - c. Factors have changed (such as new data, infrastructure, market conditions, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
    - d. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.
- (c) The Zoning Administrator shall prepare a written report addressing items in Subsection (4)(b), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (5) Public Meeting. If proposed amendment to the Official Zoning Map is expected to have significant impact on other properties, the Zoning Administrator, may require a public meeting in compliance with Section 10.10.22.
- (6) Public Hearing. Within 90 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 10.10.21 to consider the request. A public hearing may be held more than 90 days from the filing of the complete application when requested by the applicant in writing.
- (7) Review and Recommendation by the Plan Commission.



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**Section 10.10.31: Reserved**

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- (a) Within 60 days after the public hearing, the Plan Commission shall make its recommendations regarding the application. Said recommendation shall include issuance of formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsection (4)(b), above, and whether the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
  - (b) If the Plan Commission fails to make a recommendation within 60 days of the public hearing, the Common Council may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or actions of the Common Council. If a public hearing is necessary, the Common Council shall provide notice in compliance with the requirements of Section 10.10.21.
  - (c) If, prior to or at the public hearing for a proposed amendment to the Official Zoning Map, a petition signed by owners of 20 percent or more of the area of land immediately adjacent extending 100 feet therefrom, or owners of 20 percent or more of the area of land directly opposite thereto extending 100 feet from the street frontage of such opposite land file a petition with the Plan Commission or Zoning Administrator objecting to the petition, in the event the Plan Commission recommends approval of the petition, a second public hearing shall be held before the Common Council prior to taking action on the petition.
- (8) Review and Action by the Common Council.
- (a) The Common Council shall consider the recommendation of the Plan Commission regarding the proposed amendment. The Common Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.
  - (b) The Common Council may refer the matter back to the Plan Commission. In such cases, the Common Council shall specify the issue(s) to be addressed in further detail.
  - (c) The Common Council may take final action (by ordinance) on the application at the time of its initial meeting, or may continue the proceedings by its own decision or the applicant's request. The Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment.
  - (d) If the Common Council wishes to make significant changes to the proposed amendment, as recommended by the Plan Commission, the procedure set forth in Wis. Stats. § 62.23(7)(d) shall be followed prior to Common Council action.
- (9) Effect of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material changes of circumstances.

**Section 10.10.31: Reserved****Section 10.10.32: Conditional Use Permit Procedures**

- (1) Purpose. The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- (2) Applicability. There are certain uses, which because of their unique characteristics, may have specific standards, regulations, or conditions established.
- (3) Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) or authorized agent of the owner(s) of the subject property.

## Section 10.10.32: Conditional Use Permit Procedures

- (4) Application. An application for a conditional use permit should contain the following (digital files should be submitted whenever possible, if applicable):
- (a) A map of the subject property to scale depicting:
    - 1. All lands for which the conditional use is proposed and all other lands within 100 feet of the boundaries of the subject property.
    - 2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
    - 3. All lot dimensions of the subject property.
    - 4. A graphic scale and a north arrow.
  - (b) Written description of the proposed conditional use including the type of activities, buildings, structures, and off-street parking proposed for the subject property and their general locations, as well as the number of employees and the hours of operation.
  - (c) A site plan of the subject property if proposed for development conforming to all requirements of Section 10.10.43. If the proposed conditional use is a group or large development (per Section 10.06.02), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required per Section 10.10.43.
  - (d) Written justification for the proposed conditional use demonstrating evidence that the application conforms to the findings described in Subsection (8), is consistent with the Comprehensive Plan, and meets any additional standards required in the applicable zoning district.
  - (e) Anticipated daily traffic, types and weights of vehicles, and any provisions, intersection or road improvements or other measures proposed to accommodate increased traffic.
    - 1. A Traffic Impact Analysis (TIA). The City may require that a traffic impact analysis (TIA) be completed in accordance with Section 10.06.03(15)(c).
  - (f) Utilities, access roads, drainage, internal circulation improvements for pedestrians, bicyclists, public transit and vehicles, parking supply (in cases with minimum parking requirements) and other necessary site improvements that have been or are being provided.
  - (g) Compliance with stormwater and erosion control standards.
  - (h) Anticipated noise, odors, dust, soot, runoff, pollution, exterior storage, vibration, glare, or lighting, and measures taken to mitigate impacts to neighboring properties. Refer to Article VI for all performance standards.
  - (i) A listing of hazardous, toxic, or explosive materials stored on site, and any spill containment, safety, or pollution prevention measures taken.
  - (j) Any further information needed by the Plan Commission, such as the potential need for a study to verify water and sewer infrastructure capacities, to facilitate the making of a comprehensive report to the Plan Commission.
  - (k) Written description of how the proposed conditional use and all requirements established by the City relating to the conditional use are or shall be satisfied.
- (5) Review by Zoning Administrator.
- (a) The Zoning Administrator shall determine whether the application is complete. If the application is determined to be incomplete, the Zoning Administrator shall return the application to the applicant for submission of a complete application.
  - (b) The Zoning Administrator may coordinate review with other City Departments.

Section 10.10.32: Conditional Use Permit Procedures

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- (c) The Zoning Administrator shall review the complete application and evaluate the proposed conditional use against the findings listed in Subsection (8), below.
  - (d) The Zoning Administrator shall prepare a written report addressing the items under Subsection (8), below, to be forwarded to the Plan Commission for the Commission's review. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (6) Public Hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 10.10.21 to consider the request. A public hearing may be held more than 45 days from the filing of the complete application when requested by the applicant in writing.
- (a) Statements of personal preferences or speculation not based on substantial evidence (see definition in Section 10.01.23) shall be disregarded by the Plan Commission.
  - (b) Standards for testimony during a Public Hearing. All Public Hearing standards and procedures shall be followed in accordance with 1.-4., below.
    - 1. City staff presents the application and related documents into the record.
      - a. Plan Commission members ask questions of staff.
    - 2. The applicant or representative provides a statement or presentation.
      - a. Plan Commission members and attendees ask questions of the applicant.
    - 3. Attendees provide testimony, if desired.
      - a. Plan Commission members and applicant ask questions of the attendees providing testimony.
    - 4. Applicant may offer a rebuttal to the attendee's testimony.
- (7) Review and Action by the Plan Commission.
- (a) The Plan Commission may request further information and/or additional reports from the Zoning Administrator, applicant, and/or from any other source.
    - 1. Third Party Consultation. If necessary, expertise is not available from City Staff, public academic institutions, or from appropriate regional, state, or federal agencies, the Plan Commission may consult with a third party to effectively evaluate a conditional use permit application. The Zoning Administrator, or his/her designee, will select the consultant. The applicant for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees.
  - (b) Final Action on Conditional Use Permits.
    - 1. The Plan Commission shall hear all substantial evidence per Subsection (6) above.
    - 2. Following the public hearing, staff shall compile all materials presented to be documented in a Report of Preliminary Recommended Findings. The report shall contain, at a minimum, all substantial evidence presented in the public hearing, the recommended findings, and the recommended motion to either approve the use as originally proposed, approve the proposed conditional use with modifications and/or conditions, or deny approval of the proposed conditional use.
    - 3. In the same or a subsequent meeting, the Plan Commission shall discuss The Report of Preliminary Recommended Findings and any conditions or changes with the applicant. At

## Section 10.10.32: Conditional Use Permit Procedures

that time, the Plan Commission may take final action by resolution on the application to either approve the conditional use as originally proposed, approve the proposed conditional use with modifications and/or conditions, or deny approval of the proposed conditional use. See Subsection (7)(b)8. below.

4. The City's decision to approve or deny the permit shall be supported by substantial evidence. Any condition imposed by the City shall be related to the purpose of the ordinance and be based on substantial evidence as defined in Wis. Stats. § 62.23(7)(de)1.b.
  5. The conditions described under Subsection (9), shall be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal.
  6. The applicant shall demonstrate whether the application and all requirements and conditions established by the City relating to the conditional use are or will be satisfied, both of which shall be supported by substantial evidence.
    - a. All other statements pertaining to the review of the Condition Use Permit shall be based on substantial evidence.
  7. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Title or those imposed by the Plan Commission, the City shall grant the conditional use permit.
  8. Final action by the Plan Commission shall consist of all of the following:
    - a. The formal finding of facts related to the findings listed in Subsection (8), below, approved by the Plan Commission concerning the request.
    - b. Description(s) of the substantial evidence that supports the Plan Commission's overall decision to approve, approve with conditions, or deny the request.
    - c. Description(s) of the substantial evidence that supports all of the condition(s) imposed by the City.
    - d. The City shall document these proceedings by any of the following means: written minutes, video or audio recordings, or written reports.
- (8) Findings. In reviewing and taking final action on a proposed conditional use permit, the Plan Commission shall consider whether the proposed conditional use:
- (a) Is in harmony with the Comprehensive Plan.
  - (b) Would result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.
  - (c) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
  - (d) The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public or private agencies serving the subject property.
  - (e) The potential public benefits outweigh any potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
- (9) Conditions. The Plan Commission shall impose, at a minimum, the following conditions on any conditional use permit:



## Section 10.10.32: Conditional Use Permit Procedures

- (a) Any conditions required for specific uses listed under Article III.
- (b) The physical development and operation of the conditional use shall conform, in all respects, to the approved site plan, operational plan and phasing plan.
- (c) All vehicles and equipment shall access the site only at approved locations identified in the site plan and operations plan.
- (d) If the County Highway Department, City Public Works Department, or City Engineer determines that road intersection improvements and any recommended improvements of a Traffic Impact Analysis report (see Section 10.06.03(15)(c)) are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner.
- (e) If the Public Works Department or City Engineer determine that off-site improvements to the sanitary sewer, storm sewer, and/or water infrastructure are necessary to accommodate the conditional use, the cost of such improvements shall be borne by the landowner.
- (f) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- (g) The owner shall post, in a prominent public place and in a form approved by the Zoning Administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the City.
  - 1. The owner or operator shall keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
  - 2. Failure to comply with any imposed conditions, or to pay reasonable city costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- (h) Other Conditions. In addition to the conditions listed above, the Plan Commission may, at their discretion, impose any other conditions as necessary to meet the findings above:
  - 1. Expiration dates on conditional use permits, except for permits for communication towers under Section 10.03.20. Continuation or extension of an expired conditional use requires re-application and approval by the Plan Commission.
  - 2. Limits on hours or days of operation, or number of events each year.
  - 3. Limits on numbers of employees.
  - 4. Limits on numbers of total people, vehicles or animals on the premises at any one time.
  - 5. Limits on total quantity or volume of product on the premises at any one time.
  - 6. Limits on square footage of buildings or outdoor areas devoted to the proposed use.
- (10) Limited Effect of Approval. A ruling by the Plan Commission finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for the period of time for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more per section (15) of this Chapter.
  - (a) If the Plan Commission wishes to approve significant changes to the proposed conditional use, then the procedure set forth in Wis. Stats. § 62.23(7)(d) shall be followed prior to Plan Commission action.

## Section 10.10.32: Conditional Use Permit Procedures

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- (11) Effects of Denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances.
- (12) Appeals of a Plan Commission Decision shall be appealed to the Zoning Board of Appeals.
- (a) Initiation of Request for Appeal. Proceedings for an appeal to the Zoning Board of Appeals of a Plan Commission denial of a conditional use permit, modification of a conditional use permit, or conditions added to a conditional use permit may be initiated by any person or by any officer, department, or board of the City affected by said Plan Commission decision.
- (b) Enforcement Actions. All enforcement actions related to the subject property shall be held in abeyance upon appeal action of the Zoning Board of Appeals.
- (c) Time Limit for Filing an Appeal. Any appeal to the Zoning Board of Appeals under the provisions of this Section shall be made per the requirements of Subsection (12)(d), below, within a period not exceeding 45 days from the date of issuance of Plan Commission's decision regarding the conditional use permit. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal the Plan Commission's decision.
- (d) Application Requirements. An application for an appeal of a Plan Commission decision shall contain the following (digital files should be submitted whenever possible):
1. A written statement from the applicant indicating the reasons why an appeal is justified, with specific reference to the findings of the Plan Commission. This statement shall be dated and signed by the applicant.
  2. All information that was supplied in the complete application described in Subsection (4), above.
  3. Application filed with the City Clerk.
- (e) Review by the Zoning Administrator.
1. The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Title. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  2. The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant.
  3. The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Title or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (f) Review and Action by the Zoning Board of Appeals.
1. Within 60 days after the filing of the appeal, the Zoning Board of Appeals shall make its findings. Such findings shall be based on the findings of Subsection (8), above, and shall be based on substantial evidence. The Zoning Board of Appeals may request further information and/or additional reports from the Plan Commission, Zoning Administrator, the applicant, and/or any other entity as it sees fit.
  2. If the Zoning Board of Appeals fails to make a determination within 60 days after the appeal, then the request for the appeal shall be deemed denied.
- (g) Effects of Denial. No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on

Section 10.10.32: Conditional Use Permit Procedures

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- grounds of new evidence or material change of circumstances. Denial decisions may be appealed to the circuit court under Wis. Stats. § 62.23(7)(e)10.
- (h) Limited Effect on a Favorable Ruling on an Appeal.
1. No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development commenced within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
  2. A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more per section (15) of this Chapter. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this 365 day period of time.
- (13) Revocation of an Approved Conditional Use.
- (a) Upon approval, the applicant shall demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 10.10.43. Once a conditional use is granted, no erosion control permit, site plan, certificate of occupancy, or building permit shall be issued for any development which does not comply with all requirements of this Title.
  - (b) Any conditional use found not to be in compliance with the terms of this shall be considered in violation of this Title and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (4) through (9), above. The City shall provide the property owner with appropriately served notice to consider revocation. City staff shall provide written findings of fact in relation to the factors listed in Subsection (8).
- (14) Time Limits on the Development of Conditional Use.
- (a) Unless extended as a condition of approval, the start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval. For the purposes of this Section, “operational” shall be defined as the granting of a certificate of occupancy for the conditional use.
  - (b) Failure to initiate development within this period shall automatically constitute a revocation of the conditional use.
  - (c) Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Zoning Administrator and shall be based upon a showing of acceptable justification, as determined by the Plan Commission. However, as a condition of approval, the 365-day and/or 730-day time limits may be extended for any specific period to accommodate phased or multi-stage development.
- (15) Discontinuing an Approved Conditional Use. Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

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**Sections 10.10.33 to 10.10.40: Reserved**

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- (16) **Change of Ownership.** All requirements and conditions of the approved regular conditional use shall be continued regardless of ownership of the subject property.
- (17) **Modification, Alteration, or Expansion.** Modification, alteration, or expansion of any conditional use without approval per the process in this subsection shall be considered in violation of this Title and shall be grounds for revocation of said conditional use approval in accordance with Subsection (13), above.
- (18) **Recording of Conditional Use Requirements.** A certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the Register of Deeds for the subject property. The City shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
- (19) **Formerly Approved Conditional Uses.** A use now regulated as a conditional use which was approved as a permitted land use, either permitted by right or as a conditional use, prior to the effective date of this Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under this Section.

**Sections 10.10.33 to 10.10.40: Reserved****Section 10.10.41: Zoning Permit Review and Approval Procedures**

- (1) **Purpose.** The purpose of this Section is to determine compliance with this Chapter for any new land use, any change in land use, and any development or land disturbing activity (e.g., structure, paving, grading). The purpose of this Section is also to determine if other procedures are needed per the requirements of this Article. A Zoning Permit may be waived if other application processes are necessary, including some instances of building permits, site plans, and conditional use permits.
- (2) **Applicability.** A Zoning Permit shall be required for any of the following activities:
  - (a) The establishment of a new use of a structure or land.
  - (b) A change in type of use of a structure or land.
  - (c) A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units (including accessory dwelling units) in a structure or on land.
  - (d) Commencement of mining or excavation on a parcel of land.
- (3) **Application.** Applications for a Zoning Permit shall contain all of the following, if applicable (digital files should be submitted whenever possible):
  - (a) Name and address of the applicant, owner of the site, architect, engineer, and contractor.
  - (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds.
  - (c) Address of the subject site.
  - (d) Type of existing and proposed structure(s).
  - (e) Existing and proposed operation or use of the structure or site.
  - (f) Submittal of a site plan in accordance with Section 10.10.43 if there is to be any grading within 5 feet of a lot line.
  - (g) Number of employees.



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**Section 10.10.42: Certificate of Occupancy**

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- (h) Zoning district within which the subject site lies.
- (i) Additional information as may be required by the City Engineer or Zoning Administrator.
- (4) Action by Zoning Administrator. A Zoning Permit shall be granted or denied by the Zoning Administrator, in writing within 30 days of the application, and the applicant shall post such permit in a conspicuous place at the site. Any permit issued in conflict with the provisions of the Chapter shall be null and void.
- (5) Time Limits on Zoning Permits. The work shall begin within 365 days of approval and be completed within 730 days. Time limits for Conditional Use Permits and Variances may be established at the time of approval. All other permits shall meet the timelines required at the time of issuance as listed elsewhere in this Chapter.

**Section 10.10.42: Certificate of Occupancy**

- (1) See Chapter 11 of the City of Middleton Municipal Code for Certificate of Occupancy procedures and administration.

**Section 10.10.43: Site Plan Review and Approval Procedures**

- (1) Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land uses and development activity complies with the requirements of this Chapter.
- (2) Site restrictions.
  - (a) Establishment of grades. Every building hereafter erected, structurally altered, or relocated shall be at a grade demonstrated by the applicant to be in satisfactory relationship with the established grades, or with the existing street grades where none are established, with particular consideration for proper drainage and safe access.
  - (b) Preservation of topography.
    - 1. In order to protect any property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would:
      - a. Alter the existing drainage or topography in any way as to adversely affect the adjoining property.
      - b. Except as authorized by City staff, the topography within five feet of any property line at the commencement of any development shall remain unchanged.
        - i. When land disturbing activities associated with development occur within five feet of any property line, finished grades in that area shall be restored to the topography in existence before the land disturbing activity began. A positive slope of one half inch per one foot horizontal within five feet of the property line is allowed to provide proper drainage away from a one or two family residence.
        - ii. The established grade of the adjoining property shall determine the finished grade at the property line for any development. The owner of the property under development bears the burden of proof as to the established grade at the property line and the topography within five feet of the property line.

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**Section 10.10.43: Site Plan Review and Approval Procedures**

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- iii. The City Engineer shall be consulted prior to the approval of plans that result in changes to the existing topography at and within five feet of any property line if that plan would promote the purposes of this Chapter.
  - (c) Unsuitable land. No land shall be used for structures erected where the land is held by the Plan Commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence at a Plan Commission meeting contesting such unsuitability if the applicant so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.
  - (d) Lot regulations.
    1. All lots shall abut upon a public street, and each lot shall have a minimum frontage and area as set forth in Article II.
    2. All principal structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot, except for any situation in accordance with the Group Development Section 10.06.02.
  - (e) Private sewer and water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Wis. Admin. Code §Ch. COMM 83.
- (3) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (5)(c) through (i), below, including redevelopment, expansion, and new nonresidential development, and residential development containing 3 or more units, except for the following:
- (a) Residential accessory buildings, decks, and landscape features that do not affect site drainage patterns.
  - (b) Fences.
  - (c) Uses within a Specific Implementation Plan in a Planned Development in accordance with the procedures of Section 10.10.45, provided that the Specific Implementation Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
- (4) Pre-Application Conference. Prior to formal submittal of a site plan application, the applicant shall confer with the Zoning Administrator, in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.
- (5) Application. A site plan application may be considered complete if it contains all of the requirements of Subsections (a) through (i), below, unless specific application requirements are waived in writing by the Zoning Administrator. Maps depicting the following information shall be prepared (digital files should be submitted whenever possible, if applicable).
- (a) Written description of the intended project describing in reasonable detail the following:
    1. Name and complete contact information for the applicant, landowner, developer, and project engineer or planner.
    2. Development title.

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**Section 10.10.43: Site Plan Review and Approval Procedures**

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3. Legal description and tax parcel identification number of the subject property.
  4. Existing zoning district(s) and proposed zoning district(s), if different.
  5. Existing and proposed land uses.
  6. Projected number of residents, employees, and/or daily customers.
  7. Proposed number of dwelling units and density.
  8. Demonstration of compliance with the applicable standards and requirements of this Chapter.
  9. Demonstration of compliance with the City's land dedication or fee in lieu of land dedication requirements of City of Middleton Ordinance Fee Schedule
  10. Fencing materials (Section 10.06.40).
  11. Any other information pertinent to adequate understanding of the intended use and its relation to nearby properties.
- (b) A location map showing the subject property and illustrating its relationship to the nearest street intersection.
- (c) Pre-Development Site Information. A map to scale shall depict the following information:
1. The signature of the surveyor, engineer, or architect responsible for site plan preparation along with revision dates.
  2. Location of all existing structures within 50 feet of the property boundaries.
  3. Existing property lines and setback lines.
  4. Existing structures and paved areas.
  5. Existing right-of-way lines with bearings and dimensions clearly labeled, including names of adjacent or surrounding streets.
  6. Existing easements and utilities.
  7. Existing and proposed topography with a maximum contour interval of 2 feet, except where existing ground is on a slope of less than 2 percent where 1 foot contours shall be shown.
  8. Existing on-site soil classification.
  9. The outer edges of all natural resource areas (i.e. floodplains, shorelands, wetlands, wetland buffers, environmental corridors, drainageways, woodlands, steep slopes).
- (d) Proposed Post-Development Site Information. A map to scale shall depict the following information:
1. Property lines and setback lines.
  2. Location of all proposed structures and use areas, including but not limited to paved areas, building entrances, walks, drives, decks, patios, fences, utility poles, and drainage facilities.
  3. Proposed right-of-way lines with bearings and dimensions clearly labeled.
  4. Proposed access points onto public streets and access drives on the subject property, including driveway widths with flares on driveway aprons to public streets.
  5. Location of any existing and proposed sidewalks with grade elevations.
  6. Location and dimension of all on-site parking (and off-site provisions if they are to be employed), including a summary of the number of parking stalls provided.
  7. Location of all proposed parking and traffic circulation areas, including any proposed or existing stop signs in private driveways.
  8. Location and configuration of all visibility triangles proposed on the subject property.

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**Section 10.10.43: Site Plan Review and Approval Procedures**

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9. Location and dimension of all loading and service areas on the subject property.
  10. Location of all outdoor storage areas and the design of all screening devices.
  11. Location of all rooftop, wall-mounted, and ground-mounted mechanical equipment, and the design of all screening devices.
  12. Location and type of all stormwater facilities and management approach to be employed and a copy of the proposed maintenance agreement. See Chapters 19 and 26 of the City of Middleton Municipal Code.
  13. Location of snow storage areas, except for single family and two family residential.
  14. Proposed easement lines and dimensions with a key provided and explained as to ownership and purpose. Easement documents governing public access or cross access should be provided for review.
  15. Location and size of all gas, electric, cable, water, storm and sanitary utilities serving the parcel.
  16. Location, type, height, size, and lighting of all signage on the subject property.
  17. In the legend, include the following data for the subject property: lot area, flood area, impervious surface area, impervious surface ratio, and building heights.
- (e) Detailed Landscaping Plan. If required, a landscape plan depicting the location, type, and size at time of planting and maturity of all landscaping features as required in Section 10.08.20.
- (f) Grading and Erosion Control Plan. Scaled drawing depicting existing and proposed grades, including retention walls and related devices, and erosion control measures. Written erosion control plan indicating pre-site disturbance elements, maintenance and inspection timing of same during construction, provisions for temporary stabilization during construction and final stabilization plan. See Chapter 26 and 28 of the City of Middleton Municipal Code for requirements.
- (g) Elevation Drawings. Elevation drawings shall be to scale and shall include the following information:
1. Elevations of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment and all rooftop, wall-mounted, and ground-mounted mechanical equipment.
  2. Depict exterior materials, texture, color, and overall appearance.
  3. Perspective renderings of the proposed project and/or photos of similar structures may also be submitted, but not in lieu of drawings showing the actual intended appearance of the building(s).
- (h) Photometric Plan. The photometric plan shall be to scale and shall include the following information:
1. Location, type, height, design, illumination power, and orientation of all exterior lighting on the subject property.
  2. Impact of lighting across the entire property to the property lines rounding to the nearest 0.10 foot candles.
- (i) Operational Plan.
1. Describe the proposed hours of operation and traffic generation.
  2. Procedures for snow removal, except for single and two family residential.
- (6) Review and Approval.



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**Section 10.10.44: Special Area Design Review**

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- (a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (b) The Zoning Administrator or designee shall coordinate review of completed applications with City Departments.
  - (c) The Zoning Administrator shall review and recommend the site plan to the Plan Commission. For any adjustment to an approved Site Plan, see Subsection (7), below.
- (7) Adjustments to Approved Site Plans.
- (a) The following adjustments may be approved administratively by City staff and no additional process is necessary:
    - 1. A proposed adjustment that would add to or relocate amenity site elements which are not required such as additional non-required landscaping.
    - 2. A proposed adjustment that would erase approved site development components which are not required such as a building, a portion of a building, an area of non-required landscaping, or a non-required paved area.
  - (b) The following adjustments that alter the required components of the approved site plan require a full site plan review process before the Plan Commission:
    - 1. A proposed adjustment that would erase and/or relocate approved site development components which are required such as a stormwater management feature, required landscaping, or required paved areas.
    - 2. A proposed adjustment that would expand and/or add any areas of development (building or paving) similar to the definition of Design Alteration Review or Project Review (Section 10.10.44(2)).
  - (c) If a new site plan is required, and the site plan is a required component of a Conditional Use Permit or a Specific Implementation Plan, an amended (in essence, a new) Conditional Use Permit or Specific Implementation Plan is required.
  - (d) If the proposed development involves adding one or more land use categories which are not permitted by right in the zoning district or under the list of permitted by right uses in a Conditional Use Permit or General Development Plan, a new Conditional Use Permit or General Development Plan is required.

**Section 10.10.44: Special Area Design Review**

- (1) Purpose and Scope. The design standards of this Chapter are intended to preserve and enhance the aesthetic qualities (historical and visual) of the community and attain a consistent visually pleasing image for the City. Special Area Design Review is designed to enhance both aesthetic and economic objectives of the City by controlling the site design and exterior appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure the long-term progress and broad participation toward these principles.
- (2) Procedure for Review and Approval. There are three categories of review: Renovation Review, Design Alteration Review, and Project Review. These procedures do not apply to any modifications to the interior of a building or structure. See Figure 10.10.44a below for a summary of the processes.

Section 10.10.44: Special Area Design Review

**Figure 10.10.44a: Process for Special Area Design Review**

Procedure	Type of Proposal		
	Renovation <sup>1</sup>	Design <sup>2</sup>	Project <sup>3</sup>
1. Consultation with Zoning Administrator, to confirm type of proposal	Yes	Yes	Yes
2. Submit Proposed and Existing Building Elevations	No	Yes	Yes
3. Submit Site Plan Application	No	No	Yes
4. Submit Conditional Use Permit Application	No	No	Yes
5. Review and action by Zoning Administrator	No	Yes	Yes
6. Review and action by Plan Commission	No	Maybe	Yes

KEY: **Yes** = Step is required. **No** = Step is not required. **Maybe** = Step may be required at the discretion of the Zoning Administrator.

<sup>1</sup>Only a replacement to or maintenance of the exterior of a property.

<sup>2</sup>Only a change in the appearance of a property.

<sup>3</sup>Modification to the physical configuration of a property, i.e. new building, addition, or demolition

- (a) **Renovation Review.** Applications which involve only a renovation of the exterior appearance of a property (such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, are considered a Renovation Review and may proceed with the project; no additional processes are required other than a building permit.
- (b) **Design Alteration Review.** Applications which involve a change only in the exterior appearance of a nonresidential or multi-family property (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are considered Design Alteration Review and are subject to review and approval by the Zoning Administrator.
  - 1. Procedure. Design Alteration Review proposals are subject to the following procedures:
    - a. The Zoning Administrator shall determine whether the Design Alteration Review application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator, shall notify the applicant.
    - b. The Zoning Administrator shall coordinate review with the City’s Departments.
    - c. The Zoning Administrator shall review and approve or deny the application.
  - 2. Application requirements. In addition to the application requirements for site plan review, all applications for Design Alteration Review shall be made to the Zoning Administrator, and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:
    - a. A depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
    - b. A depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or

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**Section 10.10.44: Special Area Design Review**

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detailed building elevations which are proposed for alteration or replacement may be required by the City.

- c. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.
  - d. Written justification for the proposed alteration consisting of the reasons why the applicant believes the requested alteration is in harmony with the building design standards of the Downtown Historic Mixed-Use Zoning District (Section 10.07.50), if applicable.
3. At his/her discretion, the Zoning Administrator, may forward the Design Alteration Review application to the Plan Commission for review and final determination.
- (c) **Project Review.** Applications which involve modification to the physical configuration of a property (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to Project Review by the Zoning Administrator, and the Plan Commission. The Zoning Administrator shall serve as the liaison between the applicant and the Plan Commission in facilitating the review of an application and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Plan Commission shall serve as the final discretionary review body on aesthetics, building design, and site design, and shall focus its review on the application's compliance with sound aesthetic, land use, site design and economic revitalization practices. In part, this effort shall be guided by the Comprehensive Plan and other area plans.
1. Procedure. Project review proposals shall follow procedures for Site Plan Review per Section 10.10.43.
  2. Application requirements. In addition to the application requirements for conditional use permits, all applications for Project Review shall be made to the Zoning Administrator, and shall be accompanied by the building permit application, and, in addition, shall be accompanied by all of the following, unless specifically waived in writing by the Zoning Administrator:
    - a. A depiction of the existing appearance of the property. Color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
    - b. A depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City.
    - c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area that reduces or extends a building's footprint or height, a detailed, scaled site plan shall be provided meeting all required elements of Section 10.10.43.
    - d. Written justification for the proposed alteration or new construction consisting of the reasons why the applicant believes the requested alteration or new construction is in harmony with the applicable building design standards for Special Areas in Section 10.07.50.

Section 10.10.44: Special Area Design Review

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- (3) Additional Recommendations Permitted Under the Special Area Design Review Process.
- (a) The Zoning Administrator are hereby authorized to make recommendations for, or require modifications to, a proposed application for Renovation Review, Design Alteration Review, or Project Review.
  - (b) The Plan Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Alteration Review and Project Review.
  - (c) The Landmarks Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for Design Alteration Review and Project Review for locally-recognized landmarks, properties that contribute to a Local, State, or National Historic District, or properties that are individually listed on the Local, State, or National Register of Historic Places.
- (4) Appeals. Appeals from the decisions of the Zoning Administrator and Plan Commission may be made to the Common Council in accordance with the provisions of Section 10.10.52.



### Section 10.10.45: Planned Unit Development Review and Approval Procedure

Figure 10.10.45a: Procedure for Planned Development Review

- (1) Purpose. The purpose of this Section is to provide regulations which govern the procedures for the review and approval or denial of proposed Planned Unit Developments.
- (2) Initiation of Request. Proceedings for approval of a Planned Unit Development may be initiated by any of the following:
  - (a) An application by the owner(s) of the subject property or authorized agent of the owner(s) of the subject property;
  - (b) A recommendation of the Plan Commission to the Common Council; or
  - (c) By action of the Common Council.
- (3) Procedure for Planned Unit Development Review. The procedure for zoning to a Planned Unit Development (PUD) district shall follow the Zoning Map Amendment procedure included in Section 10.10.30, except that the Planned Unit Development procedure shall be subject to the following additional requirements.
  - (a) Pre-Application Conference. Prior to formal petition for zoning to a PUD district, the applicant shall confer with appropriate City staff in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the requirements for processing. Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.
  - (b) Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant shall prepare a conceptual plan for review with the Plan Commission. Points of discussion and conclusions reached at this stage of the process shall be in no way binding upon the applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see Subsection (3)(c), below).
    1. The concept plan submittal shall include the following items (digital files should be submitted whenever possible).
      - a. A location map of the subject property and its vicinity.
      - b. A general written description of the proposed PUD, including:
        - i. General project themes and images.



\*May be required by the Zoning Administrator (10.10.45(3)(b)2.)

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**Section 10.10.45: Planned Unit Development Review and Approval Procedure**

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- ii. The general mix of dwelling unit types and/or land uses.
    - iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
    - iv. General treatment of natural features.
    - v. Relationship to nearby properties and public streets.
    - vi. Relationship of the project to the Comprehensive Plan.
    - vii. Description of exceptions/base standard modifications from the requirements of this Chapter. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exceptions to standard zoning district requirements.
  - c. A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.
  - d. Without taking formal action, the Plan Commission shall comment on the concept plan to help inform the applicant's decision whether to move on to the next step in the PUD process, General Development Plan.
2. The Plan Commission may schedule a workshop as part of the concept stage of a Planned Unit Development Review.
  - a. When the Plan Commission determines the need for a workshop, the applicant shall hold a workshop to introduce and inform property owners within 100 feet of the subject property of the proposal to solicit comments and address concerns. The applicant shall follow the procedures in Section 10.06.02 when the project includes a Large Development. The City shall supply a list of property owners to the applicant upon request.
    - i. The workshop shall be held at a time and location as determined by the Zoning Administrator.
    - ii. The Zoning Administrator shall be notified of and invited to the workshop in order to assist the applicant and public on the topic.
    - iii. The workshop shall be held prior to action by the Plan Commission.
    - iv. Public notice of the workshop shall be given in the manner prescribed by the City.
  - b. Meeting minutes and attendance shall be recorded. The meeting invitation list, meeting minutes, attendance records, documents distributed at the meeting, and presentation materials shall be provided to the City.
- (c) **General Development Plan Review.** The applicant shall submit a General Development Plan (GDP) to the Zoning Administrator, for determination of completeness. Upon determination of completeness by the Zoning Administrator, the GDP shall be placed on the Plan Commission agenda for review. Adoption of the GDP establishes the new zoning classification for the property.
  1. The GDP submittal shall include the following items (digital files should be submitted whenever possible):
    - a. General location map of the subject site depicting:

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**Section 10.10.45: Planned Unit Development Review and Approval Procedure**

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- i. All lands for which the Planned Unit Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
  - ii. Current zoning of the subject site and abutting properties, and the jurisdiction(s) in which the properties are located.
  - iii. A graphic scale and a north arrow.
- b. Generalized site plan showing the pattern or proposed land uses, including:
- i. General size, shape, and arrangement of lots and specific use areas.
  - ii. Basic street pattern and pattern of internal drives.
  - iii. General site grading plan showing preliminary road grades.
  - iv. Basic storm drainage pattern, including proposed on-site stormwater detention.
  - v. General location of recreational and open space areas, including designation of any such areas to be classified as common or public open space.
- c. Statistical data, including:
- i. Minimum lot sizes in the development.
  - ii. Approximate areas of all lots.
  - iii. Density/intensity of various parts of the development.
  - iv. Building coverage.
  - v. Landscaping surface area ratio of all land uses.
  - vi. Expected staging.
- d. Conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in Article VIII of this ordinance.
- e. General signage plan, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which may or may not be proposed to vary from City standards.
- f. General outline of property owner's association, covenants, easements, and deed restrictions.
- g. A written description of the proposed Planned Unit Development, including:
- i. General project themes and images.
  - ii. The general mix of dwelling unit types and/or land uses.
  - iii. Approximate residential densities and nonresidential intensities as described by dwelling units per acre and/or landscaping surface area ratio.
  - iv. General treatment of natural features.
  - v. General relationship to nearby properties and public streets.
  - vi. General relationship of the project to the Comprehensive Plan and any applicable neighborhood or corridor plans.
  - vii. Proposed exceptions from the requirements of this Chapter.
- h. Traffic Impact Analysis. The City may require that a traffic impact analysis (TIA) be completed in accordance with Section 10.06.03(15)(c).
- i. A utility study to determine adequacy of water and sewer services.

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**Section 10.10.45: Planned Unit Development Review and Approval Procedure**

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2. The Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.
  3. If all required application materials are provided, the GDP and SIP may be submitted and reviewed concurrently.
  4. The process for review and approval of the GDP shall meet the criteria for approval as defined below in Subsection (3)(e) and be identical to that for Zoning Map Amendments per Section 10.10.30.
  5. Rezoning to PUD on the basis of an approved General Development Plan shall revert to prior zoning if the Specific Implementation Plan is not approved within five years from date of filing. Extensions may be granted for cause by the Plan Commission. Records of extensions shall be recorded in the City file on the PUD District.
- (d) **Specific Implementation Plan.** Upon completion of the GDP review process, described above, the applicant shall submit a Specific Implementation Plan (SIP) to the Zoning Administrator, for determination of completeness. Upon determination of completeness by the Zoning Administrator, the SIP shall be placed on the Plan Commission agenda for SIP review. The SIP is the detailed development review step of the Planned Development process. The approved SIP submittal establishes the final design of the project. Any proposal to vary from an approved SIP requires the approval of an amended SIP in accordance with all of the requirements of this Subsection (3)(d) and (3)(f) below.
1. The SIP submittal shall include the following items. Note that the area included in a SIP may be only a portion of the area included in a previously approved GDP (digital files should be submitted whenever possible).
    - a. An existing conditions map of the subject site depicting the following:
      - i. All lands for which the Planned Unit Development is proposed and all other lands within 100 feet of the boundaries of the subject site.
      - ii. Current zoning of the subject property and all abutting properties, and the jurisdiction(s) that maintains that control.
      - iii. Existing utilities and recorded easements.
      - iv. All lot dimensions of the subject site.
      - v. A graphic scale and a north arrow.
    - b. A SIP map of the proposed site showing at least the following:
      - i. Lot layout and the arrangements of buildings.
      - ii. Public and private roads, driveways, walkways, and parking facilities.
      - iii. Specific treatment and location of recreational and open space areas, including designation of any such areas to be classified as common or public open space.
    - c. Proposed grading plan.
    - d. Specific landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. The landscaping plans shall include a table summarizing all proposed species.
    - e. Architectural plans for any nonresidential buildings, multi-family structures, or group development, other than conventional single-family or two-family homes on individual lots, in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.



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**Section 10.10.45: Planned Unit Development Review and Approval Procedure**

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- f. Engineering plans for all water and sewer systems, stormwater systems, roads, parking areas, and walkways.
    - i. Traffic Impact Analysis. The City may require that a traffic impact analysis (TIA) be completed in accordance with Section 10.06.03(15)(c).
    - ii. The City may require a utility study to determine adequacy of water and sewer services.
  - g. Signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) that may vary from City standards or common practices.
  - h. Specific written description of the proposed SIP including:
    - i. Specific project themes and images.
    - ii. Specific mix of dwelling unit types and/or land uses.
    - iii. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.
    - iv. Specific treatment of natural features, including parkland.
    - v. Specific relationship to nearby properties and public streets.
    - vi. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.
    - vii. A statement of rationale as to why PUD zoning is proposed. This statement shall list the standard zoning requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed PUD project.
    - viii. A complete list of zoning standards that would not be met by the proposed SIP and the location(s) in which such exceptions/base standard modifications would occur.
    - ix. Phasing schedule, if more than one development phase is intended.
  - i. Agreements, bylaws, covenants, and other documents relative to the operational regulations of the development and particularly providing for the permanent preservation and maintenance of common open areas and amenities.
  - j. A written description that demonstrates how the SIP is consistent with the approved GDP and any and all differences between the requirements of the approved GDP and the proposed SIP.
2. The Zoning Administrator or by majority vote of the Plan Commission may waive submittal information listed above, and/or may likewise require additional information beyond that listed above.
  3. The process for review and approval of the SIP shall be identical to that for Site Plan Review per Section 10.10.43.
  4. Specific Implementation Plan approval lapses one year after its effective date if substantial development progress has not occurred. The Plan Commission may grant extensions for good cause.

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**Sections 10.10.46 to 10.10.49: Reserved**

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- (e) Criteria for Approval: In its review and action an application for a Planned Development district, the Plan Commission shall make findings with respect to the following criteria:
1. The proposed Planned Unit Development project is consistent with the overall purpose and intent of this Chapter.
  2. The proposed Planned Unit Development project is consistent with the City's Comprehensive Plan and other area plans.
  3. The proposed Planned Unit Development project maintains the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
  4. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Unit Development project, including but not limited to public sewer and water and public roads.
  5. The proposed Planned Unit Development project incorporates appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
  6. The proposed Planned Unit Development project design does not detract from areas of natural beauty surrounding the site.
  7. The proposed architecture and character of the proposed Planned Unit Development project is compatible with adjacent/nearby development.
  8. The proposed Planned Unit Development project will positively contribute to and not detract from the physical appearance and functional arrangement of development in the area.
  9. The proposed Planned Unit Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exceptions/base standard modifications variation of any standard or regulation of this Chapter.
  10. For Planned Unit Development projects that are proposed to be developed in phases, the applicant shall provide a timeline for development and shall demonstrate that the project would be successful even if all phases were not or could not be completed.
- (f) Changes or Alterations. Any change of the PUD plans subsequent to approval of the SIP shall be submitted to the Zoning Administrator.
1. If the Zoning Administrator, determines that the change constitutes a substantial modification, the developer will be required to amend the SIP, and if necessary, the GDP, following the procedures set forth in this Section for review and approvals.
  2. If, in the opinion of the Zoning Administrator, such changes do not constitute a substantial alteration of either the GDP or SIP, the change may be accomplished by approval of the Zoning Administrator. Such approved changes or modifications shall be documented and recorded in the official file of the City on the PUD.

**Sections 10.10.46 to 10.10.49: Reserved**

Section 10.10.50: Interpretations

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**Section 10.10.50: Interpretations**

- (1) Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- (2) Initiation of Request for an Interpretation. Proceedings for an interpretation may be initiated by any of the following 4 methods:
  - (a) An application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.
  - (b) A recommendation of the Plan Commission to the Common Council.
  - (c) By action of the Common Council.
  - (d) By request of the Zoning Administrator.
- (3) Application. The Zoning Administrator may require a zoning interpretation application that contains any of the following:
  - (a) Clear indication of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
  - (b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information may be required (digital files should be submitted whenever possible):
    1. A map of the subject property depicting:
      - a. All lands for which the interpretation is requested and all other lands within 100 feet of the boundaries of the subject property.
      - b. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
      - c. All lot dimensions of the subject property.
      - d. A graphic scale and a north arrow.
    2. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
    3. A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 10.10.43.
  - (c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, the applicant shall provide written responses to the following questions:
    1. How is the subject land use in general harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted by the City?
    2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
- (4) Review by Zoning Administrator, if applicable.

## Section 10.10.50: Interpretations

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (b) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed interpretation provided in the application to determine whether the requested variance is in harmony with the City's Comprehensive Plan. The Zoning Administrator may confer with other City staff, City consultants, or other experts as necessary to evaluate the application and proposed interpretation.
  - (c) The Zoning Administrator shall forward a report to the applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator, determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator, shall note this determination in the report.
- (5) Standards for Review, if applicable. This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Common Council as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:
- (a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.
  - (b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.
  - (c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (i.e. the abutting landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any reduction of a normally required bufferyard or increase in intensity beyond that already permitted shall only be made by the Zoning Administrator.
  - (d) In addition to the applicant's response to the questions required by Subsections (5)(a) through (c), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
    - 1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Common Council on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.



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**Section 10.10.51: Variances**

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2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted or conditional in the zoning district of the subject property (see Article II).
  3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Article II).
  4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Article II).
  5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 10.10.32.
- (6) Effect of a Favorable Land Use Interpretation, if applicable. No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and certificates of occupancy.
- (7) Limitations on Favorable Land Use Interpretation, if applicable.
- (a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development has begun within that period, and is thereafter diligently pursued to completion, or a certificate of occupancy is obtained and a use commenced within that period.
  - (b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

**Section 10.10.51: Variances**

- (1) Purpose. The purpose of this Section is to provide regulations which enable the City to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wis. Stats. § 62.23(7)(e)(7).
- (2) Variance Types. Variances from the regulations of this title shall be granted by the Zoning Board of Appeals only in accordance with the standards established in this section. Variances may be granted only if the existing use of the building or property is a permitted use in the district where the requested variance is located or a conditional use for the activity has been approved by the Common Council. Variances may be granted only in the following instances and in no others:

## Section 10.10.51: Variances

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- (a) Area Variances: For an area variance, 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 that strict compliance would render conformity with the zoning ordinance unnecessarily burdensome, including the following:
1. To permit any yard or setback less than a yard or a setback required by the applicable regulations;
  2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent of the required area and width;
  3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of the facility by each user does not take place at approximately the same hours of the same days of the week;
  4. To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or twenty percent of the applicable regulations, whichever number is greater;
  5. To increase by not more than twenty-five percent the maximum distance that required parking spaces are permitted to be located from the use served;
  6. To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations;
  7. To permit a reasonable variation in the height restrictions on fences; and
  8. To permit reconstruction, remodeling or additions necessary for the physical well-being of a person so handicapped as to make the structure unsuitable in its present configuration for this person's safe or reasonable use;
  9. To permit a detached accessory building or structure to be constructed to a height in excess of the principal building or structure;
- (b) Use Variance: For a use variance, that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in absence of a variance.
1. To allow a principal land use not listed within the Zoning District for the subject property where none of the allowed principal land uses can be reasonably established.
- (3) Initiation of Request for Approval of a Variance. Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property or authorized agent of the owner(s) of the subject property.
- (4) Application. Variance applications shall contain the following (digital files should be submitted whenever possible, if applicable):
- (a) A map of the subject property depicting:
1. All lands for which the variance is proposed and all other lands within 100 feet of the boundaries of the subject property.
  2. Current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control.
  3. All lot dimensions of the subject property.
  4. A graphic scale and a north arrow.

## Section 10.10.51: Variances

- (b) A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of Section 10.10.43.
  - (c) Written description of the proposed variance, including evidence that the application is consistent with the Comprehensive Plan.
- (5) Review by the Zoning Administrator.
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (b) The Zoning Administrator shall review the application and prepare a written report including the following:
    - 1. Evaluate whether the request is in harmony with the Comprehensive Plan or other relevant plans.
    - 2. Evaluate the request based upon the criteria used by the Zoning Board of Appeals in their review see Subsection (7) below and Wis. Stats. § 62.23(7)(e)7.
- (6) Public Hearing. Within 60 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 10.10.21 consider the request.
- (7) Review and Action by the Zoning Board of Appeals.
- (a) Within 60 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings in accordance with the following based on Wis. Stats. § 62.23(7)(e)7:
    - 1. The variance will not be contrary to the public interest.
    - 2. Substantial justice will be done by granting the variance.
    - 3. The variance is needed so that the spirit of the ordinance is observed.
    - 4. Due to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in unnecessary hardship to the applicant.
    - 5. The variance will not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
    - 6. Additional standards:
      - a. Parcel-as-a-whole. The entire parcel, not just a portion of the parcel, shall be considered when applying the unnecessary hardship test.
      - b. Self-imposed hardship. An applicant may not claim hardship because of conditions which are self-imposed.
      - c. Circumstances of applicant. Circumstances of an applicant such as growing family or desire for a larger garage are not a factor in deciding variances.
      - d. Financial hardship. Economic loss or financial hardship do not justify a variance.
      - e. Nearby violations. Nearby ordinance violations, even if similar to the requested variance, do not provide grounds for granting a variance.
      - f. Objections from neighbors. A lack of objections from neighbors does not provide a basis for granting a variance.
  - (b) The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator, and/or the applicant. The Zoning Board of Appeals may take final

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**Section 10.10.52: Appeals of Zoning Interpretations**

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- action on said request for approval of the requested variance at the time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration.
- (c) If the Zoning Board of Appeals fails to make a determination within 60 days after said public hearing, then the request for the variance shall be considered denied.
  - (8) **Effect of Denial.** No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 365 days from the date of said order of denial, except on grounds of new evidence or material change of circumstances found valid by the Zoning Administrator.
  - (9) **Limited Effect of a Variance.** Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance. Once granted, variances shall run in perpetuity, and shall remain in effect regardless of any future amendments to the Zoning Ordinance or Official Zoning Map.
  - (10) **Stay of Proceedings.** See Wis. Stats. § 62.23(7)(e)5.
  - (11) See Sections 10.02.81-10.02.87 for variance requirements applicable to Overlay Zoning Districts.

**Section 10.10.52: Appeals of Zoning Interpretations**

- (1) **Purpose.** The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of the Zoning Administrator, per Section 10.10.50 as provided for by Wis. Stats. § 62.23(7)(e)(7).
- (2) Any person aggrieved by a decision of the Zoning Administrator shall be entitled to an appeal in accordance with the process as described in Section 10.10.51.

**Section 10.10.53: Administration and Enforcement of Performance Standards**

Determinations necessary for administration and enforcement of performance standards set forth in this Article range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

- (1) Where determinations can be made by the Zoning Administrator, using equipment available to the City, such determinations shall be so made before notice of violations is issued (see Article VI for technical standards).

**Sections 10.10.54 to 10.10.59: Reserved****Section 10.10.60: Violations and Penalties**

- (1) **Declarations of Unlawful Conduct, Activities, and Conditions.**
  - (a) It shall be unlawful for any building or structure to be erected, construction, placed, moved, or structurally altered, or for any use of land, premises, building or structure to be established or changed in violation of the provisions of this Ordinance.
  - (b) It shall be unlawful to fail to comply with any standard of this Ordinance or with any condition or qualification placed upon the issuance of a permit or approval or variance granted in due course under this Ordinance.
- (2) **Liability.**



Section 10.10.60: Violations and Penalties

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- (a) Owners of lands or properties are responsible for compliance with all provisions of this Ordinance which bear upon their area of competency and responsibility.
  - (b) Any such party who violates or aids or abets in a violation shall be liable to prosecution or remedial action.
  - (c) This Chapter applies fully to all lands, developments, and activities unless specifically exempted by state or federal law.
- (3) Investigation of Compliance, Notice of Violations.
- (a) The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities with the terms of this Ordinance.
  - (b) If, upon such inspection or investigation, the Zoning Administrator becomes aware of a condition which he or she concludes is or is likely to become unlawful, the Zoning Administrator shall immediately notify the parties to the situation whom he or she deems to be responsible and potentially liable. Such notice shall include:
    - 1. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
    - 2. A statement that a complaint on the condition and request for prosecution has been or will be transmitted to the City Attorney and/or to enforcement officials, state agencies, or both.
  - (c) If an enforcement demand is issued and is not complied with, the Zoning Administrator may file a request for prosecution with the City Attorney, unless an administrative appeal has been commenced and a stay order has been issued. See Section 10.10.60(4)(e) below.
- (4) Prosecutions, Injunctions, and Penalties in Court Proceedings.
- (a) The City Attorney has responsibility to prosecute violations of this Ordinance on behalf of the City.
  - (b) Nothing in this section shall be deemed to prevent private prosecutions of violations of this Chapter pursuant to Wis. Stat. § 62.23(7) and (8) or of other sections of the Wisconsin Statutes or common law.
  - (c) Forfeitures and penalties for violation of the provisions contained within this Ordinance are found in Chapter 30.04(1)(a) of the Municipal Code, which is adopted herein by reference and made a part of this Ordinance.
  - (d) As a substitute for, or an addition to, forfeiture actions, the City Attorney may, on behalf of the City, seek enforcement of any and all parts of his Ordinance by court actions seeking injunction or restraining orders.
  - (e) City officials designated in this City of Middleton Citation Enforcement Ordinance (see Chapter 2.25 of the Municipal Code), may issue citations, as provided therein, for violations of portions of this Ordinance.
- (5) Other Enforcement Provisions.
- (a) Where an approval has been made subject to specified conditions, and where such conditions are not complied with, the Board of Zoning Appeals may conduct a hearing pursuant to this Chapter upon a petition submitted by any interested party or by the Zoning Administrator to revoke the approval. A finding of non-compliance with the conditions imposed shall be grounds for revocation.

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**Section 10.10.61: Fees**

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- (b) Relationship to Nuisance Actions. No provision of this Ordinance shall be construed to bar an action to enjoin or abate the use or occupancy of any land or structure as a nuisance upon the laws of the State of Wisconsin.
- (c) Conditions placed on rezonings, approvals or permits may include requirements of bonds or similar surety arrangements to assure performance of required obligations.
- (6) Promulgated Correction of Violation. In addition to any other penalty imposed for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.

**Section 10.10.61: Fees**

- (1) Fees. Fees for all approvals, appeals or permits under this Chapter, unless otherwise specified, shall be as set forth in the Fee Schedule under Chapter 3.12 of the Municipal Code.
- (2) Escrow Deposits.
  - (a) In addition to the fees specified in subsection (1) above, applicants for all Zoning Amendments, Conditional Use Permits, Planned Unit Developments, and modifications shall be responsible to pay the actual cost of review of the application charged to the City by other agencies, or by outside consultants hired by the City including but not limited to Federal, State, or County Departments and Madison Metropolitan Sewerage District, Attorneys, Engineers, or Planners. Upon application, the applicant shall deposit an amount set forth in the Fee Schedule under Chapter 3.12 of the Municipal Code to be held in escrow upon which the City shall draw to pay for said costs as they are incurred during the course of reviewing the application. Itemized statements reflecting the amounts drawn from the deposit shall be sent to the applicant each month. In the event that the escrow deposit has been drawn down to twenty-five percent (25%) of the required amount, the applicant shall replenish the escrow deposit to its original amount. If any funds remain in the escrow deposit following final determination of the application, such remaining funds shall be returned to the applicant within sixty (60) days of the determination together with an accounting of the deposits and draws on the escrow.
  - (b) Applicants may obtain a pre-application waiver of the required escrow deposit from the City Administrator if in the City Administrator's sole discretion, he or she determines that no consultant review will be required. Said waiver shall not preclude the City Administrator from employing an outside consultant, charging the costs of any consultant review to the applicant, or requiring an escrow deposit at any time after application.

**Sections 10.10.62 to 10.10.99: Reserved**

# **FINAL DRAFT**

**Includes revisions approved during the Common Council's "First Reading" of the ordinance on 1/16/24.**

## **CITY OF MIDDLETON, WISCONSIN**

### **CHAPTER 22: SIGN CODE**

Section 22.01: Purpose

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## Section 22.01: Purpose

**CHAPTER 22: SIGN CODE****Section 22.01: Purpose**

- (1) The purpose of this Chapter is to establish standards for the fabrication, erection, and use of signs, and to regulate the location, type, size, and height of signage for all properties within the City of Middleton. The adoption of this Chapter reflects the formal finding of fact by the City of Middleton Plan Commission and City Council that regulation of signage advances the following compelling governmental interests:
  - (a) Elimination of signage that the City has determined to be a cause of unsafe traffic and visibility conditions for pedestrians, bicyclists, drivers, and passengers.
  - (b) Protection of pedestrians, bicyclists, drivers, and passengers from injury caused by the faulty and uncontrolled construction and use of signs within the City.
  - (c) Protection of pedestrians, bicyclists, drivers, and passengers from injury caused by distractions, obstructions, and hazards created by certain signs or by cluttered, distracting, or illegible signage.
  - (d) Promotion of the public welfare, health, and safety of all persons using public thoroughfares and rights-of-way within the City of Middleton in relation to the signage displayed thereon, or overhanging, or projecting into such public spaces.
  - (e) Preservation of the value of private property by assuring the compatibility of signs with surrounding land uses.
  - (f) Assuring that public benefits derived from expenditures of public funds for the improvement and beautification of public streets and other public structures and spaces are protected from visual blight and unsafe conditions by exercising reasonable controls over character and design of signage.
  - (g) Advancing the aesthetic goals of the City throughout the community and ensuring the effectiveness and flexibility in the design, creativity, or use of signage without creating a detriment to the general public.
- (2) Furthermore, this Chapter leaves ample and adequate alternative channels of communication and is narrowly defined so as to limit regulation to exterior signage and signage designed to be viewed from beyond the boundaries of a site.

**Section 22.02: Reserved****Section 22.03: Definitions**

- (1) **Definition of a Sign.** In this Chapter, the word “sign” means any object, device, display, structure, or part thereof, situated 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, designs, logos, symbols, fixtures, colors, illumination, or projected images.

For the purposes of this Chapter, the following are not signs regulated by this Chapter:

- (a) Traffic control devices and similar structures erected by roadway authorities located within a right-of-way to communicate regulatory, directional or similar information to users.
- (b) Decorations that are incidentally and customarily associated with a holiday, community festival or similar event.
- (c) Flags which do not contain a commercial message or commercial logo or branding.

## Section 22.03: Definitions

- (d) Art works, including but not limited to wall murals and statues, which do not contain a commercial message or logo or branding.
  - (e) Building colors and lighting which do not contain a commercial message or commercial logo or branding.
  - (f) Window displays of merchandise, pictures, or models of products or services incorporated in a window display, which are not directly attached to an interior or exterior window surface.
  - (g) Vehicles that are licensed, operable, and parked in legal parking spaces.
  - (h) Individual signs that are less than one square foot in area. Individual signs shall not be combined in a “mosaic” arrangement to create a resulting larger sign.
  - (i) Construction site banners as defined in Wis. Stats. §66.1102(5)(a).
- (2) **Other Definitions.**
- (a) **Advertising.** Any writing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for display or any type of publicity for the purpose of making anything known or attracting attention to a place, product, good, service, idea, or statement.
  - (b) **Building frontage.** The width of the building façade that fronts a public street, highway, or interstate.
  - (c) **Business frontage.** The portion of a building frontage occupied by a single tenant space having a public entrance within the building frontage. For businesses located on the interior of a building without frontage, the building elevation providing customer access shall be considered the business frontage.
  - (d) **Commercial message.** Any sign wording, logo, branding, or other representation that, directly or indirectly, names, advertises, or calls attention to a business product, service, idea, or commercial activity. Any sign authorized by this Chapter may contain a commercial message.
  - (e) **Copy.** Words, letters, numbers, figures, designs, or other symbolic representations incorporated into a sign.
  - (f) **Changeable copy.** Sign copy that may be changed manually to provide different information such as boards with changeable letters, bulletin boards, and chalkboards.
  - (g) **Customer entrance.** The entrance that the public can use when an establishment is open to the public.
  - (h) **Electronic message sign:** See Section 22.08.
  - (i) **Elevation, building.** The view of any building or other structure from any one of four sides regardless of the configuration or orientation of a building. No building shall be treated as having more than four building elevations. Each elevation will generally be identified as a north, south, east or west building elevation.
  - (j) **External illumination.** The lighting of an object from a light source located a distance from the object.
  - (k) **Façade.** See “Elevation, building.”
  - (l) **For lease.** The period of time in which a property is being offered for lease through a licensed real estate agent or is being offered for lease by the owner.
  - (m) **Height of sign.** The vertical distance from the average ground level at the base of the sign to the top of the highest attached component of the sign. See Section 22.15(2) for the measurement of sign height.
  - (n) **Lighting, ambient.** Illumination in which the only light that falls onto the sign comes from sources that are available naturally (e.g. sunlight, moonlight) or from artificial lighting sources

## Section 22.03: Definitions

- used for other purposes in the vicinity of the sign (e.g. street lights, lighting installed for other purposes or sites)
- (o) **Lighting, backlit.** Illumination that is arranged in such a way that the light is cast from behind the sign to the eyes of the viewer. Often, the lighting element is unshielded but concealed behind individual freestanding letters, creating a silhouette effect.
  - (p) **Lighting, gooseneck.** Illumination resulting from light emitted directly from a shielded light fixture located at the top of the sign and angled downward onto the sign face. The light fixture is attached to a curved neck which is often flexible, allowing the user to position the light source onto the sign face.
  - (q) **Lighting, internal.** Illumination emanating from a lighting element that is located behind the sign face and which is completely enclosed.
    - 1. Internally illuminated signs shall have a light-colored copy on a dark-colored or opaque background, so that the copy is legible during the day and night. When illuminated, the sign shall appear to have an illuminated copy with a dark or non-illuminated background.
      - a. The requirements of Subsection (r)1., above, shall not apply to internally illuminated individual characters, letters, or shapes that do not contain copy on the sign face.
    - 2. Neon lighting is not considered to be internal lighting.
  - (r) **Lighting, neon.** Glass tube lighting in which a gas and phosphors are used in combination to create a colored light. Neon lighting is not considered internal lighting as defined in Subsection (q) above.
  - (s) **Maintain.** Maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Changeable Copy Sign; or changing the face of an Off-Premises Advertising Sign (billboard).
  - (t) **Noncommercial message.** Any wording, logo, branding, or other representation that does not, directly or indirectly, name, advertise, or call attention to a business product, service, idea, or commercial activity. Any sign authorized by this Chapter may contain a noncommercial message.
  - (u) **Open house.** An on-premise event used to advertise the lease, rent, or sale of a property.
  - (v) **Plat phase.** The subset of lots, rights-of-ways, and outlots located within the perimeter boundary of a Final Plat that is being developed during a discrete and separate period from other lands in the same Final Plat.
  - (w) **Sign area.** The entire face of a sign, including the extreme limits of writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display but not including any supporting framework. See Section 22.15(4).
  - (x) **Sign face.** The area or display surface used for the message.
  - (y) **Site.** A site shall include all lots that are contiguous, under unified single ownership and intended to remain under unified single ownership under the jurisdiction of this Chapter. A site may also be determined to be a portion of a single lot where more than one building contains separate businesses. For the purposes of this Chapter, the site shall be determined by the Zoning Administrator.
  - (z) **Temporary sign.** A sign or advertising intended to be displayed for a certain limited period of time. If a sign display area is permanent, but the message displayed is subject to periodic changes, that sign shall not be considered temporary. A portable sign shall not be considered a temporary sign or used for such a purpose.
  - (aa) **Three-dimensional signs.** Signs that have a depth or relief on their surface. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured according to its maximum projection upon a vertical plane. See Section 22.15(4).

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Section 22.04: Reserved

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- (bb) **Windowpane.** The area defined by any combination of the window frame and mullions located within said frame.

## Section 22.04: Reserved

## Section 22.05: Definitions Related to Sign Groups, Sign Categories, and Sign Types

This Section provides the definitions related to various Sign Groups, Sign Categories, and Sign Types. Figures 22.11(1) through 22.11(3.A.) provide the regulations for these signs applicable to each zoning district, including an indication of whether a particular Sign Type is permitted or prohibited as a new sign. Any Sign Type not addressed by this Chapter shall be considered prohibited.

- (1) **Business Sign--Permanent Group.** A permanent sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located.

“Business Sign--Permanent” is a Sign Group which contains various Sign Categories and Sign Types that a business is eligible to use, and which requires a sign permit and in some cases Plan Commission approval. This Sign Group includes the following Sign Categories: Freestanding Signs, On-Building Signs, Pedestrian Signs, and Changeable Copy Signs. See Figure 22.11(1) and Figure 22.11(1. A.) for additional rules related to zoning districts.

- (a) **Freestanding Sign Category.** A sign permanently resting on or supported by a slab, pedestal, post, pylon, or any other form of base located on the ground.

The following Freestanding Sign Types are addressed by this Chapter:

1. **Monument Sign.** A type of Freestanding Sign in which the bottom edge of the sign face is located within one foot of a ground-mounted pedestal.
  2. **Dual Post Sign.** A type of Freestanding Sign mounted to the sides or ends of two or more posts, with the majority of the sign area located between the outermost posts, with the bottom edge located within an average of three feet of existing grade.
    - a. New Dual Post Signs are not permitted. Existing Dual Post Signs are permitted as legal nonconforming signs per the requirements of Section 22.35.
  3. **Pylon Sign.** A type of Freestanding Sign erected upon one or more pylons or poles, generally of a height that is taller than permitted for a Dual Post sign.
    - a. New Pylon Signs are not permitted. Existing Pylon Signs are permitted as legal nonconforming signs per the requirements of Section 22.35.
  4. **Freestanding Canopy Sign.** A type of Freestanding Sign placed directly on the fascia of a freestanding canopy associated with an In-Vehicle Sales and Service land use.
- (b) **On-Building Sign Category.** A type of sign permanently affixed to a wall of a building, and which is generally oriented and sized for visibility to motorists.

The following On-Building Sign Types are addressed by this Chapter:

1. **Wall Sign.** A type of On-Building Sign that is mounted directly on, and parallel to, a building façade or other vertical building surface. A Wall Sign also includes a sign located on the interior of a building that is intended to be viewed primarily from beyond the boundaries of the site. Whether an interior sign is considered a Wall Sign shall be determined by the Zoning Administrator during the sign permit review process.
2. **Awning Sign.** A type of On-Building Sign that is directly affixed via sewing, silk screening, painting, or similar method to a non-rigid removable awning which is mounted to the façade



### Section 22.05: Definitions Related to Sign Groups, Sign Categories, and Sign Types

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of a building. The definition of an awning can be found in Section 10.01.23 of the City of Middleton Zoning Ordinance, Chapter 10.

3. **Canopy Sign.** A type of On-Building Sign that is directly affixed via bolts, brackets, or similar method to a rigid permanent canopy which is mounted to, or adjacent to, the façade of a building. The definition of a canopy can be found in Section 10.01.23 of the City of Middleton Zoning Ordinance, Chapter 10.
  4. **Marquee Sign.** A type of On-Building Sign that is mounted to a permanent roof-like structure that projects out from the exterior wall of a structure and shelters the entrance or entrance approaches to a building.
  5. **Projecting Sign.** A type of On-Building Sign that is mounted at any angle other than parallel to the wall on which it is mounted, extending from the face of the wall.
- (c) **Pedestrian Category.** A sign attached to the façade of a building and mounted just above sidewalk level, and which is oriented and sized for visibility to nearby pedestrians rather than to motorists.
1. **Suspended Sign.** A type of Pedestrian Sign that is mounted to the nearest wall, oriented to pedestrian traffic, and suspended from the underside of a horizontal plane surface, such as a covered porch, arcade, or canopy.
- (d) **Changeable Copy Sign Category.** A sign typically used to advertise daily specials, daily menu items, or on-site events that change on a frequent basis and which usually includes changeable copy. This type of sign is often associated with restaurants, taverns, retail stores, music venues, and retail stores.

The following Changeable Copy Sign Types are addressed by this Chapter:

1. **Menu Board Sign.** A type of Changeable Copy Sign mounted flat against a wall containing changeable copy.
  2. **Sandwich Board Sign.** A type of Changeable Copy Sign placed on the ground and constructed in such a manner as to form an “A”-like shape, hinged or not hinged at the top, with each angular face held together at an appropriate distance by a supporting element such as a folding bar, latch, or chain.
  3. **Bulletin Board Sign.** A type of freestanding Changeable Copy Sign located on-site containing changeable copy and resting on or supported by a pedestal, post, or other form of base located on the ground.
  4. **Drive Thru Sign.** A type of Changeable Copy Sign used only in conjunction with drive-through or drive-in establishments, as further defined in the City of Middleton Zoning Code, Chapter 10 Section 10.03.10(9).
- (2) **Business Sign--Other Group.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the site where the sign is located.
- “Business Signs--Other” is a Sign Group which contains various Sign Categories and Sign Types that a business is eligible to use, which do not require a Sign Permit, and which are typically used to promote temporary activities. This Sign Group includes the following Sign Categories: Window Signs, Temporary Board & Banner Signs, Temporary Flag or Feather Signs, and Temporary Approved Development Signs. See Figure 22.11(2) for additional rules related to zoning districts.
- (a) **Window Sign Category.** A type of sign that is either painted onto a window, attached to the inside face of an exterior window, or located inside a building within 3 feet of a window and intended to be viewed from the exterior of the building. Window Signs may face toward the outside, the inside, or both.

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Section 22.05: Definitions Related to Sign Groups, Sign Categories, and Sign Types

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- (b) **Temporary Board & Banner Sign Category.** A sign located outside of a building for a defined display time limit. Such signs are often used for the purpose of informing the public of a sale or special offer.

The following Temporary Board & Banner Sign Types are addressed by this Chapter:

1. **Board Sign.** A type of Temporary Board & Banner Sign that is temporarily placed on the ground and is made of rigid material such as plywood or corrugated plastic.
  2. **Banner Sign.** A type of Temporary Board & Banner Sign that is made of flexible material such as cloth or vinyl and is supported along one or more sides or at two or more corners by wires, ropes, string, nails, or other removable fastening materials.
- (c) **Temporary Flag & Feather Sign Category.** A sign located outside of a building. Such signs are often used for the purpose of informing the public of a sale or special offer.
1. **Flag Sign.** A type of Temporary Flag & Feather Sign that is located outside of a building. It's made of vinyl, fabric, or other similar lightweight all-weather flexible material which is mounted on a pole.
  2. **Feather Sign.** A type of Temporary Flag & Feather Sign consisting of a piece of vertically elongated, flexible material such as cloth or vinyl which is affixed to a single pole driven in the ground. The pole may be rigid or flexible but is not permanent. This sign type is permitted if it is displayed no more than 10 consecutive days once per calendar quarter and only during the hours of operation for the on-site land use.
- (d) **Temporary Approved Development Sign Category.** A sign which is limited to display only during the active development of a building or plat, but not including construction site banners defined under Wis. Stats. §66.1102(5).

The following Temporary Approved Development Sign Types are addressed by this Chapter:

1. **Active Building Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on the site of a building under construction, and only during the time period in which the Building Permit is valid.
  2. **Active Plat Board Sign.** A type of Temporary Approved Development Sign that is made of a rigid material such as plywood or corrugated plastic, which may be displayed only on the site of a subdivision plat under construction, and only during the time period when less than 80 percent of the lots in the plat phase have been sold.
- (3) **Miscellaneous Sign Group.** “Miscellaneous Sign Group” is a Sign Group containing various Sign Categories and Sign Types that a site or business is eligible or required to use. This group includes the following Sign Categories: Site Guidance Signs, Placemaking Signs, and Yard Signs. See Figure 22.11(3) and 22.11(3.A.) for additional rules related to zoning districts.
- (a) **Site Guidance Sign Category.** A Sign Category that includes signs that the City finds essential or highly desirable in order to protect the public health, safety, or welfare. Specifically, these signs are used to provide information essential to the following public purposes: to deliver mail; to identify property addresses for the provision of emergency services such as fire or rescue service; to identify the management of rental properties for the provision of emergency services; to provide information about parking limitations or warnings against trespass; and, to provide information about required traffic flow where a safe path to a destination is not evident.

The following Site Guidance Sign Types are addressed by this Chapter:

1. **On-Building Locational Sign.** A type of Site Guidance Sign located on-building that typically indicates addressing information or the name or address of the property owner, tenant, or manager of the property.

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 Sections 22.06 to 22.07: Reserved
 

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2. **Interior Site Navigational Sign.** A type of Site Guidance Sign that typically includes a directional arrow or symbol that directs people to a specific destination within a development or site or indicates a warning from the property owner related to conditions on-site or that cites a City, State, or Federal law, order, rule, or regulation. Examples may include signs listing parking hours or “No Trespassing,” “No Loitering,” or “Customer Parking Only” signs. This Sign Type may also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square foot.
- (b) **Placemaking Sign Category.** A Sign Category that conveys information which the City of Middleton finds desirable to encourage placemaking, particularly related to officially-recognized historic places, officially-designated neighborhoods, and conveying information for the general public. Signs in this Category are optional and are only permitted through official government action, including designation of historic places, creation of outlots in a Plat or Certified Survey Map, and the presence of an Institutional land use.

The following Placemaking Sign Types are addressed by this Chapter:

1. **Metal Plaque Sign.** A type of Placemaking Sign is available to officially-recognized historic properties, sites, or districts, typically denoting the name of the building onto which it is mounted, its date of erection, or historical information.
  2. **Permanent Gateway Sign.** A type of Placemaking Sign typically indicating the name of a neighborhood, neighborhood association, or subdivision recognized by the City of Middleton.
  3. **Community Sign.** A type of Placemaking Sign typically providing information to the community regarding scheduled public events, public activities, and public facilities.
  4. **Community Interior-Oriented Sign.** A type of Placemaking Sign typically indicating or recognizing a business or other entity which sponsors or supports a particular sport, team, event, or other activity in which persons are or will be engaged at the location where the sign is displayed.
- (c) **Yard Sign Category.** A Sign Category which is available to all land uses and is intended to accommodate a wide variety of sign purposes (e.g. garage sale signs, for sale signs, political signs, “slow down for kids” signs, on-premises advertising signs, etc.), often needed on a temporary basis. Such signs are freestanding and mounted on one or two stakes or posts and do not have footings. Yard Signs are not permitted in any street terrace or other portion of a right-of-way.

The following Yard Sign Types are addressed by this Chapter:

1. **Stake Sign.** A type of Yard Sign that consists of a sign face erected upon one or more metal wires or wood, metal, or plastic stakes of no more than 3 inches in width.
2. **Frame Sign.** A type of Yard Sign that consists of a frame into which a sign face can be inserted and erected upon two wood, metal, or plastic stakes or ground spikes.
3. **Arm & Post Sign.** A type of Yard Sign mounted on a post or posts, either with a bracket arm extending outward to support a hanging sign, with the sign attached directly to the side of the post, or with the sign mounted between two posts.

## Sections 22.06 to 22.07: Reserved

### Section 22.08: Electronic Message Signs

- (1) **Electronic Message Sign.** A type of sign that displays words, lines, logos, graphic images, or symbols, which may be changed electronically to provide different information, and which includes computer signs, electronic reader boards, video screens, LCD signs, electronic time and temperature signs, and other signs with electronically-controlled changing or moving displays.

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**Section 22.09: Reserved**

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- (a) Electronic Message Signs shall be permitted only with nonresidential land uses. No more than one Electronic Message Sign shall be permitted per site.
- (b) In addition to the setback requirements of this Chapter, no Electronic Message Sign shall have a message that is visible from any residential zoning district within 150 feet of the sign.
- (c) Electronic Message Signs may be integrated into the design of the following Sign Types: Monument Signs, Drive Thru Signs, or Community Signs, but may not comprise more than 40 square feet of the sign's total area. Electronic Message Signs shall count toward the site's maximum permitted sign area.
- (d) Messages and non-text images shall not change appearance more than once every 6 seconds and transitions between messages shall be via instantaneous change. Use of Electronic Message Signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered animated signs, which are prohibited per Section 22.30.
- (e) Electronic Message Signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination.
- (f) Electronic Message Signs shall comply with the exterior lighting requirements of Chapter 33 of the City of Middleton Municipal Code.
- (g) Electronic Message Signs shall be maintained so as to display messages in a complete and legible manner.

**Section 22.09: Reserved****Section 22.10: Group Developments**

- (1) In order to accommodate increased signage needs for multi-tenant buildings, Group Developments (defined under the City of Middleton Zoning Code Chapter 10.06.02), shall be permitted an increase in total permitted sign area and height. Large Developments (also defined under the City of Middleton Zoning Code Chapter 10.06.02) shall not be permitted an increase in total permitted sign area and height.
  - (a) Each business shall be eligible for integration into a Group Development Sign. The allocation of sign area for each business shall be determined by the property owner.
  - (b) Group Development Signs shall be configured as a Monument Sign per Section 22.0.5(1)(a)1.
  - (c) Group Development Signs may be increased by up to 50 percent in area and up to two feet in height above the maximum sign area and height established in Figure 22.11(1) and 22.11(1.A.).
  - (d) Once a Sign Permit is granted for a proposed Group Development Sign, all existing freestanding signs on the site shall be brought into conformity with this Chapter.

**Section 22.11: Permitted Sign Rules**

- (1) Signs shall be allowed on private property in the City in accordance with Figures 22.11(1) through 22.11(3.A.), which address permitted signage as it relates to permits, quantity, area, location, lighting, and zoning districts. The requirements set forth in Figures 22.11(1) through 22.11(3.A.) shall be declared to be part of this Chapter.
  - (a) The rules for signs in the Business Signs--Permanent Group are located in Figure 22.11(1).
  - (b) Additional rules pertaining to the Freestanding Sign Category are located in Figure 22.11(1.A.).
  - (c) The rules for signs in the Business Signs—Other Group are located in Figure 22.11(2).
  - (d) The rules for signs in the Miscellaneous Sign Group are located in Figure 22.11(3) and Figure 22.11(3.A.).



Section 22.11: Permitted Sign Rules

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- (e) Signage for all uses in the Planned Unit Development zoning district (See the City of Middleton Zoning Code Chapter 10.02.70) shall be permitted per the underlying zoning district and may be granted flexibility through the Planned Unit Development process.

Section 22.11: Permitted Sign Rules

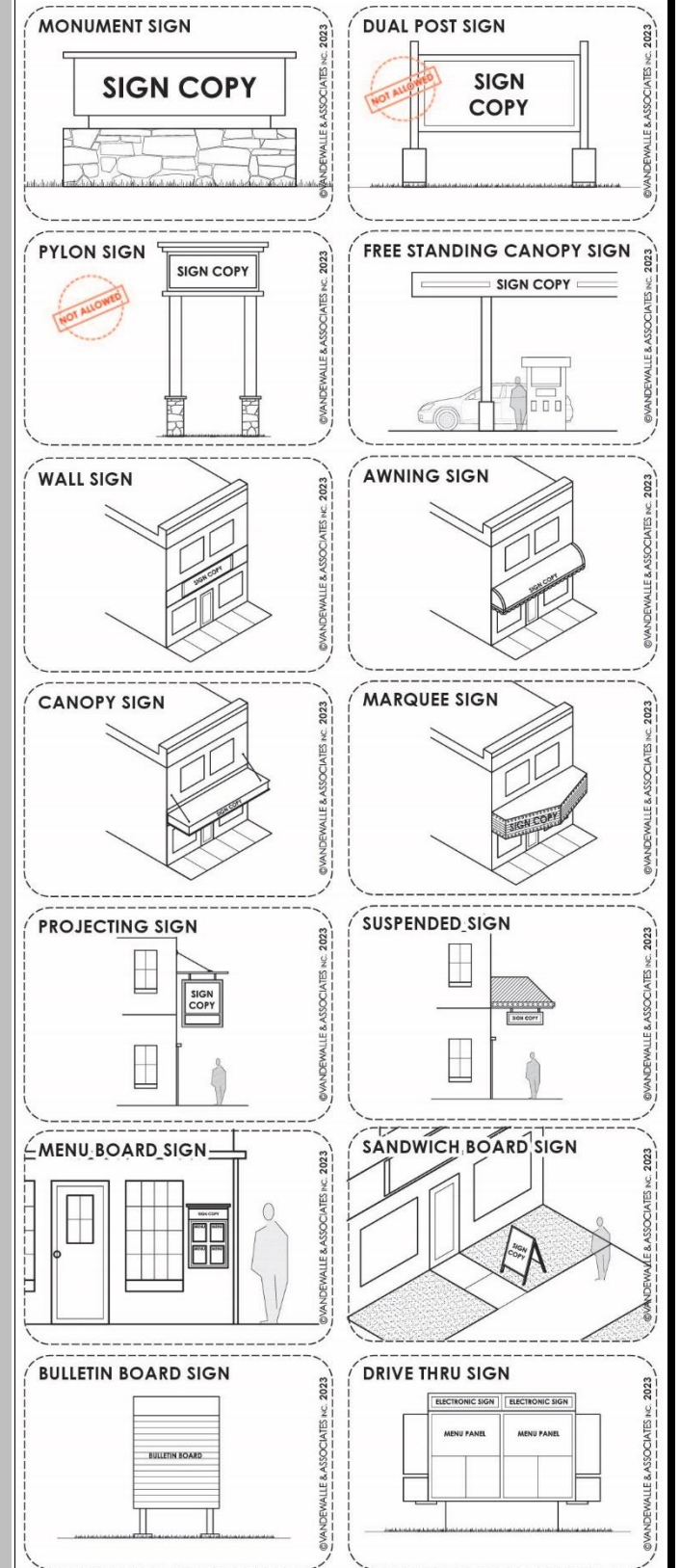
**Figure 22.11(1): Business Sign--Permanent Group <sup>2</sup>**

Sign Categories & Sign Types	Sign Permit Required and Approver (see Section 22.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	Sign Area & Height Maximums for Zoning Districts <sup>16</sup> :				
							1 & 2 Family Residential SR-L, SR-M, SR-H, MH-D, TR-D, TR-F	Multi-Family Residential MR-L, MR-M, MR-U, MR-H	Non-Residential and Mixed-Use INST, MU-N, MU-A, MU-U, MU-D, I-L, R-P, I-M, I-H, IOS, IOC, EXD, AIR	Other AGR, PR, CON	
<b>A. Freestanding Sign Category <sup>1, 2</sup></b>											
1. Monument Sign <sup>1, 2, 4, 6, 11, 20, 21</sup>	Yes: For each new sign. P.C. approval. <sup>17</sup>	1 sign per street frontage, plus 1 sign for lots over 1,000 linear feet.	Minimum height of sign = minimum distance from the right-of-way <sup>9</sup>	Durable, all-weather materials in all districts. <sup>9, 11</sup>	Standard. <sup>5</sup>	See Figure 22.11(1.A.)	Not allowed	See Figure 22.11(1.A.)	See Figure 22.11(1.A.)	See Footnote 16	
2. Dual-Post Sign		Not allowed									
3. Pylon Sign		Not allowed									
4. Freestanding Canopy Sign <sup>22</sup>		1 per street frontage <sup>22</sup>	Placed on the canopy facia <sup>13</sup>				None. Use max area.	Not allowed	See Footnote 22	Not allowed	
<b>B. On-Building Sign Category <sup>1, 2</sup> Note: All On-Building Signs on the same building façade must be the same Type of Sign (1-5), below.</b>											
1. Wall Sign <sup>1, 2, 3, 7, 8</sup>	Yes: For each new sign. P.C. approval. <sup>17</sup>	1 sign per business per street frontage <sup>3</sup>	Sign shall not extend above parapet or facia. Minimum overhang rules. <sup>8, 9</sup> Sign may not project within 2 feet of curb.	Durable, all-weather materials in all districts.	Standard. <sup>5</sup>	1 sf of sign area per 1 ft of building façade length <sup>3</sup>	Not allowed		100 sf area	See Footnote 16	
2. Awning Sign <sup>1, 2, 6, 8</sup>							Not allowed		Per formula.		See Footnote 16
3. Canopy Sign <sup>1, 2, 8, 13</sup>		Not allowed					40 sf area	60 sf area	See Footnote 16		
4. Marquee Sign <sup>1, 2, 8, 18</sup>		Not allowed					Not allowed	60 sf area	See Footnote 16		
5. Projecting Sign <sup>1, 2, 8</sup>		Not allowed					24 sf area		See Footnote 16		
<b>C. Pedestrian Sign Category <sup>1, 2</sup> Note: All Pedestrian Signs on the same building façade must be the same Type of Sign (1), below.</b>											
1. Suspended Sign <sup>1, 2, 8</sup>	Yes: For each new sign. City staff approval.	1 for each customer entrance.	Minimum overhang rules. <sup>8, 9</sup>	Durable, all-weather materials in all districts.	Ambient or Gooseneck.	None. Use max area.	Not allowed	4 sf area	See Footnote 16		
<b>D. Changeable Copy Sign Category <sup>1, 2</sup></b>											
1. Menu Board Sign <sup>1, 2, 19</sup>	Yes: For each new sign. City staff approval.	1 for each business.	Within 10 ft of customer entrance. <sup>9, 12</sup>	Durable, all-weather materials in all districts.	Internal.	None. Use max area.	Not allowed		8 sf area	See Footnote 16	
2. Sandwich Board Sign <sup>1, 2</sup>			Minimum 15' from the right-of-way. <sup>9, 12</sup>				Ambient only.	Not allowed		6 sf area/6 ft height/2 ft width	See Footnote 16
3. Bulletin Board Sign <sup>14</sup>			Standard. <sup>5</sup>				Internal.	Not allowed		10 sf area/6 ft height	See Footnote 16
4. Drive Thru Sign <sup>1, 2, 10</sup>	Yes: For each new sign. P.C. approval. <sup>17</sup>	1 per drive thru lane	Drive-thru <sup>10</sup>				Standard. <sup>5</sup>	Not allowed		36 sf area/6 ft height	Not allowed

**Footnotes Containing Additional Development Requirements:**

- Refer to Section 22.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).
- Available to land uses identified in the City of Middleton Zoning Code, Chapter 10 Article III.
- The number of permitted on-building signs may be transferred from one wall to another, but the total combined sign area on the receiving wall shall still be limited by the length ratio of said wall.
- Electronic Message Signs (of up to 40 square feet of the sign area) are permitted for this Sign Type in nonresidential districts. See Section 22.08.
- "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.
- Sign copy shall be horizontally and vertically centered on the face of the awning; shall not project above, below, or beyond the awning surface; shall not exceed 50% of the awning area, and shall not be more than 12" tall on the vertical face.
- Every business shall be guaranteed a minimum of 50 square feet of Wall Sign area, regardless of the business's actual building façade length.
- Bottom of sign shall be a min. of 14 feet above a drive, alley, street, parking space or other vehicle surface; a min. of 8 feet above a sidewalk, patio, or other ground-level surface; and a maximum 3 feet from the building. Wall Signs shall not project more than 12 inches horizontally beyond the edge of any wall or other surface to which they are mounted. Projecting Signs shall not project more than 6 feet horizontally beyond the edge of any wall or other surface to which they are mounted and no more than 2 feet into the right-of-way.
- Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle without a permit from the City Engineer. No sign shall be affixed to any fence, tree, utility pole, or obstruct any other sign. No sign may be placed within 10 feet of a fire hydrant, within 15 feet of a crosswalk, or within 15 feet of the intersection of any circulation lane, driveway, or alley. Off-premises Freestanding Signs are prohibited.
- Drive Thru Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses (see the City of Middleton Zoning Code, Chapter 10 Section 10.03.10(9)). Drive Thru Signs shall be located within 15 feet of the building, sign copy shall not be viewable from the public right-of-way or an adjacent residential land use, sign type may be either freestanding or mounted on the exterior wall of the building, and must meet the noise and lighting standards in the zoning code.
- Sign must be designed of materials complementary to and harmonious with the building and site, and must be closely integrated with site landscaping.
- Signs shall only be located on a public sidewalk or private walkway that is a minimum 6 feet wide and shall only be displayed during the hours of operation for the on-site land use.
- Shall be horizontally and vertically centered on the face of the canopy and sign face shall be limited to 12" in height and a maximum of 10% of the canopy area. On Freestanding Canopies, signs shall not project above or below the canopy face.
- Sign type only allowed for Institutional land uses as determined by the Zoning Administrator (see the City of Middleton Zoning Code Chapter 10, Section 10.03.12).
- Group Development Signs (See Section 22.10) may be up to 50% larger in area and 2 feet taller in height. See the City of Middleton Zoning Code Section 10.06.02 for more information.
- No sign shall be permitted except those installed by the direction of the Park, Recreation, and Forestry Commission, Conservancy Land Committee, or License and Ordinance Committee within any parcel zoned AGR, PR, or CON.
- Plan Commission approval is required for all proposed sign placements. City staff approval is required for all sign permits. Also see Section 22.27.
- Sign copy shall be horizontally and vertically centered on the face of the marquee, signs must be finished and enclosed on both the top and bottom between the building façade and outer edge of the sign, sign shall be a minimum of 6 feet deep and 16 feet wide, and sign copy must be a minimum of 10" tall.

**Example Sign Diagrams:**



Section 22.11: Permitted Sign Rules

19 Menu Board Signs shall be securely affixed to the exterior wall of the building and shall not extend more than 4" from the wall on which it is mounted.
20 Any Internally illuminated sign must have opaque cabinet fields and a translucent message.
21 As required by Wis. Stat. Section 100.18(8), any In-Vehicle Sales and Service land use per the City of Middleton Zoning Code, Chapter 10 Section 10.03.10(9) is permitted to include illuminated fuel price signage as a changeable copy or Electronic Message Sign integrated into the sign structure. Such signs shall count toward the site's maximum permitted sign area.
22 Only permitted for In-Vehicle Sales and Service land uses per the City of Middleton Zoning Code, Chapter 10 Section 10.03.10(9). Stripe width shall be permitted on all sides of the freestanding canopy and limited to a maximum height of 20 percent of the fascia's vertical height, to a maximum height of 12 inches. Sign copy shall be limited to a maximum of 4 square feet in size per fascia facing a public right-of-way.
Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission P.R.F.C. = Parks, Recreation, and Forestry Commission

**Figure 22.11(1.A.): Freestanding Signs**

		Zoning Districts <sup>2,3,4,5</sup>					
Lanes of Traffic and Speed Limit on Adjacent Roadway <sup>1</sup>		SR-L, SR-M, SR-H, MH-D, TR-D, TR-F	MR-L, MR-M, MR-U, MR-H	INST, MU-N, MU-A, MU-U, I-L, R-P, I-M, I-H, IOS, IOC, EXD, AIR	MU-D	Planned Development	All Others
Number of Traffic Lanes	Speed Limit (mph)	Max Height/Area (sf)	Max Height/Area	Max Height/Area	Max Height/Area	Max Height/Area	Max Height/Area
1-3	0-34	N/A	6 feet / 36 sf	6 feet / 36 sf	4 feet / 16 sf	Site-Specific, but based on standards for buildings/uses in comparable zoning districts.	6 ft / 36 sf
	35-44		6 feet / 36 sf	6 feet / 36 sf	4 feet / 16 sf		6 ft / 36 sf
	45+		6 feet / 36 sf	6 feet / 36 sf	4 feet / 16 sf		6 ft / 36 sf
4-5	0-34		6 feet / 36 sf	8 feet / 36 sf	4 feet / 16 sf		8 ft / 36 sf
	35-44		6 feet / 36 sf	8 feet / 36 sf	4 feet / 16 sf		8 ft / 36 sf
	45+		6 feet / 36 sf	8 feet / 36 sf	4 feet / 16 sf		8 ft / 36 sf
6+	0-34		6 feet / 36 sf	8 feet / 36 sf	4 feet / 16 sf		8 ft / 36 sf
	35-44		6 feet / 36 sf	8 feet / 36 sf	4 feet / 16 sf		8 ft / 36 sf
	45+		6 feet / 36 sf	8 feet / 36 sf	4 feet / 16 sf		8 ft / 36 sf

**Footnotes Containing Additional Development Requirements:**

1 For lots with more than one street frontage, use the miles per hour on the street with the fastest speed limit to determine the maximum height and area allowed.

2 No Freestanding Sign can be located within 100 feet of any other Freestanding Sign, or the furthest distance possible, whichever distance is shorter. All Freestanding Sign shall be mounted on a base not to exceed 4 feet in height and the base shall not exceed the width portion of the sign face.

3 No Freestanding Sign can exceed the height of the on-premise principal building.

4 On any parcel occupied by two or more occupants or where a second Freestanding Sign is permitted per Footnote 2, sign copy shall be combined on a single Freestanding Sign.

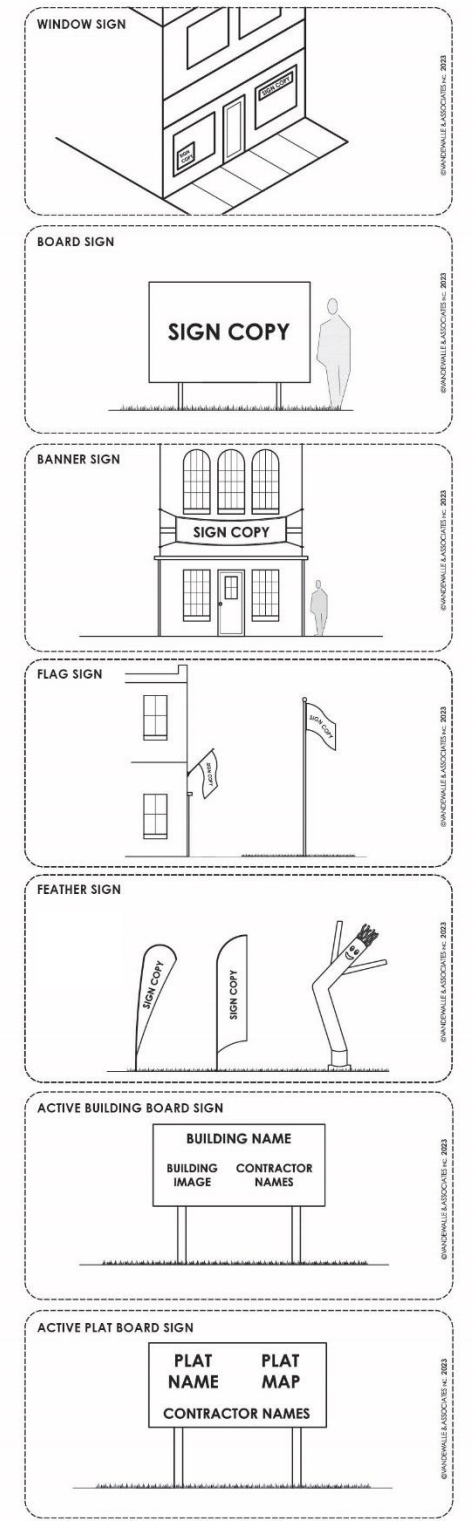
5 An on-premise Freestanding Sign having no principal building on the parcel shall not be permitted.

Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission P.R.F.C. = Parks, Recreation, and Forestry Commission

Section 22.11: Permitted Sign Rules

Figure 22.11(2): Business Sign--Other Group <sup>2</sup>							Sign Area & Height Maximums for Zoning Districts:			
							1 & 2 Family Residential SR-L, SR-M, SR-H, MH-D, TR-D, TR-F	Multi-Family Residential MR-L, MR-M, MR-H	Non-Residential and Mixed-Use INST, MU-N, MU-A, MU-U, MU-D, I-L, R-P, I-M, I-H, IOS, IOC, EXD, AIR	Other AGR, PR, CON
Sign Categories & Sign Types	Sign Permit Required and Approver (see Section 22.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula				
<b>A. Window Sign Category</b> <sup>1,2,4</sup> No time limit on the display of these signs.										
1. Window Sign <sup>1,2,4</sup>	Sign Permit not required.	Not to exceed maximum coverage percentages. <sup>4</sup>	Only allowed on the inside of the window. <sup>11</sup>	Paper, vinyl, or similar lightweight material, paint	Ambient only; up to 1 internally illuminated or neon sign per tenant	Based on the percent of window area covered. →		25% max window area coverage per window <sup>4</sup> 25% max total window coverage area per façade <sup>4</sup>	See Footnote 12	
<b>B. Temporary Board or Banner Sign Category</b> <sup>1,2,3</sup> Display limit is based on the footnotes below. <sup>8,10</sup>										
1. Board Sign <sup>1,2,3,8</sup>	Sign Permit not required.	1 per lot.	Sign setback shall be at least max. sign height <sup>3</sup>	Plywood or similar rigid, all-weather material.	Ambient only.	None; Use max sign area limit. →	Not allowed.	32 sf max area 8 ft max height	See Footnote 12	
2. Banner Sign <sup>1,2,3,10</sup>		1 per business or organization.	On-building	Vinyl, Fabric, or Lightweight all-weather material.			Not allowed.	9 sf max area, No max height	See Footnote 12	
<b>C. Temporary Flag or Feather Sign Category</b> <sup>1,2,3</sup>										
1. Flag Sign <sup>1,2,3,7</sup>	Sign Permit not required.	1 per business or organization.	Sign setback shall be at least max. sign height <sup>3</sup>	Vinyl, Fabric, or Lightweight all-weather material.	Ambient Only	None; Use max sign area limit. →	32 sf max area, cannot exceed building height		See Footnote 12	
2. Feather Signs <sup>1,2,3,13</sup>							Not allowed.	8 sf max area 6 ft max height <sup>13</sup>	Only per terms of special event permit	
<b>D. Temporary Approved Development Sign Category</b> <sup>1,2,3</sup> Display limit is based on the period of active development. <sup>5,6</sup>										
1. Active Building Sign <sup>1,2,3,5</sup>	Sign Permit not required.	1 per street frontage.	On-Building; or Freestanding; and clustered in a single location approved by the City Engineer.	Any durable, all-weather material.	Ambient only.	None; Use max sign area limit. →	32 sf max area, 8 ft max height	64 sf max area or 96 sf max area <sup>9</sup> 8 ft max height	See Footnote 12	
2. Active Plat Sign <sup>1,2,3,6</sup>		2 per development site.					32 sf max area for each sign <sup>6</sup> 8 ft max height		See Footnote 12	
<b>E. Prohibited Other Sign Category</b> <sup>1</sup> Display of the following signs is always prohibited in all zoning districts:										
<ul style="list-style-type: none"> <li>• Signs resembling any traffic control sign or located within a required vision triangle near a street intersection or driveway apron, as determined by the City Engineer.</li> <li>• Signs that project above the building parapet or eave.</li> <li>• Signs that flutter, undulate, swing, rotate, or otherwise move, e.g. inflatable signs, wind socks/tubes, pennants, streamers, festoons, and pinwheels; except signs permitted in A.-D., above.</li> <li>• Flashing, scrolling, or animated signs (including signs that change their appearance less than once per 6 seconds), beacon, search lights, and strobe lights.</li> <li>• Signs mounted on platforms, with wheels or runners, such as trailer signs, sled signs, or other portable signs.</li> </ul>										
<b>Footnotes Containing Additional Development Requirements:</b>										
1 Refer to Section 22.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).										
2 Available to land uses identified in the City of Middleton Zoning Code, Chapter 10 Article III.										
3 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle.										
4 A "Window" is the total area within a window frame, which may be divided by muntins or mullions. Glass areas divided by walls, piers or columns are considered separate windows. Signs shall only be placed on windows located on the ground floor. Window signage area maximums may be exceeded up to 50% total per window or per façade with approval by the Plan Commission.										
5 Period of active building development is between the issuance of the building permit and the issuance of the first occupancy permit for the building.										
6 Period of active plat development is between the recording of the final plat to the issuance of building permits for 80% of the lots; as applied to each development phase in the final plat. One additional Active Plat Sign is permitted for each 100 lots in the subdivision, in excess of 100 total lots.										
7 Flag Signs must be mounted to a pole. The pole can either be driven into the ground or attached to a building. If the pole is driven into the ground, it must be rigid and permanent. If the pole is attached to the building, it must also be rigid. The following flags are exempt: National flags, flags of political subdivisions, and symbolic flags of any institution or badge or insignia of the United States, State of Wisconsin, Dane County, City of Middleton, foreign countries or official historic plaques.										
8 A Board Sign is only permitted during the sale or lease of the subject property or on-site building. Signs are permitted to be displayed between the listing of the subject property or on-site building for sale or for lease and shall be removed within ten days after undergoing a rental or lease agreement or sale.										
9 On any lot less than 100,000 sf, signs cannot exceed 64 sf per street frontage. On any lot greater than 100,000 sf, signs cannot exceed 96 sf per street frontage.										
10 Banners shall be displayed a maximum of 30 consecutive days, up to 2 times per calendar year.										
11 Anything painted on a façade or window that does not constitute a sign per Section 22.03(1) is permitted on the exterior wall or window of the building.										
12 No sign shall be permitted except those installed by the direction of the Park, Recreation, and Forestry Commission, or Conservancy Land Committee, or License and Ordinance Committee within any parcel zoned AGR, PR, or CON.										
13 Sign shall only be displayed for up to 10 consecutive days once per calendar quarter and only during the hours of operation for the on-site land use.										

Example Sign Diagrams:

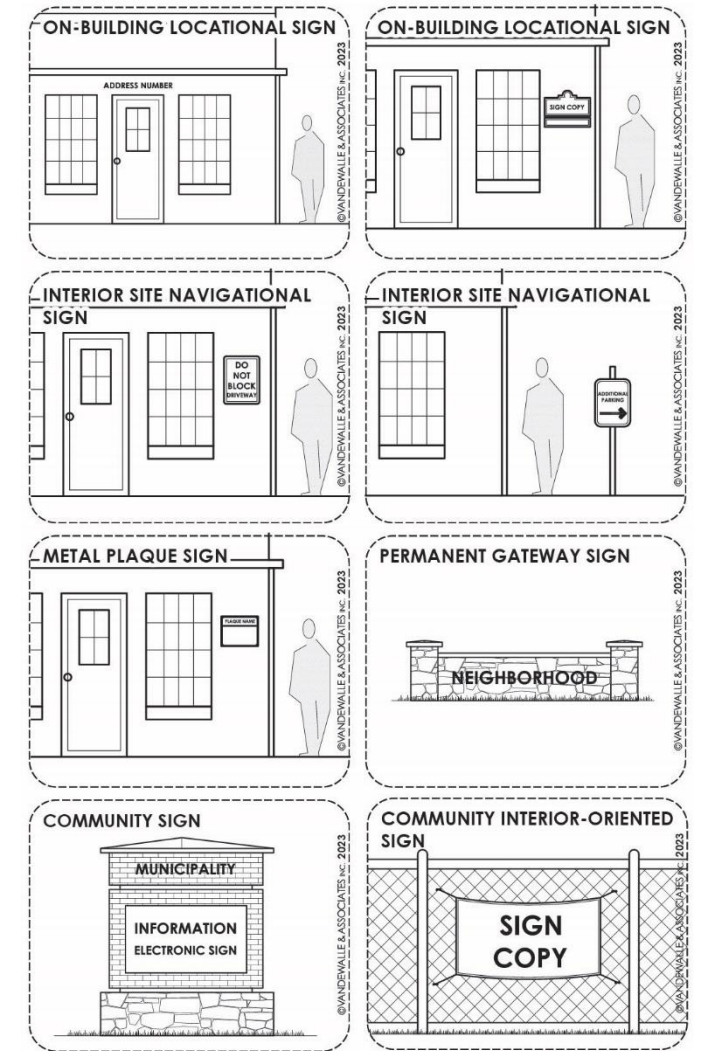




Section 22.11: Permitted Sign Rules

Figure 22.11(3): Miscellaneous Sign Group <sup>2</sup>							Sign Area & Height Maximums for Zoning Districts:			
							1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Other
Sign Categories & Sign Types	Sign Permit Required and Approver (see Section 22.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	SR-L, SR-M, SR-H, MH-D, TR-D, TR-F	MR-L, MR-M, MR-U, MR-H	INST, MU-N, MU-A, MU-U, MU-D, I-L, R-P, I-M, I-H, IOS, IOC, EXD, AIR	AGR, PR, CON
<b>A. Site Guidance Sign Category <sup>1, 2, 6</sup></b>										
1. On-Building Locational Sign <sup>1, 2, 6, 8, 10</sup>	Sign Permit not required.	1 required per address. <sup>6</sup>	On-building, and visible from street. <sup>8</sup>	Any durable, all-weather material.	Ambient only.	None needed. Use max sign area limit. →	3 sf max area 6 ft max mounted height <sup>10</sup>	12 sf max area 12 ft max mounted height <sup>10</sup>	See Footnote 11	
2. Interior Site Navigational Sign <sup>1, 2, 6, 8, 9</sup>	Yes. For each new sign. Staff approval	4 per lot, plus 1 per driveway entrance/exit	On-building or freestanding. <sup>6, 8</sup>				4 sf max area 6 ft max height		See Footnote 11	
<b>B. Placemaking Sign Category <sup>1, 2, 6, 12</sup></b>										
1. Metal Plaque Sign <sup>1, 2</sup>	Yes, For each new sign. Landmarks Commission approval.	Up to 3 per historic building, property, or district.	On-building <sup>8</sup> or freestanding. <sup>6</sup>	Bronze, aluminum, or stainless steel.	Standard. <sup>7</sup>	None Needed. Use max sign area limit. →	4 sf max area 6 ft max height		See Footnote 11	
2. Permanent Gateway Sign <sup>1, 2, 3, 6</sup>	Yes. For each new sign. P.C. approval.	As approved per the final plat.	Sign setback shall be at least max. sign height. <sup>6</sup>	Any durable, all-weather material.	Standard. <sup>7</sup>		32 sf max area 6 ft max height		Not allowed	
3. Community Sign <sup>1, 2, 4, 5, 6, 12</sup>		1 per site.	Freestanding minimum 15' from the right-of-way <sup>6</sup>		Standard. <sup>5, 7</sup>	1 sf of sign area per 1 ft of building façade length	Not allowed.	See Figure 22.11(1.A.)		See Footnote 11
4. Community Interior-Oriented Sign <sup>1, 2, 4, 6</sup>	Yes. For each new sign. P.R.F.C. approval.	As permitted in writing by the P.R.F.C.	Affixed to fences facing the interior of a recreational field		Ambient only.	None Needed. Use max sign area limit. →	32 sf max area 15 ft max height		See Footnote 11	
<b>Footnotes Containing Additional Development Requirements:</b>										
1 Refer to Section 22.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).										
2 Available to land uses identified in the City of Middleton Zoning Code, Chapter 10 Article III, other than Community Signs and Community Interior-Oriented Signs.										
3 Permanent Gateway Signs shall be located within a platted outlot or within a permanent sign easement and shall only be configured as a monument sign.										
4 Community Signs shall only be configured as a monument sign. Community Interior-Oriented Signs shall only be configured as a banner sign affixed to a fence facing the interior of a recreational field. Community Signs and Community Interior-Oriented Signs are only allowed for Institutional land uses as determined by the Zoning Administrator (see the City of Middleton Zoning Code Chapter 10, Section 10.03.12).										
5 Electronic Message Sign are permitted per Section 22.08.										
6 Sign must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle.										
7 "Standard" means the following forms of sign lighting: ambient, backlit, internal, and gooseneck.										
8 On-building signs must be located within 10 feet of building's main entrance.										
9 May also include either the name, logo, or symbol of the destination, provided that the name, logo, or symbol is less than 1 square feet.										
10 Home occupations are permitted one additional On-Building Locational Sign. Such sign shall be a max of 2 square feet.										
11 No sign shall be permitted except those installed by the direction of the Park, Recreation, and Forestry Commission, or Conservancy Land Committee, or License and Ordinance Committee within any parcel zoned AGR, PR, or CON.										
12 Water tower signs shall be approved by the Plan Commission through the Site Plan review process (see the City of Middleton Zoning Code, Chapter 10 Section 10.10.43).										
Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission P.R.F.C. = Parks, Recreation, and Forestry Commission										
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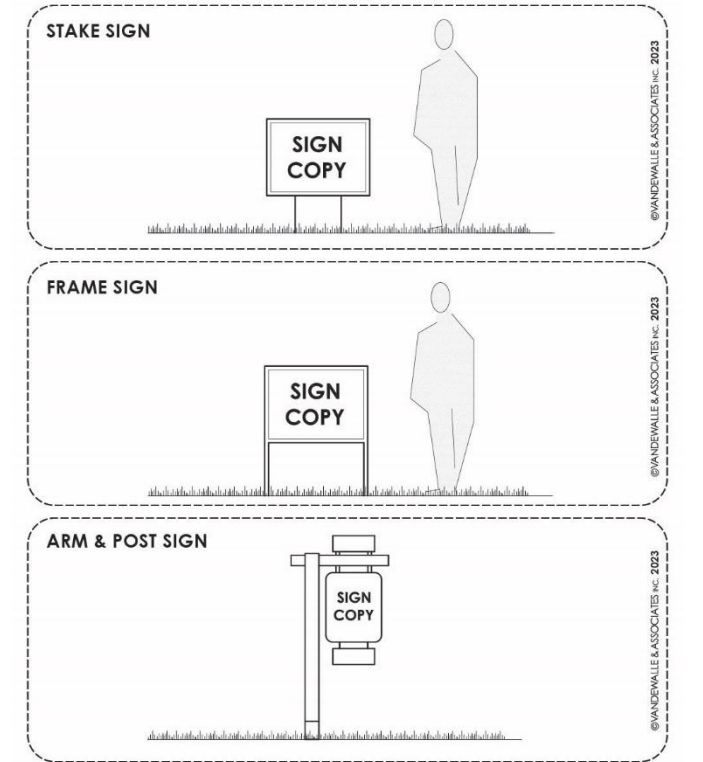
Example Sign Diagrams:



Section 22.11: Permitted Sign Rules

Figure 22.11(3.A.): Miscellaneous Sign Group							Sign Area & Height Maximums for Zoning Districts:			
							1 & 2 Family Residential	Multi-Family Residential	Non-Residential and Mixed-Use	Other
Sign Categories & Sign Types	Sign Permit Required (see Section 22.27)	Number of Signs Allowed	Sign Locations Allowed	Sign Face Materials Allowed	Sign Lighting Allowed	Sign Area Formula	SR-L, SR-M, SR-H, MH-D, TR-D, TR-F	MR-L, MR-M, MR-U, MR-H	INST, MU-N, MU-A, MU-U, MU-D, I-L, R-P, I-M, I-H, IOS, IOC, EXD, AIR	AGR, PR, CON
<b>A. Yard Sign Category</b>										
1. Stake Sign 1,2,4,5,7,8,9	No. Sign Permit not required.	2 per lot.	Must be located on-site <sup>3</sup>	Any material.	Ambient only.	None needed. Use max sign area limit. →	6 sf max area 4 ft max height		See Footnote 10	
2. Frame Sign 1,2,4,5,7,8,9							10 sf max area <sup>6</sup> 6 ft max height		See Footnote 10	
3. Arm & Post Sign 1,2,4,5,6,7,8,9										
<b>Footnotes Containing Additional Development Requirements:</b>										
1 Refer to Section 22.05 for definitions and rules for each Sign Category (lettered), and each Sign Type (numbered).										
2 Available to land uses identified in the City of Middleton Zoning Code, Chapter 10 Article III.										
3 Yard Signs must be located on-site and must not be located within any street right-of-way (which includes the entire public sidewalk and street terrace area) or vision triangle.										
4 Yard Signs may be displayed permanently, but typically are not.										
5 One additional Yard Sign or Arm & Post Sign per lot is permitted if the subject property is for lease, for rent, for sale, or hosting an open house. The additional sign(s) must be removed within 10 days after undergoing a rental or lease agreement, sale, or open house.										
6 The area maximum for Arm & Post signs includes the sign face, as well as any additional placards that are attached to the sign.										
7 Any number of Yard Signs is permitted within a period of 30 days prior to, and 10 days following, any local, state, or federal election, with a maximum area of 32 square feet per sign and maximum height of 6 feet per sign.										
8 No off-premises Yard Signs are permitted.										
9 Any Yard Sign associated with a public hearing that has been legally noticed and placed on-site at the direction of City staff is exempt from this Chapter.										
10 No sign shall be permitted except those installed by the direction of the Park, Recreation, and Forestry Commission, or Conservancy Land Committee, or License and Ordinance Committee within any parcel zoned AGR, PR, or CON. Any property within the AGR zoning district is exempt from this requirement for any Yard Sign.										
Abbreviations: ft = feet max = maximum min = minimum sf = square feet C.U.P. = Conditional Use Permit P.C. = Plan Commission P.R.F.C. = Parks, Recreation, and Forestry Commission										

Example Sign Diagrams:

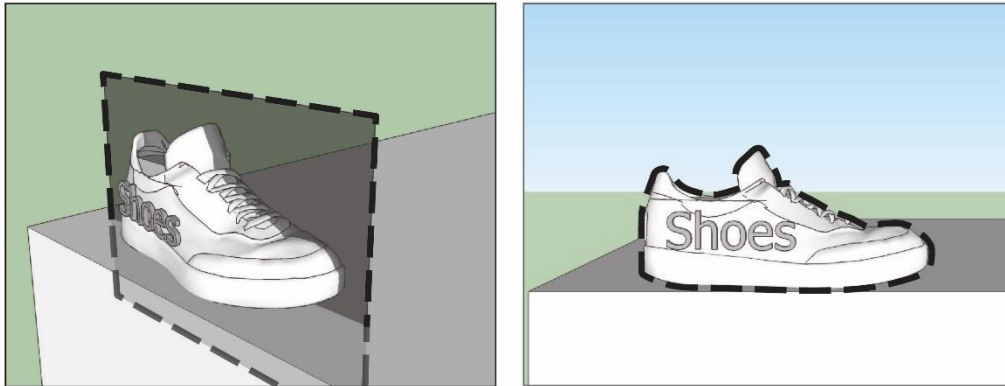


**Sections 22.12 to 22.14: Reserved****Section 22.15: Sign Setback, Height, Measurement, and Flexibility**

- (1) Sign Setbacks. Signs must be located on-site, outside of the vision triangle, and must not be located within any street right-of-way. Each sign type must be set back in a location consistent with Figure 22.11(1), Figure 22.11(1.A.), Figure 22.11(2), Figure 22.11(3), and Figure 22.11(3.A.). Any sign to be placed within a public easement requires City approval of a license agreement.
- (2) Sign Height.
  - (a) The height of a freestanding sign shall be measured from the average ground level adjacent to and at the base of the sign to the top of the highest attached component of the sign, or from the centerline grade of the nearest adjacent public road, if such information is supplied with the permit application and confirmed by the Zoning Administrator, whichever is higher.
  - (b) The average ground level is defined as the average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
- (3) Minimum Ground Clearance. All On-Building and Pedestrian Signs shall have a minimum clearance of 14 feet above a drive, alley, or street and a minimum of 8 feet above a sidewalk, path, trail, or other ground-level surface.
- (4) Measurement of Sign Area: The measurement of sign area is based on the arrangement of sign copy and sign background:
  - (a) In the case of a freestanding sign (including three-dimensional objects), sign area shall include the total sign area(s) that can be viewed from any single vantage point. i.e., for a typical freestanding sign that faces two directions, only the largest sign face visible from any single vantage point shall count toward the total permitted sign area. Sign area shall not include any elements of the sign structure designed solely for support of the sign structure and located below or to the side of the sign message. Examples of parts of a freestanding sign structure which are exempt from the sign area include the sign base and the supporting columns, posts, or poles.
  - (b) For signs comprised of individual letters and related copy which are attached to a background surface with one or more neutral surface colors, sign area shall be measured as the sum of the smallest rectangle enclosing each letter or related copy. See Example 1 in Figure 22.15(2).
  - (c) For signs comprised of individual letters and related copy surrounded by one or more sign background colors on individual panels, sign area shall be measured as the smallest single rectangle enclosing the entire sign message and any and all background color areas. See Example 2 in Figure 22.15(2).
  - (d) Groupings of related smaller signs may be counted as one sign. In such cases, sign area shall be measured as the smallest single rectangle enclosing the individual signs and any and all background color areas. See Example 3 in Figure 22.15(2).
  - (e) For signs comprised of one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture or statue-like trademarks), the sign area shall be measured as its maximum projection upon a vertical plane. See Figure 22.15(1).

Section 22.15: Sign Setback, Height, Measurement, and Flexibility

**Figure 22.15(1): Measurement of a 3D Sign Area**

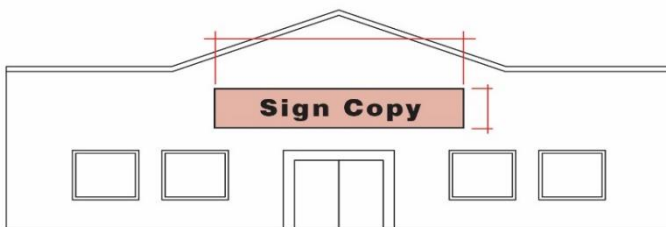


**Figure 22.15(2): Measurement of Sign Area**



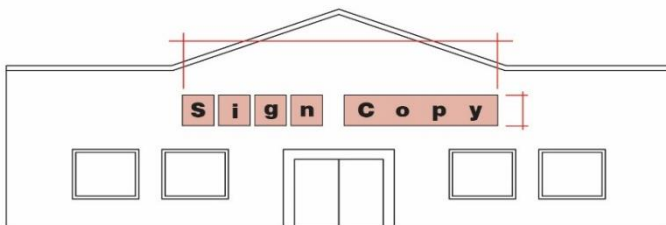
Example 1: Individual letters on a neutral surface

Sum of the smallest rectangles



Example 2: Individual letters or words grouped on one or more panels

Smallest single rectangle



Example 3: Individual letters on separate panels

Smallest single rectangle



**Sections 22.16 to 22.26: Reserved****Section 22.27: Sign Approvals and Permits – Application, Enforcement, and Revocation**

- (1) Applicability.
  - (a) No Freestanding Sign listed under Section 22.05(1)(a), On-Building Sign listed under Section 22.05(1)(b), Drive Thru Sign under Section 22.05(1)(d)4., Gateway Sign under Section 22.05(3)(b)2., or Community Sign under Section 22.05(1)(b)3. shall be erected, installed, or constructed without approval from the City of Middleton Plan Commission and the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section.
  - (b) No Suspended Sign under Section 22.05(1)(c), Menu Board Sign, Sandwich Board Sign, or Bulletin Board Sign listed under Section 22.05(1)(d), or Interior Site Navigational Sign under Section 22.05(3)(a)2., shall be erected, installed, constructed, or maintained without the granting of a permit from the Zoning Administrator in accordance with the provisions of this Section.
  - (c) No Metal Plaque Sign under Section 22.05(3)(b)1. shall be erected, installed, constructed, or maintained without the granting of a permit from the Landmarks Commission in accordance with the provisions of this Section.
  - (d) No permitted sign within the AGR, PR, or CON zoning districts (see the City of Middleton Zoning Code, Chapter 10) shall be erected, installed, constructed, or maintained without the approval of the Park, Recreation, and Forestry Committee, Conservancy Land Committee, or the License and Ordinance Committee in accordance with the provisions of this Section.
  - (e) For signs requiring a permit in Subsection (a), above, this Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure.
  - (f) This Section shall not apply to repainting or re-facing with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure.
  - (g) No new permit is required for signs which are in place as of the effective date this Chapter, and such signs may remain as legal nonconforming signs if they do not comply with every provision of this Chapter. Any alteration or relocation of such signs shall conform to the requirements of this Chapter. Refer to Section 22.35 for rules pertaining to nonconforming signs.
  - (h) Any sign permit granted hereunder shall not be assigned or transferred to any other sign, including a modified sign face or modified sign structure.
  - (i) The owner or tenant may request the granting of one permit for all signs on a site that requires a sign permit.
- (2) Review Authority.
  - (a) The Plan Commission shall review all signs per Section 22.27(1), all signs accompanying changes in land use or a new land use which must receive approval of a zoning permit, and sites which will have more than one sign viewed together as part of a group of signs. This may be required with a zoning permit for change of land use or a sign permit.
- (3) Sign Permit Application. Each sign permit application shall include:
  - (a) The name, address, phone number, and email address of the applicant.
  - (b) The name of the business or land use the proposed sign will serve.
  - (c) The name, address, phone number, email address, and signature of the property owner.
  - (d) The name, address, phone number, and email address of the sign contractor.
  - (e) The property's zoning designation.

Section 22.27: Sign Approvals and Permits – Application, Enforcement, and Revocation

- (f) The property's current land use or uses for the entire subject property, including all indoor and outdoor areas.
  - (g) The approved site plan for the subject property (see the City of Middleton Zoning Code, Chapter 10 Section 10.10.43). If a site plan was not previously required or approved, a site plan for the subject property with requirements as determined by the Zoning Administrator shall be provided. At a minimum, the site plan shall include the following:
    - 1. Location, type, height, width, and area of the proposed sign.
    - 2. Location, type, height, width, and area of all existing signs on the property and indication of whether existing sign(s) will remain or be removed/replaced.
    - 3. All property lines and buildings on the property and within 50 feet of the proposed sign.
    - 4. All parking areas, driveways, and public roads.
    - 5. Method of attachment, structural support, method of illumination, and sign materials.
    - 6. The total area of all signs on the subject property both before and after installation of the proposed sign.
    - 7. Approximate value of the sign to be installed, including cost of installation.
  - (h) Payment of the sign permit fee, as established in the City of Middleton Fee Schedule.
  - (i) A written statement that all temporary signs will be removed per the time limits of this Chapter.
  - (j) Any other information that may reasonably be requested by the Zoning Administrator for the purpose of application evaluation.
  - (k) Any existing or proposed sign on property abutting a State Highway, United States Highway, or Interstate Highway may also require approval from the Wisconsin Department of Transportation or the Federal Highway Administration.
- (4) Granting and Issuance.
- (a) The Zoning Administrator shall review the application within 14 working days of submittal to ensure it is complete per the requirements of Subsection (3), above.
  - (b) In cases where no other review or approvals are required under this Chapter, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall, in writing, either approve or deny said sign permit within 45 working days of the acceptance of the complete application and payment of the required fee. If the permit application is denied, the Zoning Administrator shall state the reasons therefor. Failure of the Zoning Administrator to act within this time frame shall not constitute automatic approval of the sign permit.
  - (c) When a proposed sign is associated with any development that requires a Site Plan, a sign permit shall not be granted prior to the approval of a Site Plan. In such cases, the Zoning Administrator shall review said application for compliance with Subsection (5), below, and shall place the item on the appropriate meeting agenda(s) within 30 working days of the acceptance of the complete application and payment of the required fee. Within 30 working days of recommendation or action by the body with recommending or approval authority, the Zoning Administrator shall approve or deny said sign permit based on such recommendation or action.
  - (d) Sign permit fees are nonrefundable unless applications are withdrawn prior to the commencement of Zoning Administrator review.
  - (e) A granted sign permit shall expire, and shall be null and void, if the sign is not attached or erected within 180 days after the issuance of the sign permit.
- (5) Basis for Granting a Sign Permit. In deciding whether or not to grant a sign permit, the Zoning Administrator shall determine whether the proposed sign is in compliance with the provisions of this Chapter. In such review, the Zoning Administrator may also consider the following factors:

Section 22.27: Sign Approvals and Permits – Application, Enforcement, and Revocation

- (a) Any signage affixed to a building shall be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
  - (b) All signs shall be designed to fit the zoning and character of the surrounding area including compatibility with the building characteristics, adjacent uses, and adjacent signs. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in the Planned Unit Development zoning district shall conform to the planned or existing dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a nuisance.
  - (c) Signs illuminated by floodlights or spotlights shall be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians. Light levels must conform to zoning requirements. All signs must conform to the Sign Illumination standards in Chapter 33 (Outdoor Lighting Code).
  - (d) The number of colors and materials of the sign should be kept to a minimum.
  - (e) Landscape features shall be incorporated around the base of all permanent freestanding signs. Landscape plantings or other landscape materials shall not be considered as part of the allowable signage.
  - (f) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety and minimizes conflict with vehicular or pedestrian circulation.
  - (g) Whether the sign is in compliance with all provisions of the City of Middleton Municipal Code and Building Code, including those related to traffic safety, traffic visibility, sign setbacks, and structural integrity.
- (6) Enforcement and Revocation of Sign Permit.
- (a) A sign permit may be revoked if the applicant has failed to comply with the provisions of this Chapter or any conditions that may have accompanied the permit at the time of issuance. Revocation requires written notice by either the Zoning Administrator for Chapter 22 violations or the Building Inspector for Building Code or other construction code violations.
  - (b) In the event that construction, installation, or manufacture of a sign for which a permit has been issued has not commenced within 180 days from the date of the issuance of such permit, said permit shall be null and void and automatically revoked. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. In such cases, a new permit shall be obtained to complete the work and a new permit fee shall be required.
  - (c) Any sign subject to a revoked permit shall be removed by the licensee, sign owner, or property owner within 45 days of such revocation.
- (7) Variances. Any sought by a property owner or applicant shall follow the process set forth in the City of Middleton Zoning Code, Chapter 10 Section 10.10.51.
- (8) Appeals. Any applicant or sign permit holder affected by a decision of the Zoning Administrator may petition for a hearing before the Board of Zoning Appeals in the same manner and subject to the same procedures as other appeals of decisions of administrative officers. The filing of such petition automatically stays removal of any sign involved and already legally erected until the Board of Zoning Appeals decides whether to sustain, modify, or withdraw the notice.
- (9) Removal of Signs in Violation of this Chapter.
- (a) If the Zoning Administrator determines that any sign exists in violation of this Chapter, the Zoning Administrator shall notify the sign permit holder or the owner of the property on which the sign is located. Said notification shall indicate that such violation shall be corrected within 60

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**Section 22.28 to 22.29: Reserved**

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- days of receipt of said notice on penalty of automatic revocation of any sign permit, and that removal of the sign by the City may occur at the expense of the owner of the property.
- (b) If notification is sent and the violation is not corrected within 60 days, the Zoning Administrator shall revoke the permit for any sign which is in violation of this Chapter. It shall be the duty of the Zoning Administrator to cause removal of such sign.
  - (c) The expense of removing such sign shall be charged to the owner of the property on which the sign is located. If the owner fails to pay such expense within one month of being billed therefore, or has not made arrangement for payment satisfactory to the City Attorney, then such expense shall become a lien on the property and shall be placed upon the tax roll in accordance with Wis. Stats. §66.0627.
  - (d) Any sign illegally placed in a public right-of-way shall be subject to immediate removal and confiscation without notice by the Zoning Administrator.
- (10) Adjustments to Approved Signs. The following adjustments may be approved administratively by City staff and no additional process is necessary.
- (a) A proposed adjustment that does not alter the size, location, or placement of the approved sign.
  - (b) A proposed adjustment that would remove a sign component which is not required under the Chapter.

**Section 22.28 to 22.29: Reserved****Section 22.30: Sign Prohibitions and Limitations**

The regulations contained in this Subsection apply to signs in all zoning districts.

- (1) **Prohibited Signs.**
- (a) **Abandoned Sign.** Any sign remaining in place on a site or a portion of a site (such as a single tenant in a multitenant building) that has been vacant, closed, or otherwise unoccupied for a period of 90 days.
  - (b) **Animated Sign.** A sign having lights or illumination which flashes, scrolls, moves, rotates, twinkles, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. Electronic Message Signs meeting the definition and requirements of Section 22.08 of this Chapter shall not be considered an animated sign.
  - (c) **Billboard Sign.** An Off-Premises Advertising Sign which is freestanding, constructed of durable materials, and permanently affixed to a structure used to display advertisements and other messages to vehicle travelers for a fee paid to the owner of the structure.
  - (d) **Beacon Sign.** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.
  - (e) **Dual Post Sign.** A sign mounted to the sides or ends of two or more posts, with the majority of the sign area located between the outermost posts, with the bottom edge located within an average of three feet of existing grade.
  - (f) **Inflatable Sign.** A sign capable of being filled with and expanded by air or other gas, including “dancing” inflatable signs where air moves through the sign causing it to move.
  - (g) **Off-Premises Advertising Sign.** A sign which directs attention to a business, commodity, service, or entertainment that is conducted, sold, or offered elsewhere than upon the site where the sign is displayed. Off-Premises Advertising Signs include billboards.



### Section 22.30: Sign Prohibitions and Limitations

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1. Existing legal Off-Premises Advertising Signs made nonconforming by this Section shall be permitted to continue as legal, nonconforming signs, subject to the requirements of Section 22.35.
  2. Any advertising sign not considered an Off-Premises Advertising Sign is considered to be an On-Premises Advertising Sign.
    - (h) **Pylon Sign.** A type of sign erected upon one or more pylons or poles, generally of a height that is taller than a Dual Post sign.
    - (i) **Portable Sign.** A sign not permanently attached to the ground that is designed to be moved from one location to another. Also, a sign mounted on a frame or chassis designed to be easily relocated, including unlicensed or inoperable vehicles or trailers whose principal commercial use is for signage. Licensed and operable business vehicles, trailers, or other pieces of equipment shall not be considered mobile or portable signs. Sandwich Board Signs meeting the definition and requirements of Section 22.05(1)(d)2. of this Chapter shall not be considered mobile or portable signs.
    - (j) **Roof Sign.** A sign displayed above the eaves or cornice of a building.
    - (k) **Vehicle Sign Parked for Greater than 24 Hours.** A vehicle, trailer, or other piece of equipment which contains any sign or advertising device, which is unlicensed or inoperable, or which is parked for greater than 24 hours on a public right-of-way or in a location that is not an active worksite so as to be seen from a public right-of-way.
      1. Business vehicles legally parked in any of the locations described below shall not be considered Advertising Vehicle Signs.
        - a. A business vehicle parked on-site at the place of business in a parking space designated for company vehicle parking or storage on a site plan approved by the City; or
        - b. A business vehicle legally parked on-site at the residence of an employee (including driveways and legal off-street parking spaces)
- (2) **Sign Prohibitions.**
- (a) No sign shall be erected at any location where it may, by reason of its position, shape, color or design, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, nor shall such sign make use of words such as “stop,” “look,” “danger,” or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse users of streets or highways.
  - (b) No fluttering, undulating, swinging, rotating, or otherwise moving signs such as windsocks, motorized signs, pennants, and streamers shall be permitted. This shall not apply to Banners Signs, Flag Signs, or Feather Signs as defined in Section 22.11(2) or Community Interior-Oriented Signs as defined in Section 22.11(3)(b).
  - (c) No signs shall project above the building parapet or eave, or be mounted on or extend above the roof, if attached to the building.
  - (d) No flashing, scrolling, or animated signs shall be permitted. Flashing is defined as changing more than once within a 6-second time interval.
  - (e) No signs shall be mounted to an unlicensed trailer or other unlicensed vehicle.
  - (f) No beacon signs shall be permitted.
  - (g) No off-premises advertising signs shall be permitted, unless otherwise specified in this Chapter.
  - (h) No abandoned signs shall be permitted. See Section 22.30(1)(a).
  - (i) No sign shall be located within a required bufferyard or within a permanently protected green space area.

## Sections 22.31 to 22.32: Reserved

- (j) No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element is not visible from any property within a residential zoning district (see Chapter 33 of the City of Middleton Municipal Code).
- (3) **Sign Limitations.**
- (a) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape.
  - (b) No sign shall be placed in a manner that would impede vehicular or pedestrian safety, or impede access or visibility. Signs shall meet the visibility requirements of the City of Middleton Zoning Code, Chapter 10 Section 10.06.05.
  - (c) No private sign shall be attached to or painted on any natural feature (e.g. tree or rock), fence, fire hydrant, public utility pole, public light pole, or traffic regulatory structure, unless otherwise authorized by the City Engineer.
  - (d) Unless otherwise allowed by this Chapter, no sign shall be permitted within or extend into a public right-of-way.
  - (e) No person shall: paste, tape, staple, or otherwise fasten any paper or other material to, nor paint, stencil, or otherwise write or color any object, vegetation, or pavement located within any street right-of-way; nor shall any of such object, vegetation, or pavement be defaced in any manner. The only exception to these restrictions is that painting may be allowed on curbs when approved by the City Council upon receiving a favorable recommendation from the City Engineer, after his/her investigation of a written request.

**Sections 22.31 to 22.32: Reserved****Section 22.33: Appearance, Construction, and Maintenance of Signage**

- (1) All signs shall be constructed, mounted, and maintained so as to comply with the appropriate detailed provisions of the Building Code as adopted by the City relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the Electrical Code as adopted by the City.
- (2) All illuminated signs shall comply with the lighting standards of Chapter 33 of the Municipal Code and the following requirements:
  - (a) **Electrical Permit.** All signs in which electrical wiring and connections to be used shall comply with all applicable provisions of the State Electrical Code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
  - (b) **Voltage Displayed.** The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus. In addition, all electrical signs shall bear the label of approval of a recognized testing laboratory and be equipped with a watertight safety switch that is located where the electrical supply enters the sign.
  - (c) **External Illumination.** All external lighting fixtures shall be steady, stationary, fully-shielded and directed solely onto the sign, and shall use lighting designed to minimize light spill and glare. Lighting sources shall not be directly visible or cause glare to adjacent public rights-of-way or adjacent private property.
  - (d) **Internal Illumination.** Internally illuminated signs shall permit light to shine fully through only the lettering and graphic elements of the sign. The background for such lettering and graphics shall be opaque or shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one (1) inch in width may be placed around said lettering or graphic elements.

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**Section 22.34: Reserved**

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- (3) The base or support(s) of all ground-mounted signs shall be securely anchored to a concrete base or footing, and shall meet minimum wind load capabilities of 30 pounds per square foot.
- (4) Freestanding Signs, Permanent Gateway Signs, and Community Signs shall:
  - (a) Conceal the footings and related supporting structure, including bolts, flanges, and brackets with landscaping using the formula of two landscaping points for every foot of sign's width as measured on the sign face or sign base – whichever is greater.
  - (b) Construct the base of the sign from masonry or aluminum products. The tone and texture of the base shall reflect the principal building construction as close as possible. The base of the sign must be equal or larger in width to the face of the sign.
  - (c) Follow the color scheme of the principal building and incorporate architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the building shall be incorporated into the sign.
- (5) Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces shall be mechanically fastened to mortar joints only and not directly into brick or stone. Drilling to provide electrical service shall follow the same rule.
- (6) No sign shall be suspended in a way that will allow the sign to swing due to wind action. Signs shall be anchored to minimize any lateral movement that would cause wear on the sign face or supporting members or connections.
- (7) All permanent signs and their supporting members shall be constructed of standardized, durable, all-weather sign materials.
- (8) Sign materials in the Business Sign—Permanent Group (Figure 22.11(1)) shall be compatible with the design of the face of the façade where they are placed and shall contribute to the legibility of the sign.
- (9) No combustible materials other than approved plastics shall be used in the construction of electric signs.
- (10) All signage within the jurisdiction of this Chapter shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (11) Every sign requiring either Plan Commission or Zoning Administrator approval hereafter erected shall have marked in a conspicuous place thereon the date of erection, the manufacturer's name, the permit number, and the voltage of any electrical apparatus used in connection therewith.
- (12) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (13) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be subject to the provisions of the City of Middleton Zoning Code, Chapter 10 Section 10.10.60.
- (14) If any sign is suspended or projects above a public right-of-way, the issuance and continuation of a sign permit shall be conditioned on the sign owner agreeing to hold the City harmless, and obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the City may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$1,000,000.00 per occurrence per sign.

**Section 22.34: Reserved**

## Section 22.35: Nonconforming Signs

**Section 22.35: Nonconforming Signs**

- (1) Nonconforming Signs. Permanent signs existing as of the effective date of this Chapter, which do not conform to the provisions of this Chapter but that conformed and met all applicable regulations of the ordinance on the effective date of this Chapter, shall be legal nonconforming signs.
- (2) Continuation of a Legal Nonconforming Sign.
  - (a) Legal nonconforming signs may be maintained.
  - (b) Legal nonconforming signs shall not be altered or moved to a new location without being brought into compliance with the requirements of this Chapter. See Subsection (3)(a), below, for what would constitute an alteration of a sign.
  - (c) When the principal structure located on the site undergoes a change of land use per the lettered land use categories described in Article III of the Zoning Ordinance, all legal nonconforming signs shall be brought into conformance with the provisions of this Chapter or shall be removed.
  - (d) Whenever there is a change in the sign user (excluding off-premises signs), sign owner, or owner of the property on which the sign is located, the new sign user, sign owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure. The sign will continue to be considered legal nonconforming.
- (3) Alteration of Legal Nonconforming Signs.
  - (a) For the purpose of this Section, alteration of a sign is considered to be any change to the sign's frame, supporting structure, lighting, material, height, location, or any other alterations as determined by the Zoning Administrator.
  - (b) Altering a sign does not include maintaining the existing appearance of the sign; changing the appearance of the sign face; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a Changeable Copy Sign; or changing the face of an Off-Premises Advertising Sign (as defined in Section 22.30(1)(h)).
  - (c) A tenant sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire project identification sign, or any of its parts, into compliance with the provisions of this Chapter.

**Section 22.36: Reserved****Section 22.37: Removal of Sign and Sign Structures where Business is no Longer in Operation**

- (1) A building, portion of a building, or site shall be determined to be vacated based on the following criteria: vacancy, cessation of some or all utilities, or lapse or termination of occupational license. Vacation of a building, structure or site shall have the following effect:
  - (a) Within 90 days, the owner of the property shall take action regarding any sign and sign structures associated with the vacant building, portion of a building, or site located on the property. At the property owner's option, the property owner shall do one of the following: remove all such signs and structures, or replace the face of such signs with a blank sign face. If the property owner is granted an extension under Subsection (b) below, the requirement shall not apply during the extension period.
  - (b) An extension allowing signs or sign structures associated with vacant buildings, portions of buildings, or sites to remain on the property for an additional six-month time period after the original 90 days have lapsed may be granted under the following conditions:



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**Sections 22.38 to 22.39: Reserved**

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1. The property owner shall submit an application with the appropriate fee and allow staff to inspect the signs and sign structures on the vacated building, portion of a building, or site.
  2. Staff shall review the application and sign to determine that the sign will not be a hazard, safety concern, or blight for the duration of the extended time period.
  3. Signs shall be properly blanked out and contain no commercial message.
  4. If the sign has been damaged during the vacated period to the point it becomes a safety hazard or blight on the property, staff may have the structure removed.
  5. After the original six-month extension, one additional six-month extension may be approved by staff for up to one year upon submittal of a new application and fee. Any additional applications for an extension, beyond the first year, shall be approved by the Plan Commission.
  6. Owners of nonconforming signs may also apply for an extension; however, the nonconforming sign must be brought into compliance with this Chapter if any business is reestablished on the subject property.
- (2) Sign structures that have been left without a sign face, or where the permit holder no longer has any interest in the site as owner or tenant, any of which for a continuous period of 90 days, shall be deemed abandoned and shall be removed by the owner of the sign structure or the City shall proceed to remove such sign structure pursuant to the terms of this Chapter if the owner has not been granted an extension.
- (3) If the sign or sign structure(s) have not been removed, the City shall send written notification to the property owner of record or last known occupant, via certified mail, return receipt requested, indicating that said property owner or occupant remove the sign or sign structure or apply for and be granted an extension. If the sign or sign structure have not been removed within 90 days after the City sends notice, and an extension has not been granted, the City may have the sign or sign structure removed.
- (4) Any and all costs incurred by the City in the removal of a sign or sign structure pursuant to the provisions of this Section, which authorized assessment of the cost, shall constitute a lien against the property upon which the sign or sign structure existed and shall be collected as a special charge under Wis. Stats. §66.0627.

**Sections 22.38 to 22.39: Reserved****Section 22.40: Violations, Penalties, and Fees**

- (1) It shall be a violation of this ordinance for any person to maintain any prohibited sign, to perform or order the performance of any act prohibited by this ordinance, or to fail to perform any act which is required by the provisions of this Chapter. In the case of any such violation, each day in which such violation exists shall constitute a separate violation.
- (2) Any and all signs, erected, altered, or maintained in violation of this section, or any of the clauses provisions of the same, or in violation of any of the laws or ordinances of the City or the State of Wisconsin, are, and each of them is declared to be a public nuisance and subject to enforcement. Any such signs so erected, altered or maintained contrary to law shall be abated as a common nuisance by the Zoning Administrator.
- (3) Any person who shall fail to comply with any of the provisions of this chapter shall be subject to a penalty as prescribed by Section 30.04 of the City of Middleton Municipal Code.
- (4) Fees related to signage shall be determined by the current City fee schedule found in Chapter 3.12 the City of Middleton Municipal Code.

**Sections 22.41 to 22.99: Reserved**

# **FINAL DRAFT**

**Includes revisions approved during the Common Council's "First Reading" of the ordinance on 1/16/24.**

## **CITY OF MIDDLETON, WISCONSIN CHAPTER 33: OUTDOOR LIGHTING CODE**

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## CHAPTER 33: OUTDOOR LIGHTING CODE

### Section 33.01 Purpose and Intent

The purpose of this Code is to enhance the attractiveness and livability of the community for its citizens at night without compromising the safety, security, and wellbeing of persons engaged in outdoor nighttime activities. It is the intent of this Code to define practical and effective measures by which the obtrusive aspects of excessive and careless outdoor light usage can be minimized. This Code is designed to curtail the degradation of the nighttime visual environment and preserve and enhance the area's dark sky by requiring lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light, sky glow, impact on the natural environment, and glare resulting from over-lighting and poorly shielded or inappropriately directed lighting fixtures.

### Section 33.02: Conformance with Applicable Codes

All outdoor illuminating devices shall be installed and maintained in conformance with all other applicable provisions of the City of Middleton Code of Ordinances, including but not limited to the Building Code (Chapter 11), the Electrical Code (Chapter 12), the Sign Code (Chapter 22), and the Zoning Code (Chapter 10).

### Section 33.03: Definitions

As used in this Code unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

**Decorative Building Lighting.** Lighting used primarily to enhance the building's architectural appearance through the illumination of the building.

**Decorative Landscape Lighting.** Lighting used primarily to enhance the landscape through the illumination of trees, bushes, plants, flag poles and monuments.

**Flood Lamp.** A lamp designated as such by the manufacturer designed to direct its output in a specific direction but with a diffusing glass envelope to illuminate a wide area.

**Footcandle.** The illuminance on a one square foot surface of which there is a uniformly distributed flux of one lumen. One footcandle is equal to one lumen per square foot. Unless otherwise expressly provided, footcandle measurements in this Code shall refer to ground level measurements of luminance at full maintained output as used rather than initial luminance (the amount of luminance when new).

**Cutoff Light Fixture.** A lighting fixture constructed in such a manner that no light is emitted above the horizontal, and where the intensity at 80 degrees from nadir (a point directly below the light fixture) is no greater than 10% of lamp lumens.

**Shielded Light Fixture.** A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected at least 15 degrees below the horizontal plane running through the lowest point on the fixture where the light is emitted, as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

**Glare.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the ambient level to which the eyes cannot adapt to, thus causing annoyance, discomfort, or impairment of visual performance. The magnitude of glare may be affected by factors such as the size, position, brightness of the source, and on this brightness level to which the eyes are adapted.

**Holiday Lighting.** Any exterior seasonal decorative lighting that is displayed on a temporary basis and the output per lamp is not greater than 75 lumens.



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**Section 33.04: Applicability**

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**Installation.** The attachment or assembly, whether or not connected to a power source, of any outdoor light fixture affixed to the ground, a building, a pole or any other supporting structure or device.

**Light Pollution.** Any light spilling in any direction serving no intended purpose.

**Lighting Sources.** Any lamp or manufactured device emitting energy that is capable of exciting the retina and producing a visual sensation. Such devices shall include, but are not limited to, incandescent, fluorescent, carbon arc, quartz-iodine/tungsten halogen, low pressure sodium, high pressure sodium, metal halide, mercury vapor, and LED lamps.

**Light Trespass.** Any light falling across property boundaries.

**Lumen.** Unit of luminous flux; used to measure the amount of visible light emitted by lamps.

**Luminaire.** The complete lighting assembly, not including the support assembly. Lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered a single luminaire.

**Nuisance Lighting.** Any excessive lighting causing glare, trespass, or pollution and constituting a nuisance as defined in Chapter 17 of the Middleton Code of Ordinances.

**Opaque.** Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

**Person.** Any individual, tenant, lessee, owner, operator, or any public, private, nonprofit, or commercial entity including, but not limited to, firm, business, partnership, joint venture, association, corporation, municipality, agency, or governmental agency.

**Security Lighting.** Lighting for the safety of persons and property.

**Sky Glow.** The brightening of the night sky that results from the scattering of artificial visible radiation by the constituents of the atmosphere.

**Spot Lamp.** A specific type of lamp so designated by the manufacturer designed to direct its output in a specific direction and with a clear or nearly clear glass envelope.

**Translucent.** Permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.

**Uniformity Ratio.** A ratio describing the uniformity of light levels across an area expressed as the ratio of average to minimum light levels. Unless otherwise specified, uniformity ratios in this Chapter shall be average to minimum and measured according to a grid across the entire area to be lighted with each square measuring four feet by four feet.

**Use, Abandonment of.** The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal use of the property.

### **Section 33.04: Applicability**

- (1) **New Uses, Buildings, and Major Additions or Modifications.** No new land uses, developments, buildings, or structures nor any major additions or modifications to developments, buildings, or structures that require a building permit or other authorization from the City, shall be approved unless all outdoor lighting fixtures on the development parcel meet the requirements of this Chapter. A major addition or modification is any building addition or modification that increases by fifty (50) percent or

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**Section 33.05: General Outdoor Lighting Standards**

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more the number of dwelling units or gross floor area or parking spaces either with a single addition or with cumulative additions subsequent to the effective date of this Chapter.

- (2) **Minor Additions.** Additions or modifications of less than fifty (50) percent to existing uses as described in subsection (1) above, which include changes or additions to outdoor lighting and that require a permit, shall require the submission of a complete outdoor lighting inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Chapter. The site luminance as measured in footcandles after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Chapter, whichever is larger.
- (3) **Nonconforming Exterior Lighting.**
- (a) **Abandonment of Use.** If a property or use with nonconforming lighting is abandoned as defined in Section 33.03, then all outdoor lighting shall be reviewed and brought into compliance with this Chapter before the use is resumed.
- (b) **New Uses, Buildings, and Major Additions and Modifications.** If a property or use with nonconforming lighting is seeking a new land use pursuant to Article II of the Zoning Ordinance, a new building, or a major addition and modification, all new outdoor lighting shall be reviewed and brought into compliance with this Code, per subsection 33.04(1) above.
1. Any existing outdoor lighting that did not meet the requirements of the ordinance at the time it was installed shall be considered nonconforming lighting and shall be brought into compliance with this Code during the Site Plan review and approval process.
  2. Any existing outdoor lighting proposed not to be altered by the new use, building, or major addition and modification shall be granted legal conforming status if the outdoor lighting met the requirements of the ordinance at the time it was installed. However, it is encouraged that all nonconforming outdoor lighting on the site that exists upon the adoption of this ordinance be brought into conformance with this Code.
- (c) **Minor Additions.** If a property or use with nonconforming lighting is seeking a minor addition, all new outdoor lighting shall be reviewed and brought into compliance with this Code, per subsection 33.04(2) above.
1. Any existing outdoor lighting that did not meet the requirements of the ordinance at the time it was installed shall be considered nonconforming lighting and shall be brought into compliance with this Code during the Site Plan review and approval process.
  2. Any existing outdoor lighting proposed not to be altered by the minor addition shall be granted legal conforming status if the outdoor lighting met the requirements of the ordinance at the time it was installed. However, it is encouraged that all nonconforming outdoor lighting on the site that exists upon the adoption of this ordinance be brought into conformance with this Code.

**Section 33.05: General Outdoor Lighting Standards**

Except as otherwise expressly provided elsewhere:

- (1) **Fixtures and Luminaires.** All new outdoor lighting fixtures not mounted on buildings (see Section 10.01.23 of the City of Middleton Zoning Ordinance) shall be shielded as follows:
- (a) Outdoor lighting shall use full cut-off fixtures and downward facing. No direct light shall transmit onto adjacent properties.
1. Exempt from this requirement are decorative light fixtures with frosted glass lamps, and any fixtures using a light bulb with a factory-rated light output of 500 lumens or less.
- (b) Light fixtures shall not be located within required bufferyards or required minimum setbacks.

Section 33.05: General Outdoor Lighting Standards

- (c) All new exterior lighting shall be light-emitting diode (LED) fixtures.
- (d) The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
- (e) The maximum fixture mounting height and color temperature by zoning district (see Article II of the City of Middleton Zoning Ordinance, Chapter 10) shall be:

**Figure 33.05a: Freestanding Outdoor Lighting Fixture Standards**

Zoning District	Maximum Lumens	Lighting Fixture Type Permitted	Maximum Fixture Mounting Height	Maximum Fixture Color Temperature
SR-L, SR-M, SR-H, TR-D, TR-F, and CON	4,000 lumens	Light-Emitting Diode (LED)	8 feet	3,000K CCT
MH-D, MR-L, MR-M, MR-H, and MU-N	4,000 lumens	Light-Emitting Diode (LED)	12 feet	3,000K CCT
INST, MU-A, MU-U, MU-D, and PR	4,000 lumens	Light-Emitting Diode (LED)	20 feet	4,000K CCT
I-L, R-P, I-M, I-H, AGR, IOS, IOC, EXD, and AIR	4,000 lumens	Light-Emitting Diode (LED)	30 feet	4,000K CCT

- (f) All areas designated on required site plans for pedestrian circulation, vehicular or bicycle parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles and at a maximum intensity of one (1) footcandle during hours of operation.

**(2) Intensity of Illumination.**

- (a) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from an adjacent property or right-of-way, outside of those lighting fixtures as specified in 33.05(1)(a) above. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.4 foot-candles above ambient lighting conditions on a cloudless night. Flashing, flickering or other lighting which may distract motorists are prohibited.
- (b) The maximum average on-site lighting in nonresidential zoning districts (see Section 10.02.02 of the City of Middleton Zoning Code, Chapter 10) shall be 2.5 foot-candles, unless otherwise specified in this Chapter. See Section 33.07.
- (c) The maximum average on-site lighting in residential zoning districts (see Section 10.02.02 of the City of Middleton Zoning Code, Chapter 10) shall be 1.0 foot-candles, unless otherwise specified in this Chapter.
- (d) Reflected glare into the sky or onto nearby buildings, streets, or pedestrian areas is prohibited.

**(3) On-Building Lighting.**

- (a) Building mounted lights shall be mounted and installed so that all light is directed downward, unless the lights are decorative lighting in which case the light shall be directed toward the building.
  1. Exempt from this requirement are decorative light fixtures with frosted glass lamps, and any fixtures using a light bulb with a factory-rated light output of 500 lumens or less, unless the fixture is prohibited per Section 33.10.

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**Section 33.05: General Outdoor Lighting Standards**

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- (b) All on-building lighting shall be subject to the intensity of illumination standards in 33.05(2) above and all fixtures shall be fully shielded.
  - (c) No wall packs or similar lights shall be permitted unless the cutoff angle effectively eliminates visible glare from beyond the property lines.
  - (d) No lights shall be mounted above the parapet, or for pitched roofs above the eave except for motion detection security lighting, decorative building lighting.
  - (e) Functional lighting shall not exceed 4,000 lumens for an LED fixture. Decorative building or landscape lighting that does not include any lighting types in Section 33.10 shall not exceed 1,000 lumens. The illumination on any vertical surface shall not exceed 0.5 maintained footcandles and shall not spill over roof lines or building edges.
    - 1. All new exterior lighting shall be light-emitting diode (LED) fixtures.
  - (f) The maximum light trespass allowed on adjacent properties is 0.4 footcandles.
  - (g) If swivel mountings are used, lights may be raised a maximum of twenty (20) degrees from horizontal and must be full cutoff fixtures.
  - (h) Each exterior building entrance shall have an exterior light per the requirements of the City of Middleton Building Code (Chapter 11) and Electrical Code (Chapter 12).
  - (i) For residential uses, exterior lighting with automatic controls shall be provided so that the house numbers are visible from the adjacent street and interior drive. For units with individual exterior entrances, such lighting shall be provided so that the unit numbers are visible to pedestrians on the sidewalk.
  - (j) Exterior lighting with automatic controls shall be provided for all sidewalks and parking areas to provide safe travel between the parking areas and the building.
  - (k) Motion sensor lights shall be permitted, provided they comply with this Code, the City of Middleton Building Code (Chapter 11), and Electrical Code (Chapter 12).
- (4) **Public and Private Street Lighting.**
- (a) All public street lighting shall comply with this Chapter to the extent possible consistent with professionally acceptable traffic engineering standards.
  - (b) All new street lamps on public and private streets shall be fully shielded. This requirement shall not be construed to apply to the repair or replacement of an existing lamp unless part of a larger project including replacement of all street lamps in the project area.
  - (c) Public street lighting shall be approved by the Director of Public Works.
- (5) **Security Lighting.** Security lighting is a minimum amount of lighting required for all principal land uses in Article III of the Zoning Ordinance, except for Single-Family Dwelling Units, Mobile or Manufactured Homes, Duplexes, Twin Homes, and Two Flats in Section 10.03.06 (see the City of Middleton Zoning Code, Chapter 10). The purpose of security lighting is for the safety of persons and property.
- (a) Security lighting is required in all exterior or interior parking areas, service walk areas, and entrance or exits.
  - (b) All security lighting fixtures shall be shielded and aimed so that illumination is directed only to the designated area. In no case shall security lighting be directed above a horizontal plane through the top of the lighting fixture, and the fixture shall include shields that prevent the light source or lens from being visible from adjacent properties and roadways.



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**Section 33.06: Reserved**

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- (c) Security lighting fixtures may be mounted on poles no higher than permitted in Section 33.05(1)(e) above and located no more than five (5) feet from the perimeter of the designated secure area.
  - (d) Security lights intended to illuminate a perimeter (such as a fence line) shall include motion sensors and be designed to be off unless triggered by an intruder located within five (5) feet of the perimeter.
  - (e) The maximum footcandles allowed on adjacent property is 0.4.
  - (f) The minimum footcandles required for security lighting shall conform to the Illuminating Engineering Society of North America's (IESNA) recommendations and standards. Current IESNA standards shall be kept on file with the Zoning Administrator.
  - (g) Commercial and multi-family dwelling construction sites whether new, additions or remodeling shall install the minimum security lighting in accordance with IESNA recommendations and standards to safeguard the site and materials.
  - (h) Additional lumens in excess of the calculated allowance may be permitted through the design review process with a finding that exceeding the allowance is necessary to meet public safety or security needs.
- (6) **Flag Illumination.** Flag lighting shall be shielded.
- (7) All outdoor lighting fixtures, unless expressly exempted from the terms of this Code must be installed and maintained according to approved plans.
- (8) **Lighting Public Nuisance.** Nothing in this Chapter shall be construed to permit lighting that otherwise constitutes a public nuisance. Any lighting producing excessive glare, pollution, or trespass may be deemed a public nuisance under Chapter 17 of the Middleton Code of Ordinances or Wis. Stats. Chap. 823 subject to the remedies provided therein.

**Section 33.06: Reserved****Section 33.07: Special Uses**

- (1) **Active Outdoor Recreation (Section 10.03.12(1)) and Intensive Outdoor Activity (Section 10.03.10(15)) Land Uses (see the City of Middleton Zoning Code, Chapter 10).**
- (a) Lighting shall be set to automatically shut off when there is no scheduled play and shall be extinguished no later than permitted by the Zoning Administrator through the Site Plan review and approval process. Lower light levels for off the field lighting may be provided for an additional 1 hour for safe egress.
  - (b) The mounting height for light fixtures shall be no greater than one-fourth the distance to the nearest property line from where the light fixture is located and comply with the Airport Height Limit Overlay Zoning District (see Section 10.02.83 of the City of Middleton Zoning Code, Chapter 10).
  - (c) The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 4.0 foot-candles.
  - (d) Fully shielded lighting is required.
  - (e) Certification. Every such lighting system design and installation shall be certified by a qualified registered engineer as conforming to all applicable restrictions of this Code.

## Section 33.08: Lighting Plans

- (2) **Commercial, Institutional, Industrial, Storage, Transportation, Telecommunication, Extraction and Disposal, Energy Production, and Agricultural Land Uses (see Section 10.03.10-10.03.26 of the City of Middleton Zoning Code, Chapter 10).**
- (a) **Shielding.** All display lot lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.
  - (b) **Luminance.** The display lot shall be designed to achieve no greater than the minimal luminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA). Current IESNA standards shall be kept on file with the Zoning Administrator.
    1. **Vehicle Sales (Section 10.03.10(23) and Drive-Through and In-Vehicle Sales or Service (10.03.10(9)) Land Uses (see the City of Middleton Zoning Code, Chapter 10).** The maximum average on-site lighting of outdoor vehicle sales and gas station pump islands is 20.0 foot-candles, provided that lighting is dimmed to 3.0 foot-candles or less within 60 minutes after the business has closed. All under-the-canopy fixtures shall be fully recessed.
    2. **All other land uses in Section 10.03.10-10.03.26 of the City of Middleton Zoning Code, Chapter 10).** The maximum average on-site lighting is 2.5 foot-candles, provided that lighting is dimmed to 1.0 foot-candle or less within 60 minutes after the business has closed or the on-site activity has ended.
  - (c) **Certification.** Every display lot lighting system design and installation shall be certified by a qualified registered engineer as conforming to all applicable restrictions of this Ordinance.

**Section 33.08: Lighting Plans**

- (1) **Submittal Required.** Any application for site plan review pursuant to Section 10.10.43 of the Zoning Ordinance shall include evidence that the proposed work will comply with this Code. Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property. The installation or modification of any exterior lighting except for routine servicing and same-type lamp replacement shall require submission of the information described below. The evidence shall include but shall not necessarily be limited to the following:
  - (a) A catalog page, cut sheet or photograph of the lighting fixtures, including the mounting method.
  - (b) A photometric data test report of the proposed lighting fixture graphically showing the lighting distribution in all angles vertically and horizontally around the fixture.
  - (c) A plot plan showing the location of all outdoor lighting fixtures proposed, the mounting or installation height, the overall maintained illumination levels and uniformities, and the point where 0.4 horizontal footcandles occurs on the property or adjacent property at ground level. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
- (2) **Additional Submission.** The above required plans, descriptions and data shall be sufficiently complete to permit a determination that compliance with the requirements of this Code will be secured. If such plans, descriptions and data are insufficient to make the required determination, the applicant shall submit such additional evidence as necessary to enable such determination.
- (3) **Subdivision Plats.** If any subdivision proposes to have installed street or other common or public area outdoor lighting, submission of the information as described herein shall be required for all such lighting.
- (4) **Lamp or Fixture Substitution.** Should any outdoor light fixture or the type of light source therein be changed to a fixture or light source not substantially equal to the type of fixtures or light sources in the approved plan after the permit has been issued, a change request must be submitted to the Zoning

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**Section 33.09: Exemptions**

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Administrator or designee for approval, together with adequate information to assure compliance with this Code, which must be received prior to the change.

- (5) **Plan Review.** If the Zoning Administrator or designee determines that the proposed lighting does not comply with this Code, the permit shall not be issued, or the plan approved.
- (6) **Certification.** For all projects where the total initial output of the proposed lighting equals or exceeds 200,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified lighting engineer, or other similarly qualified professional acceptable to the City, before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.
- (7) **Fee.** All submittals for approval of lighting plans shall be accompanied by a fee per the City of Middleton's adopted fee schedule to cover costs of processing the application. In addition to this fee, the applicant shall be required to pay all City costs relating to staff or outside consultant review of the lighting plan. The scope of review and related cost may vary depending upon the size and complexity of the plan. An itemized invoice shall be sent to the applicant for all such costs which shall be paid within thirty (30) days. If not paid, such costs shall be placed on the tax roll against the applicable property as a special charge pursuant to Wis. Stats. § 66.0627.

**Section 33.09: Exemptions**

- (1) **Emergency Lighting.** Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Code for as long as the emergency exists.
- (2) **Swimming Pool and Fountain Lighting.** Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of this Code.
- (3) **Holiday Lighting.** See Section 33.03. Holiday lights are exempt from color temperature requirements set forth in this Chapter.
- (4) **Communication Towers.** Legally required safety lighting for communication towers per Section 10.03.20 of the City of Middleton Zoning Code, Chapter 10.
- (5) **Airfields and Airports.** Exemptions from this Code only apply to facilities required for aircraft landing and takeoff under Chapter 33 of the City of Middleton Municipal Code and as required by the Federal Aviation Administration (FAA) or State of Wisconsin. All other outdoor lighting on-site shall comply with the provisions of this Code.

**Section 33.10: Prohibited Lighting**

- (1) Unless specifically authorized by the City as part of an approved special event permit (see Section 7.17 of the City of Middleton Municipal Code, Chapter 7), the following lighting shall not be permitted within the City of Middleton:
  - (a) Mobile or ground mounted searchlights or beacons, except those used for governmental or emergency purposes.
  - (b) Strobe lights and laser lights, including laser light shows and aerial laser lights.
  - (c) Neon lights.
  - (d) Any lighting that is flashing, blinking, flickering, scrolling, rotating, revolving, pulsating, tracing, or rapidly changing in color or intensity, unless temporarily triggered by a security system and extinguished within 30 minutes after the time of security response.
  - (e) Lighting which is used to outline a building, structure, or window, including but not limited to rope, neon, and fluorescent tube lighting.

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**Section 33.11: Enforcement and Penalties**

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- (f) Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.
- (g) Lighting that is determined by the City of Middleton Police Department to contribute to a condition of disabling or distracting glare into a public roadway.
- (h) Lighting used to illuminate property other than that on which the fixture is located and which constitutes light trespass.

**Section 33.11: Enforcement and Penalties**

- (1) **Violations.** Any person found to have violated or caused a violation of this Code may be subject to enforcement action as provided in this section. Each day during which the violation continues shall constitute a separate offense. The City may institute appropriate action or proceedings to enjoin violations of this Code.
- (2) **Penalties.** Any person who fails to comply with the provisions of this Code shall, upon conviction thereof, forfeit no less than the fee required in the City of Middleton's adopted fee schedule.