

AGENDA
CITY OF STURGEON BAY
PLAN COMMISSION
Wednesday, June 21, 2023 at 6:00 p.m.
City Council Chambers
421 Michigan Street, Sturgeon Bay, WI

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from May 17, 2023.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Zoning map amendment petition by Doug Mueller from Agriculture (A) to Light Industrial (I-1A) for parcel #281-64-80000104 located at 1605 Shiloh Road.
 - a. Presentation
 - b. Public Hearing
 - c. Consideration/Recommendation
6. Consideration of: Zoning Text Amendment – definitions of rear yard and rear lot line.
7. Consideration of: Zoning Text Amendments relating to exceptions to yard requirements in the C-2 district and administration.

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR.

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

06/16/23
2:00 p.m.
cs

Plan Commission Members
Mayor David Ward
Ald. Helen Bacon
Ald. Dennis Statz
Ald. J. Spencer Gustafson
Mark Holey
Jeff Norland
Amy Stephens

CITY PLAN COMMISSION MINUTES
May 17, 2023

A meeting of the City Plan Commission was called to order at 6:01 p.m. on Wednesday, May 17, 2023, by Mayor Ward in Council Chambers, City Hall, 421 Michigan Street, Sturgeon Bay.

Roll Call (#1): Members David Ward, Dennis Statz, Spencer Gustafson, Jeff Norland, Helen Bacon and Amy Stephens were present. Member Mark Holey was excused. Staff present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Stephanie Servia, and Community Development Administrative Assistant Cindy Sommer.

Agenda (#2): Motion by Ms. Bacon and seconded by Mr. Norland to accept the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from April 19, 2023.
4. Public comment on non-agenda Plan Commission related items.
5. Consideration of: Initial presentation of zoning map amendment petition by Doug Mueller from Agriculture (A) to Light Industrial (I-1A) for parcel #281-64-80000104 located at 1605 Shiloh Road.
6. Adjourn.

All ayes. Motion carried.

Approval of minutes from April 19, 2023 (#3): Motion by Mr. Statz and seconded by Ms. Stephens to approve the minutes from April 19, 2023. All ayes. Motion carried.

Public Comment on non-agenda Plan Commission related items (#4): No one presented for comment.

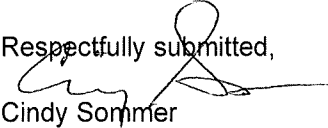
Consideration of: Initial presentation of zoning map amendment petition by Doug Mueller from Agriculture (A) to Light Industrial (I-1A) for parcel #281-64-80000104 located at 1605 Shiloh Road

(#5): Ms. Servia presented an application from Doug Mueller on behalf of his sister-in-law, the property owner, to change the zoning classification of this parcel from Agricultural (A) to Light Industrial (I-1A) to allow for the construction of storage buildings, which would be a conditional use under the Light Industrial zoning classification but not allowed under the Agricultural classification. The parcel is currently being used for semi-trailer and other miscellaneous storage. The applicant proposes to remove the items currently being stored, use the existing building for either storage or an office, and build storage units. The 2040 Comprehensive Plan shows this location to be Agricultural, however it is not being used for agricultural purposes. The properties to the north are mostly industrial, and the properties to the south, east and west are a mix of agricultural and residential. A public hearing on this matter would be scheduled for the next Plan Commission meeting, with a conditional use application to follow if the zoning classification is, in fact, amended. No action is to be taken at this time.

The members discussed the current use, whether the semi-trailers and other various materials would be completely cleaned up, the proposed locations of the storage buildings and visibility from the Ahnapee State Trail.

Adjourn (#6): Motion by Ms. Stephens to adjourn, seconded by Mr. Norland. All ayes, motion carried. The meeting adjourned at 6:13 p.m.

Respectfully submitted,


Cindy Sommer
Community Development
Administrative Assistant

Staff Report
Zoning Map Amendment: A to I-1A
1605 Shiloh Road: Parcel #281-64-80000104

Background: Doug Mueller, who is representing his sister-in-law, the current owner of the land, requests the rezoning of the parcel located at 1605 Shiloh Road from agriculture (A) to light industrial (I-1A). The property is parcel #281-64-80000104 which is 2.187 acres in size. The parcel currently contains a building, and the rest of the property has been used as outdoor storage for Mueller Trucking and Repair. Mr. Mueller wishes to build commercial storage buildings on the property which would clean up the existing outdoor materials. Commercial storage buildings are not a permitted use in the agricultural district; however, they are a conditional use in the I-1A district.

Existing Conditions: Currently the parcel is zoned agricultural. It has been used as an outdoor storage space for a long time for various semi-trailers and other materials. There is an existing building on the west side of the property that will remain. To the north of the property is zoned heavy-industrial (I-2) and is where the city's industrial park lies while to the west, south, and east is all zoned agricultural. To the east of the property is the Ahnapee State trail and there are residences on the other agriculture parcels surrounding the site.


Comprehensive Plan: The 2040 Comprehensive Plan's Future Land Use Designation for the lot is Agricultural/Rural. That land use category is established to preserve productive agricultural and forest lands in the long-term and protect existing farm operations from encroachment by incompatible uses. It borders the Industrial classification. The site is not farmland and is not adjacent to agricultural operations. Given that it is already developed into an industrial/commercial, it is not compatible with the future land use designation. if the property were rezoned to Light Industrial, it would be no less conforming with the agricultural/rural land use designation under the comprehensive plan. The City could consider a Comprehensive plan amendment for the future land use map.

Other Considerations: The main reason to go with I-1A over I-1 or other zoning classifications is that the I-1A district has additional development standards. Per 20.08(1)(l), "the I-1A district is intended to provide space for the same industrial and manufacturing uses permitted in the I-1 district, but subject to the additional development standards contained in section 20.32 of this chapter. This district provides property owners additional protection by requiring specific landscape and building design criteria for new development. It is intended primarily for the Sturgeon Bay Industrial Park." This area could become an extension of the industrial park.

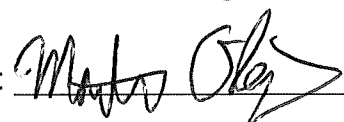
This project would remove the current materials on the property and would be an improvement to what currently exists on this parcel. It is noted that if the rezoning is approved, the project would also require a conditional use approval and approval from the Industrial Park Development Review Team.

Review Process: The Plan Commission will review the petition and conduct a public hearing. The Commission can make a recommendation to Council at the next scheduled meeting. However, a recommendation can also be made following the public hearing if at least 3/4 of the members present are ready to act. Once a recommendation is made, Council will act on that recommendation at their next scheduled meeting. An ordinance must be drafted and approved by Council with 2 separate readings.

Recommendation: Approve the zoning map amendment for parcel #281-64-80000104 from Agricultural (A) to Light Industrial (I-1A).

Prepared By: 
Stephanie Servia
Planner / Zoning Administrator

6/14/2023
Date

Reviewed By: 
Marty Olejniczak
Community Development Director

6/16/2023
Date

C230503-6

CITY OF STURGEON BAY ZONING/REZONING APPLICATION

STAFF USE:

Date Received:

5/3/2023

Fee Paid:

\$ 400.⁰⁰ + 50.⁰⁰ = 450.⁰⁰

Received By:

CS

	APPLICANT/AGENT	LEGAL PROPERTY OWNER (if different)
Name	David OBrien	Doug Mueller
Company	Bayland Buildings	1605 Shiloh Road
Street Address	P.O. Box 13571	5822 W Whitefish Bay Road
City/State/Zip	Green Bay, WI 54307	Sturgeon Bay 54235
Daytime Telephone #	920-371-6200	920-655-8573
Email	dobrien@baylandbuildings.com	douglas.mueller@jmsquared.com
STREET ADDRESS OF SUBJECT PROPERTY: <u>1605 Shiloh Road</u>		
Location if not assigned a common address: _____		
TAX PARCEL NUMBER: <u>2816480000104</u>		
CURRENT ZONING CLASSIFICATION: <u>Agricultural (A)</u>		
CURRENT USE AND IMPROVEMENTS: <u>Vacant</u>		
ZONING DISTRICT REQUESTED: <u>1-1A light Industrial</u>		
COMPREHENSIVE PLAN DESIGNATION OF SUBJECT PROPERTY: <u>Agriculture/Rural</u>		
PROPOSED USE OF SURROUNDING PROPERTY UNDER COMPREHENSIVE PLAN:		
North:	<u>Heavy Industrial</u>	
South:	<u>Ag/Rural State Trail / Residential</u>	
East:	<u>Ag/Rural State Trail / Residential</u>	
West:	<u>Ag/Rural Residential</u>	

ZONING AND USES OF SURROUNDING PROPERTIES:

North: Heavy Industrial ; Salvage/Recycling facility
South: Ag ; Ahapee Trail + Residential
East: Ag ; Residential
West: Ag ; Residential

HAVE THERE BEEN ANY VARIANCES, CONDITIONAL USE PERMITS, ETC. GRANTED PREVIOUSLY FOR THIS PROPERTY? Yes or No (circle) IF YES, EXPLAIN: _____

Attach an 8-1/2"x 11" detailed site plan (if site plan is larger than 8-1/2"x 11", also include 15 large sized copies), full legal description (preferably digital), 8-1/2"x 11" location map, construction plans for the proposed project, and Agreement for Reimbursement of expenses. Site plan shall include dimensions of property, pertinent structures and buildings, proposed site improvements, signature of person who drew plan, etc.

D. Mueller 5/3/2023
Property Owner Date

[Signature] 5/3/2023
Applicant/Agent Date

I, Doug Mueller, have attended a review meeting with at least one member of staff and understand that I am responsible for sign placement and following all stages listed on the check list in regard to the applicant.

5/3/2023 _____
Date of review meeting. Applicant signature Staff signature

Attachments:

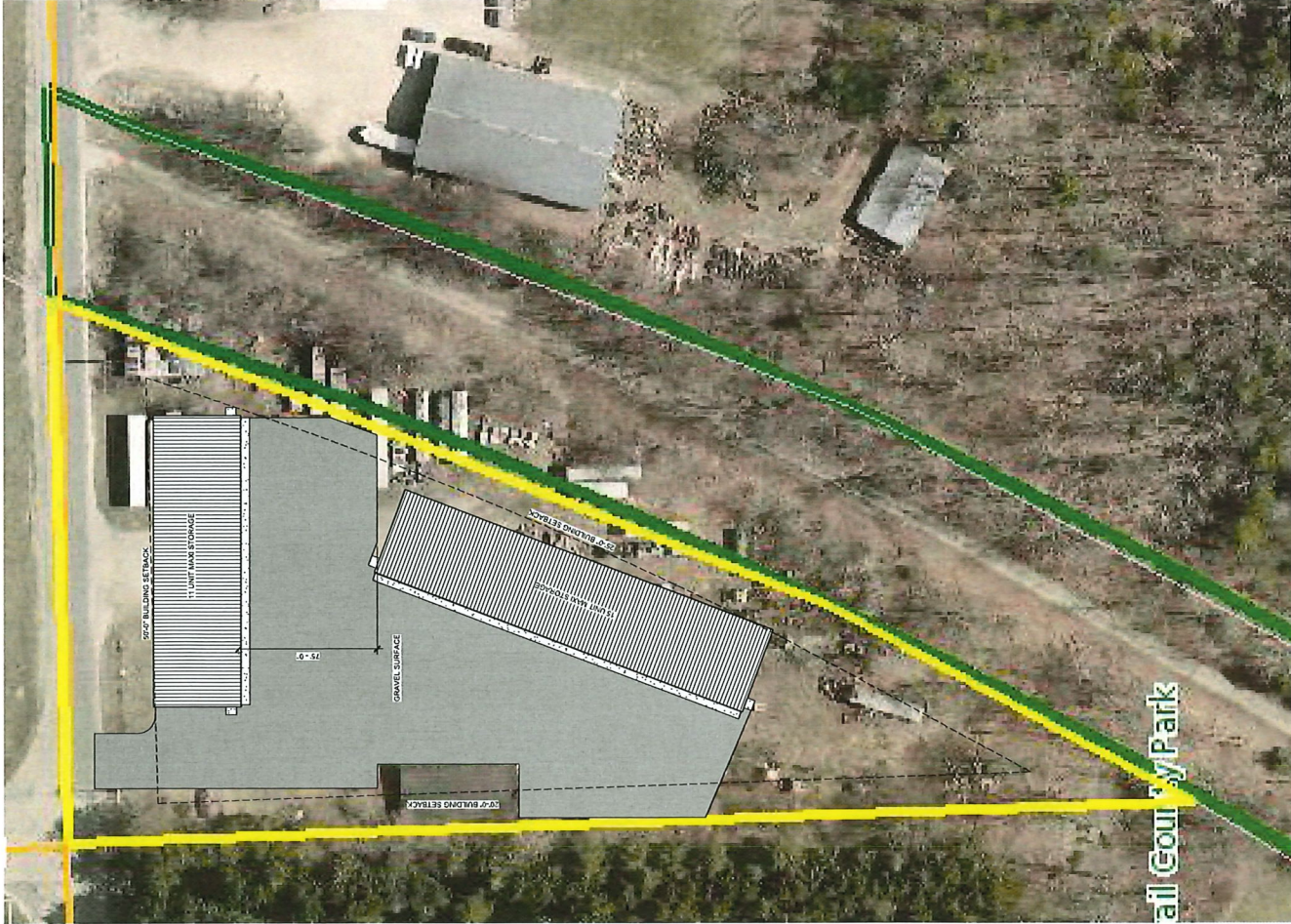
Procedure & Check List

Agreement for Reimbursement of Expenses

STAFF USE ONLY

Application conditions of approval or denial:

Date Community Development Director



SITE PLAN - PROPOSED
1/1"=1' SCALE = 1"=30'-0"

SITE CALCULATIONS & INFORMATION

TOTAL LOT AREA *	50 FT.	ACRES
BUILDING AREA EXISTING *	50 FT.	
BUILDING AREA PROPOSED *	50 FT.	
ASPHALT AREA EXISTING *	50 FT.	
ASPHALT AREA PROPOSED *	50 FT.	
CONCRETE AREA EXISTING *	50 FT.	
CONCRETE AREA PROPOSED *	50 FT.	
GRAVEL AREA *	50 FT.	
TOTAL IMPERVIOUS SURFACE *	50 FT.	
GREENSPACE AREA *	50 FT.	
TOTAL PARKING SPACES	50 FT.	
ADDITIONAL SPACES PROVIDED	50 FT.	

ISSUED FOR: CHECKED: DATE: BY:

☒ PRELIMINARY

☐ BID SET

☐ DESIGN REVIEW

☐ CHECKLIST

☐ CONSTRUCTION

SITE PLAN

C1.0

REVISIONS:

DATE: 3-10-2023

DRAWN BY: DPO

EXECUTIVE: BRIAN PETERS (850) 342-7970

PROJECT: BAYLAND BUILDINGS

JOB NUMBER:

SCALE VERIFICATION

PROPOSED BUILDING FOR: 23-3032

CITY, WISCONSIN; COUNTY OF:

BAYLAND

BAYLAND BUILDINGS

P.O. BOX 15100, GREEN BAY, WI 53007

TEL: 920.833.0000 FAX: 920.498.3033

WWW.BAYLANDBUILDINGS.COM

DESIGN & BUILD GENERAL CONTRACTOR

PROPOSED BUILDING FOR:
23-3032
CITY, WISCONSIN; COUNTY OF:

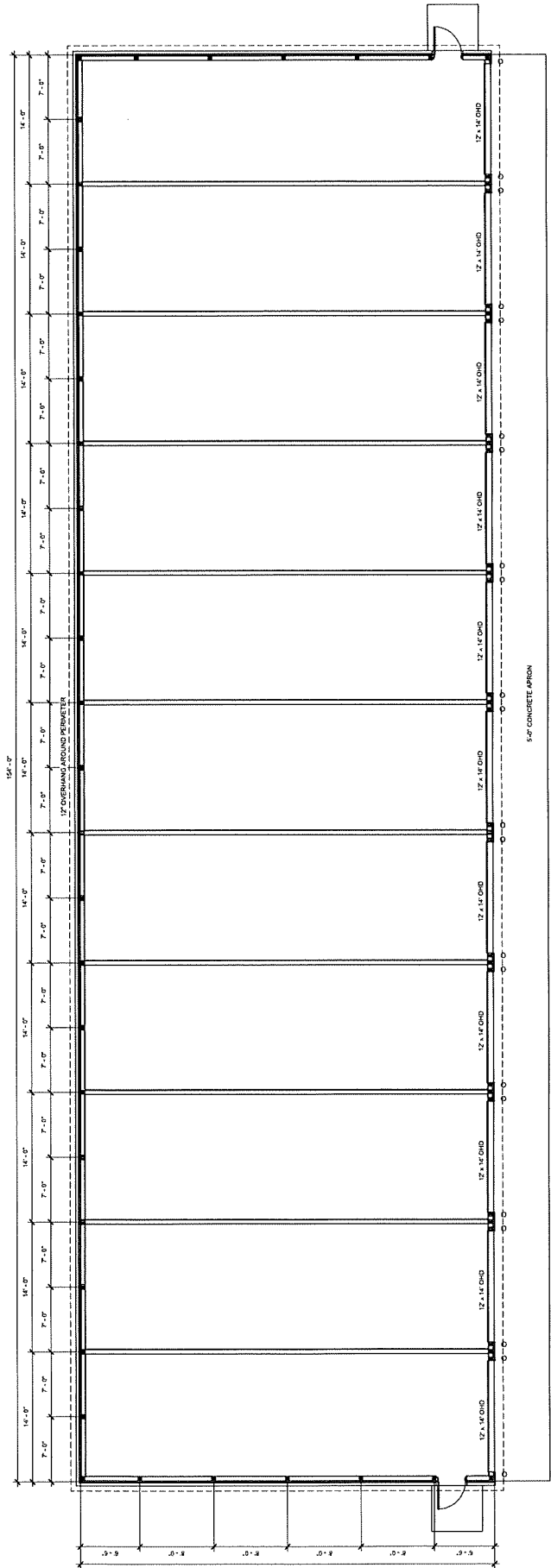
SCALE VERIFICATION
DATE: 3-10-2023

THIS SCALE VERIFICATION WAS CONDUCTED BY THE ARCHITECT AND THE CONTRACTOR. THE ARCHITECT AND THE CONTRACTOR HAVE REVIEWED THE DRAWINGS AND THE FIELD MEASUREMENTS. THE ARCHITECT AND THE CONTRACTOR HAVE FOUND THE DRAWINGS TO BE IN ACCORDANCE WITH THE FIELD MEASUREMENTS. THE ARCHITECT AND THE CONTRACTOR HAVE FOUND THE DRAWINGS TO BE IN ACCORDANCE WITH THE FIELD MEASUREMENTS. THE ARCHITECT AND THE CONTRACTOR HAVE FOUND THE DRAWINGS TO BE IN ACCORDANCE WITH THE FIELD MEASUREMENTS.

JOB NUMBER: *
PROJECT: BRIAN PETERS
EXECUTIVE: (820) 362-870
DRAWN BY: DPO
DATE: 3-10-2023
REVISIONS:

ISSUED FOR: CHECKED DATE:
BY:
☒ PRELIMINARY
☐ BID SET
☐ DESIGN REVIEW
☐ CHECKSET
☐ CONSTRUCTION

FLOOR PLAN - PROPOSED
A1.0



FLOOR PLAN - PROPOSED
1/A1.0 SCALE = 3/16" = 1'-0"



PROPOSED BUILDING FOR:
23-3032
CITY, WISCONSIN; COUNTY OF:

SCALE VERIFICATION

DATE: 3-10-2023

PROJECT: BAYLAND BUILDINGS
EXECUTIVE: BRIAN PETERS
JOB NUMBER: 23-3032

DRAWN BY: DPO

DATE: 3-10-2023

REVISIONS:

ISSUED FOR: CHECKED DATE:

BY: PRELIMINARY

DESIGN REVIEW

CHECKLIST

CONSTRUCTION

ELEVATION - EXTERIOR

A2.0

EXTERIOR FINISH LEGEND

MARK	DESCRIPTION
1PS-1	LOCATION: INTERIOR EXTERIOR Siding SUPPLIER: D. J. HANSEN COMMENTS:
CS-1	LOCATION: CEDAR SHAKES Siding SUPPLIER: D. J. HANSEN COMMENTS:
WP-1	LOCATION: FASCIA TRIMS & SOFFITS SUPPLIER: D. J. HANSEN COMMENTS:
WC-1	LOCATION: RAKE CUTTERS & TRIMS SUPPLIER: D. J. HANSEN COMMENTS:
ST-1	LOCATION: DOWNSPOUTS SUPPLIER: D. J. HANSEN COMMENTS:
RS-1	LOCATION: ROOF SHINGLES SUPPLIER: D. J. HANSEN COMMENTS:
WB-1	LOCATION: WALL PANEL SUPPLIER: D. J. HANSEN COMMENTS:
WR-1	LOCATION: ROOF PANEL SUPPLIER: D. J. HANSEN COMMENTS:

BUILDING ELEVATION - WEST
2 1/2" A2.0 SCALE = 3/16" = 1'-0"

BUILDING ELEVATION - EAST
1 1/2" A2.0 SCALE = 3/16" = 1'-0"

BUILDING ELEVATION - NORTH
3 1/2" A2.0 SCALE = 3/16" = 1'-0"

BUILDING ELEVATION - SOUTH
4 1/2" A2.0 SCALE = 3/16" = 1'-0"

PROPOSED BUILDING FOR:
23-3114
CITY, WISCONSIN; COUNTY OF:

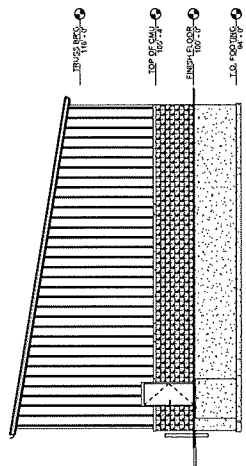
SCALE VERIFICATION
1" = 1'-0"

THIS DRAWING IS THE PROPERTY OF BAYLAND BUILDINGS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF BAYLAND BUILDINGS. ANY VIOLATION OF THESE TERMS SHALL BE CONSIDERED A BREACH OF CONTRACT AND SUBJECT TO LEGAL ACTION.

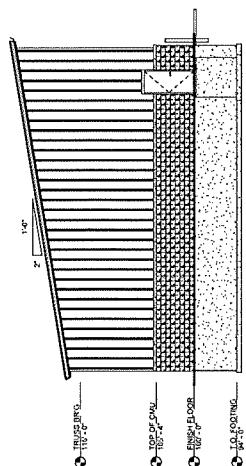
JOB NUMBER: *
PROJECT EXECUTIVE: BRIAN PETERS
(920) 362-8970
DRAWN BY: DPO
DATE: 3-22-2023
REVISIONS:

EXTERIOR FINISH LEGEND

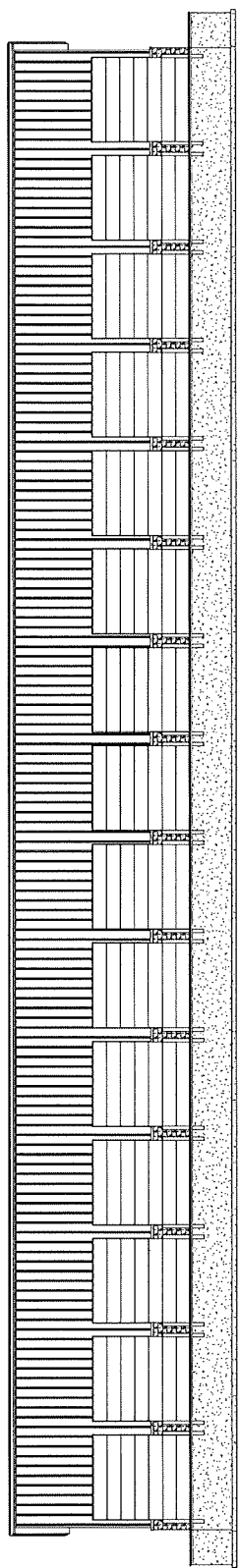
- | MARK | DESCRIPTION |
|------|---|
| UP-1 | LOCATION: HORIZ. EXTENS. STRING
MATERIAL: 6" x 12" SPANT. BEAM
COLOR: VERBLY
COMMENTS: |
| CS-1 | LOCATION: CEILING PLANKS STRING
MATERIAL: 6" x 12" SPANT. BEAM
COLOR: VERBLY
COMMENTS: |
| MT-1 | LOCATION: ROOF TRIMS & SPOFFS
MATERIAL: VERBLY
COLOR: VERBLY
COMMENTS: |
| MT-2 | LOCATION: RAKE CUTTERS & TRIMS
MATERIAL: VERBLY
COLOR: VERBLY
COMMENTS: |
| ST-1 | LOCATION: STONE VENEER
MATERIAL: NATURAL CUT STONE
COLOR: VERBLY
COMMENTS: |
| RS-1 | LOCATION: ROOF SHINGLES
MATERIAL: ASPHALT SHINGLE
COLOR: VERBLY
COMMENTS: |
| MB-1 | LOCATION: METAL PANELS
MATERIAL: 24" x 36" GALVALUM.
COLOR: VERBLY
COMMENTS: |
| MT-3 | LOCATION: ROOF PANEL
MATERIAL: VERBLY
COLOR: VERBLY
COMMENTS: |



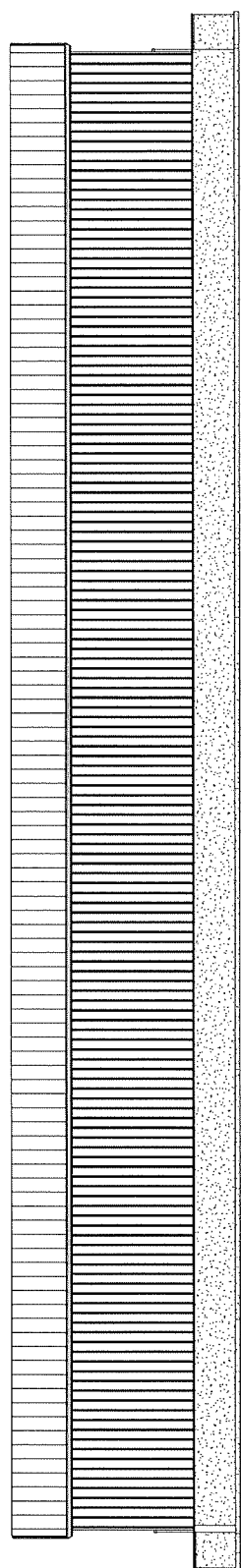
BUILDING ELEVATION - EAST
1/4\"/>



BUILDING ELEVATION - WEST
2/4\"/>



BUILDING ELEVATION - NORTH
3/4\"/>

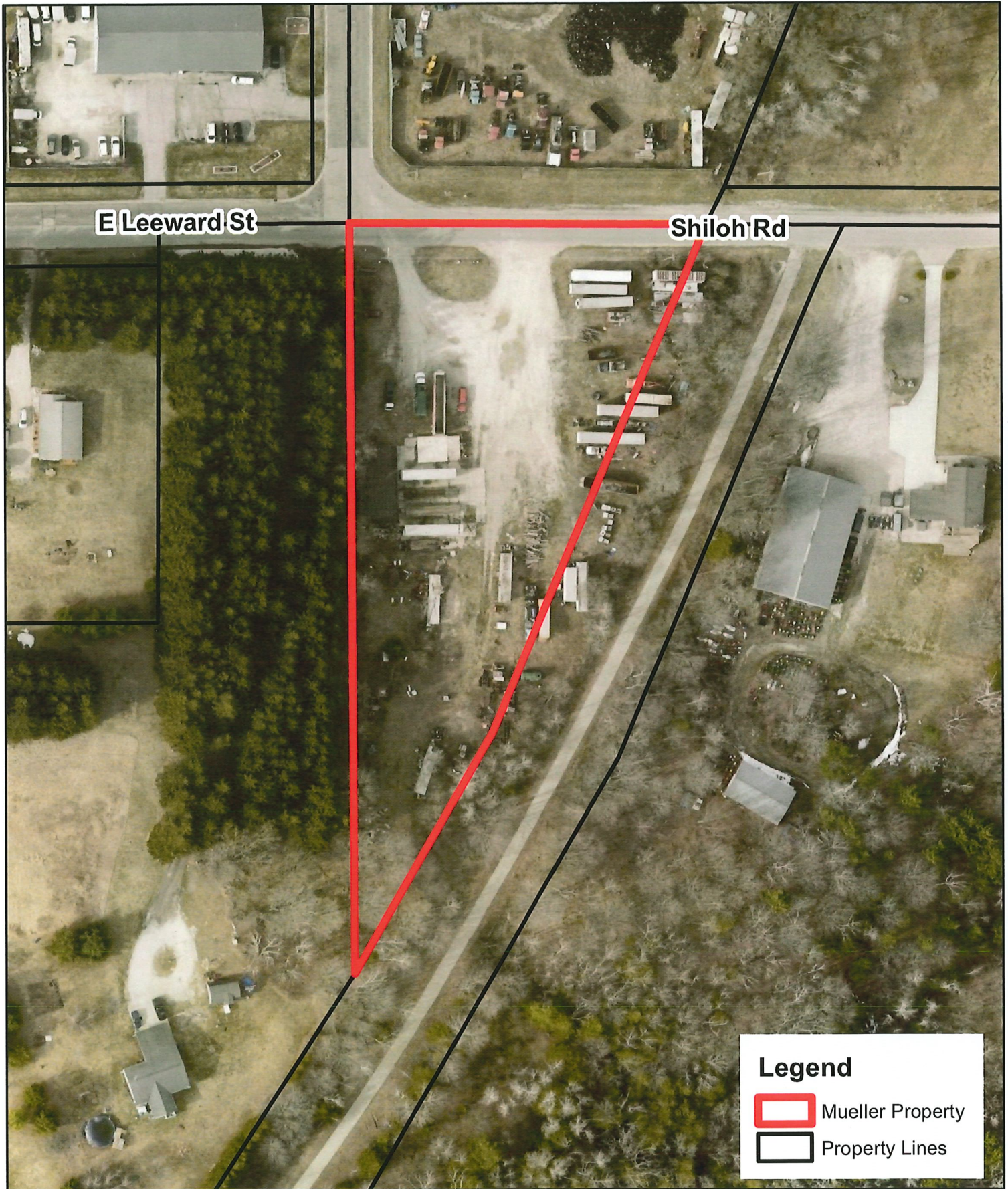


BUILDING ELEVATION - SOUTH
4/4\"/>







Mueller Maxi Storage Parcel # 281-64-80000104



E Leeward St

Shiloh Rd

Legend

-  Mueller Property
-  Property Lines

0 0.015 0.03 0.06 0.09 Miles

Mueller Trucking Aerial



NOTICE OF PUBLIC HEARING

The City of Sturgeon Bay Plan Commission will hold a public hearing in the Council Chambers at City Hall, 421 Michigan Street, Sturgeon Bay, Wisconsin on Wednesday, June 21, 2023 at 6:00 p.m. or shortly thereafter, in regard to a proposed zoning map amendment request by Doug Mueller to change the zoning classification from Agriculture (A) to Light Industrial (I-1A) for parcel #281-64-80000104 located at 1605 Shiloh Road. The property is owned by Christine Mueller. The proposed zoning map amendment materials are on file with the Community Development Department and can be viewed at City Hall weekdays between 8:00 a.m. and 4:30 p.m. The public is invited to give testimony in regard to the rezoning request either in person at the hearing or in writing.

By order of:

City of Sturgeon Bay Plan Commission



MEMO

To: City Plan Commission
From: Marty Olejniczak, Community Development Director
Date: June 15, 2023
Subject: Definitions of Front Lot Line - Impacting Required Minimum Yards (Setbacks)

The Sturgeon Bay Zoning Code sets various yard requirements (minimum setbacks). The specific yard requirement is based upon whether the lot line is a street R/W, a side lot line, or a rear lot line, which are defined in the zoning code. Those definitions work fine for traditional rectangular lots with a single street frontage. But for lots with multiple street frontages, they sometimes cause problems or limit buildable area. For those lots with multiple frontages the rear lot line is defined as the lot line opposite the front lot line, which is defined as the lot line along the street that provides the address for the lot. Because the minimum rear yard is wider than the required side yard, it matters whether the lot line is a rear lot line or a side lot line. Often variances are required to allow building on portions of multiple-frontage lots, which would not be needed for same sized "regular" lots.

An example of this conundrum is Healthy Way Market. The lot is bordered by three streets. Because its address is taken from Third Ave, the fourth side of the lot along the alley opposite Third Ave is considered a rear lot line. In the C-2 district, the side yard is only 5 feet while the rear yard is 25 feet. Thus, their proposed addition along the alley for a cooler does not fit. The Council granted a temporary use approval for an interim cooler, which provides time for either a change to the zoning code or a variance or other special approval to be obtained by Healthy Way Market. This example is just one of several that impact various lots around the City.

In order to provide more flexibility for the lots with multiple street frontages, staff suggests changing the definition of front lot line to the zoning administrator to designate the front lot line. This allows flexibility for facing the building because the side and rear yards can be interchanged as needed to fit the proposed site plan for the development. On corner lots there still would be one side yard and one rear yard. On lots with three street frontages, such as Healthy Way, the fourth lot line would always be considered a side lot line. Lots with multiple street frontages tend to have relatively less buildable area due to the minimum street yards. Thus, being more flexible with the side and rear yards will make it easier to construct conforming buildings, without unduly impacting adjoining parcels.

The suggested change to the definition of front lot line is attached. For the June 21st meeting, the Plan Commission should review the proposed change. It can then decide whether to pursue a formal zoning code amendment, work on further changes, or drop the matter from consideration. If the Plan Commission agrees to make an amendment, it can recommend the amendment to the Common Council. Prior to adoption, the Council would hold a public hearing.

Zoning Text Amendments

Definitions of Yards and Lot Lines

The following proposed change to the definition of “front lot line” within the Sturgeon Bay Zoning Code is intended to provide greater flexibility for developing lots with multiple street frontages. No changes to the definitions of rear lot line and side lot line are necessary. Those definitions are shown for reference purposes only.

Section 20.03 definitions:

Lot line, front: That boundary of a lot which abuts an existing or proposed public street, and, in the case of a lot which abuts more than one street, ~~the lot line along the street which provides the street address for the lot~~ the zoning administrator is authorized to determine which boundary is the front lot line.

Lot line, rear: The boundary of a lot which is opposite the front lot line, except, if the rear lot line is less than ten feet in length or if the lot lines form a point at the rear, the rear lot line shall be a line ten feet in length within the lot, parallel to, and at the maximum distance from, the front lot line.

Lot line, side: Any boundary of a lot which is not a front lot line or a rear lot line.



MEMO

To: City Plan Commission
From: Marty Olejniczak, Community Development Director *MO*
Date: June 15, 2023
Subject: Zoning Code – Changing “Building Inspector” and “Community Development Director” to “Zoning Administrator” and eliminating reference to Waterfront Design Review Board

The City of Sturgeon Bay used to employ a full-time building inspector. That position was also responsible for administering the zoning code. The code contains numerous references to “building inspector” having authority over certain provisions in the code. After the City switched to a contracted building inspection service, the duties for administering the zoning code went to the Community Development Director and more recently to the Planner/Zoning Administrator. But the code was never updated to reflect that change.

Amendments to the code that were made after the Community Development Director started administering the code, but prior to the Planner/Zoning Administrator position, used “community development director” when referencing administration of the ordinance provisions. Most of those references are also out of date.

Staff would like to change the references to “building inspector” and “community development director” to “zoning administrator”. Regardless of what specific city position is directed to administer the code, the phrase “zoning administrator” will suffice. This change will clear up any potential confusion both now and in the future. There are many instances in the code that would be amended. See attached.

Another proposed amendment to the zoning code involves section 20.27(3)(c), which relates to yard exemptions in the C-2 district. The Plan Commission can authorize lesser setbacks in the Waterfront Redevelopment District after review by the Waterfront Design Review Board. But the Waterfront Design Review Board no longer exists and the Waterfront Redevelopment District is close to becoming an antiquated term as well. Staff proposes to retain the Plan Commission’s authority over lesser setbacks, but remove the references to Waterfront Redevelopment District and Waterfront Design Review Board.

The boundaries of the C-2 district and Waterfront Redevelopment District are very similar so the elimination does not affect much property. The WDRB was replaced by the Aesthetic Design & Site Plan Review Board. Thus, if the Plan Commission wants a recommendation prior to authorizing a lesser setback, it could switch the WDRB to the ADSPRB in the code as an alternative to dropping that reference altogether.

For the June 21st meeting, the Plan Commission should review the proposed changes. It can then

decide whether to pursue a formal zoning code amendment for these changes, continue to work on further changes, or drop the matter from consideration. If the Plan Commission agrees with the changes, it can recommend them to the Common Council. Prior to adoption, the Council would hold a public hearing.

Zoning Text Amendments

Administration of the zoning code & lesser setbacks in the C-2 district

Section 20.03 definitions:

Conditional use permit: A permit, authorized by the city plan commission and issued by the ~~building inspector~~ zoning administrator, stating that a conditional use may be established, expanded, or enlarged subject to any conditions placed on the authorization and the provisions of this chapter.

Dwelling, multiple-family: A building, or portion thereof, designed for and occupied by three or more families, including a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C. § 5401-5426, as amended, which when placed on-site:

- (a) Has any wheels, axles and pulling apparatus removed and is fastened or attached to a completely enclosed foundation in accordance with subchs. III, IV and V of ch. ILHR 21, Wis. Adm. Code, as amended. The ~~city building inspector~~ zoning administrator may require a plan to be certified by a registered architect or engineer to insure proper support for the home; and
- (b) Is installed in accordance with the manufacturer's instructions; and
- (c) Is properly connected to utilities.

Dwelling, single-family: A detached building designed for or occupied exclusively by one family, including a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C. § 5401-5426, as amended, which when placed on-site:

- (a) Has any wheels, axles and pulling apparatus removed and is fastened or attached to a completely enclosed foundation in accordance with subchs. III, IV and V of ch. ILHR 21, Wis. Adm. Code, as amended. The ~~city building inspector~~ zoning administrator shall require a plan to be certified by a registered architect or engineer to insure proper support for the home; and
- (b) Is installed in accordance with the manufacturer's instructions; and
- (c) Is properly connected to utilities.

Dwelling, two-family: A detached or semi-detached building used for residential occupancy by two families living independently of each other, including a structure manufactured after June 15, 1976 which is certified and labeled as a manufactured home under 42 U.S.C. § 5401-5426, as amended, which when placed on-site:

- (a) Has any wheels, axles and pulling apparatus removed and is fastened or attached to a completely enclosed foundation in accordance with subchs. III, IV and V of ch. ILHR 21, Wis. Adm. Code, as amended. The ~~city building inspector~~ zoning administrator shall require a plan to be certified by a registered architect or engineer to insure proper support for the home; and
- (b) Is installed in accordance with the manufacturer's instructions; and

- (c) Is properly connected to utilities.

Section 20.07(7) General provision – aesthetic requirements:

(7) *Aesthetic requirements.* All dwellings located in the R-1, R-2, R-3 and R-4 residential districts shall comply with the following requirements:

- (a) Be fastened or attached to a completely enclosed continuous foundation in accordance with subch. III, IV and V, ch. ILHR 21, Wis. Adm. Code, or set on a comparable enclosed continuous foundation system approved by the building inspector zoning administrator, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support;

Section 20.27(3)(c) Exceptions to yard requirements:

- (c) Within ~~that portion of the C-2 district that is also within the Waterfront Redevelopment District, the city plan commission may, after review and recommendation by the Waterfront Design Review Board,~~ authorize a zero lesser side yard and/or a lesser street yard (setback) than required under subsection (2). The intent of this provision is to provide relief from the yard requirements in locations where it is desirable to create, recreate, or maintain a traditional downtown development pattern and character.

Section 20.31(2)(b) Off street parking requirements – unspecified uses:

- (b) *Unspecified uses.* In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as for the above mentioned uses which, in the opinion of the building inspector zoning administrator, shall be deemed most similar.

Section 20.32(1) Development standards for I-1A and I-2A districts – plan approval required:

- (1) *Plan approval required.* All new development within these districts is required to receive plan approval from the development review team. New developments include but are not limited to projects that involve new exterior building walls, fences, landscaping, parking lots, driveways, signs or other exterior improvements. The building inspector zoning administrator shall have the authority to give plan approval for minor improvements in accordance with the rules and regulations of the development review team and the development standards. Improvements existing on August 20, 1991, are not required to comply with these standards.

Section 20.35(1)(a) Board of appeals – powers:

- (a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the ~~building inspector~~ **zoning administrator** or plan commission.

Section 20.36(1), (2), (5), and (6) Enforcement:

- (1) The city council hereby designates the ~~building inspector~~ **zoning administrator** to enforce this chapter by means of land use permits, the cost of which shall be established by the city council.
- (2) The ~~inspector~~ **zoning administrator** shall not issue a permit for a structure or a use that is not allowed by this chapter. No structure shall be built, moved or altered, and no land use shall be substantially altered, until a land use permit has been issued, except that no permit shall be required for farm structures that are not intended to shelter humans.
- (5) Under rules established by the city council, the ~~inspector~~ **zoning administrator** may issue temporary permits of up to one year's duration.
- (6) In any district where public right-of-way exists, but a travelable street has not been developed, no permits for building purposes shall be issued until written certification, signed by the city engineer, is filed with the ~~building inspector~~ **zoning administrator** stating that a travelable street to serve the property will be developed within 90 days of date of certification.

Section 20.43(4)(b)3. Aesthetic design and site plan review – exemptions:

- 3. Uses or improvements that do not affect the exterior of buildings or site layout as determined by the ~~community development director~~ **zoning administrator** and which are consistent with the purposes of this section.

Section 20.43(5)(b) Aesthetic design and site plan review – procedures:

- (b) *Staff review.* The ~~community development director (or designee)~~ **zoning administrator** shall review the plans and accompanying material for conformance to the municipal code and shall coordinate additional review as may be appropriate by other city departments. The application shall then be referred to the aesthetic design and site plan review board for its consideration.

Section 20.43(7) Aesthetic design and site plan review – compliance:

- (7) *Compliance.* Upon the granting of a certificate of appropriateness the project plans and other materials upon which the certificate was granted shall be used by the ~~community development director~~ **zoning administrator** and/or building inspector to determine that the project is completed in compliance with the certificate of appropriateness and that there are no unauthorized deviations. Failure to correct any deficiency identified by the

community development director zoning administrator or building inspector will constitute a violation of this section.