CITY OF STOUGHTON, 207 S. Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
An ordinance repealing Zoning Code Section 78-205(12) and all ordinance references to a group development within the Stoughton Municipal Code of Ordinances			
Committee Action:	Plan Commission recommends approval 7 - 0		
Fiscal Impact:	None		
File Number:	O-26- 2020	**First Reading:** **Second Reading:**	November 24, 2020 December 8, 2020

The Common Council of the City of Stoughton do repeal the following:

~~Sec. 78-205(12) Group Developments. A group development is any development containing:~~

~~(a) Two or more structures containing principal land uses on the same lot;~~

~~(b) Any single structure on a single lot which contains five or more dwelling units or two or more non-residential uses; and/or,~~

~~(c) Any new institutional, commercial, and office buildings in excess of 5,000 gross square feet and to all multi-building group developments in which the combined total of all structures on a site, regardless of diverse ownership, use or tenancy, combine to exceed 5,000 square feet.~~

~~(d) Any building additions to institutional, commercial, and office buildings that bring the total building size to over 5,000 gross square feet. These regulations shall apply to the building addition, the older portions of the building constructed prior to the adoption of this section, and to the site.~~

~~(e) Common examples of group developments include six-unit apartment buildings, apartment complexes, condominium complexes, strip centers, shopping centers, and office centers. (One tenant office or commercial buildings containing less than 5,000 square feet of gross floor area, four-unit apartment buildings, and other land uses in which each non-residential building contains only one tenant, or where the lot contains only one structure, or where each residential building contains four or fewer dwelling units, are not group developments even though such developments may contain parcels under common ownership.)~~

~~A group development does not offer the ability to customize the regulations of this zoning ordinance as could be achieved using a planned development per subsection 78-105(7). A group development approval is not required for an approved specific implementation plan.~~

~~Any land use that is permitted as a Permitted by Right land use or as a Conditional land use within the applicable zoning district(s) is permitted to locate within a group development. The detailed land use regulations of this subsection that pertain to individual land uses shall also apply to individual land uses within a Group~~

~~Development, as will all other applicable provisions of this chapter. Therefore, land uses permitted by right in the Zoning District shall be permitted by right within an approved group development (unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development as a whole), and land uses permitted as a conditional use in the Zoning District shall be permitted within the group development only with conditional use approval for the specific use. In all cases, the following conditional use conditions shall be applied to the group development as a whole, and to individual uses within the group development:~~

1. ~~The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.~~
2. ~~All 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. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building envelopes that serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).~~
3. ~~The entire development shall provide for full and safe pedestrian and bicycle access within the development, and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all public streets. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location. A central pedestrian gathering area shall be provided.~~

(~~13~~12) *Division or combining of a lot.* No recorded lot shall be divided into two or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located (as set forth in this chapter). (See also the City of Stoughton Land Division Ordinance.)

78-205(9) *Number of buildings per lot:* In the RH, SR-3, SR-4, SR-5 and SR-6 Districts, only one principal building shall be permitted on any one lot. In the TR-6, MR-10, MR-24, NO, PO, NB, PB, CB, PI, GI, HI and I Districts, more than one principal building shall be permitted on any one lot upon the granting of a conditional use permit for a large development in compliance with subsection 78-205(11) ~~or a group development in compliance with subsection 78-205(12)~~.

78-206(1)(a)1 *Single-family detached. Description:* A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single-family residence

which is located on an individual lot or within a ~~group or~~ large development. The dwelling unit must 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 as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. Refer to the illustration below and to article I for setback requirements labeled in capital letters:

78-206(1)(a)3 *Twin-house. Description:* These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof is required between each dwelling unit. Upon the effective date of this ordinance amendment, all newly constructed twin homes are required to have a sanitary sewer lateral to the sanitary main and a public water lateral from the water main, for each individual dwelling unit. Separate water and sewer laterals, to the respective mains, are required when converting an existing duplex to a twin home or when building a new twin home. The two residences are located on separate lots. The twin house is distinguished from the duplex house merely by having each unit located on an individual lot or within a ~~group or~~ large development. These dwelling unit types may not be split into additional residences. A mutual maintenance agreement is recommended to be drafted and recorded between property owners to address for example; repair and/or replacement of the exterior components of the structure. Refer to the illustration on the following page and to Article I for setback requirements labeled in capital letters:

78-206(1)(a)4 *Two-flat house. Description:* This dwelling unit type consists of a single-family residence, which is in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC), which has been converted into a two-family residence. The two residences are both located on the same lot or within the same ~~group or~~ large development. This dwelling unit type may not be split into additional residences. Where permitted, this use is a conditional use and must be approved through the procedures of section 78-905. Refer to the illustration below and to article I for setback requirements labeled in capital letters:

78-206(1)(a)5 *Townhouse. Description:* This dwelling unit type consists of attached, two-story, single-family residences, each having a private, individual access. This dwelling unit type is located on its own lot or within a ~~group or~~ large development and may not be split into additional residences. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. No more than six and no less than three townhouse dwelling units may be attached per group. All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration below and to article I for setback requirements labeled in capital letters:

78-206(1)(a)7 *Apartment. Description:* This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to the underside of the roof, is required between each dwelling unit. No less than three dwelling

units may be located in a building. ~~As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain four or more dwelling units shall provide additional site design features such as: underground parking, architectural elements, landscaping, and/or on-site recreational facilities.~~ Refer to the illustration below and to article I for setback requirements labeled in capital letters:

78-206(1)(a)8 *Mobile home. Description:* This dwelling unit type consists of a fully detached, single-family residence, which has not received a Federal Manufactured Housing Certificate and which is located on an individual lot or within ~~a group~~ or large development. This dwelling unit type may not be split into two or more residences. Within 30 days of occupancy, the owner shall remove the axle and install skirting per the requirements of the plan commission. Refer to the illustration below and to article I for setback requirements labeled in capital letters:

78-105(2)(a)2b ~~Group developments (per subsection 78-205(12))~~

78-105(2)(b)2b ~~Group developments (per subsection 78-205(12))~~

78-105(2)(c)2b ~~Group developments (per subsection 78-205(12))~~

78-105(2)(d)2b ~~Group developments (per subsection 78-205(12))~~

78-105(2)(e)2b ~~Group developments (per subsection 78-205(12))~~

78-105(2)(f)2b ~~Group developments (per subsection 78-205(12))~~

78-105(2)(g)2b ~~Group developments (per subsection 78-205(12))~~

78-105(2)(h)2b ~~Group developments (per subsection 78-205(12))~~

78-105(3)(a)3b ~~Group developments (per subsection 78-205(12))~~

78-105(3)(b)2b ~~Group developments (per subsection 78-205(12))~~

78-105(4)(a)3b ~~Group developments (per subsection 78-205(12))~~

78-105(4)(b)2b ~~Group developments (per subsection 78-205(12))~~

78-105(4)(a)3b ~~Group developments (per subsection 78-205(12))~~

66-303(3)f Location and approximate dimensions of any sites that are to be used for ~~group developments or~~ planned ~~unit~~ developments as defined in subsection~~s 78-205 (11)~~ ~~and~~ 78-105 (7) of the city zoning ordinance~~, respectively~~.

78-015 - Definitions.
Building envelope: A component of a large ~~or group~~ development which conforms to the lot lines of developments which are not ~~group or~~ large developments, in that required minimum setback distances are measured from the building envelope line. (Refer to subsection~~s~~ 78-205(11) ~~or (12)~~)

~~*Group development:* See subsection 78-205(12).~~

Shopping center: See ~~group development or~~ large development.

78-914(8)(a)4a A SIP site plan conforming to all the requirements of subsection 78-908(3). If the proposed Planned Development is a cluster development (per subsections 78-206(1)(b) through (f)), a large development (per subsection 78-205(11)), ~~or a group development (per subsection 78-205(12)),~~ a proposed preliminary plat or conceptual plat may be required by the zoning administrator in addition to the required site plan.

78-914(8)(a)7 A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles)~~, and group development signage themes which are proposed to vary from city standards or common practices~~.

78-704(6)(i) Parking lot design standards. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 78-704(6)(j), and shown on the following page. Additional design standards apply to "Large Developments (See section 78-205(11)) ~~and "Group developments." (See section 78-205(12))~~

78-905(4)(d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of subsection 78-908(3). If the proposed conditional use is a large development (per subsection 78-205(11)) ~~or a group development (per subsection 78-205(12))~~, a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per section 78-908;

This ordinance shall be in full force and effect from and after its date of publication.

Dates

Council Adopted:_____

Mayor Approved: _____ _____
Tim Swadley, Mayor

Published:_____

Attest:_____ _____
Holly Licht, City Clerk

CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
207 S. Forrest Street, Stoughton, WI. 53589

(608) 873-6619 www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

Date: October 26, 2020

To: Plan Commissioners and Common Council

From: Rodney J. Scheel
Director of Planning & Development

Michael P. Stacey
Zoning Administrator/Assistant Planner

Subject: Agenda Item for the November 9, 2020 Plan Commission Meeting and Common Council Meetings of November 24 and December 8, 2020

Proposed zoning ordinance amendment to repeal section 78-205(12) and all references to group developments.

The group development section focuses on evaluating only three aspects of certain projects. These generally include:

- Waste bins to accommodate trash
- Evaluation of building position on the site to accommodate possible lot division in the future
- Pedestrian and bicycle accommodations

These items are routinely part of the evaluation of any site plan; most of which are further evaluated as part of a Conditional Use Permit or Planned Development process. The group development references are confusing and cumbersome to only focus on three primary items that are able to be evaluated through other aspects of review.

We recommend removal of this section of code and associated references.

NOTICE OF PUBLIC HEARING

The City of Stoughton Plan Commission will hold a **Virtual Public Hearing** on **Monday, November 9, 2020** at **6:00 o'clock p.m.,** or as soon after as the matter may be heard, to consider proposed ordinance amendments to the City of Stoughton Municipal Code of Ordinance sections relative to group developments. This proposal is to repeal section 78-205(12) and all references to group developments within the City of Stoughton code of ordinances, Dane County, Wisconsin.

Due to the COVID-19 Pandemic, this meeting will not be open to the public in an in-person capacity. For those wishing to view the meeting and/or ask questions, you may do so via the following options:

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If you wish to speak at or have your comments read aloud at the meeting, please register at http://speak.cityofstoughton.com by 5:45 on the day of the meeting. The Clerk will the receive comments and forward them on to the "Organizer". The public can click on the link or call in and use the access code. When connected the public will have to identify themselves in order for the "Organizer" to rename them on the "Attendee" screen. If you plan to speak, please mute TV or stream volume (if online) and do not use speakerphone, as it creates feedback, there may be a delay. The Public Comment participant will be unmuted by the "Organizer" when it is their turn and have up to 3 minutes to speak. After speaking, the "Organizer" will mute the Public Comment participant. The participant can log out or hang up and stream at WSTO, or watch on Channel 981 on Charter/Spectrum.

For questions regarding this notice please contact Michael Stacey, Zoning Administrator at 608-646-0421

Published October 22 and October 29, 2020 Hub

Plan Commission Meeting Minutes
Monday, November 9, 2020 at 6:00 pm
Virtual Meeting

Members Present: Mayor Tim Swadley, Chair; Todd Barman; Phil Caravello; Tom Robinson; Tom Selsor; Tom Majewski and Brett Schumacher
Members Absent: None
Staff: Rodney Scheel, Director of Planning and Development
Press: None
Guests: Phil Harrison

1. **Call to order.** Mayor Swadley called the meeting to order at 6:00 pm.

2. **Consider approval of the Plan Commission meeting minutes of October 12, 2020.**
   Motion by **Robinson** to approve the minutes as presented, 2nd by **Caravello**. Motion carried unanimously.

3. **Council Representative Report.**
   Caravello stated the Common Council approved the following:

   O-19-2020 – Amending the Zoning Classification at 1114 and 1115 Abel Court
   O-20-2020 – Amending Zoning Code 78-707 and 78-704 regarding exterior lighting

4. **Staff Report - Status of Current Developments.**
   Scheel gave an overview of the current status of developments as outlined in the packet of materials. There were no questions.

5. **Request by Vik Malling to amend zoning ordinance section 78-722(7) Swimming Pool Standards. (postponed from September 12, 2020)**
   Mr. Malling contacted the City and reported he couldn't participate tonight.

   Barman reported his understanding of our existing ordinances regarding fencing for pools: the fence is high enough (5 ft) so you don't have inadvertent accidents and far enough from the edge (4 ft) to prevent someone from jumping over the fence into the pool. He also stressed the "self-closing, self-latching" requirement is important to him. He suggested that the ordinance as proposed section 6 conflicts with section 7. He suggests we should clean up this section and has offered some suggested language to be considered.

   Motion by **Barman** to postpone action until December to allow Mr. Malling to participate and to have staff incorporate Commissioner Barman's suggested language into the draft ordinance, 2nd by **Robinson**. Motion carried unanimously.

6. **Proposed zoning ordinance amendment to repeal section 78-205(12) and all references to group developments.**
   Scheel explained the request.

   Mayor Swadley opened the public hearing.

   No one registered to speak.

Mayor Swadley closed the public hearing.

Motion by **Barman** to recommend the Common Council approve the ordinance amendment as presented, 2nd by **Schumacher**.

Motion carried unanimously.

7. **Request by Phil Harrison to discuss the regulations for flags and banners used for commercial signage.**
Phil Harrison explained that they are 2 year residents of Stoughton. They had observed "feather flags" elsewhere and thought they could be put up without a permit.

Commissioner Barman indicated as a local business owner he had previously inquired about "feather flags" for his own business and found they were not allowed. He stated it is a difficult time to invest in permanent signage.

Selsor suggested that Barman should recuse himself from voting on this item.

It was suggested that "sandwich board" type signs are better suited for pedestrian traffic vs. vehicular traffic.

Caravello suggested he may be willing to consider 1 feather flag per business with the message "Open".

There was discussion about possibly allowing one wave banner per lot to be used only when the business is open.

Barman suggested maybe considering one for each building per street frontage so a corner building would be allowed one on each street.

Majewski is concerned about the density of feather flags and suggested maybe one per lot in the downtown area. They should not be allowed in the right of way except in the downtown district.

The Commissioners would like staff to draft language for them to consider at the next meeting. They suggested we may need to include the City Attorney into the discussion.

No motions were made.

8. **Discuss potential zoning code amendments to allow mobile food vending on private property.**
Majewski is ok with 180 days but indicated 90 days may be better. Schumacher indicated support for 90 to 180 days.

Barman indicated Portland, OR has a system where they review mobile vending as part of a site plan. Mobile vending has been incorporated into strategies to encourage business activity in communities.