

MEETING NOTICE

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, August 13, 2012 at 6:00 pm** in the **Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street**, Stoughton WI.

AGENDA

1. Call to order
 2. Council Representative Report.
 3. Meeting Summary & Status of Developments/Projects. (Page 3)
 4. Michael Miller, Scoutmaster, Scout Troop 167 requests site plan approval to construct a storage shed at United Methodist Church, 525 Lincoln Avenue. (Page 5)
 5. David Wendt of Colorcon, Inc., requests site plan approval to relocate a dust collector and fan at 440 Business Park Circle, Business Park North. (Page 8)
 6. The Capital Area Regional Planning Commission (CARPC) requests the opportunity to present information pertaining to a potential Future Urban Development Area (FUDA) Study with participation from the City and surrounding towns. Discussion will also address next steps required to initiate the process. (Page 17)
 7. Consider proposed ordinance amendments to Table 78-610 (4)(b) of the City of Stoughton Zoning Ordinance to make corrections to the bufferyard requirements. (Page 19)
 - Public Hearing
 - Recommendation to Council
 8. Consider proposed ordinance amendment to section 78-702 (9) of the City of Stoughton Zoning Ordinance to make corrections to the Access Standards and Appendix E, Bulk Regulations. (Page 31)
 - Public Hearing
 - Recommendation to Council
 9. Consider proposed ordinance amendments to sections 78-210, 78-015 and 78-408 of the City of Stoughton Zoning Ordinance to meet State of Wisconsin requirements for non-conforming use and structure regulations. (Page 38)
 - Public Hearing
 - Recommendation to Council
 10. Future agenda items
 11. Adjournment
- 8/7/12mps

COMMISSIONERS:

Mayor Donna Olson, Chair
Eric Hohol, Vice-Chair
Scott Truehl

Todd Krcma
Rollie Odland

Ron Christianson
Eric Olstad

CC:PACKETS:

Rodney Scheel
Todd Krcma

Michael Stacey (3)
Mayor Donna Olson

Rollie Odland
Scott Truehl

E-MAIL NOTICES:

All Department Heads

Area Townships

City Attorney Matt Dregne

Citizen Planning Commissioners Bill Livick

Dan McAuliffe, CARPC

Council members

Stoughton Hub

Peter Sveum

Steve Kittelson

Derek Westby

Scott Wegner

David Wendt

MAIL NOTICES: Michael Miller, 613 Pleasant View Drive, Stoughton;

IF YOU ARE DISABLED & IN NEED OF ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THIS MEETING.

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR

Date: August 7, 2012

To: Planning Commission Members

From: Rodney J. Scheel
Director of Planning & Development

Michael Stacey
Zoning Administrator/Assistant Planner

Subject: August 13, 2012 Planning Commission Meeting - Status of Developments and Meeting Summary.

Status of Developments:

- West View Ridge - 25 improved lots remaining.
- Stone Crest - 10 improved lots remaining.
- Proposed Kettle Park West development – In process.
- Nelson Global – construction in process.
- Proposed Settler's Point development – waiting for concept plan & narrative

Department of Planning & Development Information:

Planning staff has been working primarily on the following:

- Proposed Kettle Park West Development – Progress meetings
- Proposed Settler's Point Development Discussions
- Continued building and zoning inspections.
- Nelson Global inspections
- Removal of the home owned by the Library at 216 E. Jefferson Street
- Zoning code updates
- Budgeting for Outcomes

Meeting Summary:

Item #4 - Michael Miller, Scoutmaster, Scout Troop 167 requests site plan approval to construct a storage shed at United Methodist Church, 525 Lincoln Avenue.

This request is to provide much needed storage for Scout Troop 167. The Troop originally used storage space at the parsonage garage which is now being used by the pastor. The request meets all zoning requirements. A staff review letter, site plan and related materials are provided. Staff recommends approval.

Item #5 - David Wendt of Colorcon, Inc., requests site plan approval to relocate a dust collector and fan at 440 Business Park Circle, Business Park North.

This request is proposed to make it safer and easier to empty the dust collector by moving the collector out farther from the building and installing a wider path for forklift access. This has been done by hand in the

past. The Business Park North Committee met on June 25, 2012 and approved the site plan contingent on the staff review letter and Planning Commission approval. The BPN Committee minutes, staff letter and related materials are provided. Staff recommends approval.

Item #6 - The Capital Area Regional Planning Commission (CARPC) requests the opportunity to present information pertaining to a potential Future Urban Development Area (FUDA) Study with participation from the City and surrounding towns. Discussion will also address next steps required to initiate the process.

Dan McAuliffe of CARPC will be presenting information for discussion.

Item #7 - Consider proposed ordinance amendments to Table 78-610 (4)(b) of the City of Stoughton Zoning Ordinance to make corrections to the bufferyard requirements.

This proposed ordinance amendment is for minor changes to the bufferyard requirements as recommended by Vandewalle & Associates.

Item #8 - Consider proposed ordinance amendment to section 78-702 (9) of the City of Stoughton Zoning Ordinance to make corrections to the Access Standards and Appendix E, Bulk Regulations.

This proposed ordinance amendment is for minor corrections to the access standards, specifically for setbacks from pavement.

Item #9 - Consider proposed ordinance amendments to sections 78-210, 78-015 and 78-408 of the City of Stoughton Zoning Ordinance to meet State of Wisconsin requirements for non-conforming use and structure regulations.

This proposed amendment is in part related to changes made at the State level for non-conforming structure regulations. Specifically, Wis. Law does not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a non-conforming structure.

July 29, 2012

City of Stoughton Planning Commission

Boy Scout Troop 167 of Stoughton is seeking permission to construct a storage shed. We are chartered by the United Methodist Church here in town. The troop has stored its troop gear at the parsonage for the past eight years. With the new Pastor and her family they now need the full garage.

The troop has already received permission through the church for the structure. We wish to build in the lower South East corner along the area of the trash dumpsters. We do not intend to put it on a concrete at this time, do to cost. Instead It will have a treated lumber floor. We also would like to set it back off the asphalt on the exciting hard pack gravel. The building will be twelve by twelve with eight foot walls.

We intend to park the scout trailer between the dumpsters and the structure. This would place it about seventy to seventy five from the church. Please let us know what is required of the troop to obtain the necessary permit and permissions.

Mr. Michael Miller

Scoutmaster troop 167

Cell 445-0189

A handwritten signature in cursive script that reads "Michael Miller". The ink is dark and the signature is fluid, with the first and last names being clearly legible.

church



Boy Scout troop 167
7-16-2012

East Lower
Parking Lot

75'

Gravel
13'

Scout
Shed
12'x12'

trailer

trailer Parking
between trash
and scout storage

20'
trash

7'

⊗ Basket Ball
Hoop

133'

WILSON STREET
SEWELL



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.ci.stoughton.wi.us

RODNEY J. SCHEEL
DIRECTOR

July 30, 2012

Michael Miller
613 Pleasant View Drive
Stoughton, WI. 53589

RE: REQUEST TO INSTALL A SHED AT UNITED METHODIST CHURCH, 525 LINCOLN AVENUE, STOUGHTON.

Dear Mr. Miller:

1. The property at 525 Lincoln Avenue is zoned I – Institutional. Accessory structures are permitted within the institutional district.
2. The Comprehensive Plan, planned land use map designates this property as Institutional.
3. The setback requirement for accessory structures is 4 feet from the side and rear lot lines.
4. An accessory structure may be up to 1,000 sq. ft. in area without a conditional use permit.
5. The shed appears to meet all necessary zoning requirements.
6. The Planning Commission will review your request on August 13, 2012 of which you will receive notice.

If you have any questions, please contact me at 608-646-0421

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

cc. Planning Commissioners

**City of Stoughton Procedural Checklist for Zoning Permit Review and Approval
(Requirements per Section 78-904)**

This form should be used by the Applicant as a guide to submitting a complete application for a zoning permit and by the City to process said application. Parts I and III should be used by the Applicant to submit a complete application; Parts I - III should be used by the City as a guide when processing said application.

I. GENERAL INFORMATION

Applicant Name: DAVID WENDT 877 8011

Applicant Address: 440 BUSINESS PARK CIRCLE

Property Owner Name: COLORCON, INC

Property Owner Address: 440 BUSINESS PARK CIRCLE

Architect Name: N/A

Architect Address: N/A

Engineer Name: DAVID WENDT

Engineer Address: 440 BUSINESS PARK CIRCLE

Contractor Name: ADVANCED BUILDING CORPORATION

Contractor Address: 3624 PIONEER RD., VERONA, WI 53593

Description of the site (lot, block, recorded subdivision or metes and bounds):

LOTS 6, 7, AND 8, STOUGHTON BUSINESS PARK NORTH, IN THE
CITY OF STOUGHTON, DANE COUNTY, WISCONSIN.

Address of the subject site: 440 BUSINESS PARK CIRCLE

Type of structure: DUST COLLECTOR AND FAN

Existing and proposed operation or use of the structure or site:

RELOCATE DUST COLLECTOR AND FAN. ADD CEMENT
DRIVEWAY FOR FORK LIFT TO DUST COLLECTOR.

Number of existing and proposed employees: 18 NOW AND FUTURE

Zoning district within which the subject site lies: PLANNED INDUSTRIAL

II. RECORDATION OF ADMINISTRATIVE PROCEDURES

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____ N/A

✓ Application form filed with Zoning Administrator: Date: 6/18/12 by: mps

✓ Application fee of \$ 80 received by Zoning Administrator: Date: 6/18/12 by: mps

_____ If necessary, reimbursement of consultant costs: Date: _____ by: _____

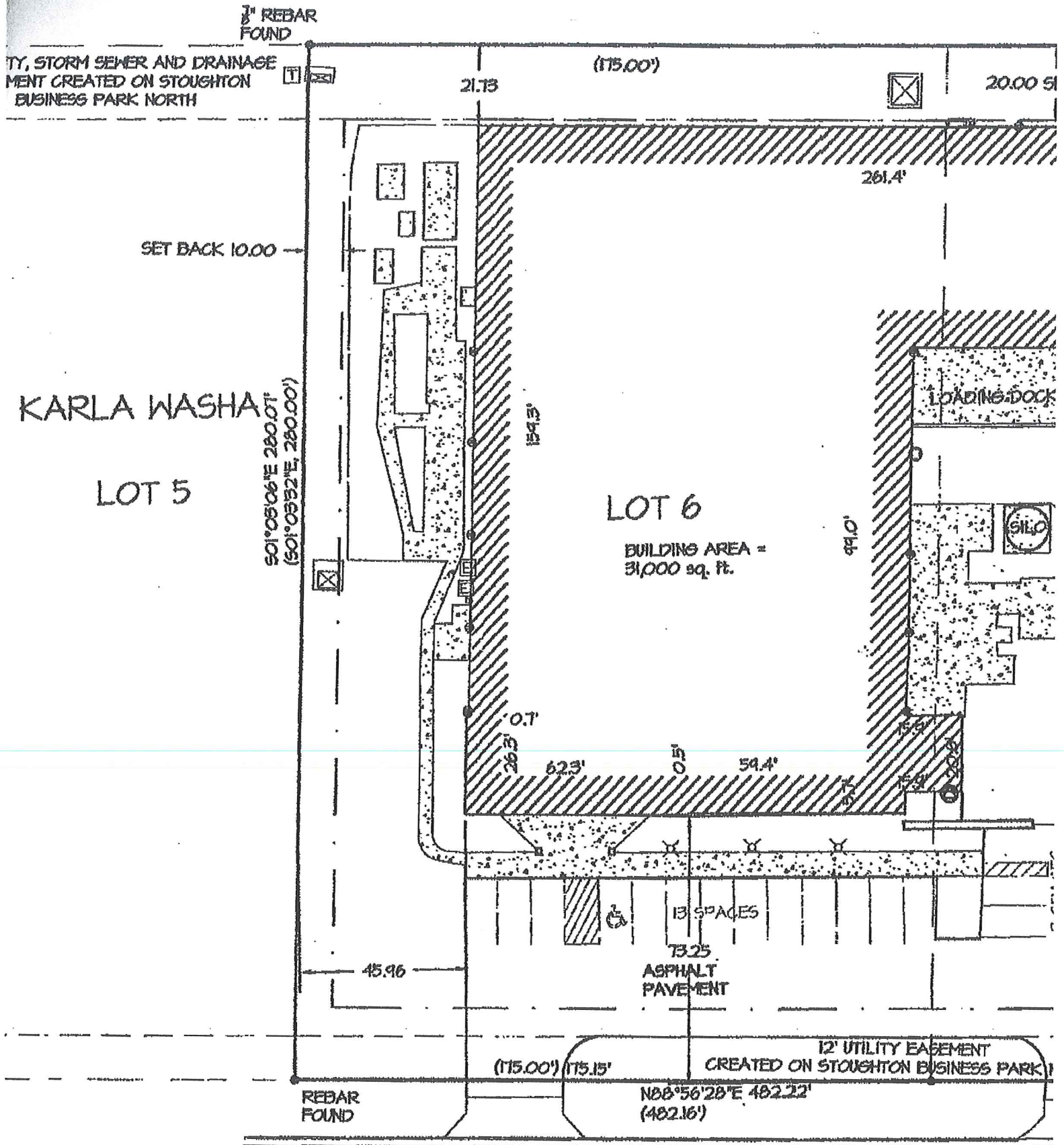
III. PERMIT SUBMITTAL REQUIREMENTS

Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses and size of the following:

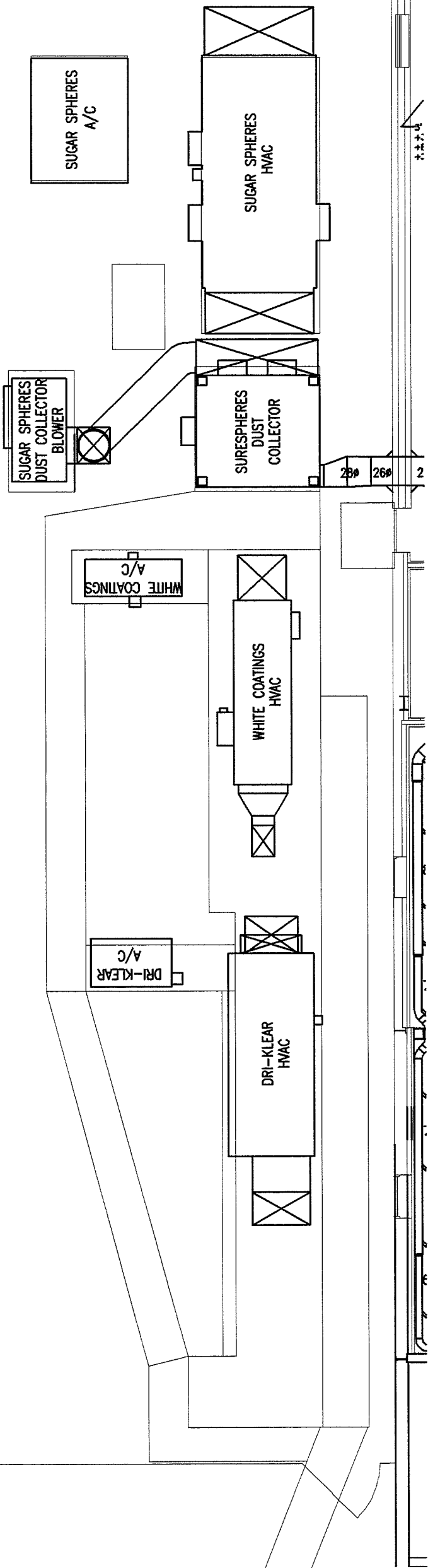
- Subject site
- Existing and proposed structures
- Existing and proposed easements
- Streets and other public ways
- Off-street parking, loading areas, and driveways
- Existing highway access restrictions
- High water, channel floodway, and floodplain boundaries
- Existing and proposed street, side, and rear yards
- Type, slope and boundaries of soils shown in the Dane County Soils Survey prepared by the United States Department of Agriculture Soil Conservation Service.

There may be additional information as requested by the Plan Commission or Zoning Administrator.

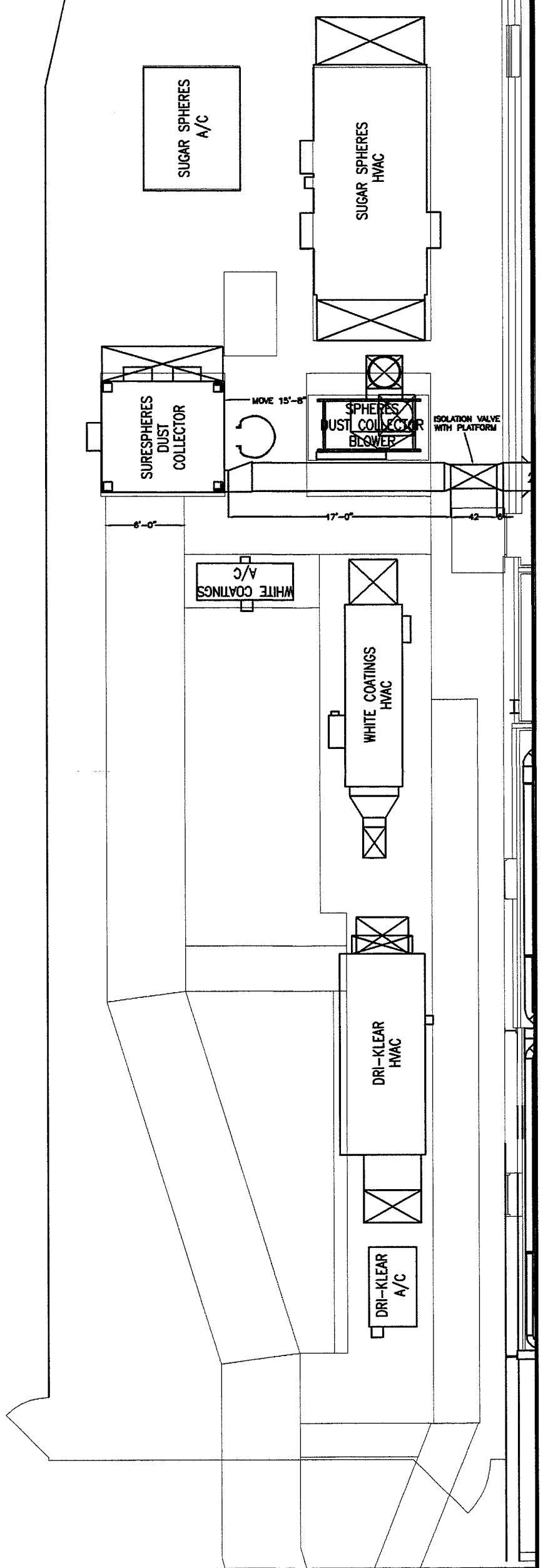




BEFORE



AFTER



Colorcon ®		440 Business Park Circle Stoughton, WI 53589 608-877-8970	
DRAWN BY DKW	REV B	SUGAR SPHERES DUST COLLECTOR ISOLATION VALVE RELOCATION	DRAWING NO. / TYPE LETTER STSS0069
DATE 06/05/12		REV	



CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589
www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR
(608) 873-6619
fax: (608) 873-5519

June 19, 2012

Colorcon, Inc.
David Wendt
440 Business Park Circle
Stoughton, WI. 53589

Dear Mr. Wendt:

I have completed a review of the proposed site plan for Colorcon, Inc., 440 Business Park Circle, Stoughton - Plan submitted 6/18/12. As noted, additional information may be required to be provided or shown on the plan.

Zoning Code Requirements:

1. The property at 440 Business Park Circle is zoned PI – Planned Industrial. Light Industrial uses are permitted within the planned industrial district.
2. The Comprehensive Plan, planned land use map designates this property as General Industrial. **The Planned Land Use Map is in the process of being updated to planned industrial for this property.**
3. There are no changes that affect requirements related to parking, lighting or landscaping.
4. The minimum paved surface setback is five feet from the side or rear lot line and ten feet from a right-of-way. The proposed cement driveway addition meets this requirement.
5. The setback requirement for accessory structures is 4 feet from the side and rear lot lines. Additionally, no structures may be placed within an easement. The proposed site plan meets these requirements.

Business Park Covenants:

The following items are contained in the Business Park Covenants and will need to be addressed as noted:

1. Plan Submittal
 - a. Name and mailing address of developer/owner. **Provided.**
 - b. Utilities and utility right of way easements. **These are delineated on the plan.**
 - c. Exterior signs. **N/A**
 - d. Exterior Lighting. **N/A**
 - e. Clearing, grading, and drainage plan showing proposed clearing limits, existing and proposed contours at two foot intervals. **N/A**
 - f. Site statistics, including site square footage, percent of site coverage's and percent of park or open space. **N/A**

- g. All exterior materials and colors, including manufacturer's name and catalogue numbers or samples of the same. **N/A**
- h. Location and dimensions of all proposed outdoor storage areas, and the location and dimensions of all fencing and screening. **N/A**

2. Development Standards

- a. "The front façade and street-side facades shall be brick, stone, architectural concrete panels, architectural metal, architectural wood and/or glass. Unfaced concrete block, structural concrete, prefabricated metal siding, and the like are discouraged from such façade areas. The use of these materials elsewhere shall only be in a manner approved by the Committee. Special consideration shall be exercised for structures on a corner lot." **N/A**
- b. "All electrical and air conditioning structures, including towers and air handling units, regardless of location and whether on the roof or otherwise, shall be concealed by landscaping or by decorative screening materials which form an integral part of the design." **Existing screening is sufficient.**
- c. All areas intended to be utilized for parking space and driveways shall be surfaced with bituminous asphalt or concrete." **N/A**
- d. "All parking stalls shall be marked with painted lines not less than 4" wide." **N/A**
- e. "No parking areas will be permitted within the building set back lines with the following two exceptions:
 - 1. Office employee and visitor parking may be permitted within the front yard setback lines subject to approval of the Committee. **N/A**
 - 2. Lots bounded by more than one road may have parking areas within the building set back lines along roads other than the one on which the building fronts subject to approval by the Committee." **N/A**
- f. "A scale drawing of any sign, trademark or advertising device to be used on any lot or the exterior of any building or structure will be submitted to the Committee in triplicate or the written approval by the Committee." **N/A**
- g. "The front yard setback area shall be landscaped with an effective combination of trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the curb and a point 10 feet in back of the front property line shall be landscaped, except for any access driveway in said area. Notwithstanding the above, the entire area between the right-of-way and the building setback line shall be densely landscaped with a combination of effective visual screening on all use areas." **N/A**
- h. "Areas used for parking shall be landscaped and/or fenced in such a manner as to interrupt or screen said areas from view of access streets, freeways, and adjacent properties. Plant materials used for this purpose shall consist of lineal or grouped masses of shrubs and/or trees." **N/A**
- i. "All outdoor storage shall be visually screened from access streets and adjacent property." **N/A**
- j. "Outdoor storage shall be meant to include parking of all company owned and operated vehicles, with the exception of passenger vehicles." **N/A**
- k. "All outdoor refuse collection areas shall be visually screened from access streets and adjacent property by a complete opaque screen." **N/A**
- l. "Architectural Review." **N/A**

2. Any other information considered pertinent by the Committee.

If you have any questions, please contact me at 608-646-0421

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator/Assistant Planner

cc. Planning Commissioners

MEETING MINUTES OF THE BUSINESS PARK NORTH COMMITTEE
Monday June 25, 2012 – 9:00 A.M.
City Hall, Hall of Fame Room, 381 E. Main Street, Stoughton, WI.

Present:

Business Park North Committee: Randy Olson, Chair; Dave Phillips; Greg Jenson; and Rodney Scheel;

Absent and Excused: Keith Comstock; Tim Swadley and Laurie Sullivan

Guests: None

Press: None

Staff: Michael Stacey

1. **Call to Order:** Randy Olson called the meeting to order at 9:00 a.m.
2. **Consider approval of the Business Park North Committee meeting minutes of May 14, 2012.** Motion by **Phillips** to approve the minutes of May 14, 2012 as presented, 2nd by **Scheel**. Motion carried unanimously.
3. **David Wendt of Colorcon, Inc., requests site plan approval to relocate a dust collector and fan at 440 Business Park Circle,**
Scheel gave an overview of the request.

Motion by **Scheel** to approve the site plan as presented contingent the staff review letter dated June 19, 2012 and Planning Commission approval, 2nd by **Jenson**. Motion carried unanimously.

4. **Future Agenda Items.**
Meet as needed.

5. **Adjournment:** Motion by **Phillips** to adjourn at 9:04 am, 2nd by **Jenson**. Motion carried unanimously.

Respectfully submitted,
Michael Stacey

FUDA MEMORANDUM OF UNDERSTANDING

DRAFT POINTS FOR DISCUSSION

Purpose of FUDA [as listed on our outreach materials]

Participating Entities [list]

Principles

- Voluntary
- Locally-driven
- Etc.

Steering Committee

- Purpose and role –
 - primary decision-making body for the FUDA planning process (such as selection of scenarios, review and comment of documents including ECR);
 - recommends Public Participation Plan for adoption by participating units of local government
 - assists with public outreach and engagement by identifying contacts and publicizing events and participation opportunities; and
 - recommends FUDA Study to participating local units of government to be incorporated into updates of local comprehensive plans
- Designation of members by participating units of local government
- City-Village-Town representation – to be agreed upon by participating units of local government, taking into consideration State Statutory authority regarding urban growth and development and importance of inter-governmental cooperation
- Community representation – reflects stakeholder interests (including schools and others) and demographic profile of communities

Duration (approximate)

Process

- Execution of MOU
- Formation of steering committee
- Adoption of Public Participation Plan that seeks full community participation including traditionally under-represented groups
- Establishment of FUDA Study Area as basis for investigation and planning
- Review of comprehensive and other plans
- Prepare Environmental Condition Report (ECR), inventory and assessment of natural resources, agricultural resources, infill and redevelopment potential, and population and land development trends (see Attachment A: ECR checklist)
- Outreach and engagement (as per PPP) to educate stakeholders and community about FUDA, and identify community assets and opportunities
- Prepare alternative development and preservation scenarios and long-term outcome measurements

- Conduct community scenario polling
- Prepare recommended scenario
- Prepare draft FUDA Study
- Community review and input
- CARPC comment upon request of Steering Committee
- Steering Committee recommendation of FUDA Study
- Acceptance of Steering Committee Recommendation by participating units of local governments
- Incorporation of FUDA Study recommendations into comprehensive plans by participating units of local government

Other

- Population and land demand estimates conducted using CARPC methodology as approved by WI DOA.
- Infill and redevelopment capacity calculations will not reduce future land demand estimates
- CARPC considers outcome of FUDA as part of USA Amendment process when FUDA recommendations are incorporated into comprehensive plans

NOTICE OF PUBLIC HEARING

The City of Stoughton Planning Commission will hold a **Public Hearing** on **Monday, August 13, 2012** at **6:00 o'clock p.m.**, or as soon after as the matter may be heard, at the **Public Safety Building, Second Floor, 321 S. Fourth Street**, Stoughton, Wisconsin, 53589, to consider a proposed ordinance amendment to the City of Stoughton Municipal Code of Ordinances. The proposed ordinance amendment is specifically related to Table 78-610 (4)(b), bufferyard requirements within the City of Stoughton Zoning Ordinance, Dane County, Wisconsin.

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

Michael Stacey
Zoning Administrator

Published July 26, 2012 and August 2, 2012 Hub

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE PLANNING COMMISSION

Amending Zoning Code Table 78-610 (4)(b) of the Stoughton Municipal Code

Committee Action:

Fiscal Impact: None

File Number: O- -2012

Date August 28, 2012 First Reading
Introduced: September 11, 2012 Second Reading

The Common Council of the City of Stoughton do ordain as follows:

1. Table 78-610(4)(b) Detailed Bufferyard Requirements

Opacity	# Landscaping Points/ 100 feet	Width	Required Structure
0.05	00	10'+	Minimum 44' picket fence*
	00	10'+	Minimum 4' wood rail fence*
	40	10'	—
	36	15'	—
	33	20'	—
	31	25'	—

	29	30'	—
0.10	00	10'+	Minimum 44" picket fence*
	38	10'+	Minimum 4' wood rail fence*
	91	10'	—
	80	15'	0 _
	73	20'	—
	68	25'	—
	65	30'	—
	62	35'+	—
	00	35'+	Minimum 4' berm

0.20	00	10'+	Minimum 6' solid fence*
	84	10'+	Minimum 44" picket fence*
	133	15'+	Minimum 4' wood rail fence*
	198	15'	—
	173	20'	—
	158	25'	—
	149	30'	—
	140	35'	—
	10	35'+	Minimum 4' berm
	135	40'+	—

	00	40'+	Minimum 5' berm
0.30	00	10'+	Minimum 6' solid fence*
	198	15'+	Minimum 44" picket fence*
	320	20'	—
	240	20'+	Minimum 4' wood rail fence*
	276	25'	—
	252	30'	—
	235	35'	—
	104	35'+	Minimum 4' berm
	223	40'	—

	44	40'+	Minimum 5' berm
	215	45'	—
	209	50'+	—
	00	50'+	Minimum 6' berm
0.40	53	10'+	Minimum 6' solid fence*
	330	20'+	Minimum 44" picket fence*
	440	25'	—
	362	25'+	Minimum 4' wood rail fence*
	385	30'	—
	349	35'	—

	208	35'+	Minimum 4' berm
	327	40'	—
	148	40'+	Minimum 5' berm
	310	45'	—
	299	50'+	—
	56	50'+	Minimum 6' berm
0.50	135	15'+	Minimum 6' solid fence*
	564	30'	—
	405	30'+	Minimum 44" picket fence*
	492	30'+	Minimum 4' wood rail fence*

	499	35'	—
	319	35'+	Minimum 4' berm
	454	40'	—
	261	40'+	Minimum 5' berm
	422	45'	—
	405	50'	—
	160	50'+	Minimum 6' berm
	388	55'	—
	374	60'+	—
0.60	221	20'+	Minimum 6' solid fence*

	433	35'+	Minimum 4' berm
	541	35'+	Minimum 44" picket fence*
	630	35'+	Minimum 4' wood rail fence*
	626	40'	—
	379	40'+	Minimum 5' berm
	570	45'	—
	525	50'	—
	270	50'+	Minimum 6' berm
	500	55'	—
	480	60'+	—

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.80	415	30'+	Minimum 6' solid fence*
	655	40'+	Minimum 4' berm
	627	45'+	Minimum 5' berm
	873	45'+	Minimum 44" picket fence*
	910	50'	—
	505	50'+	Minimum 6' berm
	809	50'+	Minimum 4' wood rail fence*
	804	55'	—
	744	60'	—

	710	65'	—
	677	70'+	—
1.00	636	40'+	Minimum 8' solid fence <u>Minimum 6 foot solid fence*</u>
	732	50'+	Minimum 8' solid fence <u>Minimum 6 foot berm</u>
	751	50'+	Minimum 8' solid fence <u>Minimum 5 foot berm</u>
	867	55'+	Minimum 8' solid fence <u>Minimum 4 foot berm</u>
	1091	60'+	Minimum 8' solid fence <u>Minimum 44 inch picket fence*</u>
	1136	60'+	Minimum 8' solid fence <u>Minimum 4 foot wood rail fence</u>
	1083	65'	Minimum 8' solid fence <u>N/A</u>
	994	70'	Minimum 8' solid fence <u>N/A</u>

	934	75'	Minimum 8' solid fence <u>N/A</u>
	892	80'+	Minimum 8' solid fence <u>N/A</u>

*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.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

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

Dates

Council Adopted: _____

Mayor Approved: _____

Published: _____

Attest: _____

Donna Olson, Mayor

Nick Probst, City Clerk

NOTICE OF PUBLIC HEARING

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

Michael Stacey
Zoning Administrator

Published July 26, 2012 and August 2, 2012 Hub

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE PLANNING COMMISSION

Amending Zoning Code Sections 78-702(9), and Appendix E of the Stoughton Municipal Code

Committee Action:

Fiscal Impact: None

File Number: O- -2012

Date August 28, 2012 First Reading

Introduced: September 11, 2012 Second Reading

The Common Council of the City of Stoughton do ordain as follows:

1. **Sec. 78-702 Access standards**

(9) Distance from an access drive to a property line. See bulk regulations in Appendix E for specific zoning district requirements. ~~The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured at the right of way line.~~

Appendix E

City of Stoughton Bulk Regulations (Requirements per Articles I and II)
Summary of City of Stoughton Residential Bulk Standards

Zoning District	Min Lot Area (square feet)	Min Lot Width (ft)	Minimum Setbacks (ft)							Min Dwelling Unit Separation (ft)	Max Building Height (ft)	
			Front or Street Side Lot Line to House	Front or Street Side Lot Line to Attached Garage	Side to House or attached garage ²		Rear lot line to House or attached garage ²	Side/Rear to Accessory building	Pavement to side or rear/street		Dwelling Unit	Accessory Building
					Least Side	Sum of Sides						
Rural Holding	35 Acres	100	25	30	10	20	30	3/3 ³	5/10	20	35	45
Exurban Res	40,000	100	25	30	10	20	30	4/4 ¹¹	5/10	20	35	20
Single-family Res-3	12,000	80	25	25	10	20	30	4/4 ¹¹	405/10	20	30	20

Single-family Res-4	8,600	66	25	25	10	20	30	4/4 ¹¹	1/10	20	30	20
Single-family Res-5	7,200	60	25	25	6	14	25	4/4 ¹¹	1/10	12	30	20
Single-family Res-6	6,600 ⁹	40	20 ⁴	20	6	14	20	4/4 ¹¹	1/10	10	35	20
Two-family Res-6	5,000 per du	80 or 40 for twin home	20 ¹⁰	20 ¹²	10 ⁶	20 ⁶	30	4/4 ¹¹	1/10	20	30	20
Multi-family Res-10	4,356 per du	90 ⁵	25	30	15 ⁶	30 ⁶	40	4/4 ¹¹	5/10	30 ⁶	35	15
Multi-family Res-24	1,815 per du	90 ⁵	25	25	20 ⁶	40 ⁶	50	4/4 ¹¹	5/10	40 ⁶	40	20

²Additional setbacks may be required along zoning district boundaries. See Section 78-610

³Accessory buildings shall be 3 feet from the property line; 5 feet from an alley.

⁴12 feet to porch

⁵See district text for requirements for specific uses

⁶0 feet along common wall

⁷For single-family homes see the SR-5 District. For two-family homes see the TR-6 District

⁸For institutional residential development, see the MR-10 and MR-24 Districts

⁹ 4,000 square feet for Traditional Neighborhood developments served by alleys
¹⁰ 10 feet for open-walled front porches
¹¹ 4 feet from property line; 4 feet from an alley.
¹² 15 feet for open-walled front porches

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

Dates

Council Adopted: _____

Mayor Approved: _____

Published: _____

Attest: _____

Donna Olson, Mayor

Nick Probst, City Clerk

NOTICE OF PUBLIC HEARING

The City of Stoughton Planning Commission will hold a **Public Hearing** on **Monday, August 13, 2012** at **6:00 o'clock p.m.**, or as soon after as the matter may be heard, at the **Public Safety Building, Second Floor, 321 S. Fourth Street**, Stoughton, Wisconsin, 53589, to consider proposed ordinance amendments to the City of Stoughton Municipal Code of Ordinances sections 78-210, 78-015 and 78-408. These proposed ordinance amendments are to the nonconforming use and structure regulations within the City of Stoughton Zoning Ordinance, Dane County, Wisconsin.

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

Michael Stacey
Zoning Administrator

Published July 5, 2012 and July 12, 2012 Hub

CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE PLANNING COMMISSION

Amending Zoning Code Sections 78-210, 78-015 and 78-408 of the Stoughton Municipal Code

Committee Action:

Fiscal Impact: None

File Number: O- -2012

Date Introduced: August 28, 2012 First Reading
September 11, 2012 Second Reading

The Common Council of the City of Stoughton do ordain as follows:

1. **Sec. 78-210 Nonconforming use regulations.**

(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 amendment 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:**

Any nonconforming use lawfully existing upon the effective date of this Chapter or any amendment to it may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any prior legal use made nonconforming by this Chapter or by an amendment to it may be granted legal conforming status ~~by the issuance of a conditional use permit, subject to the standards and procedures prescribed by Section 78-905.~~ Any prior legal use made nonconforming by a modification to the Official Zoning Map after the effective date of this Chapter may be granted legal conforming use status by changing the zoning district of the affected property to an appropriate district through a zoning map amendment. Such requested zoning amendment shall be subject to the standards and procedures prescribed by Section 78-903.

(3) **Modification of a Nonconforming Use:**

- (a) Except as permitted in this Section, a nonconforming use ~~(i)~~ shall not be expanded, enlarged, or extended, ~~or reconstructed,~~ unless the use is changed to a use permitted in the district in which the use is located, ~~or~~ ~~(ii)~~ and shall not be changed to another nonconforming use.
- (b) A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if either or both facilities are not available within 1,000 feet of the subject property, and a conditional use permit is granted for such expansion.

(4) **Discontinuance of a Nonconforming Use:**

When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, 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.

~~(5) **Maintenance and repair of a Nonconforming Use:**~~

~~The ordinary maintenance and repair of a nonconforming use (structure or land) is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. Except as otherwise provided in this Section, whenever a nonconforming use is damaged to the extent of more than 50% of its current equalized assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. Notwithstanding the previous sentence, the structural repairs or alterations in a structure either itself nonconforming or containing a nonconforming use shall not during its lifetime exceed 50% of the present equalized assessed value of said structure unless permanently changed to a conforming use.~~

~~(6)~~(5) Nonconforming Lots and Structures:

See Sections 78-307, 78-408 and 78-409.

Section 78-015: Definitions

Blanket variance: A variance which is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming developments (see Section 78-310 and ~~or legal nonconforming residential structures (see Section 78-408 (40) (9)).~~

Section 78-408: Nonconforming Structure Regulations

- (1) Any structure 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 provided in this Section.
- (2) Any lawful nonconforming structures existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. Any lawful nonconforming structures may be allowed to be extended, enlarged, reconstructed, moved or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration complies with the setback zoning and building requirements of the specific zoning district, except for the existing nonconformance. However, the nonconforming feature of a lawful nonconforming structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved or structurally altered except as permitted under subsection 78-408(4) or when required to do so by law, or order, or to comply with the provisions of this chapter, or with the approval of the zoning board of appeals.
- (3) A damaged or destroyed nonconforming structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - (a) The nonconforming structure was damaged or destroyed on or after the effective date of this ordinance.
 - (b) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

(4) Unsafe Structures

Nothing in this Chapter shall preclude the Building Inspector or any other City official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger the public health, safety, or welfare.

(5) Future Modification

When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure shall be in conformance with the provisions of this Chapter.

~~(6)~~ Substantial Improvement

~~Whenever a lawful nonconforming structure has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the cost of restoration equals or exceeds 50% of the present equalized value of the structure before the damage occurred.. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Chapter (unless the ability to re-establish a nonconforming use is specifically granted by the Common Council).~~

~~(7)~~ (6) Ordinary Maintenance

Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other non-structural components.

~~(8)~~ (7) Alterations

Subject to Section 78-408(4), structural alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building. Notwithstanding the foregoing, a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such buildings shall not be enlarged, expanded or extended without bringing the enlargement, expansion or extension into compliance with the provisions of ~~the~~ this Chapter unless a variance is granted by the Zoning Board of Appeals under Section 78-910 and except as permitted under Section 78-408(4).

~~(9)~~ (8) Timing of Building Permit

Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter or an amendment to it which will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit ~~for single and two family construction and within 365 calendar days after issuance of a permit for all other development~~, and construction is completed within 730 calendar days (2 years) after issuance of the permit, ~~the start of construction~~. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.

~~(10)~~ (9) Blanket Variance

Blanket Conforming Status for any and all requirements of this Article is hereby automatically granted to all principle structures in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures may not be enlarged, expanded or extended without bringing the enlargement, expansion or extension into compliance with the provisions of ~~the Article~~ this Chapter unless a variance is granted by the Zoning Board of Appeals under Section 78-910.

Rationale: The "blanket conforming status" specified in Subsection ~~(10)~~ (9) is intended to eliminate the continued classification and/or creation of certain principle structures as non-conforming subject to the requirements of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of structures were approved in the City that did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain lot sizes than did previous regulations for similar sized lots. Subsection ~~(10)~~ (9) therefore ensures that owners of such structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because the structures would otherwise be considered nonconforming.

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

Dates

Council Adopted: _____

Mayor Approved: _____

Published: _____

Attest: _____

Donna Olson, Mayor

Nick Probst, City Clerk

2011 WISCONSIN ACT 170

AN ACT to renumber 59.69 (10) (a), 60.61 (5) (a) and 62.23 (7) (a); to amend 59.69 (10) (e) 1., 59.69 (10) (e) 2., 60.61 (5) (e) 1., 60.61 (5) (e) 2., 62.23 (7a) (intro.) and 92.15 (5); and to create 59.69 (10) (ab), 59.69 (10e), 59.692 (2m), 60.61 (5) (ab), 60.61 (5e), 62.23 (7) (ab) and 62.23 (7) (hb) of the statutes; relating to: certain shoreland zoning standards and ordinances that regulate the repair and expansion of nonconforming structures.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1E. 59.69 (10) (a) of the statutes is renumbered 59.69 (10) (am).

SECTION 1G. 59.69 (10) (ab) of the statutes is created to read:

59.69 (10) (ab) In this subsection "nonconforming use" means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

SECTION 1H. 59.69 (10) (e) 1. of the statutes is amended to read:

59.69 (10) (e) 1. In this paragraph, "amortization ordinance" means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used as described under par. (a) (am) but only for a specified period of time, after which the lawful use of such building, premises, structure, or fixture must be discontinued without the payment of just compensation.

SECTION 1I. 59.69 (10) (e) 2. of the statutes is amended to read:

59.69 (10) (e) 2. Subject to par. (a) (am), an ordinance enacted under this section may not require the removal of a nonconforming building, premises, structure, or fixture by an amortization ordinance.

SECTION 1J. 59.69 (10e) of the statutes is created to read:

59.69 (10e) REPAIR AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES. (a) In this subsection:

1. "Development regulations" means the part of a zoning ordinance enacted under this section that applies to elements including setback, height, lot coverage, and side yard.

2. "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

(b) An ordinance enacted under this section may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

SECTION 3. 59.692 (2m) of the statutes is created to read:

59.692 (2m) (a) In this subsection:

1. "Development regulations" means the part of a shoreland zoning ordinance enacted under this section that applies to elements including setback, height, lot coverage, and side yard.

2. "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current shoreland zoning ordinance.

(b) A county may not enact, and a county, city, or village may not enforce, a provision in a county shoreland zoning ordinance that does any of the following:

1. Regulates the location, maintenance, expansion, replacement, repair, or relocation of a nonconforming structure if that provision is more restrictive than the shoreland zoning standards for nonconforming structures promulgated by the department under this section.

2. Regulates the construction of a structure or building on a substandard lot if that provision is more restrictive than the shoreland zoning standards for substandard lots promulgated by the department under this section.

(c) A city or village annexed as provided under sub. (7) (a) or incorporated as provided under sub. (7) (ad) may not enact or enforce a provision in a city or village shoreland zoning ordinance that does any of the following:

1. Regulates the location, maintenance, expansion, replacement, repair, or relocation of a nonconforming structure if that provision is more restrictive than the shoreland zoning standards for nonconforming structures promulgated by the department under this section.

2. Regulates the construction of a structure or building on a substandard lot if that provision is more restrictive than the shoreland zoning standards for substandard lots promulgated by the department by rule under this section.

SECTION 3E. 60.61 (5) (a) of the statutes is renumbered 60.61 (5) (am).

SECTION 3K. 60.61 (5) (ab) of the statutes is created to read:

60.61 (5) (ab) In this subsection "nonconforming use" means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

SECTION 3M. 60.61 (5) (e) 1. of the statutes is amended to read:

60.61 (5) (e) 1. In this paragraph, "amortization ordinance" means an ordinance that allows the continuance of the lawful use of a nonconforming building, premises, structure, or fixture that may be lawfully used as described under par. ~~(a)~~ (am), but only for a specified period of time, after which the lawful use of such building, premises, structure, or fixture must be discontinued without the payment of just compensation.

SECTION 3N. 60.61 (5) (e) 2. of the statutes is amended to read:

60.61 (5) (e) 2. Subject to par. ~~(a)~~ (am), an ordinance enacted under this section may not require the removal of a nonconforming building, premises, structure, or fixture by an amortization ordinance.

SECTION 4. 60.61 (5e) of the statutes is created to read:

60.61 (5e) REPAIR AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES. (a) In this subsection:

1. "Development regulations" means the part of a zoning ordinance enacted under this section that applies to elements including setback, height, lot coverage, and side yard.

2. "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

(b) An ordinance enacted under this section may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

SECTION 4M. 62.23 (7) (a) of the statutes is renumbered 62.23 (7) (am).

SECTION 4P. 62.23 (7) (ab) of the statutes is created to read:

62.23 (7) (ab) *Definition.* In this subsection "nonconforming use" means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

SECTION 5. 62.23 (7) (hb) of the statutes is created to read:

62.23 (7) (hb) *Repair and maintenance of certain nonconforming structures.* 1. In this paragraph:

a. "Development regulations" means the part of a zoning ordinance enacted under this subsection that applies to elements including setback, height, lot coverage, and side yard.

b. "Nonconforming structure" means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance.

2. An ordinance enacted under this subsection may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

SECTION 6M. 62.23 (7a) (intro.) of the statutes is amended to read:

62.23 (7a) **EXTRATERRITORIAL ZONING.** (intro.) The governing body of any city which has created a city plan commission under sub. (1) and has adopted a zoning ordinance under sub. (7) may exercise extraterritorial zoning power as set forth in this subsection. Insofar as applicable sub. (7) ~~(a)~~ (am), (b), (c), (ea), (h) and (i) shall apply to extraterritorial zoning ordinances enacted under this subsection. This subsection shall also apply to the governing body of any village.

SECTION 6S. 92.15 (5) of the statutes is amended to read: