TIMETABLE

TUESDAY OCTOBER 20, 2020

6:00 P.M.:	**PUBLIC HEARING – AN ORDINANCE AMENDING CHAPTER 17, ZONING CODE**
Shortly thereafter the Public Hearing:	**REGULAR COUNCIL MEETING**
Shortly thereafter the Council Meeting:	**COMMITTEE OF THE WHOLE MEETING BUDGET WORKSHOP #2 – PERSONNEL**

PUBLIC NOTICE

CITY OF WAUPACA

AN ORDINANCE AMENDING CHAPTER 17, ZONING CODE

NOTICE IS HEREBY GIVEN that the Common Council of the City of Waupaca will hold a public hearing via video/teleconferencing on Tuesday, October 20, 2020 at 6:00 p.m., to hear testimony on whether to change language in Chapter 17 of the Municipal Code, Zoning Ordinance.

Details will be posted on the City of Waupaca website regarding the virtual public hearing format and participation.

The hearing will be for the purpose of giving an opportunity for any person interested, their attorneys or agents, to be heard.

Any public input shall be emailed to publicinput@cityofwaupaca.org. Your name, address and phone number shall be included for input to be official and the title of the email should read "Public Input". All public input for a particular meeting must be received by 3pm the day of the meeting. Details on additional ways to provide public input will be shared on the City's website and social media.

A copy of the proposed changes will be posted on the City of Waupaca website under the "Waupaca Zoning Code & Comprehensive Plan Update" button on the home webpage.

/s/ Sandy M. Stiebs
City Clerk

PUBLISH: October 1 and 8, 2020

COMMON COUNCIL MEETING

TUESDAY OCTOBER 20, 2020

VIA VIDEO / TELECONFERENCING

6:00 P.M.
(or shortly thereafter the Public Hearing)

***CITY OF WAUPACA MISSION STATEMENT**: "The city of Waupaca's mission is to lead creatively, plan wisely and spend prudently to provide the services that ensure a safe and vibrant community."*

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. REPORT FROM CLERK ON OPEN MEETING LAW COMPLIANCE

4. ROLL CALL

5. CONSENT AGENDA

All items listed below are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member or City staff so requests it, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Regular Agenda. The items selected for the Consent Agenda are as follows: Regular and Special Meeting Minutes, Monthly Income Report for the Parks and Recreation Department, Airport Hangar Reports, Monthly Department Head Reports, Payrolls and Bills, Quarterly Weights and Measures Reports, Quarterly Room Tax Reports, project invoices for projects previously approved by City Council, an**y** low bid budgeted operating or capital expenditure under $25,000 approved by the appropriate Board or Committee and any expenditure of non-city funds that received a unanimous recommendation.

A. MONTHLY REPORTS:

1. Finance Director/Treasurer's Report for the Month of October 2020
2. Director of Public Works Report for the Month of October 2020
3. Parks & Recreation Department and Income Report for the Month of October 2020
4. Police Department Report for the Month of October 2020
5. IT/Community Media Director Report for the Month of October 2020
6. City Clerk's Report for the Month of October 2020
7. City Administrator's Report for the Month of October 2020

B. PAY REQUESTS AND CHANGE ORDERS, INVOICES FOR PROJECTS/CONTRACTS HAVING PRIOR COUNCIL APPROVAL AND ANY OTHER INVOICES THAT MAY COME BEFORE THE COUNCIL: none

C. MONTHLY/QUARTERLY/ANNUAL REPORTS:

1. Waupaca Municipal Airport Hangar Report for October 2020
2. The Waupaca Area Convention & Visitor Bureau 3rd Quarter Room Tax Report

D. APPROVAL OF BILLS – CITY GENERAL, WATER, SEWER, AND SPECIAL FUNDS

E. MEETING MINUTES:

1. CITY PLAN COMMISSION
   - Minutes of a Special Meeting on August 26, 2020
   - Minutes of a Regular Meeting on September 2, 2020
   - Minutes of a Special Meeting on September 14, 2020
2. WAUPACA HISTORICAL SOCIETY
   - Minutes of a Regular Meeting on September 3, 2020
3. POLICE AND FIRE COMMISSION
   - Minutes of a Regular Meeting on October 13, 2020

6. REGULAR AGENDA

7. NON-AGENDA ITEMS AND ANNOUNCEMENTS

A) ANNOUNCEMENTS AND CORRESPONDENCE: none

B) PUBLIC INPUT

C) COMMUNITY / DEPARTMENT HEAD REPORTS

8. UNFINISHED BUSINESS:

a. Ordinance No. 10-2020, An Ordinance Creating a New Section in Chapter 13.01(10), Lead Service Line Replacement, City of Waupaca Municipal Code (2nd Reading) – Justin Berrens, Public Works Director

9. NEW BUSINESS:

a. Ordinance No. 09-2020, An Ordinance Repealing and Recreating Chapter 17, Zoning Code (1st Reading) – Aaron Jenson, City Administrator
b. WPPA Labor Agreement – Aaron Jenson, City Administrator
c. Waupaca Online Enter into Lease Agreement with CHS, Inc. to Utilize Structure in Readfield, WI to Provide Internet Service – Josh Werner, IT & Community Media Director
d. License Report No. 1514, "Class B" Intoxicating Liquor Licenses and Cass "B" Fermented Malt Beverage License, Avocados, LLC, 1332 Churchill Street, Jose Antonio Ayala Gallegos, Agent – Sandy Stiebs, City Clerk
e. License Report No. 1515, Arcade / Amusement Device License – Sandy Stiebs, City Clerk
f. License Report No. 1516, Operator's Licenses – Sandy Stiebs, City Clerk

10. ISSUES/PROJECT DISCUSSION (30 MINUTE MAXIMUM) – NO ACTION REQUIRED: none

11. COMMUNICATIONS AND RECOMMENDATIONS OF THE MAYOR

12. ADJOURNMENT

/s/ Mayor Brian Smith

PLEASE NOTIFY THE CLERK'S OFFICE IF YOU ARE UNABLE TO ATTEND. PLEASE ADVISE THE CITY CLERK'S OFFICE IF YOU REQUIRE SPECIAL ACCOMMODATIONS. THE CITY OF WAUPACA PROVIDES EQUAL OPPORTUNITIES FOR PUBLIC MEETINGS.

This meeting is held via video / teleconferencing.

Justin Berrens, Director
111 S. Main Street • Waupaca, WI 54981
jberrens@cityofwaupaca.org
www.cityofwaupaca.org
715.258.4420

Public Works

Council Update for September / October 2020: Page 1 of 2

WASTEWATER DIVISION

- Aeration Upgrade: Staff installed aeration piping and diffusers. Awaiting delivery of new blower and VFD. Will submit application to Focus on Energy soon.
- Clarifier rehabilitation project is progress has slowed a bit. Both tanks are still currently offline but the plant is still functioning properly. We expect to have both tanks up and running by the end of October.
- Continuing additional steps to ensure social distancing for staff by promoting spacing and regulating movement through enclosed areas. Crew is spacing out at break times and outside haulers are not allowed within the office.
- WDNR mandated mercury prevention and management program: Preparing updated forms to reflect recent changes to the municipal code. Will distribute soon.
- New Kohler generator arrived and set on concrete pad. Awaiting WE Energies new gas service connection.

STREET DIVISION

- Completed utility locates within 48 hours.
- Still mowing grass occasionally.
- Cleaned catch basins
- Pavement marking continued.
- Street sweeper running.
- Routine vehicle/equipment maintenance for various departments.
- Crack sealing and pothole filling.
- Installed new sign on Churchill Street to help with traffic congestion during school let times.
- Truck 156, our medium duty plow truck should arrive any day now!
- **Main Street:** 100% plans are available for contractors to review. Bids are due in mid-November.
- **Granite Street:** Concrete is being placed. We are replacing all the concrete curb and gutter and nearly 50% of all the sidewalk in this project. We are making huge improvements that satisfy ADA standards. Expecting asphalt to be placed before the end of the month.
- Leaf pickup will start October 19th. We have created a new map that is being publish and advertised. I have also included a copy within the October 20th council packet.

Justin Berrens, Director
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Public Works

Council Update for September / October 2020: Page 2 of 2

WATER UTILITY DIVISION

- Completed utility locates within 48 hours.
- Conducted high and low usage checks.
- Meter testing, repairs, and change outs.
- Awaiting delivery of new pickup truck any day now.
- Assisted David Tenor Corporation with the last few water connections for Granite Street.
- New meter vault at trailer park has been installed. We will adjust our billing to bill the trailer park owner and not the individual trailer owners. "Master metering" will satisfy Public Service Commission (PSC) regulations and simplify billing.
- Assisted Fabel Collision with new utility connections.
- Fix several leaks – Fulton St., Thomas Trl., Elm St., N. Harrison St x 2.

FACILITIES MANAGEMENT DIVISION

- Completed various maintenance items at Rec Center, PD, and Library
- Weekly recycling.
- Continual coronavirus cleaning coordination, adjustments, and response.
- Weed control around buildings.
- Pest control at Library.
- Garbage pickup around City Hall and Library.
- All facility sprinkler inspections.
- Updating annual safety program.
- Assisted with election season.
- Coordinated washable masks through our uniform service.
- Tree planting to occur soon. This year an outside contractor will complete our plantings because we were restricted on time this past spring and a WDNR grant will support financially.
- Several elevator service calls needed at City Hall.

PUBLIC WORKS GENERAL ANNOUCEMENTS

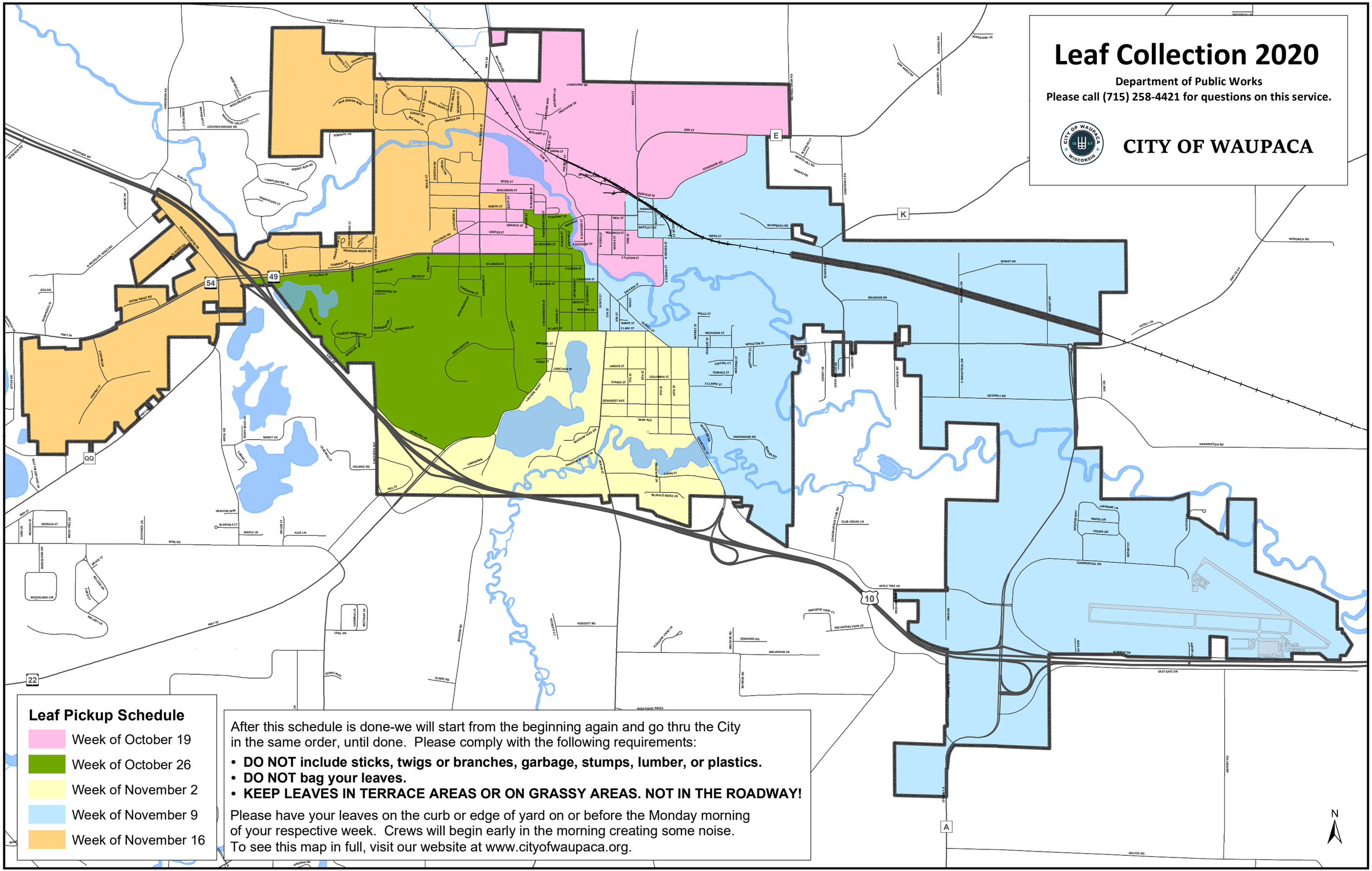
- Larry Abrahamson, Custodian, celebrated his 2-year work anniversary on October 8, 2020
- Eric Johnson, Wastewater Operator, celebrated his 6-year work anniversary on October 15, 2020
- Cody Bank, Wastewater Operator, celebrated his 6-year work anniversary on October 20, 2020

Leaf Collection 2020

Department of Public Works

Please call (715) 258-4421 for questions on this service.

CITY OF WAUPACA



Leaf Pickup Schedule

- Week of October 19
- Week of October 26
- Week of November 2
- Week of November 9
- Week of November 16

After this schedule is done-we will start from the beginning again and go thru the City in the same order, until done. Please comply with the following requirements:

- **DO NOT include sticks, twigs or branches, garbage, stumps, lumber, or plastics.**
- **DO NOT bag your leaves.**
- **KEEP LEAVES IN TERRACE AREAS OR ON GRASSY AREAS. NOT IN THE ROADWAY!**

Please have your leaves on the curb or edge of yard on or before the Monday morning of your respective week. Crews will begin early in the morning creating some noise. To see this map in full, visit our website at www.cityofwaupaca.org.

WAUPACA PARKS & RECREATION
GREAT PARKS • GREAT PEOPLE

407 School Street | Waupaca, WI 54981
parknrec@cityofwaupaca.org
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Phone: 715.258.4435

Parks and Recreation Director – September Report

Administrative:

- We are waiting for approval of the stakeholder survey for the Lake Management Plan. The planning committee reviewed the survey and made a few changes, as well as added a few things. This survey now must be approved by the DNR before it is sent out to landowners, planning committee members and FOMSL members. The results will be part of the overall data base for the Lake Management Plan.
- Our Comprehensive Outdoor Recreation Plan is still on track to be done by the end of the year. We will be working on compiling all the data from the survey and sticker boards. Both of these will be done by the end of September. I look forward to seeing the information received from the community. We are here for the community and their opinions will go a long way into our future direction.
- We have officially entered budget season. At the Waupaca Common Council meeting on September 15th the Capital Improvement Plan was presented to the council. The Park and Rec Department has two request for the 2021 CIP. One would be a project at Swan Park to upgrade the playground area and the other would be looking for possible uses for 415 School Street which is the building next to the REC Center. This building is still owned by the city and possible uses are being looked into. If we get to a point to move forward with this projects both will be presented and need approval from Park Board first.

Community Events:

- **September 26th – Rock the Block Community Event at Swan Park**
- **October 31st – Drive in Halloween Event at Swan Park**

Parks:

- Rock the Block community day will be happening this upcoming weekend. I have met with representatives a few times over the past few weeks to help plan this out. The current plan is still to remove all the old wood out of the garden we have at Swan Park and to work on moving some woodchips on the trails. The organization is always doing work at a few other community sites this day.
- We are continuing to work on updating some of our park signs. The first poles they sent us were to short and we are working with the company to come up with a solution. I would expect to see the new signs up in the spring now. Updates will follow once we are able to install them.
- With some of the money savings this year in our parks budget and a few donations we are going to work to upgrade/refurbish our Riverside Park shelter. The wood paneling is slowly rotting away and the inside was never finished. This update will also include some

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new LED lighting and wrapping of the posts. Work will be accomplished by our Parks Superintendent and Parks Crewperson. This will go a long way in making that shelter look nice and continue to be one of our most popular rentals.

- The effects of COVID-19 are starting to show as we near the end of the year. Our parks shelter rentals go until the end of September. Currently we have had only 58 rentals this summer. As a reminder we did not start allowing shelter rentals until July this summer. Last summer for the season we had 153 shelter rentals. We will continue to find out more information on the effects as we get through the next few months.

Andrew Whitman, CPRP
Parks and Recreation Director

September Report 9-22-2020

Below are the current numbers for Youth and Adult programs with recent registration dates:

Completed	2020	2019
Disc Golf 101	2	-
E-Sports League	11	-
In Progress		
Perler Beads	0	-
Football Clinic	7	-
Virtual Escape Room	41	-

Youth Programs:

E-Sports League-We are 2 weeks into our new e-sports league and things are going great! After the first week, some participants went back to their friends to get them to join so we have grown slightly since the beginning. Everyone is enjoying the socialization and friendly competition that this program brings. I cannot wait to continue this league!

Disc Golf 101-Disc Golf started up this last weekend and things ran smoothly. Bob Hall is taking the lead on this program again and we appreciate his hard work! All participants received a disc the first day that they can use the entire time of the program.

Football Clinic-This program is going to be run with the help from some high school football players. I will be splitting the participants into groups and we will be going through many different drills and games that relate to skill development. Skills that will be covered are throwing, running, catching, wide receiver routes, defense, and agility. Each participant will receive their own football at the beginning of the program and they will use only that football the entire duration of the clinic.

Adult Programs:

All fall adult programs have been cancelled for the upcoming season.

Other

Virtual Escape Room-This activity encourages participants to get out on the River Ridge Trail to solve the riddles that I have put together. In order to progress through and finish the activity, participants will need to solve the clues by visiting different locations on the River Ridge Trail. This has been very popular up to this point and I have already received a few questions related to the clues and have two submitted answers already!

Halloween Party-Our annual Halloween Party is scheduled for Friday, October 30th and is going to look different this year. Instead of having everyone gather at the Recreation Center, I am going to set it up as a drive through event where vehicles can drive through Swan Park and visit the different booths to receive their candy/trinkets. We have also received enough sponsorship money to provide another Drive-In Style movie showing a Halloween movie. This will take place at 6:00pm at Swan Park right after the party. We will also be handing out apples again as we have done in the past. I am still in the process of finalizing other activities that can be done throughout the park while staying safely in their car.

Kassandra Humke, Recreation Program Supervisor

Senior Center Report

September 2020

Class Totals through September 18, 2020

	July	August	September 18
Computers (6 max at a time)	31	46	31
Toe Nail Clinic (4 Hours Max/Wk)	42	38	33
Pool Table Use (2 tables at a time)	NA	6	7
Line Dancing (Was 12/class then moved to 20 and placed in gym)	34	45	37
Boxing (6 wk sessions/8 max per time)	14	NA	9
Cardio Drumming (12 max/class)	NA	87	36
Tai Chi (12 max/class)	12	17	7
Arthritis Class (12 max/class)	66	70	57
Mind & Body (6 max/class)	26	51	33
Jamba (started 12 moved to gym so now 20)	100	92	95
Qigong (12/class)	38	80	64
Knitting (8/class)	24	15	19
Yoga in the Park	14	21	14

- Community Events
  - The Waupaca Senior Center hosted a drive-in bingo party. We had 17 cars with approximately 40 individuals that participated. It was a huge success with many comments to repeat this event in the future.
  - We are also supporting the ADRC in their efforts to provide classes remotely through our Facebook page. So far we have collaborated on two Strong Senior Classes and a Living Well with Chronic Conditions
  - The Senior Center offered curbside pickup of Activity Bags. These bags include items such as different word games, card games, craft activities, healthy cooking tips/recipes, jokes and more. We wanted to offer this to our seniors that were not coming to the center. We had 12 individuals participate in the program. We will continue this each month on the first Friday.
  - The center received an invite from CAARN to become a community partner in offering virtual Yoga for seniors. As I receive more information I will apply to become a partner.

- Donations
  - The center recently received a $3,000 donation from one of our members who wanted to support our efforts in providing programs for seniors
  - The Senior Center continues to offer GiftBricks for $50.00 to be placed (next year) under the memorial swing in Serenity Park.

Sara Reybrock, Senior Center Coordinator

Deposit Date	(All)
Money Type	(All)

Year to date summary	YTD-Sum of Amount	Sum of Amount
501 Youth Programs	$ 3,525.44	9.93%
504 Youth Center Fees	$ 590.56	1.66%
507 Concessions Rec Center	$ 1,181.39	3.33%
508 Rent Rec Center	$ 5,873.96	16.54%
511 Park Shelter Houses	$ 6,021.43	16.96%
513 Beer Permits	$ 366.37	1.03%
514 Shelter Deposit	$ 3,036.61	8.55%
523 Adult Volleyball	$ 5,305.02	14.94%
530 Donations-Senior	$ 3,055.00	8.60%
702 Senior Programs	$ 13.32	0.04%
703 Senior Membership	$ 766.32	2.16%
530 Donations-Rec Center	$ 50.00	0.14%
701 Senior Travel	$ (396.58)	-1.12%
502 Swimming	$ 2,967.83	8.36%
530 Donations-Parks	$ 418.80	1.18%
		0.00%
522 Adult Basketball	$ (7.00)	-0.02%
510 Concessions Swan Park	$ 215.00	0.61%
Concessions Swan Park	$ 1,000.00	2.82%
530 Donations-Events	$ 1,525.00	4.29%
Grand Total	**$ 35,508.47**	**100.00%**

9/23/2020

Month to date summary	Sum of Amount
501 Youth Programs	-$15.00
507 Concessions Rec Center	$146.40
511 Park Shelter Houses	-$80.00
514 Shelter Deposit	-$480.00
Concessions Swan Park	$1,000.00
530 Donations-Events	$1,525.00
Grand Total	**$2,096.40**

Memo

To: City Council

From: Chief Brian Hoelzel

CC: City Clerk

Date: 10/14/2020

Re: Monthly Report, September 2020

The Police Commission met virtually on Tuesday, October 13, 2020.

The commission reviewed and approved the Minutes from the Tuesday, September 8, 2020 commission meeting. The commission also reviewed and approved the Expense Report and the Chief's monthly report for September 2020. The department is over budget on station supplies, as it has had to continue to buy Covid supplies. The department will receive those funds back from the Cares Act.

Capt. Helgeson went over the chief's monthly report with the commission. There were three burglaries reported. Two of them were to businesses and one was a residential burglary. Those cases are still under investigation.

The commission was advised of the participation in the Speed Grant for Waupaca County. The officers stopped 54 vehicles and issued 16 citations for Speeding, 3 citations for Seatbelt Violations, 3 other Traffic Violations and 19 warnings for Speeding.

The department will be hosting a Drug Take Back on Saturday, October 24, 2020 between 10:00 AM and 2:00 PM. This is a safe, convenient, and responsible means of disposing prescription medication. Unused or expired medication should never be flushed or poured down the drain. Water facilities are not designed to remove medication from the water supply. In the past we have averaged 50-60 lbs of medication; however, we did not have a Spring Drug Take Back. We are asking citizens to wear mask when entering the department and dumpling their medications directly into the disposal box. We can not accept pill bottles.

On Sunday, September 27, 2020, Officer Zube and Van Dinter rescued two dogs that were stuck in a swampy area. Officer Zube who is an avid duck hunter retrieved his waders, a catch pole, and a duck skiff to get to where the dogs were stranded. Officer Van Dinter cleaned the dogs up and transported them to the Waupaca County Humane Center where they were returned to their owners.

The commission was advised of a new App specifically for law enforcement officers. This app which is called Wisconsin Law Enforcement Guardians went live on September 30, 2020. This can assist officers and their families who are dealing with challenges and stress free of charge at anytime and anywhere. The app provides ways to connect directly to statewide peer support resources, chaplains and mental health professionals. The app also contains wellness topic

articles and videos, on-duty tools, LE specific organizations, training opportunities and much more. I am proud to report that Officer Wes Zube is part of this team.

The commission then went into closed session to discuss the promotional process / candidates for the patrol sergeant position. The commission then went back into open session and made a motion to promote candidate number one.

Respectfully Submitted

Brian Hoelzel

Chief Brian Hoelzel

Each jurisdiction submits monthly reports to the Uniform Crime Reporting (IBR) Program, which collects and reports crime offense data for the Nation as Part I and Part II crimes. This is essential to maintain the uniformity and consistency of data nationwide.

The attached reports contain arrests made during the month of September 2020.

• **Murder/Non-Negligent** – the willful (non-negligent) killing of one human being by another.

• **Forcible Rape** – the carnal knowledge of a female forcibly and against her will.

• **Robbery** – the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

• **Assault(s)** – an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

• **Burglary** – the unlawful entry of a structure to commit a felony or a theft.

• **Larceny/Theft –** the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Motor Vehicle Theft is not included. All theft and attempted thefts are counted.

• **Motor Vehicle Thefts** – the theft or attempted theft of a motor vehicle. A motor vehicle is classified as a self-propelled vehicle that runs on land surface and not on rails.

• **Arson** – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Wisconsin Uniform Crime Reporting

Wisconsin Department of Justice - Bureau of Justice Information & Analysis

Crime Counts - *Waupaca PD, WI0690300*

Group A Crime Counts by Incident/Arrest Date

9/2020

Date Updated: 10/2/2020

Crime Category	Offenses	Victims	Clearances	Adult Arrests	Juvenile Arrests	Total Arrests
Total Crime	31	31	19	8	6	14
Crimes Against Persons	4	4	4	0	0	0
Murder & Non-Negligent Manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0
• Rape	0	0	0	0	0	0
• Sodomy	0	0	0	0	0	0
• Sexual Assault w/Object	0	0	0	0	0	0
• Fondling	0	0	0	0	0	0
Sex Offenses - Nonforcible	0	0	0	0	0	0
• Incest	0	0	0	0	0	0
• Statutory Rape	0	0	0	0	0	0
Assault Offenses	4	4	4	0	0	0
• Aggravated Assault	1	1	1	0	0	0
• Simple Assault	3	3	3	0	0	0
• Intimidation	0	0	0	0	0	0
Kidnapping/Abduction	0	0	0	0	0	0
Human Trafficking	0	0	0	0	0	0
• Human Trafficking, Commercial Sex Acts	0	0	0	0	0	0
• Human Trafficking, Involuntary Servitude	0	0	0	0	0	0
Crimes Against Property	17	17	5	1	6	7
Robbery	0	0	0	0	0	0
Burglary	3	3	0	0	0	0
Theft/Larceny	10	10	5	0	6	6
• Theft - Pocket-Picking	0	0	0	0	0	0
• Theft - Purse Snatching	0	0	0	0	0	0
• Theft - Shoplifting	5	5	3	0	2	2
• Theft From Building	1	1	0	0	0	0
• Theft From Coin-Op. Machine	0	0	0	0	0	0
• Theft From Motor Vehicle	2	2	2	0	0	0
• Theft of Motor Vehicle Parts	0	0	0	0	0	0
• Theft - All Other Larceny	2	2	0	0	4	4
Motor Vehicle Theft	0	0	0	0	0	0
Stolen Property Offenses	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Counterfeiting/Forgery	0	0	0	0	0	0
Fraud Offenses	1	1	0	1	0	1
• Fraud - False Pretenses	1	1	0	1	0	1
• Fraud - Credit Card/ATM	0	0	0	0	0	0

• Fraud - Impersonation	0	0	0	0	0	0
• Fraud - Welfare	0	0	0	0	0	0
• Fraud - Wire	0	0	0	0	0	0
• Fraud - Identity Theft	0	0	0	0	0	0
• Fraud - Hacking/Computer Invasion	0	0	0	0	0	0
Embezzlement	0	0	0	0	0	0
Extortion/Blackmail	0	0	0	0	0	0
Bribery	0	0	0	0	0	0
Destruction/Vandalism	3	3	0	0	0	0
Crimes Against Society	10	10	10	7	0	7
Weapon Law Violations	1	1	1	1	0	1
Prostitution Offenses	0	0	0	0	0	0
• Prostitution	0	0	0	0	0	0
• Prostitution - Assisting	0	0	0	0	0	0
• Prostitution - Purchasing	0	0	0	0	0	0
Drug/Narcotic Offenses	9	9	9	6	0	6
• Drug/Narcotics Violations	5	5	5	3	0	3
• Drug Equipment Violations	4	4	4	3	0	3
Gambling Offenses	0	0	0	0	0	0
• Gambling - Betting	0	0	0	0	0	0
• Gambling - Operating	0	0	0	0	0	0
• Gambling - Equipment Violations	0	0	0	0	0	0
• Gambling - Sports Tampering	0	0	0	0	0	0
Pornography	0	0	0	0	0	0
Animal Cruelty	0	0	0	0	0	0

Group B Arrests by Arrest Date

9/2020

Date Updated: 10/2/2020

Crime Category	Adult Arrests	Juvenile Arrests	Total Arrests
Total Group B Arrests	17	7	24
• Bad Checks	0	0	0
• Curfew/Loitering/Vagrancy	0	4	4
• Disorderly Conduct	4	3	7
• Driving Under the Influence	2	0	2
• Family Offenses, Nonviolent	0	0	0
• Liquor Law Violation	0	0	0
• Peeping Tom	0	0	0
• Trespass of Real Property	0	0	0
• All Other Offenses	11	0	11

Counting Rules

Counts on this page are based on the month of the incident or arrest, rather than the month the incident was submitted. If the incident date is unknown, the report date is used. Counts are subject to change as data are updated.

Offense counts are calculated based on the number of offenses for each victim (per incident) for Crimes Against Persons and the number of unique offense types (per incident) for Crimes Against Property and Crimes Against Society. For burglary and motor vehicle theft, offense counts are based on the number of premises entered and the number of vehicles stolen, respectively.

Victim counts are calculated based on the number of victims connected to each unique offense type in an incident. For Crimes Against Persons, the number of victims will be equal to the number of offenses. Victims will be counted more than once if they are connected to multiple offenses.

Arrest counts are calculated based on the number of arrestees listed on a Group A or Group B incident. Each arrestee is counted only once per incident. Arrests are categorized based on the specific Group A or Group B arrest code submitted by the agency, rather than the incident offense

code. Since agencies only submit the most serious arrest charge for each arrestee on an incident, arrest counts are not indicative of the number of charges.

Incidents are cleared in one of two ways: by arrest or by exceptional means. Clearance counts are based on the number of offenses cleared in a given month regardless of when the offense occurred, and can therefore be greater than the number of offenses in a given month. In incident-based reporting, the first arrest on an incident, or an exceptional clearance, will clear all offenses associated with the incident.

Date	Officer	#STOPS	SEATBELT CITE	SPEED CITE	OAR/OAS CITE	REG. CITE	OTHER CITE	SPEED WARN
2-Sep	HAHN	5					1	5
3-Sep	HAHN	6		1				5
8-Sep	HAHN	5		2				3
9-Sep	HAHN	5	3	2				3
10-Sep	HAHN	5		2		1	1	3
14-Sep	MASON	1		1				
15-Sep	MASON	2		2				
16-Sep	HAHN	7	1	1				6
17-Sep	HAHN	6		4				2
18-Sep	HAHN	5		1				4
21-Sep	MASON	2					1	2
23-Sep	HAHN	5						5
	TOTAL	54	3	16	0	1	2	19

EQUIP WARN	OTHER WARN	DRUG CONT	MISD. CONT	FEL. CONT	WARRANT
	1				
0	0	0	0	0	0

DOSE OF REALITY

PREVENT PRESCRIPTION PAINKILLER ABUSE IN WISCONSIN.

On Saturday, October 24, 2020 from 10 AM to 2 PM, The City of Waupaca Police Department will be participating in the Prescription Drug Take Back Day. This program offers a safe, convenient, and responsible means of disposal of prescription medications.

Over the last few years during this event, we have averaged 50-60 lbs. of prescription medication being disposed of in a safe manner. Lets keep that going!

Unused or expired medicine should never be flushed or poured down the drain. Removing potentially dangerous pharmaceutical substances from our state's medicine cabinets helps to prevent them from going into our water supply. Water reclamation facilities are not designed to remove all of them and trace amounts of pharmaceuticals are showing up in rivers and lakes around the world.

Bring: Prescription (controlled and non-controlled) and over-the-counter medications, ointments, patches, non-aerosol sprays, inhalers, creams, vials and pet medications.

Do Not Bring: Illegal drugs, needles/sharps, aerosol cans, bio-hazardous materials (anything containing a bodily fluid or blood), mercury thermometers, personal care products (shampoo, soaps, lotions, sunscreens, etc...), household hazardous waste (paint, pesticides, oil, gas).

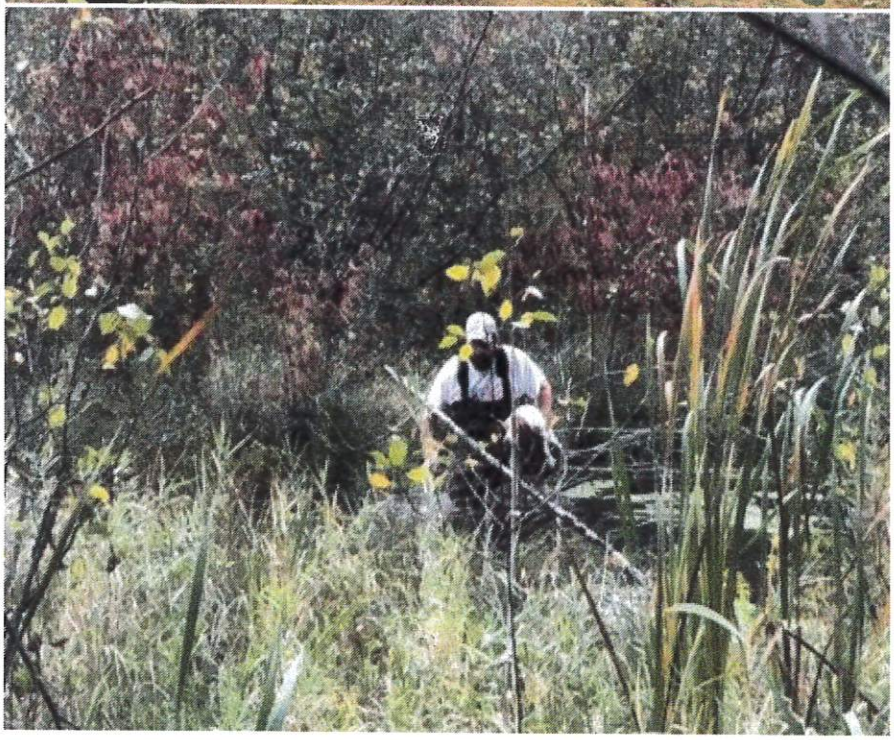
Participants may dispose of solid, non-liquid medication(s) by removing the medication from its container and disposing of it directly into a disposal box or into a clear sealable plastic bag. Plastic pill containers should not be collected. Blister packages are acceptable without the medications being removed.

Liquids will be accepted during this initiative. However, the liquids, creams and sprays must be in their original packaging and evenly distributed within the boxes of collected solid prescription medications. Liquids without the original packaging will not be accepted.

Illicit substances such as marijuana or methamphetamine are not a part of this initiative and should not be placed in collection containers.

All participants must retain possession of their own medication during the surrender process. Law enforcement personnel should not handle the medications at any time.

On Sunday September 27, 2020, Officers from Waupaca Police Department were dispatched for a subject who got stuck in a swampy area attempting to rescue two dogs. The subject was able to get out of the muck, but the two dogs were still stuck on the other side of the swamp and river. Knowing that he would have the equipment needed and lived relatively close, Officer Van Dinter contacted Officer Zube at home. Officer Zube responded to the scene with waders, a catch pole, and a duck skiff. Officer Zube was able to cross the swamp and the river and recover the dogs from the other side. Officer Van Dinter cleaned the dogs up and transported them to Waupaca County Humane Society. The owners of the dogs have been located and they have been returned home safe. Waupaca Police Department was further assisted by Waupaca County Sheriff's Office on the scene.



WISCONSIN LAW ENFORCMENT GUARDIANS

MOBILE APPLICATION

CONTACT

Sara Phelan
WI Law Enforcement
Death Response Team
(LEDR)

WEBSITE:

https://www.wiledr.org/

EMAIL:
wileguardian@wiledr.org

POLICE CHIEFS – Please Distribute to all your staff

Wisconsin Law Enforcement Wellness App GOES LIVE

Appleton, WI – September 30, 2020

The WILE Guardians App is now LIVE and FREE to all Wisconsin law enforcement employees.

Our Wisconsin Law Enforcement Officers and their families are dealing with unprecedented challenges and stress. The impact of COVID 19, combined with the social unrest and the divisive politics being used by some, have officers and their families in need of support and resources. This App will provide immediate and free access to resources to help them stay physically and emotionally strong and healthy. We know having healthy law enforcement professionals means healthier and safer communities for all of us.

This will provide **FREE** mental health resources to every officer in the state, at anytime and anywhere. The app will provide ways to connect directly to statewide peer support resources, chaplains and mental health professionals that have all been vetted by our team. It will also contain wellness topic articles and videos, on-duty tools, LE specific organizations, training opportunities and much more.

If you are a current employee in law enforcement or corrections, sworn or civilian, you can access the App by the following steps:

Step 1: Go to your App store and download the ***WILE Guardians*** App

Step 2: Click Register and register by your name and work email, after you are approved you will receive a confirmation email with password.

Step 3: Browse through the tabs and checkout the resources in your region. The state is separated into five regions, but you do not need to use resources just in your region, you can use any of those listed in the entire state.

Step 4: Share the App with your co-worker by going to the bottom banner, "APP PREFERENCES", click on Share This App – and share it by email or with your friends on Facebook or Twitter.

Step 5: Provide us feedback, in that same tab, or let us know if you have a team or resource that would benefit others by sending us a message.

If you have questions or would like to learn more about the app feel free to reach out to us at the numbers or website listed.

###

MEDIA can arrange interviews through Sara Phelan
wileguardian@wiledr.org

Technology
IT • Community Media
Waupaca Online

Joshua Werner, Director
111 S. Main Street • Waupaca, WI 54981
jwerner@cityofwaupaca.org
www.cityofwaupaca.org
715.258.4405

IT/Community Media Update | Joshua Werner

On the IT side of things, Kathy was comfortable allocating some of the CARES money toward finishing technology updates in the city council chambers. This would have been a project on the list for capitol next year. These updates will be helpful in conducting hybrid meetings, both in the short term and long term. Upon your return to meeting in person you will be greeted with an iPad at your desk for accessing meeting materials; the rest of the upgrades to the audio system will be complete and I will do some enhancements to the video system in the room. Access to technology will be consistent and accommodating to all groups utilizing this room. Due to age, my plan is to release ownership of all city council laptops to the person having the laptop upon return to in-person meetings.

I have been involved with an informal staff work group looking at software packages. Our Community & Economic Development department is looking to replace the software they are utilizing and have found in their process many of the programs they have looked at will meet other goals for other city departments. This process ties into the city's strategic plan. We are in process of evaluating and demoing different programs.

I have installed a few temporary security cameras downtown Waupaca at the request of the police department. These are temporary until the Main Street project in which Justin Berrens, Chief Hoelzel and myself have met about a more permanent solution.

I have continued discussions with the property owner east of Manawa in which city council approved entering into a land lease. We have the property owner back on board with the payment amount in the lease and are in good standing to move forward. Due to timing, (both for grant applications and heading into winter) I will be applying for another State of Wisconsin PSC Broadband grant to help cover costs of this tower. Our proposed application will also include a new, taller tower at City Hall and a 60' tower in East Gate to improve services. More on this in the near future.

Ralph and I have been evaluating the co-op in Readfield as a site to enter the town of Caledonia. The site looks excellent after visiting in person. We have a draft lease agreement with the co-op and we are going back and forth at this time to come to favorable terms for both parties.

On the community media side of things, our weekly community updates with Aaron Jenson and Ron Saari continue; this can be viewed on the city Facebook page, our website and Win-TV YouTube channel. My staff and I continue live coverage of all city government meetings to ensure open meeting compliance and our local music series, Waupaca Local Live continues. Our hosts Marci and Debra are creating the show over Zoom and I have been editing into a final episode to air on Win-TV and Waupaca Radio. Finally, the community media staff and I have started our review of what community media does. We have a survey out that we are hoping you complete to help guide us.

Technology
IT • Community Media
Waupaca Online

Joshua Werner, Director
111 S. Main Street • Waupaca, WI 54981
jwerner@cityofwaupaca.org
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715.258.4405

Web Stat Summary

City of Waupaca/Department Website Stats

	Apr	May	June	July	Aug	Sep
# Visits	7,955	10,045	11,999	12,959	11,998	8,125
# Visitors	6,161	7,955	9,555	10,137	9,625	6,586
Time on Site	1:19	1:44	1:41	1:19	1:25	1:34
Page Views	19,889	23,880	27,546	27,701	24,070	17,336

City of Waupaca Facebook Likes

Apr	May	June	July	Aug	Sep
1,940	2,007	2,068	2,133	2,212	2,234

Waupaca Online Facebook Likes

Apr	May	June	July	Aug	Sep
197	196	200	202	204	208

Waupaca Radio

Apr	May	June	July	Aug	Sep
317	329	404	438	455	466

Page Title	Pageviews
	17,338 % of Total: 100.00% (17,338)
1. City of Waupaca, WI	1,996 (11.51%)
2. City of Waupaca Parks and Recreation Online Services	1,356 (7.82%)
3. Home Page	850 (4.90%)
4. City Council – City of Waupaca, WI	720 (4.15%)
5. Online Payment Options – City of Waupaca, WI	476 (2.75%)
6. Waupaca | Parks & Recreation	476 (2.75%)
7. Waupaca Community Media	391 (2.26%)
8. Activity Search	359 (2.07%)
9. City Plan Commission – City of Waupaca, WI	278 (1.60%)
10. Staff Directory – City of Waupaca, WI	267 (1.54%)

Technology
IT • Community Media
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Waupaca Online Monthly Update

Waupaca Online Monthly Stats

Customer Count	Customers Lost	New Customers
350	3	10

Customer Breakdown	In-City	Out of City	Extended Area	Other	
Residential	54	132	65	POPS:	44
Business	16	7	2	BBP:	30

Past Month Comparison			
June	July	August	September
329	338	344	350

Reasons Customers Left	**Monthly Marketing Activities**
• 3 x Switched to Another Provider	• Yard Signs • Mailers • WDUX/WPCA Advertising Trade (Mid-October)

CITY CLERK'S REPORT OCTOBER 2020

To Mayor Smith and Members of the Common Council:

Again, my department is extremely busy with Election duties and voters who wish to Register or vote Absentee by mail for the November 3, 2020 General Election. As of the writing of this report, we have mailed 1229 absentee ballots and received 797 voted ballots back. Due to a recent court decision, in-person absentee voting can only take place in the two weeks prior to Election Day and no-in person absentee hours can be offered on the Monday prior to Election Day. Prior to this court decision Clerks were allowed to offer in-person absentee voting as soon as they received the ballots, which in our case was September 16, 2020. Today, October 20, 2020 is the first day in-person voters were allowed to vote in the City Clerk's Office, which continues through October 23, 2020 and then again on October 26 through October 30, 2020.

The Union Street Mural located on the Antiques on Main building is completed and I attended the Chamber of Commerce Ribbon Cutting on Friday October 16, 2020 at 10:00 a.m. I must commend Artist Leif Larson on an outstanding job and thank the Arts Mural Committee for including me in their artist/mural selection committee.

Temporary Class B (Picnic) Licenses issued: *none*

LICENSES ISSUED:
September 2020

- Agent – 0
- Alcohol – 0
- Arcade/Amusement Device – 0
- Bartender – 11
- Cat – 4
- Cigarette – 0
- Dance Hall – 0
- Dog - 8
- Farmer's Market – 0
- Food Truck - 0
- Garbage Pick-up – 0
- Hotel/Motel License – 0
- Parking Permits – 13

- Scrap Dealers – 0
- Second Hand Dealer – 0
- Septic and Holding Tank License – 0
- Taxi Driver's – 0
- Taxi Cab Vehicle – 0
- Temporary Picnic – 0
- Temporary Operator – 0
- Tree Operator – 0
- Transient Merchant – 0

<u>Meetings/Training/Vacation:</u>

- *September 21 – Attended Arts Mural Project meeting virtually*
- *September 24 – Attend Gov Pilot Demo virtually*
- *October 6 – Attended Arts Mural Project meeting virtually*
  Attended Department Head meeting virtually
- *October 12 – Attended Arts Mural Project meeting virtually*
- *October 14 – Attended Wellness Committee meeting virtually*
- *October 16 – Attended Ribbon Cutting for the Union Street Mural*
- *October 19 – Attended Demo by Civic Community Dev and Special Assessments Pet Licenses virtually*
  - *Attended Demo by Smart Gov Dude Solutions, virtually*
- *October 20 – Clerked the Zoning Rewrite Public Hearing, Council Meeting and Committee of the Whole Budget meeting, virtually*
- *October 20 – In person Absentee voting started*
- *October 20 – Attended Department Head meeting virtually*

Waupaca Municipal Airport
Brunner Field

T
Hangar Rentals
October 2020
Report

2020	Hangar Number	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY R
Month	#1	Steven Levezow						
January				Cash	$375.00	2/4/2020	3/31/2020	x
February								
March								x
April								
May				2138	$1,125.00	05/23/20	01/31/21	x
June								
July								
August								
September								
October								
November								
December								

2019-2020	Hangar Numbe	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY R
Month	#2	Troy Millman			1424.25			
January								
February								
March								
April								
May								
June								
July								
August								
September								
October								
November								
December				2652	$1,424.25	12/09/19	11/30/20	x

2020	Hangar Number	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY	R
Month	#3	Michael Long	$125.00						
January				Cash	125	1/9/2020	1/31/2020	x	
February				Cash	250	1/30/2020	3/31/2020	x	
March				cash	$125.00	3/26/2020	4/30/2020	x	
April				Cash	$125.00	4/29/2020	5/31/2020	x	
May									
June				cash	$125.00	6/4/2020	6/30/2020	x	
July				cash	$125.00	7/28/2020	7/31/2020		
August				cash	$125.00	8/17/2020	08/31/20		x
September				cash	$125.00	9/15/2020	9/30/2020		
October									
November									
December									

2020	Hangar Number	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY R
Month	#4	PMN Enterprise			$1,424.25			
January								
February								
March				8271	1424.25	3/10/2020	2/28/2021	x
April								
May								
June								
July								
August								
September								
October								
November								
December								

2020	Hangar Number	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY R
Month	#5	Dan & Cristal Engl	$125.00		$1,424.25			
January								
February								
March								
April				11514	$1,424.25	05/27/20	04/30/21	x
May								
June								
July								
August								
September								
October								
November								
December								

2019-2020	Hangar Number	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY R
Month	#6	Phil Thompson	$125.00					
January								
February				15116	$250.00	2/25/2020	2/29/2020	x
March								
April				15121	$250.00	04/02/20	4/30/2020	x
May								
June				15134	$250.00	6/17/2020	6/30/2020	x
July								
August								
September								
October								
November								
December								

2019-2020	Hangar Numbei	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY R
Month	#7	HJ& J Flying Club	$125.00					
January				7418	$250.00	01/07/20	02/31/2020	x
February								
March				7424	$250.00	02/29/20	04/30/20	x
April				7429	$250.00	04/30/20	6/30/2020	x
May				7434	$125.00	07/14/20	07/31/20	
June								
July								
August				5602	$125.00	8/12/2020	8/31/2020	x
September								
October								
November								
December								

2019-2020	Hangar Number	Name of Lessee	Rent Contract	Check Number	Amount Paid	Check Date	Paid Through	CTY X
Month	# 8	Jim Woroniecki	$125.00		$1,424.25			
January								
February								
March								
April								
May								
June				8850	$1,424.25	6/26/2020	5/31/2021	x
July								
August								
September								
October								
November								
December								

Waupaca Municipal Airport
Brunner Field

Lot Lease
October
2020
Report

Month of Contract	Hangar #	leasee Name	Lease Amount	Date Paid	Check #	Paid Through	City Rec
January	2	Susan Andersen	$500.00	1/28/2020	3365	01/31/21	x
February							
	7	Bob Ebbens	$500.00	3/8/2020	1688	02/28/21	x
	1	Waupaca Foundry	$100.00	3/7/2019	sent direct to city	02/28/20	
	10	Axel Aircraft	$500.00	3/15/2020	2052	02/28/21	x
	17	RP Aviation	$500.00	3/7/2020	1688	2/28/2021	x
March							
April							
	15A	KLMR International	$995.80	05/15/20	63077	04/30/21	x
	11	Jim Larson	$100.00	04/10/20	2930	04/30/21	x
May							
June							
	13	Darrel Massman	$250.00	9/8/2019	3633	06/30/20	x

xxxxxxxx

Month of Contract	Hangar #	leasee Name	Lease Amount	Date Paid	Check #	Paid Through	City Rec
July	15	Tony Say TSS Hanger LLC	$1,000.00	7/6/2020	3014	07/31/21	
August							
	8	Richard Merkley	$100.00	08/12/20	5602	08/31/21	x
September							
	5	Paul Roloff	$100.00	10/18/19	cash	09/30/20	
	19	Robert Wubben	$500.00	9/12/2019	996475	09/31/20	x
October							
	9	Ellen Voie	$500.00	10/12/19	4094	10/31/20	
	12	Maciolek	$100.00	10/09/19	3286	10/31/20	
November							
	4	Sykes/ Polhman	$100.00	12/09/19	7975	11/30/20	
December							
	14	Tim Gorski	$250.00	12/08/20	5059	12/31/20	
	6	Jeff Lange	$500.00	12/31/19	cash $500.00	12/31/20	
	16	Steve Nofkee	$250.00	12/09/19	1327	12/31/20	
	3	PMN Enterprises	$500.00	12/20/2019	8268	12/31/2020	

2020	Passenger	Operations	Jet/Turbo	Piston	Based	Transit	
January	236	309	82	65	112	35	
February	383	568	108	128	168	67	
March	285	541	75	123	142	55	
April	95	238	6	77	48	35	
May	271	497	16	164	94	80	
June	321	601	9	197	101	108	Without WF Numbers
July	699	1012	37	385	127	288	Without WF Numbers
August	389	797	16	244	130	133	Without WF Numbers
September	280	533	11	166	88	86	Without WF Numbers
October							
November							
December							
Total 2020							

WAUPACA AREA
Convention & Visitor Bureau

315 S. Main Street
Waupaca, WI 54981-1745
Phone: 715-258-7343
www.WaupacaAreaChamber.com
www.WaupacaMemories.com

October 15, 2020

City of Waupaca
111 South Main Street
Waupaca, WI 54981

Dear Council Members,

Attached please find our 2020 3rd Quarter Room Tax Report. Included is a report from Mitchell Swenson, VP of Tourism and the Waupaca Area Convention & Visitor Bureau (WACVB) Financial Report which includes a breakdown of our advertising and event budgets, along with our check disbursement log.

This report reflects the effects of COVID-19 in many ways. We were not able to hold the Chain O'Lakes Blues Festival and we are definitely seeing the affect of room tax dollars being down. At this time, we are seeing about 60% decline in room tax collections. We have cut back considerably on our advertising, however most was placed and paid for in the first 2 quarters. Just a reminder, room tax collections from 2020 funds our 2021 operations.

If you have any questions about this report please feel free to contact me. Thank you for your support of the WACVB.

Sincerely,

Terri Schulz

Terri Schulz
President
Waupaca Area Chamber of Commerce, Inc.
Waupaca Area Convention and Visitor Bureau, Inc.

WAUPACA AREA
Convention & Visitor Bureau
315 S MAIN STREET • WAUPACA, WI 54981-1745
715.258.7343
www.WaupacaMemories.com

3rd QUARTER Room Tax Report - 2020
VP of Tourism Report

1. **Waupaca Area Convention and Visitors Bureau (WACVB) –** The WACVB Board of Directors meets quarterly during the months of April, July, October and January.

2. The **Waupaca 4th of July Parade and Fireworks Celebration** was canceled due to COVID-19. The WACVB promoted a Patriotic Yard Decorating Contest for the Waupaca Area. Persons could drive by and vote on the best decorated property and submit their responses to our office. Bank First Waupaca sponsored Waupaca Area Chamber of Commerce Gift Certificates for the 1st and 2nd place winners for best decorated homes.

3. The **9th Annual Chain O' Lakes Blues Festival** slated for October 2 & 3 was canceled due to COVID-19.

4. The **VP of Tourism participates in various webinars and Zoom** informational meetings with staff and members from the **Wisconsin Department of Tourism** and **Destinations Wisconsin** (formerly the Wisconsin Association of Convention & Visitors Bureaus).

5. The Wisconsin Department of Tourism announced a The Wisconsin **T**ourism **R**elief to **A**ccelerate **V**itality and **E**conomic **L**ift **(TRAVEL)** Stimulus Grant Program. Funded by the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act, the Wisconsin TRAVEL stimulus grant program will allocate $8 million dollars to be distributed to Wisconsin's tourism promotion and tourism development organizations to provide much-needed relief and support to the tourism industry. The **WACVB with the assistance of the City/School/Chamber Grant Writer** submitted an application for funding through this program. Based on parameters, **we requested a grant of $78,569 to offset loss of revenue from room tax and tourism related events**. We anticipate a response from the Department of Tourism in the next few weeks.

6. **Social Media Continues to be strong!**
   Facebook
   - **'I Love Waupaca'** - 3rd QTR **51,063 reach**
   - **'Waupaca Area Chamber'** - 3rd QTR **32,093 reach**

   Website – WaupacaMemories.com – had **69,671** page views;
   WaupacaAreaChamber.com had **49,675** page views in 3rd QTR 2020. Websites continue to be updated on a weekly basis with information about the area by Lynn and Mitch.

7. The **Chamber/CVB hosted an open house of our new facility** on August 25th. The staff gave tours, refreshments were served and a slideshow of the project process was shared.

8. **We continue to market** the Waupaca area as a tourism destination. We utilize social media and print sources such as Our Wisconsin Magazine.

9. The Chamber/CVB **maintains a comprehensive online Community Calendar** for the greater Waupaca Area. WaupacaMemories.com/community-calendar/

10. **Tourism Brochure Racks** are restocked as needed.

11. Through a partnership with **CivicBrand**, we are in the process of **developing a new dynamic tourism website** to replace our outdated WaupacaMemories.com site. The new site will allow visitors interested in coming to Waupaca to create customized itineraries and will feature many great photos and videos of our great Waupaca and Chain O' Lakes area.

12. **Visitors Guides** are continuously distributed. **We do paid distribution to**: Chicago/Northern IL - 89 locations, Milwaukee - 46 locations, Western Wisconsin - 100 locations, East Central WI/Appleton/Fox Valley, Southern Wisconsin Rest Areas. **We ship visitors guides to other Communities Chambers/Visitor Centers** including: Algoma, Beloit, Black River Falls, Burlington, Chippewa Falls, Elkhorn, Forest Co., Fox Cities, Green Lake, Hudson - I-94 Welcome Centers, Jefferson Co., Madison, Manitowish Waters, Manitowoc, Marinette, Marshfield, New London, Park Falls, Platteville, Plymouth, Prairie du Chien, Price Co., Racine, Rusk County, Shawano, Slinger, Stevens Point, Three Lakes, Vilas County, Wausau, West Bend, Wisconsin Rapids and direct mailed to individuals upon request.

13. Work has begun on our **2021 edition of the Waupaca Area Visitors Guide.** We will produce **35,000 print copies** and distribute throughout Wisconsin along with having an online version available.

14. The CVB/Chamber continues to maintain an attractive **Visitor Center open year-round** with **over 350 brochures and business cards** on display. The brochures which are displayed include information on area businesses, things to see and do, maps, and general information on the area. We provide visitors easy access to parking and restrooms.

15. The **CVB Staff participates** regularly for meetings with many area organizations including the Waupaca Area Arts and Culture Network.

16. The Waupaca Chamber/CVB is responsible for the **Wisconsin Department of Tourism's Extranet entries for the Waupaca area**. Entries include tourism related events, all of our lodging facilities, restaurants, and local attractions, etc. These are updated on a daily basis, as needed.

Waupaca Area Convention Visitor Bureau
2020 3rd Quarter Financials

Budget Category		1st QTR	2nd QTR	3rd QTR	3rd Qtr 2019	Total	% compared to budget
EXPENSES							
ADMINISTRATION							
Staff Wages	$ 57,235.00		$ 24,866.01	$ 8,536.41	$ 12,089.65	$ 33,402.42	58.36%
Education/Training	$ 800.00	$ 240.00				$ 240.00	30.00%
Expenses	$ 900.00		$ 172.78	$ 43.70	$ 84.47	$ 216.48	24.05%
ADMINISTRATION Subtotal	**$ 58,935.00**	**$ 240.00**	**$ 25,038.79**	**$ 8,580.11**	**$ 12,174.12**	**$ 33,858.90**	**57.45%**
OPERATING							
Promotion							
Advertising-Tourism	$ 65,000.00	$ 28,973.49	$ 7,885.21	$ 3,827.32	$ 8,760.11	$ 40,686.02	62.59%
Vacation Rental Listing							
Events							
Chain O'Lakes Blues Fest	$ 17,000.00	$ 815.40		$ 50.00	$ 2,572.21	$ 865.40	5.09%
July 4th Celebration	$ 16,750.00			$ 150.00	$ 15,733.71	$ 150.00	
Strawberry Fest	$ 12,500.00	$ 275.00	$ 9,506.00	$ 4,050.00	$ 3,823.32	$ 13,831.00	110.65%
New Project - Signage	$ 8,000.00						
Operating							
Professional Organization Dues	$ 1,100.00	$ 1,000.00				$ 1,000.00	90.91%
Miscellaneous - Tourism	$ 250.00						
Operating/Rent	$ 40,000.00		$ 20,000.00	$ 7,055.19	$ 10,000.00	$ 27,055.19	67.64%
Storage Unit Rental					$ 32.50	$ -	
Office Expense	$ 850.00				$ 249.90	$ -	
Contracted Services	$ 340.00			$ 320.00		$ 320.00	
Miscellaneous	$ 125.00						
Taxes - Sales	$ 1,300.00					$ -	0.00%
Special Project - Signage Study	$ 20,000.00				$ 243.75	$ -	
Staff Support for Events	$ 15,000.00		$ 5,625.00	$ 1,500.00		$ 7,125.00	47.50%
Operating Expenses Subtotal	**$ 198,215.00**	**$ 31,063.89**	**$ 43,016.21**	**$ 16,952.51**	**$ 41,415.50**	**$ 91,032.61**	**45.93%**
Tourism Development Grants	$ 51,500.00		$ 13,358.00		$ 11,250.00	$ 13,358.00	25.94%
TOTAL EXPENSES	**$ 308,650.00**	**$ 31,303.89**	**$ 81,413.00**	**$ 25,532.62**	**$ 64,839.62**	**$ 138,249.51**	44.79%

10/14/2020
Prepared by T Schulz

Waupaca Area Convention Visitor Bureau
2020 3rd Quarter Financials

Budget Category	2020 Proposed	1st QTR	2nd QTR	3rd QTR	3rd QTR 2019	Total	% compared to budget
REVENUES							
Promotion							
Advertising	$ 27,000.00	$ 2,099.25	$ 715.69	$ 350.00	$ 1,981.35	$ 3,164.94	11.72%
Vacation Rental Listings	$ 2,000.00	$ 802.08	$ 375.00	$ 250.00	$ 125.00	$ 1,427.08	71.35%
Events:							
Chain O'Lakes Blues Festival	$ 19,500.00	$ 2,050.00	$ 1,000.00		$ 5,113.97	$ 3,050.00	15.64%
July 4th-Hometown Day Celebration	$ 17,000.00	$ 5,550.00	$ 1,020.00	$ 100.00	$ 2,141.65	$ 6,670.00	39.24%
Strawberry Fest	$ 31,000.00	$ 12,825.00	$ 1,000.00		$ 511.00	$ 13,825.00	44.60%
New Project	$ 2,000.00						
Operating							
Interest	$ 150.00	$ 52.05	$ 37.85	$ 32.53	$ 58.31	$ 122.43	81.62%
Postage Reimbursement							
Sales Tax Adjustment							
Special Project - Signage Study							
Carryover from 2018 for Signage Study	$ 20,000.00						
Return of Grant Money				$ 3,000.00			
Other Income				$ 500.00			
Room Tax Receipts	$ 190,000.00	$ 20,239.87	$ 9,648.90	$ 32,156.29	$ 66,130.36	$ 62,045.06	32.66%
TOTAL REVENUES	**$ 308,650.00**	**$ 43,618.25**	**$ 13,797.44**	**$ 36,388.82**	**$ 76,061.64**	**$ 90,304.51**	29.26%
Account Balances							
BankFirst National Checking Account		$ 101,128.88	$ 31,025.95	$ 42,029.18			
BankFirst National Money Market Account		$ 45,434.86	$ 45,488.08	$ 45,520.61			
Note: Payment for 1st quarter wages, operating/rent, support staff was paid out on April 14 and does not show in the first quarter numbers		$ 26,872.85					

10/14/2020
Prepared by T Schulz

Waupaca Area Convention Visitor Bureau
2020 - 3rd Quarter Advertising and Events
Budgets

Advertising Budget											
Event/Item		**Expenses**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**	**Income**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**
Advertising to be determined		$ 23,920.00									
Silent Sports			$ 1,632.50	$ 1,284.00	$ 587.00	$ 3,503.50					
Our Wisconsin			$ 868.00	$ 1,736.00	$ 432.00	$ 3,036.00					
Fire On Ice			$ 130.00			$ 130.00					
Northwood Map Publishing	Spring/Summer		$ 825.00			$ 825.00					
Journal & Topics Newspaper				$ 1,712.00		$ 1,712.00					
Canoecopia			$ 759.60	$ 273.00		$ 1,032.60					
Waupaca King In Between				$ 10.00		$ 10.00					
Visitors Guide	Printing	$ 23,000.00	$ 18,513.14			$ 18,513.14	$ 26,400.00	$ 2,099.25	$ 715.00		$ 2,814.25
Visitor Guide Promotion		$ 7,240.00	$ 4,174.60	$ 1,825.00	$ 2,088.90	$ 8,088.50					
Web hosting		$ 940.00	$ 60.00			$ 60.00					
Calendar Program		$ 400.00				$ -					
Brochure Rack Program							$ 600.00			$ 350.00	$ 350.00
Brochure Racks			$ 2,010.65			$ 2,010.65					
Kiosks	Electricity	$ 500.00		$ 184.71	$ 61.93	$ 246.64					
Sales									$ 0.69		$ 0.69
Website Redevelopment		$ 9,000.00		$ 860.50	$ 657.49	$ 1,517.99					$ -
Total		**$ 65,000.00**	**$ 28,973.49**	**$ 7,885.21**	**$ 3,827.32**	**$ 40,686.02**	**$ 27,000.00**	**$ 2,099.25**	**$ 715.69**	**$ 350.00**	**$ 3,164.94**

Chain O'Lakes Blues Festival Budget											
Event/Item		**Expenses**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**	**Income**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**
Advertising		$ 4,000.00	$ 815.40			$ 815.40					
Entertainment		$ 8,150.00				$ -					
Entertainment Hospitality		$ 150.00									
Emcee		$ 200.00									
Merchandise Sales											$ -
Miscellaneous	ASCAP Fee	$ 425.00			$ 50.00	$ 50.00	$ 100.00				
Change		$ 1,500.00				$ -	$ 1,500.00				$ -
Shuttle Service		$ 1,100.00				$ -					
Signage		$ 150.00									
Sponsorship							$ 3,250.00	$ 2,050.00	$ 1,000.00		$ 3,050.00
Stool/Chair Rental		$ 475.00				$ -					
Ticket Sales		$ 150.00					$ 13,950.00				$ -
Taxes		$ 700.00					$ 700.00				
Total		**$ 17,000.00**	**$ 815.40**	**$ -**	**$ 50.00**	**$ 865.40**	**$ 19,500.00**	**$ 2,050.00**	**$ 1,000.00**	**$ -**	**$ 3,050.00**

10/14/2020
Created by T.Schulz

Waupaca Area Convention Visitor Bureau
2020 - 3rd Quarter Advertising and Events
Budgets

July 4th Celebration Budget											
Event/Item		**Expenses**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**	**Income**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**
Advertising		$ 760.00				$ -					
Fireworks		$ 15,500.00				$ -					
Miscellaneous	ASCAP fees	$ 75.00			$ 50.00	$ 50.00					
Parade Entry Fees							$ 1,000.00				$ -
Parade Prizes (Decorating Contest)		$ 40.00			$ 100.00	$ 100.00					
Portalets		$ 250.00									
Postage		$ 20.00									
Parade Permit		$ 5.00									
Security		$ 100.00									
Sponsorship							$ 16,000.00	$ 5,550.00	$ 1,020.00	$ 100.00	$ 6,670.00
Total		**$ 16,750.00**	**$ -**	**$ -**	**$ 150.00**	**$ 150.00**	**$ 17,000.00**	**$ 5,550.00**	**$ 1,020.00**	**$ 100.00**	**$ 6,670.00**

Strawberry Fest Budget											
Event/Item		**Expenses**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**	**Income**	**1st Qtr**	**2nd QTR**	**3rd QTR**	**Total**
Advertising		$ 950.00	$ 25.00			$ 25.00					
All Berry Booth		$ 800.00					$ 1,300.00				$ -
Arts and Crafts Vendors		$ 200.00	$ 250.00	$ 8,075.00		$ 8,325.00	$ 13,600.00	$ 7,300.00			$ 7,300.00
Change		$ 1,000.00				$ -	$ 1,000.00				$ -
Dumpsters		$ 450.00									
Eating Contest	Prizes	$ 500.00				$ -	$ 50.00				$ -
Emcee		$ 150.00				$ -					
Entertainment		$ 1,700.00				$ -					
Food Booths											$ -
Miscellaneous	ASCAP Fees	$ 75.00		$ 31.00	$ 50.00	$ 81.00					$ -
Reseller Vendors				$ 1,400.00		$ 1,400.00	$ 4,400.00	$ 2,425.00			$ 2,425.00
Portalets		$ 750.00				$ -					
Shortcake		$ 2,300.00				$ -	$ 5,100.00				$ -
Sponsorship					$ 4,000.00		$ 5,550.00	$ 3,100.00	$ 1,000.00		$ 4,100.00
Tent, Tables & Chairs		$ 2,300.00				$ -					
Security		$ 75.00				$ -					
Volunteers		$ 1,250.00				$ -					
Total		**$ 12,500.00**	**$ 275.00**	**$ 9,506.00**	**$ 4,050.00**	**$ 9,831.00**	**$ 31,000.00**	**$ 12,825.00**	**$ 1,000.00**	**$ -**	**$ 13,825.00**

10/14/2020
Created by T.Schulz

Waupaca Area Convention & Visitor Bureau
Check Detail
July through September 2020

Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check	**aw**	**07/27/2020**	**Elan**		**Bank First Checking**		**-513.00**
				2019 ASCAP fee	50E-07 · Entertainment - SBF	-50.00	50.00
				2019 ASCAP fee	40E-4 · Micellaneous - July 4th	-50.00	50.00
				2019 ASCAP fee	10E-4 · Miscellaneous - CBF	-50.00	50.00
					600E-10 · Website	-135.00	135.00
				Issuu	600E-09 · Visitor Guide Promotion	-228.00	228.00
TOTAL						-513.00	513.00
Check	**aw**	**08/26/2020**	**Elan**		**Bank First Checking**		**-229.99**
				SSL Certificates	600E-10 · Website	-199.99	199.99
				Web hosting fee	600E-10 · Website	-30.00	30.00
TOTAL						-229.99	229.99
Check	**aw**	**09/27/2020**	**Elan**		**Bank First Checking**		**-292.50**
				web site hosting	600E-10 · Website	-30.00	30.00
				fixing of website	600E-10 · Website	-262.50	262.50
TOTAL						-292.50	292.50
Check	**1637**	**07/01/2020**	**Smith & Radtke, LLC**	**inv**	**Bank First Checking**		**-320.00**
				990 Taxes Prep	62100 · Contract Services	-320.00	320.00
TOTAL						-320.00	320.00
Check	**1638**	**07/15/2020**	**Waupaca Area Chamber of Commerce**		**Bank First Checking**		**-100.00**
				Decorating contest prizes	40E-4 · Micellaneous - July 4th	-100.00	100.00
TOTAL						-100.00	100.00
Check	**1639**	**07/15/2020**	**Silent Sports**		**Bank First Checking**		**-428.00**
				05512555/05512556	600E-06 · Silent Sport promotion	-428.00	428.00
TOTAL						-428.00	428.00

Waupaca Area Convention & Visitor Bureau
Check Detail
July through September 2020

Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
Check	**1640**	**07/17/2020**	**Foundation**		**Bank First Checking**		**-4,000.00**
				SBF sponosrships to Celebration Certificate program	50E · Strawberry Fest Expense	-4,000.00	4,000.00
TOTAL						-4,000.00	4,000.00
Check	**1641**	**07/31/2020**	**Waupaca Area Chamber of Commerce**		**Bank First Checking**		**-100.00**
				Gift Certificates for Our WI Magazine prize	600E-03 · General Advertising	-100.00	100.00
TOTAL						-100.00	100.00
Check	**1642**	**07/31/2020**	**Our Wisconisn**		**Bank First Checking**		**-332.00**
				Aug/Sep ad	600E-03 · General Advertising	-332.00	332.00
TOTAL						-332.00	332.00
Check	**1643**	**07/31/2020**	**Waupaca Area Chamber of Commerce**		**Bank First Checking**		**-8,700.07**
				July	6008 · Staff Wages	-4,314.97	4,314.97
				July	600E-K · Kiosk Electricity	-29.98	29.98
				July	6007 · VP of Tourism Expenses	-20.12	20.12
				July	6004E · Rent	-1,000.00	1,000.00
				July	6005 · Staff Support for Events	-1,000.00	1,000.00
					6004E-1 · Building Maintanence	-117.06	117.06
					6004E-3 · Postage and Copy Machine costs	-194.31	194.31
					6004E-4 · Telephone & Internet	-160.00	160.00
					6004E-5 · Utilities	-391.00	391.00
					6004E-8 · Office Supplies Expense	-149.96	149.96
					6004E-9 · Computer IT Services	-300.00	300.00
					6004E-2 · Postage - Prospect Visitor Pkts	-424.49	424.49
					6004E-7 · Insurance - Org & Event	-344.00	344.00
					6004E-0 · Credit Card Processing Fees	-119.18	119.18
					6004E-6 · Accounting	-135.00	135.00
TOTAL						-8,700.07	8,700.07

Waupaca Area Convention & Visitor Bureau
Check Detail
July through September 2020

	Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
	Check	**1644**	**08/06/2020**	**Vector & Ink**		**Bank First Checking**		**-912.50**
					contract 139736 & 139983	600E-09 · Visitor Guide Promotion	-912.50	912.50
TOTAL							-912.50	912.50
	Check	**1645**	**08/06/2020**	**Office Outfitters**		**Bank First Checking**		**-35.90**
					shipping fees	600E-09 · Visitor Guide Promotion	-35.90	35.90
TOTAL							-35.90	35.90
	Check	**1646**	**08/14/2020**	**Chain O Lakes Litho**		**Bank First Checking**		**-381.74**
					Catalog envelopes for mailings to prospective visitors	6004E-8 · Office Supplies Expense	-381.74	381.74
TOTAL							-381.74	381.74
	Check	**1647**	**08/14/2020**	**Silent Sports**	**#05517618**	**Bank First Checking**		**-159.00**
					July Silent Sports.net	600E-06 · Silent Sport promotion	-159.00	159.00
TOTAL							-159.00	159.00
	Check	**1648**	**09/04/2020**	**Vector & Ink**		**Bank First Checking**		**-912.50**
						600E-09 · Visitor Guide Promotion	-912.50	912.50
TOTAL							-912.50	912.50
	Check	**1649**	**09/04/2020**	**Waupaca Area Chamber of Commerce**		**Bank First Checking**		**-8,111.97**
					Aug	6008 · Staff Wages	-4,221.44	4,221.44
					Aug	6007 · VP of Tourism Expenses	-23.58	23.58
						600E-K · Kiosk Electricity	-31.95	31.95
						6004E · Rent	1,000.00	1,100.00
						6005 · Staff Support for Events	600.00	500.00
						6004E-1 · Building Maintanence	-217.06	217.06
						6004E-3 · Postage and Copy Machine costs	-194.31	194.31

Waupaca Area Convention & Visitor Bureau
Check Detail
July through September 2020

	Type	Num	Date	Name	Memo	Account	Paid Amount	Original Amount
						6004E-4 · Telephone & Internet	-159.18	159.18
						6004E-5 · Utilities	-391.00	391.00
						6004E-8 · Office Supplies Expense	-149.96	149.96
						6004E-9 · Computer IT Services	-408.19	408.19
						6004E-2 · Postage - Prospect Visitor Pkts	-120.33	120.33
						6004E-6 · Accounting	-132.44	132.44
						6004E-0 · Credit Card Processing Fees	-119.18	119.18
						6004E-7 · Insurance - Org & Event	-343.35	343.35
TOTAL							-4,911.97	8,111.97
	Check	**1650**	**09/25/2020**	**Waupaca Area Chamber of Commerce**		**Bank First Checking**		**-3.45**
					for Photos from Libuse	6004E-3 · Postage and Copy Machine costs	-3.45	3.45
TOTAL							-3.45	3.45

CITY OF WAUPACA
CITY PLAN COMMISSION

SPECIAL MEETING **WEDNESDAY, AUGUST 26, 2020**
COUNCIL CHAMBERS, CITY HALL AND
VIA VIDEO / TELECONFERENCING **5:23 P.M.**

1. ROLL CALL

Present: Commissioners Mayor Brian Smith, Chairperson**,** Justin Berrens, Public Works Director, Ald. Eric Olson (left the meeting at 6:50 p.m.), Tracy Behrendt and Pat Phair

Absent: Commissioners John Kneer and Ald. Alan Kjelland (both excused)

Others Present: Aaron Jenson, City Administrator and Jeff Sanders, Zoning Administrator

2. APPROVAL OF AGENDA

MOVED by Ald. Olson **SECONDED** by Comm. Phair to **APPROVE** the Agenda as presented. 5 ayes, 0 nays, 2 absent. **MOTION CARRIED** on a voice vote.

3. REVIEW OF ZONING CODE RE-WRITE, FIRST DRAFT

Jeff Sanders, Zoning Administrator reviewed several items in the zoning code rewrite. This includes accessory structures, sign code, site plan review, landscaping and Fulton Street corridor. Informational only.

4. ADJOURNMENT

MOVED by Comm. Berrens, **SECONDED** by Comm. Behrendt, to **ADJOURN** the August 26, 2020 Special City Plan Commission Meeting. 5 ayes, 0 nays, 2 absent. **MOTION CARRIED** on a voice vote.

The meeting adjourned at 7:25 p.m.

Mayor Brian Smith, Chairperson

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CITY OF WAUPACA
CITY PLAN COMMISSION

REGULAR MEETING **WEDNESDAY, SEPTEMBER 2, 2020**
COUNCIL CHAMBERS, CITY HALL AND
VIA VIDEO / TELECONFERENCING **5:15 P.M.**

1. ROLL CALL

Present: Mayor Brian Smith, Chairperson**,** Commissioners, Ald. Eric Olson, Ald. Alan Kjelland, Justin Berrens, Public Works Director, Tracy Behrendt, Pat Phair and John Kneer

Absent: none

Others Present: Aaron Jenson, City Administrator, Andrew Dane and Jeff Sanders, Zoning Administrator

2. APPROVAL OF AGENDA

MOVED by Ald. Kjelland **SECONDED** by Comm. Behrendt to **APPROVE** the Agenda as presented. 7 ayes, 0 nays, 0 absent. **MOTION CARRIED** on a voice vote.

3. APPROVAL OF PLAN COMMISSION MEETING MINUTES: August 5, 2020

MOVED by Ald. Olson, **SECONDED** by Comm. Phair to **APPROVE** the August 5, 2020 City Plan Meeting Minutes. 7 ayes, 0 nays, 0 absent. **MOTION CARRIED** on a voice vote.

4. DISCUSSION ITEMS: COMPREHENSIVE PLAN UPDATE – REVIEW TRANSPORTATION CHAPTER

Andrew Dane reviewed the goals, objectives, and strategies for the transportation section of the comprehensive plan that he has been working on. There was additional discussion on bike and pedestrian strategies moving forward. Fulton Street was identified as a major influence for all transportation types to support the City.

5. REVIEW OF ZONING CODE RE-WRITE, CONTINUATION

Jeff Sanders reviewed R1 and R2 of the City's Zoning Code and provided several examples of accessory structures and accessory dwelling units. There was discussion on murals and having a separate section in the code and/or within the downtown section of the code. The next steps are putting the finishing touches on the current draft of the code and to get ready for Council presentation and approval. Mr. Sanders said this may take a month or much longer depending on how much detail the Plan Commission would want.

Comm. Phair's connection lost at approximately 6:25 p.m.

6. REPORTS: JULY 2020 BUILDING PERMITS, AUGUST 2020 CODE ENFORCEMENT STATUS REPORT AND DEVELOPMENT UPDATE

a. **August 2020 Building Permits –** informational
b. **August 2020 Code Enforcement Status Report -** informational

c. **Development Update** – informational

7. ADJOURNMENT

MOVED by Ald. Kjelland, **SECONDED** by Comm. Behrendt, to **ADJOURN** the September 2, 2020 Regular City Plan Commission Meeting. 6 ayes, 0 nays, 1 absent. **MOTION CARRIED** on a voice vote.

The meeting adjourned at 6:53 p.m.

Mayor Brian Smith, Chairperson

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CITY OF WAUPACA
CITY PLAN COMMISSION

SPECIAL MEETING **MONDAY, SEPTEMBER 14, 2020**
VIA VIDEO / TELECONFERENCING **5:18 P.M.**

1. ROLL CALL

Present: Commissioners Mayor Brian Smith, Chairperson**,** Justin Berrens, Public Works Director, Ald. Alan Kjelland, John Kneer, Tracy Behrendt and Pat Phair

Absent: Ald. Eric Olson (excused)

Others Present: Aaron Jenson, City Administrator and Jeff Sanders, Zoning Administrator

2. APPROVAL OF AGENDA

MOVED by Ald. Kjelland **SECONDED** by Comm. Phair to **APPROVE** the Agenda as presented. 6 ayes, 0 nays, 1 absent. **MOTION CARRIED** on a voice vote.

3. ZONING CODE DRAFT RE-WRITE

Discussion to alter or remove 17.303 Satellite dishes or antennae, discussion on 17.310 Wineries, and Jeff clarified definitions, discussion on 17.318 (4)(a)(b)(c) Windows to delete this wording, edited wording in 17.318 (4)(b)(2) to include three sided lots, discussion on section 17.318(6)(a-d) wording and subjectiveness, 17.708 Modifications to include three sided lots and define a face cord for wood storage, 17.801 will be worded so enforcement is conducted by the Enforcement Officer and administration regulations is conducted by the Zoning Administrator, discussion on allowance of neon signs.

4. ADJOURNMENT

MOVED by Ald. Kjelland, **SECONDED** by Comm. Berrens, to **ADJOURN** the September 14, 2020 Special City Plan Commission Meeting. 6 ayes, 0 nays, 1 absent. **MOTION CARRIED** on a voice vote.

The meeting adjourned at 6:25 p.m.

Mayor Brian Smith, Chairperson

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WAUPACA HISTORICAL SOCIETY-BOARD OF DIRECTORS MEETING SEPTEMBER 3, 2020

VIRTUAL MEETING Called to order by Mike at 5:10 pm. Silent roll call taken – Mike Kirk, Tracy Behrendt, Ashlie Buck, Marge Writt, Nancy & Jeff Weasner, Kent Pegorsch, Betty Stewart & Brian Godfrey & Tim Drake. Excused absences: Dennis Lear, Ron Arthur, Lori Chesnut

AGENDA: OK as is Review of past Minutes Mike motioned approval, Ashlie seconded, motion passed.

REPORTS: Treasurer-Ashlie presented her Report. Tim & Ashlie are working on Quick Book items, etc. Nancy motioned to approve the Report, Mike seconded, motion passed.

Depot-Mike stated he & Lane Streck worked on the caboose, repaired the antenna bracket. Made the AC1 for RR equipment barcodes & potato car also. Worked on water in the caboose. We had two visitors & they each donated $100. Noah used his drone to do taping. A Chain O'Lakes male resident has some Grandview Hotel items for us. Linda made the canvas for the covered wagon. Lane's lift will not reach to the top of the Holly roof & the City cannot do it either. Kent suggests we rent a lift from the rental company downtown for perhaps half a day. Mike will check on it and ask them if they can donate some of the cost. Simpsons has a 2 month delay for tree cutting jobs. We worked on the windows more. Tim asked how the Holly whole roof looks -Mike said shingles look OK. I did not use the sump pump funds so it was saved. Tim motioned to do the roof repair. Ashlie seconded, motion passed.

Director & Curator Report-by Tracy: See printed report. Sunshine Company worked well for us, no labor for the A/C was charged. 172 new donations were cataloged. Bigger cookie tins "hygge" with no food items (maybe wrapped fudge). The Hutchinson House was cleaned& the dehumidifier was taken care of. We will keep appointments at Hutchinson House until it gets too cold. Lots of donations.

UNFINISHED BUSINESS: Annual Meeting 9/24/20 at 5 pm at upper south park. Habitat for Humanity measured for fencing. We must take fences out & paint new ones later. Mike will cut the tips. The wood has been reserved. Tracy will send an e-mail to Don.
Covered wagon by Fred Silloway: where to store it in winter? Take a photo of wagon & Fred when it is brought to the Hutchinson House.

NEW BUSINESS: Friends of Hartman Creek State Park requested that their 2020 waiver fee be saved for 2021. Jeff motioned we do so, Nancy seconded, motion passed.
DAR History Award Medal for individual or group. Questionnaire to be completed for the nominee. Kent motioned we nominate Mike, _____seconded; all agreed.
A volunteer & Ashlie want to help cataloging & will follow Covid rules.

Tracy stated the Holly Center was rearranged when we got the library bookcase & it is in its original location. Gift shop items look different. Books were donated from an immigrant (Sue Voeder Olson Family member) who served in the military.

Nancy motioned to adjourn, Ashlie seconded, motion passed at 6 pm.

Betty Stewart, Secretary

POLICE AND FIRE COMMISSION

REGULAR MEETING TUESDAY, OCTOBER 13, 2020
WAUPACA POLICE DEPARTMENT VIA VIDEO/TELECONFERENCING

Present: Commissioners Bryon Gyldenvand , Chairperson, Jim Schulz, Mary Phair, Romie Jungers, Don Fisher

Also Present: Chief Brian Hoelzel, Captain John Helgeson, Jeri Allen

1. **CALL TO ORDER**

2. **APPROVE AGENDA**

MOVED by Comm. Phair, **SECONDED** by Comm. Jungers to **APPROVE** the agenda as presented. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote.

3. **MINUTES FROM THE SEPTEMBER 2020 MEETING**

MOVED by Comm. Schulz **SECONDED** by Comm. Fisher to **APPROVE** the Minutes from the September 2020 meeting. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote.

4. **REVIEW OF THE SEPTEMBER 2020 EXPENSE REPORT**

Covid supplies to be reimbursed by the CARES Act.

MOVED by Comm. Fisher. **SECONDED** by Comm. Jungers to **APPROVE** the September 2020 Expense Report. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote.

5. **CHIEF'S MONTHLY REPORT FOR SEPTEMBER 2020**

MOVED by Comm. Jungers, **SECONDED** by Comm. Phair to **APPROVE** the September Chief's Monthly Report. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote.

6. **WAUPCA COUNTY SPEED GRANT TOTALS** - informational

7. **DRUG TAKE BACK OCTOBER 24, 2020** - informational

10a-2p

8. DOG RESCUE - informational

9. LEDR INFORMATIOIN - informational

10. MOTION TO CONVENE INTO CLOSED SESSON IN ACCORDANCE WITH WISCONSIN STATE STATURE 19.64(1)(C) FOR THE PURPOSE OF DISCUSSION FOR FINAL CANDIDATES FOR THE PATROL SERGEANT PROCESS

Closed session at 4:42

MOVED by Comm. Phair, **SECONDED** by Comm. Fisher to **APPROVE** convening into closed session. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote

11. MOTION TO RECONVENE INTO OPEN SESSION FOR POSSIBLE ACTION

Reconvene into open session at 4:53.

MOVED by Comm. Jungers, **SECONDED** by Comm. Phair to **APPROVE** reconvening into open session. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote

12. ACTION TO OFFER CANDIDATE #1 PATROL SERGEANT POSITION

MOVED by Comm. Jungers, **SECONDED** by Comm. Fisher to **APPROVE** offering candidate #1 Patrol Sergeant position. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote

13. ADJOURNMENT

MOVED by Comm. Fisher, **SECONDED** by Comm. Jungers to **ADJOURN** the Regular October, 2020 Police and Fire Commission Meeting. 5 ayes, 0 nays 0 absent. **MOTION CARRIED** on a voice vote.

Meeting adjourned at 4:54 p.m.

Commissioner Bryon Glydenvand, Chairperson
Police and Fire Commission

ja

Ordinance No. 10-2020
This Ordinance creates new section in Chapter 13.01 (10) LEAD SERVICE LINE REPLACEMENT
City of Waupaca Municipal Code

13.01 – WATER UTILITY.

(10) LEAD SERVICE LINE REPLACEMENT.

(a) Findings. The common council finds that:

1. Disturbance of lead water service lines, particularly partial lead service line replacement, has been shown to increase lead levels in drinking water.
2. Partial replacement or reconnection of existing lead water service lines has been shown to increase lead levels in drinking water.
3. Full replacement of lead service lines, as opposed to partial replacement, can reduce exposure to lead in drinking water.
4. Because of the significant risks to public health and safety posed by disturbance of lead water service lines and reconnection of lead to copper service lines, the city has a strong public interest in remediating privately-owned lead water service lines under certain circumstances.
5. The establishment of a comprehensive program for the removal and replacement of lead pipe water service lines in use within both the city utility's water system and in private systems will help the city meet the Wisconsin Department of Natural Resources' requirements for local compliance with the Lead and Copper Rule (see 56 CFR 6460, 40 CFR parts 141.80-141.90 and Wis. Admin. Code §§ NR 809.541-809.55).

(b) Purpose. For the reasons stated in paragraph (a) Findings, and under the authority granted to the city to regulate connections to public water mains by Wis. Stats. § 66.0911 and 281.45, to act for the health, safety, and welfare of the public by Wis. Stats. § 62.11(5), the common council finds that it is necessary and appropriate to establish and enforce requirements for the full replacement of lead water service lines under certain conditions and to provide a funding mechanism to assist affected property owners in complying with those requirements.

(c) Record Keeping. The water utility shall create and maintain a record of the location of all identified lead service lines in the City of Waupaca.

(d) Definitions. In this section:

Lead water service line means a service made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck or other fitting which is connected to such lead line.

Privately-owned portion of a lead water service line means the section of water service piping from the outlet joint of the curb stop to the outlet of the water meter outlet valve with the exception of the water meter itself, regardless of the ownership of the property upon which the piping is located.

Utility-owned portion of a lead water service line means the section of water service piping from the main to, but not including, the outlet joint of the curb stop.

(e) Replacement requirement. The privately-owned portion of a lead water service line shall be replaced whenever any of the following occurs:

1. A leak or failure has been discovered on either the privately-owned or utility-owned portion of the service line.
2. The utility-owned portion of the line is replaced on either a planned or emergency basis.

(f) Repair or reconnection prohibited. No repair of a privately-owned lead water service line, or reconnection of a privately-owned lead water service line to a utility-owned water service line, shall be permitted under any of the circumstances specified in paragraph (e) of this section.

(g) Exception. The sewer and water superintendent or sewer and water superintendent's designee may, at his or her discretion, grant a temporary exception to the requirement of paragraph (e) of this section and the prohibition of paragraph (f) of this section if the sewer and water superintendent or sewer and water superintendent's designee determines that doing so will not create an imminent threat to health, safety, or welfare of the public.

(h) Notice.

1. *Leak or emergency replacement.* In the event of a service line leak or failure under subparagraph (e)(1) of this section or emergency replacement of the utility-owned portion of the service line under subparagraph (e)(2) of this section, the sewer and water superintendent or sewer and water superintendent's designee shall provide written notice of the replacement requirement to the owner upon the sewer and water superintendent's or sewer and water superintendent's designee's determination that replacement of the utility-owned portion of the line is required.

2. *Planned replacement.* In the event of a planned replacement under subparagraph (e)(2) of this section, the sewer and water superintendent or sewer and water superintendent's designee shall provide written notice of the replacement requirement to the owner at least 30 days prior to the commencement of the planned replacement of the utility-owned portion of the service line.

3. *Right of entry.* Upon presentation of credentials, representatives of the utility shall have the right to request entry at any reasonable time to examine any property served by a connection to the public water system of the utility for inspection of service line. If entry is refused, such representatives shall obtain a special inspection warrant under Wis. Stats. § 66.0119. Upon request, the owner, lessee or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system on such property.

4. *Written Notice.* The water utility shall provide written notice to any person or entity who owns, manages or otherwise exercises control over a property connected to the water distribution system that has been inspected and determined to be constructed of lead.

(i) Owner election. Upon receipt of the notice in subparagraph (h)(4) of this section, the owner shall, within thirty (30) business days, do one of the following:

1. Replace the privately-owned portion of the lead service line at the owner's expense by contracting with a licensed contractor. The work shall be performed in accordance with all applicable state, local, and utility regulations.

2. Elect to have a city contractor replace the privately-owned portion of the lead service line.

(j) Financing of replacement by city contractor. If the owner elects to have a city contractor complete the replacement under subparagraph (i)(2) of this section, the cost of replacing the privately-owned portion of the lead service line shall be paid in the following manner:

1. The cost of such work shall be assessed to the owner pursuant to Wis. Stats. ch. 66, subch. VII (Wis. Stats. § 66.0701 et seq.), and also in accordance with requirements of the state public service commission, if applicable. All water service laterals shall be one-inch type K soft temper copper pipe, or 1" HDPE plastic pipe. Installation of a differing size maybe approved by the director of public works.

2. If the owner chooses, a contract may be entered into with the city on or before November 15 of the year in which the project was commenced, for the payment of the entire assessment, which shall be divided into ten equal yearly installments of not less than $200.00 per year, together with interest at a rate which is two (2) percent above the City's current borrowing rate upon the unpaid balance. Assessments placed on the installment plan shall be financed by the general city fund, and not by the sewer and water utility.

After being placed on the tax roll in annual installments or otherwise, the amounts of special assessments shall be paid within the time allowed for the payment of general property taxes. If the property owner fails to pay a special assessment within the time allowed for payment, it shall become delinquent and shall be treated in the same manner and subject to the same laws as a delinquent general property tax.

(k) Enforcement.

1. *Performance of work by city.* If the owner fails to comply with paragraph (e) of this section within the time specified in paragraph (i) of this section, the sewer and water superintendent or sewer and water superintendent's designee may apply for and obtain an appropriate court-issued warrant pursuant to Wis. Stats. § 66.0119 and 196.171, to gain access to the property and have the required work performed pursuant to Wis. Stats. § 281.45. The cost of this work shall be assessed and collected as a special assessment on the property.

2. *Penalty.* Any person who violates any provision of this subsection shall be subject to a penalty as provided in sec. 25.04 of this Code.

3. *Discontinuation of service.* As an alternative to any other methods provided for obtaining compliance with this section, if the sewer and water superintendent or sewer and water superintendent's designee, in consultation with the director of public works, determines that the owner's failure to comply with paragraph (e) of this section will create an imminent threat to the health, safety, or welfare of the public, the sewer and water superintendent or sewer and water superintendent's designee may discontinue water service to the property upon notice to the owner and reasonable opportunity to comply with the requirements of this section, and in a manner consistent with the rules and regulations of the City of Waupaca water utility and the public service commission of Wisconsin governing discontinuation of water service.

(Ord. No. 10-2020; 10/20/2020)

SUMMARY OF SUBSTANTIVE CHANGES

1. Land Use Matrix listing all Permitted and Conditional Uses by zoning district – pages 6-10
2. Maximum height of accessory structures in I-1 and I-2 Districts increased from 15 to 50 feet – pages 22 and 23
3. FSC Fulton Street Corridor Overlay District, establishing mixed-use zoning district – pages 30-34
4. TZ Transitional Zoning District, established as placeholder district for lands newly annexed to City – page 34
5. Temporary Structures and Uses expanded to include residential districts – pages 35-36
6. Fence regulations updated and expanded – pages 39-41
7. Regulation of mobile [cellular] towers updated compliant with Chapter 66.0404, Wis. Stats. – pages 42-45
8. Regulation of breweries, microbreweries, distilleries, craft distilleries, wineries, and boutique wineries clarified – page 45-46
9. Alternative Energy Systems added as allowable uses – page 46-55
    a. Small Wind Energy Systems, pages 46-53
    b. Solar Energy Systems, pages 53-54
    c. Geothermal Systems, pages 54-55
    d. Electric Vehicle Infrastructure, pages 55-56
10. Accessory Dwelling Units added as Conditional Use in A-1, R-1, R-2, and R-3 Districts – page 56
11. Amateur Radio regulations added, consistent with federal law – pages 57-58
12. Live/Rent and Live/Work uses consolidated – page 58
13. Business Incubator created as a Conditional Use in business and industrial districts – page 59
14. Site Plan Review updated and expanded – pages 59-63
15. Landscaping standards updated and expanded – pages 63-66
16. Nonconformity regulations updated consistent with state law – pages 70-71
17. Sign regulations updated consistent with federal law – pages 71-80
    a. Changes to comply with 'content-neutral' requirements of First Amendment
    b. Expanded list of signs not requiring a permit
    c. Increased maximum size for wall signs and murals
    d. Addition of regulations for awning/canopy, ingress/egress, portable, window, and multi-tenant signs
18. Clarification of roles for Zoning Administrator, Code Enforcement Officer, Plan Commission, and Board of Appeals – pages 85-89

ORDINANCE NO. 09-2020 (2020)

AN ORDINANCE REPEALING AND RECREATING CHAPTER 17, ZONING CODE, CITY OF WAUPACA MUNICIPAL CODE

WHEREAS, the Zoning Code is in excess of thirty (30) years old, and

WHEREAS, from time to time the code has been amended in response to policy and regulatory changes, and

WHEREAS, the current Zoning Code has been increasingly difficult to administer due to its age and its ability to adapt and regulate in light of current development, construction and regulation trends, and

WHEREAS, it is the desire of the City to recreate the Zoning Code in order to make it more up to date and user friendly for both the public and the staff,

NOW THEREFORE BE IT ORDAINED:

Section 1: Chapter 17 of the City of Waupaca Municipal Code is hereby repealed and recreated as Attachment A to this ordinance.

Section 2: This ordinance shall take effect upon passage and publication according to law.

_____
Brian Smith, Mayor

Adopted:_____, 2020.

Published:_____, 2020.

ATTEST:

_____
Sandy M. Stiebs, City Clerk

ATTACHMENT A

DRAFT

City of Waupaca, Wisconsin
Chapter 17: Zoning Code Rewrite

PRE-PUBLIC HEARING DRAFT

October 2020

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17.000 INTRODUCTORY PROVISIONS

17.001 – TITLE

This Chapter shall be known, cited, and referred to as the "City of Waupaca Zoning Ordinance" except as referred to herein, where it shall be known as "this Chapter".

17.002 – COMPLIANCE

The use or development of any land or water, a change or alteration in the use of and land or water, and the use, change of use, alteration, construction, reconstruction, remodeling or expansion of any structure within the areas to be regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state, and federal regulations.

17.003 – CONFLICTING PROVISIONS REPEALED

The Zoning Ordinance and all amendments thereto, and all ordinances or parts or Sections of ordinances in conflict herewith, of the City of Waupaca, Wisconsin are hereby repealed in their entirety.

17.004 – AUTHORITY

These regulations are adopted pursuant to the authorization contained in Chapters 62.23, 87.30, ll4.l26 and l45.02, Wis. Stats., as amended. This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this chapter.

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17.005 – PURPOSE

The general purpose of this Chapter is to promote health, safety, morals and the general welfare of the City of Waupaca. The provisions hereof shall be liberally construed in favor of the City and as minimum requirements for the purposes stated.

17.006 – INTENT

It is the intent of this Chapter to regulate and restrict the use of all structures, lands and water; and to:

(1) To promote land uses and development patterns that are consistent with the City's comprehensive plan and of adopted neighborhood, corridor or special area plans.
(2) Regulate lot coverage in order to insure the proper size, location and placement of all structures so as to prevent overcrowding, unsafe conditions, traffic congestion and environmental damage, and to provide for adequate sunlight, air, sanitation and storm water drainage.
(3) Regulate population density and distribution so as to avoid undue population concentration in order to facilitate the provisions of transportation, water, sewerage, school, parks and other public requirements.
(4) Regulate vehicular parking, loading and access so as to lessen congestion on City streets and highways, thereby promoting the safe and efficient movement of vehicles and the maintenance of the designed traffic carrying capacity of existing and proposed streets and highways.
(5) Secure safety from fire, flooding, panic and other dangers.
(6) Stabilize and protect existing and potential property values by conserving the value of buildings and encouraging the most appropriate use of land throughout the City.
(7) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters.
(8) Further the maintenance of safe and healthful water conditions.
(9) Further the appropriate use of land and conservation of natural resources.

(10) Facilitate the use of solar energy devices and other innovative energy techniques.
(11) Preserve and promote the beauty and historic nature of the City.
(12) Protect life, health, property and public facilities from the detrimental effects of flooding.
(13) Protect natural wetland areas from the detrimental effects of urban development.
(14) Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

17.007 – RELATIONSHIP TO COMPREHENSIVE PLAN

The City of Waupaca Comprehensive Plan establishes the goals, objectives, and policies that provide the basis for this zoning code. All regulations or amendments adopted pursuant to this Chapter shall be generally consistent with the Comprehensive Plan as adopted and revised or updated.

17.008 – ABROGATION

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

17.009 – INTERPRETATION

(1) This Chapter should be interpreted as a permissive zoning ordinance. It permits only those principal, special, and accessory uses and structures that are specifically enumerated in this Chapter. Any uses or structures not specifically permitted by this Chapter are prohibited.
(2) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Waupaca.
(3) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any State or Federal regulations.
(4) No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except structures not requiring a building or zoning permit, and without full compliance with the provisions of this Chapter and all other applicable local, county and State regulations.
(5) Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this Chapter and the construction of which shall have been started within 6 months from the date of such permit.
(6) Except as provided in this Chapter, under provisions for Nonconformities, no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, that does not conform to the requirements of this Chapter.

17.010 – ZONING OF ANNEXED LAND

Pursuant to Chapter 66.0217(8), Wis. Stats., all property annexed to the City of Waupaca and previously not zoned under this Chapter shall be hereby declared to be in the TZ Transitional Zoning District until otherwise changed by amendment. Prior to the issuance of any permits for new construction, a permanent zoning district classification must be obtained pursuant to the Changes and Amendments Section of this Chapter.

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17.011 – SCOPE OF REGULATIONS

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located. (See Transition Rules below.)

(1) All new building sites shall meet the requirements of this Chapter unless, prior to the effective date of this Chapter a building permit was issued and is still valid; and provided construction is begun within 90 days of such effective date and diligently prosecuted to completion, said building may be:
   (a) Completed in accordance with the approved plans on the basis of which the building permit has been issued, and,
   (b) May upon completion be occupied as approved in the building permit by the use for which it was originally designated.
(2) Where the Zoning Administrator has issued a zoning approval pursuant to the provisions of this Chapter, the approval shall become null and void unless work thereon is substantially underway within six months of the date of issuance of such approval.
(3) The following changes to an existing use shall not require the entire site to be brought into compliance:
   (a) Adding pedestrian, bicycle, and/or accessibility accommodations.
   (b) Providing new/additional refuse enclosure areas.
   (c) Resurfacing/reconstruction, maintenance of parking facilities where there is no change to layout, circulation or entrances.
   (d) Replacing dead/undesirable, or non-functioning landscaping with new or different trees or shrubs.
   (e) Elimination of parking stall to add landscaping, when administratively approved.

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17.012 – SEVERABILITY

Should any Section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Chapter as a whole or any part thereof, other than the part so declared to be invalid.

17.013 – TRANSITION RULES

This Section addresses the applicability of new substantive standards enacted by this Chapter to activities, actions, and other matters that are pending or occurring as of the effective date of this Chapter.

(1) Any application that has been filed with the Community & Economic Development Department and has been determined to be fully complete by the City, prior to the effective date of this Chapter, shall be regulated by the terms and conditions of the ordinances and codes that were in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Chapter.
(2) Except as noted otherwise, any application for a zoning map amendment that was filed, and has been determined to be fully complete by the City, prior to the effective date of this Chapter, shall continue through the process to completion pursuant to the terms and conditions of the ordinances and codes that were in place at the time of filing.
(3) Planned development districts in force at the time of adoption of this Chapter shall continue to be controlled under the standards of the existing planned development district unless rezoned by Common Council or when any aspect of said districts is determined to be noncompliant with state law. Processes for approving or amending adopted final development plans, plats, certified survey maps, or site plans, shall follow the procedures of this Chapter.
(4) Any application before the Board of Appeals or any application that has been filed with the Community & Economic Development Department and is fully completed, prior to the effective date of this Chapter, shall continue the process pursuant to the terms and conditions of the ordinance that were in place at the time of filing.

17.014 – NONLIABILITY

The degree of protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Chapter does not imply that compliance will result in freedom from damages nor shall this Chapter create a liability on the part of or a cause of acting against the City of Waupaca or any officer or employee for any damage that may result from reliance on this ordinance.

17.015 – JURISDICTION

This Chapter is applicable to all territory located within the corporate limits of the City of Waupaca.

17.016 – REENACTMENT AND REPEAL

(1) This Chapter, in part, carries forward by reenactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning Code", Chapter 17 of the Code of Ordinances for the City of Waupaca, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
(2) All provisions of the City of Waupaca Zoning Ordinance which are not reenacted herein are hereby repealed.
(3) The adoption of this Chapter shall not adversely affect the City's right to prosecute any violation of the predecessor Zoning Ordinance provided the violation occurred while that Chapter was in effect.

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17.017 – EFFECTIVE DATE

This Chapter shall become effective upon passage and posting according to law.

17.100 ZONING DISTRICTS AND ZONING MAP

17.101 – ESTABLISHMENT OF ZONING DISTRICTS

In order to carry out the purposes and provisions of this Chapter, the following zoning districts are hereby established:

(1) A-1 Agricultural District
(2) Residential Districts
  (a) R-1 Single-Family Residential District
  (b) R-2 Two-Family Residential District
  (c) R-3 Multi-Family Residential District
  (d) MH Mobile Home District
(3) Business Districts
  (e) B-1 Neighborhood Commercial District
  (f) B-2 Central Business District
  (g) B-3 General Commercial District
  (h) B-4 Strip Commercial District
  (i) B-5 Planned Commercial District
  (j) B-6 Interchange Zone District
  (k) B-7 Riverfront District
(4) Industrial Districts
  (l) I-1 Light Industrial District
  (m) I-2 Heavy Industrial District

(5) Non-Standard Districts
   (a) SPO Shoreland Protection Overlay District
   (b) PUD Planned Development District
   (c) RC Resource Conservation District
   (d) EGD East Gateway Design District
   (e) PUL Public Facility and Utility Lands District
   (f) Q-1 Quarrying District
   (g) FSC Fulton Street Corridor Overlay District
   (h) TZ Transitional Zoning District

17.102 – INCORPORATION OF ZONING DISTRICT MAP

The location and boundaries of the zoning districts are hereby established as shown on the map entitled "City of Waupaca Zoning Districts" (hereafter, the zoning map) on file in the Community & Economic Development Department office. The zoning district map, together with all information shown thereon and all amendments thereto, shall be as much a part of this Chapter as if fully set forth and described herein.

17.103 – LOCATION OF DISTRICT BOUNDARIES

The following rules shall apply with respect to the boundaries of the zoning districts as shown on the zoning district maps:

(1) A boundary shown as following, or approximately following, a street, alley or railroad shall be construed as following the centerline of such feature.
(2) A boundary line shown as following, or approximately following, a lot line, Section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.
(3) Streets or alleys which are shown on the zoning district maps and which were previously vacated, or which may be vacated in the future, shall be construed to be in the same zoning district as the lots, pieces or lots abutting both sides of the street or alley involved. If the lots, pieces or lots abutting each side of the street or alley were located in different zoning districts before the said street or alley was vacated, the center line of such vacated street or alley shall be the boundary line of the respective zoning districts.
(4) The boundaries of a base zoning district shall correspond with the boundaries of a legal lot. No un-subdivided property shall possess more than one base zone. Where a district boundary divides a platted lot, the zone classification of the greater portion shall prevail throughout the lot unless and until one of the following occurs:
   (a) All portion of the lots are rezoned to a single zone classification.
   (b) A land division is approved to establish separate legal lots coinciding with the boundaries of the zone classifications as they appear on the zoning map.
(5) The boundaries of the SPO Shoreland Protection Overlay District consists of the first tier of riparian lots abutting Mirror Lake and Shadow Lake, the specific boundaries of which are shown on the official City of Waupaca Shoreland Protection Overlay District Map.
(6) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.

17.104 – PERMITTED USES AND CONDITIONAL USES

(1) Base Districts. The table appearing below and on the following pages presents the complete list of Permitted Uses and Conditional uses for all base districts. The Intent, Dimensional Standards, and additional regulations and standards applicable to each district follow the table.
(2) Non-Standard Districts. The regulations and standards for Non-Standard Districts, along with applicable Permitted, Conditional, and Accessory Uses follow immediately thereafter.
(3) Permitted Uses and Conditional uses by Base District.

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AGRICULTURAL USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-1
Agricultural accessory uses, as defined under Chapter 91.01(1), Wis. Stats.	P													
Agricultural uses, as defined under Chapter 91.01(2), Wis. Stats.	P													
Agricultural-related uses, as defined under Chapter 91.01(3), Wis. Stats.	P													
One roadside stand per farm of not more that 300 square feet, used solely for the sale of products produced on the premises or adjoining premises.	P													

RESIDENTIAL USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Adult family home		P	P											
Community living arrangement (1 to 8 residents)		P	P											
Community living arrangement (9 to 16 residents)				P										
Community living arrangement (more than 16 residents)				C										
Dwelling, multi-family				P		P	P	P	P				C	
Dwelling, single-family in I-1 District on those properties used for residential purposes prior to September 1990													P	P
Dwelling, single-family dwelling attached/zero lot line			P											
Dwelling, single-family dwelling detached	P	P	P	P										
Dwelling, two-family dwelling	P		P	P		P	P	P	P				C	
Facilities for victims of domestic abuse				C										
Family daycare home and other foster homes		P	P											
Foster family home		P	P											
Guest houses with a minimum area of 1,200 square feet	C													
Manufactured homes not meeting single-family standards					P									
Mobile homes					P									
Multi-family residential mixed-use												C		
Row house, town house												C		
Upper story residential units							P	P	P			P	C	

COMMERCIAL USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Animal hospitals on lots three acres or larger in size and a 100-foot setback from any residential district	C						P	P	P			C		
Bars, cocktail lounges, pubs, and taverns						C	C	C	C	C		P		
Business incubator						C	C	C	C	C	C		C	C
Coffee, tea, juice, and smoothie shops						C	C	C	C	C	P	P		
Commercial animal boarding								C	C				C	C
Commercial entertainment, indoor							C	C	C	C				
Commercial entertainment, outdoor	C													
Convention and exhibition halls							C	C	C					
Crockery stores							P	P	P				C	
Bakery employing not more than 12 persons on the premises.							P	P	P			P	C	
Bed & breakfasts	C	C	C	C		C	C	C	C					
Boardinghouses and lodging houses				C		C	C	C	C					
Department stores							P	P	P				C	
Financial institutions, brokerage, pawnbrokers							P	P	P				C	
Food products, retail						P	P	P	P					
Full service gas stations										P				

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COMMERCIAL USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Group day care center (8 or fewer children)					P			C	C					
Group day care center (9 or more children)				C	C	C	C	C	C					
Hotels							P	P	P	P			C	
Ice cream, frozen custard, yogurt, and the like						C	C	C	C	C	P	P		
Indoor maintenance service						P	P	P	P				P	P
Indoor sales incidental to light industrial use													P	P
Indoor sales or service						P	P	P	P				C	
In-vehicle sales and service						C	C	C	C				C	C
Laundries, washrooms, recreation rooms, maintenance equipment storage, and one office associated with each mobile home park					P									
Live/work unit												P		
Lunch rooms						C	C	C	C					
Kennel, commercial	C												C	C
Nurseries and greenhouses	P													
Mobile homes sales							C	C	C					
Mobile home parks					P									
Motels						C	C	C	C	P			C	
Offices and professional offices						P	P	P	P	C		P		
Outdoor display									C					
Personal or professional services						P	P	P	P	C			P	P
Pet shops							P	P	P				C	
Plumbing, heating and electrical supplies							P	P	P				C	
Pre-manufactured home sales facilities								C	C					
Public or private parking lots or structures (not including parking lots as accessory to a principal use						C	C	C	C					
Refreshment stands						C	C	C	C					
Repair and service of motor propelled vehicles including the storage and sale of automotive accessories						C	C	C	C					
Repair, service and assembly of motorized or nonmotorized vehicles, including the repair and storage of automatic accessories, except the wrecking of motor-propelled vehicles													P	P
Restaurants: drive-in						C	C	C	C	P				
Restaurants: fast food						C	C	C	C	P				
Restaurants: other than drive-in and fast food						C	C	C	C	P		P		
Retail, general						P	P	P	P	P	P	P		
Retail uses greater than 10,000 square feet in total floor area						C	C	C	C					
Retail uses greater than 10,000 square feet in sales floor area											P			
Retail uses less than 10,000 square feet in sales floor area											C			
Sales, service, and repair: 'Category L' two- and three-wheeled vehicles, ATVS and UTVs, snowmobiles, and the like							C	C	C				P	P
Sales, service, and repair: 'Category M' light duty vehicles (passenger vehicles)							C	C	C				P	P
Sales, service, and repair: 'Category N' heavy duty vehicles (trucks, buses, coaches, tractor-trailer units, and the like)									C				P	P
Sales, service, and repair: 'Category T' implements of husbandry									C				P	P
Sales, service, and repair: boats and personal watercraft							C	C	C					
Sales, service, and repair: construction equipment and similar heavy equipment									C				P	P
Professional studios (artists, photographers, and the like)						P	P	P	P	P	P			
Travel centers											P			
Truck garage						C	C	C	C					

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COMMERCIAL USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Undertaking establishments						C	C	C	C					
Wholesale business													P	P
Wholesale uses that exceed 10,000 square feet in floor area								C	C					

INDUSTRIAL & MANUFACTURING USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Artisan shops						P	P	P	P	P	P	C	P	P
Breweries, excluding microbreweries							C						C	
Cleaning and dyeing, collection and distribution depots only							P	P	P				C	
Clothing, textile, or apparel manufacturing												C		
Composting operation	C													C
Craft distilleries						C	C					C		
Distilleries, excluding craft distilleries							C						C	
Distribution center														P
Extraction use	C													
Indoor storage or wholesaling													P	P
Junkyard or salvage yard	C													C
Light industrial													P	P
Light industrial incidental to indoor sales										C				
Manufacture and bottling of nonalcoholic beverages													P	P
Manufacturing operations														C
Microbreweries and brewpubs						C	C	C	C	C		P		
Outdoor storage or wholesaling														C
Processing, packing and manufacture of food, with a retail component						C	C	C	C	C				
Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage byproducts, or the vining of peas													C	
Self-service storage units and mini-warehouses													C	
Sewage disposal plants								C	C				C	
Sexually oriented land use														C
Underground fuel storage and pumps						C	C	C	C					
Winery							C						C	
Winery, boutique						C	C					C		

CIVIC, INSTITUTIONAL, AND HEALTHCARE USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Ambulance services								C	C				C	
Cemeteries		C			C	C	C	C	C					
Community buildings and grounds		C	C	C		C	C	C	C	C	C			
County penal institutions								C	C				C	
Hospitals and clinics						C	C	C	C					
Institutions of an educational, philanthropic or eleemosynary nature						C	C	C	C					
Libraries		C				C	C	C	C	C	C			
Municipal buildings, except the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions		C	C	C		C	C	C	C	C	C			
Museums and art galleries		C				C	C	C	C	C	C			

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CIVIC, INSTITUTIONAL, AND HEALTHCARE USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Nursing, rest, or convalescent homes				C				C	C					
Philanthropic and eleemosynary institutions				C										
Places of worship		C	C	C		P	P	P	P	P	P	P		
Private clubs, fraternities and lodges, except those whose chief activity is customarily carried on as a business				C	C									
Schools, colleges, and universities		C				C	C	C	C	C	C			

UTILITY, COMMUNICATION, & TRANSPORTATION USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Airports	C													C
Antennas, communication tower, and microwave relay stations, other than mobile towers and amateur radio towers	C						P	P					C	C
Bus and railroad depots							C							
Dumps, disposal areas, incinerators, and waste disposal facilities	C													C
Essential services	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Freight terminal														C
Intermodal and transportation stations											C			
Mobile towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Radio broadcast studios							P	P	P				C	
Railroad right-of-way, not including switching, storage, freight yards or siding		C	C	C										

INDOOR & OUTDOOR RECREATION USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Campgrounds	C													
Indoor recreation, commercial							P	P				P		
Outdoor recreation, commercial								C	C		C			
Outdoor recreation, active non-commercial	C	C	C	C	P	C	C	C	C	P	C			
Outdoor recreation, passive non-commercial	P	C	C	C	P	C	C	C	C	P	C			
Public pools and water slides								C	C					

ACCESSORY USES & STRUCTURES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Accessory dwelling unit, as an accessory to a single-family dwelling	C	C	C	C										
Accessory structure, excluding detached garages and transitory accessory structures, not to exceed two per lot in residential districts		P	P	P		P	P	P						
Alternative Energy System: Electric vehicle infrastructure, levels 1, 2	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Alternative Energy System: Electric vehicle infrastructure, level 3						C	C	C	C	C	C	C	C	C
Alternative Energy System: Geothermal Energy Systems	C	C	C	C		C	C	C	C	C	C	C	C	C
Alternative Energy System: Solar Energy Systems	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Alternative Energy System: Small Wind Energy Systems.	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Amateur radio antenna	C	C	C	C	C									
Detached garages, not to exceed one per lot in residential districts		P	P	P		P	P	P						
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupations	P	P	P	P	P	P	P	P						
Keeping of bees, with approved permit under Chapter 26		P	P	P		P	P	P	P	P	P	P	P	P
Keeping of chickens, with approved permit under Chapter 26		P	P	P		P	P	P						

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ACCESSORY USES & STRUCTURES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Livestock on lots smaller than five acres in size, not to exceed one animal unit per acre excluding one acre for Principal Structure	C													
Offices, accessory to a Principal Use.													P	P
Professional offices, as an accessory to a dwelling units		C	C	C										
Satellite dishes or antennae, excluding amateur radio	P	P	P	P	P									
Short-term rentals of dwelling units, with approved license	C	C	C	C	C									
Storage garage or parking area in connection with a housing development project				C										
Swimming pools.	P	P	P	P										
Tasting rooms, as an accessory to a craft distillery, microbrewery, or winery							C					C	C	C
Transitory accessory structures		P	P	P		P	P	P						
Uses customarily incidental to a Principal Use	P	P	P	P		P	P	P						

OTHER USES	Zoning District													
	A-1	R-1	R-2	R-3	MH	B-1	B-2	B-3	B-4	B-5	B-6	B-7	I-1	I-2
Unlisted uses deemed by the Plan Commission to be substantially the same as a Conditional use in the applicable zoning district. Once approved, this Chapter shall be amended to include such use as a listed Conditional use.	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Unlisted uses deemed by the Plan Commission to be substantially the same as a Permitted Use in the applicable zoning district. Once approved, this Chapter shall be amended to include such use as a listed Permitted Use.	C	C	C	C	C	C	C	C	C	C	C	C	C	C

NOTES
Table Codes: P – Permitted Uses; C – Conditional uses
Supplementary Provisions – Please see the Supplementary Provisions Section of this Chapter for regulations and standards applicable to various Permitted, Conditional, and Accessory Uses.
Definitions – Please see Definitions Section of this Chapter for additional information applicable to various Permitted, Conditional, and Accessory Uses.

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17.110 AGRICULTURAL DISTRICTS

17.111 – A-1 AGRICULTURAL DISTRICT

(1) Intent. This district is intended to:
   (a) Preserve a very low density, high quality rural setting for estate residential accommodating limited agricultural uses and livestock not to exceed one animal unit per acre with the Principal Structure accounting for one acre.
   (b) Provide for the continuance of commercial agriculture, consistent with Chapter 91, Wis. Stats., on properties of sufficient area to permit compatibility with surrounding residential development.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

Lot	Minimum Area	Five acres
	Minimum Width	300 feet
	Open Space	4.25 acres per dwelling unit
Agricultural Structures	Maximum Floor Area	None
	Height Maximum	50 feet

Principal Structure, single-family detached	Minimum Floor Area	650 square feet
	Maximum Height	35 feet
Principal Structure, two-family	Minimum Floor Area	1,200 square feet; 450 square feet per unit
	Maximum Height	35 feet
Detached Garage, Residential	Maximum Floor Area	3,200 square feet
	Height Maximum	15 feet; 10 feet sidewall [a]
Accessory structure. Residential	Maximum Floor Area	200 square feet [b]
	Height Maximum	15 feet; 10 feet for sidewall [a]
Minimum Setback	Street Yard	80 feet
	Side Yard	50 feet
	Rear Yard	50 feet
[a] See the Modifications Section of this Chapter. [b] Excludes Transitory Accessory Structures and Accessory Dwelling Units as defined in this Chapter.		

17.120 RESIDENTIAL DISTRICTS

17.121 – R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

(1) Intent. This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the single-family residential district shall serve as a designation which preserves and protects the residential community character of its area.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

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Lot Standards			
Lot	Minimum Area	8,500 square feet per dwelling unit	
	Minimum Width	66 feet	
	Minimum Open Space	40 percent of lot area for lots less than one acre in size	
		60 percent of lot area for lots one acre to 1.49 acres in size	
		95 percent of lot area for lots five acres in size and larger	
Structural Standards			
Principal Structure, single-family detached	Minimum Floor Area	650 square feet	
	Maximum Height [a]	35 feet	
Detached Garage [b] [c]	Maximum Area	Lots less than one acre in size	1,008 square feet
		Lots one acre to 1.49 acres in size	1,800 square feet
		Lots five acres in size and larger	3,200 square feet
	Maximum Height	Without ADU: 15 feet; 10 feet for sidewall	
		With ADU: 25 feet; 15 feet for sidewall	
Accessory Dwelling Unit (ADU) [c] [d]	Maximum Area	700 square feet	
	Maximum Height	25 feet	
Accessory structures, lot less than one acre in size [e]	Maximum Area	200 square feet [g]	
	Maximum Height	15 feet; 10 feet for sidewall [f]	

Accessory structures, lots one acre to 1.49 acres in size [e]	Maximum Area	400 square feet [g]
	Maximum Height	20 feet; 14 feet for sidewall [f]
Accessory structures, lots five acres or larger in size [e]	Maximum Area	600 square feet [g]
	Maximum Height	30 feet; 20 feet for sidewall [f]
Minimum Setbacks [a]		
Principal Structure	Street Yard	25 feet
	Side Yard, 1.5 stories or fewer	Eight feet one side, 18 feet total for both sides
	Side Yard, two stories or more	10 feet one side, 25 feet total for both sides
	Rear Yard	30 feet
Accessory structures, lot less than one acre in size	Secondary Street Yard	25 feet
	Side Yard	Three feet
	Rear Yard	Three feet
	Alley	10 feet
	Between structures [f]	10 feet
Accessory structures, lots one acre to 1.49 acres in size	Secondary Street Yard	25 feet
	Side	15 feet
	Rear	15 feet
	Between structures [f]	10 feet
Accessory structures, lots five acres or larger in size	Secondary Street Yard	25 feet
	Side Yard	25 feet
	Rear Yard	25 feet
	Between structures [f]	10 feet

[a] On a single lot having a width of less than 66 feet and of record on November 3, 1967, the sum of the widths of the side yards shall be not less than the equivalent of 4.6 inches per foot of the lot width for buildings not over 1½ stories high and of 5.5 inches per foot of lot width for buildings from 1½ to 2½ stories high; provided further, that the buildable width of any such lot in no case shall be reduced to less than 24 feet, nor shall the width of any single side yard be less than 40% of the total required side yard width.
[b] No more than one detached garage allowable on a single lot.
[c] Detached garages and accessory dwelling units shall use like materials and colors to those of the Principal Structure. Exterior building materials shall be of comparable aesthetic quality on all sides. Corrugated metal is prohibited.
[d] No more than one accessory dwelling unit allowable in a single lot.
[e] No more than three accessory structures allowable on a single lot. Accessory structures include detached garages and accessory dwelling units but exclude transitory accessory structures.
[f] See the Modifications Section of this Chapter.
[g] Excludes Transitory Accessory structures and Accessory Dwelling Units as defined in this Chapter.

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17.122 – R-2 TWO-FAMILY RESIDENTIAL DISTRICT

(1) Intent. This district is intended to permit development which has a moderate density community character. The land use standards for this district permit both single-family detached residential development and twin house/duplexes permitted by right. Density and intensity standards for this district are designed to ensure that the district shall serve as a designation which preserves and protects the moderate density residential community character of its area.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

Lot Standards			
Lot, single-family dwelling	Minimum Area	8,500 square feet per dwelling unit	
	Minimum Width	66 feet	
	Minimum Open Space	40 percent of lot area	
Lot, two-family dwelling	Minimum Area	5,000 square feet per dwelling unit	
	Minimum Width	66 feet	
	Minimum Open Space	40 percent of lot area	
Structural Standards			
Principal Structure, single-family dwelling	Minimum Floor Area	450 square feet	
	Maximum Height	35 feet	
Principal Structure, two-family dwelling	Minimum Floor Area	1,200 square feet total, 450 square feet per unit	
	Maximum Height	35 feet	
Detached Garage [b] [c]	Maximum Area	Lots less than one acre in size	1,008 square feet
		Lots one acre to 1.49 acres in size	1,800 square feet
		Lots five acres in size and larger	3,200 square feet
	Maximum Height	Without ADU: 15 feet; 10 feet for sidewall	
		With ADU: 25 feet; 15 feet for sidewall	
Accessory Dwelling Unit (ADU) [c] [d]	Maximum Area	700 square feet	
	Maximum Height	25 feet	
Accessory structures, lot less than one acre in size [e]	Maximum Area	200 square feet	
	Maximum Height	15 feet; 10 feet for sidewall [f]	
Accessory structures, lots one acre to 1.49 acres in size [e]	Maximum Area	400 square feet	
	Maximum Height	20 feet; 14 feet for sidewall [f]	
Accessory structures, lots five acres or larger in size [e]	Maximum Area	600 square feet	
	Maximum Height	30 feet; 20 feet for sidewall [f]	
Minimum Setbacks			
Principal Structure	Street Yard	25 feet	
	Side Yard	10 feet one side, 25 feet total for both sides	
	Rear Yard	30 feet	
Accessory structures, lot less than one acre in size [e]	Secondary Street Yard	25 feet	
	Alley	10 feet	
	Side	Three feet	
	Rear	Three feet	
	Between structures [g]	10 feet	
Accessory structures, lots one acre to 1.49 acres in size [e]	Secondary Street Yard	25 feet	
	Side	15 feet	
	Rear	15 feet	
	Between structures [g]	10 feet	
Accessory structures, lots five acres or larger in size [e]	Secondary Street Yard	25 feet	
	Side Yard	25 feet	
	Rear Yard	25 feet	
	Between structures [g]	10 feet	

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[a]	Every zero lot line or common wall development shall be on a zoning lot where each single-family attached dwelling hereafter erected shall have a minimum area of not less than 3,600 square feet and a minimum width of 33 feet at the building line.
[b]	No more than one detached garage allowable on a single lot.
[c]	Detached garages and accessory dwelling units shall use like materials and colors to those of the Principal Structure. Exterior building materials shall be of comparable aesthetic quality on all sides. Corrugated metal is prohibited.
[d]	No more than one accessory dwelling unit allowable in a single lot.
[e]	No more than three accessory structures allowable on a single lot. Accessory structures include detached garages and accessory dwelling units but exclude transitory accessory structures.
[f]	See the Modifications Section of this Chapter.
[g]	Excludes transitory accessory structures. For zero lot line or common wall development a dwelling unit may be placed on one interior side property line, giving it one zero-side/interior setback. The exterior of the other side yard of the principal building shall have a setback of not less than 12.5 feet.

17.123 – R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

(1) Intent. This district is intended to permit development which has a moderate density community character. The land use standards for this district permit single-family detached, twin house/duplex, 2-flats, townhouses, and multiplexes and apartments permitted by right and related institutional land uses. Density and intensity standards for this district are designed to ensure that the multifamily residence district shall serve as a designation which preserves and protects the community character of its area.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

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Lot Standards		
Lot	Minimum Area	10,000 square feet; 2,150 square feet per dwelling unit
	Minimum Width	100 feet
	Minimum Open Space	50 percent of lot area
Structural Standards		
Principal Structure, single-family dwelling	Minimum Floor Area	450 square feet
	Maximum Height	35 feet
Principal Structure, two-family dwelling	Minimum Floor Area	1,200 square feet
	Maximum Height	45 feet
Principal Structure, three-family dwelling	Minimum Floor Area	1,500 square feet
	Maximum Height	45 feet
Principal Structure, four- or more-family dwelling	Minimum Floor Area	450 square feet per unit
	Maximum Height	45 feet
Accessory structure	Maximum Height	15 feet [a]
Minimum Setbacks		
Principal Structure, single-family detached	Street Yard	25 feet
	Side Yard, 1.5 stories or fewer	Eight feet one side, 18 feet total for both sides
	Side Yard, two stories or more	10 feet one side, 25 feet total for both sides
	Rear Yard	30 feet [b]
Principal Structure, two- or more-family dwelling	Street Yard	25 feet
	Side Yard	10 feet one side, 25 feet total for both sides
	Rear Yard	30 feet [b]
Accessory structure, lot less than one acre in size	Secondary Street Yard	25 feet
	Side	Three feet
	Rear	Three feet

	Between structures [c]	10 feet
[a] See the Modifications Section of this Chapter. [b] Buildings 30 or more feet in height, five feet shall be added to the rear yard for each additional five feet in height. [c] Excludes Transitory Accessory structures as defined in this Chapter.		

17.124 – MH MOBILE HOME DISTRICT

(1) Intent. This district is intended to provide a safe, attractive, and functional environment for mobile and manufactured home parks and subdivisions, where the characteristics of manufactured homes do not allow them to be classified as single-family dwellings. The district shall be mapped only where the mobile or manufactured home park will be provided with public sanitary sewer service.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area, total lot	10 acres
	Minimum Area, per unit	6,000 square feet
	Minimum Width, per unit	50 feet
	Minimum Open Space	50 percent of lot area
Structural Standards		
Principal Structure	Minimum Floor Area	1,000 square feet
	Minimum Dimensions	25 feet by 40 feet
	Maximum Height	35 feet
	Minimum Roof Pitch	4:12
	Minimum Eave Width	18 inches
Accessory structure [a]	Maximum Height	15 feet [a]
Minimum Setbacks		
Principal Structure	Perimeter Yard	40 feet
	Right-of-Way	25 feet
	Private Road	20 feet
	Between Units	30 feet [b]
Accessory structure	Perimeter Yard	40 feet
	Between structures [b]	10 feet
[a] See the Modifications Section of this Chapter. [b] Excludes Transitory Accessory structures as defined in this Chapter.		

(4) Additional Standards.

(a) Site Plan Requirements. The following information is required for all mobile home parks:

1. A written description of the proposed mobile or manufactured home park, including proposed terms of sale or lease of sites; park rules; a maintenance program and responsibilities; types of homes to be constructed or allowed; other ancillary uses for the site; and assurances that the site will be developed and operated in accordance with all approved plans, including bylaws and deed restrictions.
2. A site plan map drawn to scale showing proposed mobile or manufactured home park layout; location of home sites, roads, parking areas, and site boundaries; existing topography lines; existing natural features including waterways, wetlands, floodplains, woodlands, and shoreland areas; required perimeter and home setbacks and spacing; existing and proposed buildings and other structures; water supply well and lines; sanitary waste disposal lines and system; grading and stormwater management plan; covered or screened refuse storage areas; proposed types and locations of landscape plantings and recreation areas; proposed development phasing if any; and any other information the Zoning Administrator shall deem necessary. Professional engineering

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assistance is encouraged in such design, especially of roadways, home siting, site grading and stormwater management, and utility placement.

(b) Shall conform to requirements of HFS 177, Wis. Adm. Code.

(c) Shall provide an acceptable sewage treatment and/or disposal system meeting the requirements of all applicable State regulations and Chapter 15: Plumbing Code of the Waupaca Municipal Code.

(d) Shall have direct access to a public road and a circulation plan that facilitates the safe and efficient movement of emergency vehicles.

(e) All access interior park roads shall meet the minimum construction standards required by Chapter 18: Subdivision and Platting. All interior park roads, driveways to individual home sites, and parking areas shall be hard surfaced, and maintained in a dust-free condition. Where driveways to individual home sites are located on opposite sides of the road, they shall be offset to avoid collisions when backing out.

(f) Home sites and access drives shall be located, graded, and maintained to provide each site with positive site drainage and for each site to be free from flooding. All sites shall be provided with anchor points for securing mobile or manufactured homes.

(g) Shall provide a minimum of one acre of common recreation open space, plus an additional 500 square feet for each home site or lot in the park. The minimum required perimeter setback and individual home sites shall be included in the gross site area, but not in the calculation of common recreation open space. Such common open space shall be regular in shape and shall not be subject to flooding or lengthy periods of wet conditions. Common recreation open space shall be maintained in perpetuity by the mobile or manufactured park owner.

(h) Each mobile or manufactured home, principal and accessory building, and vehicle parking area shall meet the minimum shoreland setback associated with any navigable waterway in Chapter 21: Shoreland-Wetland Code. There shall be a 40-foot landscaped buffer setback from all other exterior lot lines of the mobile or manufactured home park to all home sites, roads, parking areas, recreation areas, wells, and private sewage disposal systems. Roads and utility crossings of the buffer setback shall be minimized and shall occur at right angles wherever possible. The project shall provide a landscaped bufferyard along all exterior lot lines.

(i) All mobile or manufactured homes shall be used for dwelling purposes. No mobile or manufactured home site shall be rented for a period of less than 30 days.

(j) The mobile or manufactured home park shall be owned by a single individual, trust, partnership, public or private association, or corporation, except for a mobile or manufactured home subdivision, where a homeowners association shall be established for the management and maintenance of all common areas not in public ownership.

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17.130 BUSINESS DISTRICTS

17.131 – B-1 NEIGHBORHOOD BUSINESS DISTRICT

(1) Intent. This district is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood and the character, appearance and operation of which are compatible with the character of the surrounding area.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area	8,500 square feet
	Minimum Width	66 feet
	Minimum Open Space, lot 20,000 square feet in size or smaller	No minimum
	Minimum Open Space, lot 20,001 to 30,000 square feet in size	10 percent

	Minimum Open Space, lot 30,001 square feet in size or larger	25 percent
Structural Standards		
Principal Structure	Maximum Floor Area, one-story structure	5,000 square feet
	Maximum Floor Area, two-story structure	10,000 square feet
	Maximum Height	35 feet
Accessory structure [a]	Maximum Height	15 feet [a]
Minimum Setbacks		
All Structures	Street Yard	25 feet
	Side Yard	10 feet
	Rear Yard	15 feet
[a] See the Modifications Section of this Chapter.		

17.132 – B-2 CENTRAL BUSINESS DISTRICT

(1) Intent. This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. A wide range of office, retail, and lodging land uses are permitted within this district. In an effort to minimum the potential disruptions to existing residential development, nonresidential development within this district should minimize direct access to local residential streets or residential collector streets. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central City locations.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

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Lot Standards		
Lot	Minimum Area	No minimum
	Minimum Width	No minimum
	Minimum Open Space	No minimum
Structural Standards		
Principal Structure	Maximum Floor Area, one-story structure	No maximum
	Maximum Height	45 feet
Accessory structure [a]	Maximum Height	30 feet [a]
Minimum Setbacks		
All Structures	Street Yard	No minimum
	Side Yard	No minimum
	Rear Yard	No minimum
[a] See the Modifications Section of this Chapter.		

17.133 – B-3 GENERAL COMMERCIAL DISTRICT

(1) Intent. This district is intended to permit large and small scale commercial development which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, direct access to a local residential street or a residential collector street is strongly discouraged.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.
(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area	20,000 square feet
	Minimum Width	100 feet
	Minimum Open Space, lot 20,000 square feet in size or smaller	No minimum
	Minimum Open Space, lot 20,001 to 30,000 square feet in size	10 percent
	Minimum Open Space, lot 30,001 square feet in size or larger	25 percent
Structural Standards		
Principal Structure	Maximum Floor Area	50 percent of lot area
	Maximum Height	35 feet
Accessory structure [a]	Maximum Height	30 feet [a]
Minimum Setbacks		
All Structures	Street Yard	25 feet
	Side Yard	10 feet
	Rear Yard	15 feet
[a] See the Modifications Section of this Chapter.		

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17.134 – B-4 STRIP COMMERCIAL DISTRICT

(1) Intent. The strip commercial district was created to facilitate the development of land annexed to the City of Waupaca on the West Side. This property was envisioned to be developed into larger retail properties which would attract businesses that would desire a close proximity to U.S. Highway 10 (i.e., hotels, fast food restaurants, convenience stores/gas stations, and other convenience type businesses). The City will maintain the current strip commercial district for those properties already in this district. Future properties will be discouraged from using this zoning category. At the time the City of Waupaca undertakes a complete zoning code rewrite, the City may choose to rezone any or all properties currently zoned strip commercial district to a more suitable district.
(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.
(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area	No minimum
	Minimum Width	100 feet
	Minimum Open Space, lot 20,000 square feet in size or smaller	No minimum
	Minimum Open Space, lot 20,001 to 30,000 square feet in size	10 percent
	Minimum Open Space, lot 30,001 square feet in size or larger	25 percent
Structural Standards		
Principal Structure	Minimum Floor Area	1,000 square feet
	Maximum Floor Area	50 percent of lot area
	Maximum Height	35 feet [a]
Accessory structure [a]	Maximum Height	30 feet [b]

Minimum Setbacks		
All Structures	Street Yard, major street	50 feet
	Street Yard, minor street	25 feet
	Side Yard	20 feet
	Rear Yard	25 feet
[a] See the Modifications Section of this Chapter.		

17.135 – B-5 PLANNED COMMERCIAL DISTRICT

(1) Intent. This district is intended to permit large- and small-scale commercial development which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, development within this district should take access from a collector or arterial street.
(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.
(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area	20,000 square feet
	Minimum Width	100 feet
	Minimum Open Space, lot 20,000 square feet in size or smaller	No minimum
	Minimum Open Space, lot 20,001 to 30,000 square feet in size	10 percent
	Minimum Open Space, lot 30,001 square feet in size or larger	25 percent
Structural Standards		
Principal Structure	Minimum Floor Area	1,000 square feet
	Maximum Floor Area	50 percent of lot area
	Maximum Height	20 feet [a]
Accessory structure [a]	Maximum Height	15 feet [b]
Minimum Setbacks		
All Structures	Street Yard, major street	50 feet
	Street Yard, minor street	25 feet
	Side Yard	20 feet
	Rear Yard	25 feet
[a] A maximum height of 45 feet is allowable for structures located more than 50 feet from all lot lines. [b] See the Modifications Section of this Chapter.		

17.136 – B-6 INTERCHANGE ZONE DISTRICT

(1) Intent. The interchange zone district was created to facilitate the development of land within an approximate ½-mile radius of the U.S. Highway 10/State Highway 22/54 Interchange. This property was envisioned to be developed into large-scale and travel-oriented retail with design standards that result in a welcoming gateway to the City of Waupaca.
(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

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(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area	No minimum
	Minimum Width	100 feet
	Minimum Open Space	15 percent, devoted to landscaped open space
Structural Standards		
Principal Structure	Minimum Floor Area	10,000 square feet
	Maximum Height	60 feet [a]
Accessory structure [a]	Maximum Height	30 feet [a] [b]
Minimum Setbacks		
All Structures	Street Yard	50 feet
	Side Yard	40 feet total; 10 feet minimum for one side
	Rear Yard	25 feet
[a] See the Modifications Section of this Chapter.		

(4) Additional Standards.

(a) Building Architecture and Style Regulations.

1. Exterior building materials shall be of high and comparable aesthetic quality on all sides. Building materials such as glass, brick, decorative concrete block, metal panel with concealed fastener, or stucco shall be used.
2. A minimum of 20 percent of all of the combined facades of the structure shall employ actual facade protrusions or recesses.
3. A minimum of 20 percent of all the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured from eave to eave or parapet to parapet.
4. A variation in color consistent with the requirements of the EGD District is encouraged on all building facades.
5. Windows shall be integrated into building design.
6. Building entrances shall be clearly marked by incorporating distinct architectural features such as canopies, overhangs, projections, arcades, peaked roof forms, arches, display windows or other similar features.
7. Barbed wire or electrical and single-, double- or triple-strand fences are prohibited.
8. All mechanical and utility equipment shall be screened or painted to be similar to the surrounding area.
9. All loading docks, outdoor storage and refuse areas shall be screened from public view using walls, or enclosures constructed of materials consistent with those used on the Principal Structure on the property. Screening fences, walls or enclosures shall be no less than eight feet in height.

(b) Landscaping and Open Space Regulations.

1. All landscaping requirements for the EGD District apply.
2. All open areas of any lot not used for parking, driveways, or storage shall be landscaped consistent with the Landscaping Section of this Chapter.
3. All parking areas shall be landscaped with a buffer strip not less than 15 feet wide located between the edge of the right-of-way and the surface of the parking area. Corner lots shall provide said landscape buffer along both abutting rights-of-way. At least one tree per 50 feet of street frontage shall be provided. The same total number of trees may be planted in clusters with varied spacing to create a more natural look. Areas between trees shall be landscaped using a combination of shrubs, berms or planted ground cover.
4. Any frontage abutting a residential use shall have a landscape buffer or other screening material that is consistent with those used on the Principal Structure along the abutting frontage and no less than eight feet in height. The buffer shall include at least one tree per 40 feet of abutting frontage.

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5. All trees located adjacent to designated parking areas must be pruned so that branching begins no less than six feet above pavement.

(c) Traffic Impact and Circulation.

1. A Traffic Impact Analysis conducted by a licensed professional engineer with expertise in traffic engineering shall be required when staff determines a probability of potentially significant effects on offsite traffic and circulation as a result of proposed development.
2. The extent of the boundaries for the Traffic Impact Analysis study area shall be determined by staff in consultation with the developer.
3. The analysis shall specify necessary improvements to existing road infrastructure and detailed on-site traffic circulation strategies. On-site traffic circulation shall account for vehicle and pedestrian access to existing adjacent developments. Traffic circulation shall also account for vehicle and pedestrian access to existing infrastructure.
4. Shared access and interconnected design best practices shall be used. Generally, adjacent lots shall share access to public rights-of-way and parking lots shall interconnect whenever practical. Shared access and interconnected parking lots will be assessed in accordance to traffic impact analysis results.
5. Vehicular access points planned to be located along property lines, or closer than six feet from a property line, should be considered for shared vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two lots or parcels of land or may be a mutually agreed upon land access easement.
6. Staff may require curb and islands for internal parking circulation when such structures are deemed necessary for safety vehicular and pedestrian circulation.

(d) Bicycle and Pedestrian Accommodations. Bicycle and pedestrian accommodations shall be included to encourage bicycle and pedestrian circulation by providing adequate and safe storage and parking facilities for bicycles and providing adequate and safe facilities and access for pedestrians.

1. One bicycle parking space shall be provided for each 2,000 square feet of floor area up to a maximum of 10 spaces. In all cases where bicycle parking is required a minimum of two spaces shall be provided.
2. Bicycle parking spaces shall be located close to automobile parking spaces but kept separate and out of conflict with motor vehicle traffic.
3. Bicycle parking facilities shall be located in a clearly designated and convenient location and shall be harmonious with the surrounding environment and shall be at least as convenient as the majority of auto parking spaces provided.
4. Bicycle parking is allowed in the front and side setbacks of the parcel provided that the parking area requires no more than 25 percent of the required setback area being paved and the bicycle parking area is no further than 100 feet from the primary entrance of the building.
5. Required bicycle parking racks must be designed to support the bicycle by its frame and allow the use of either a cable lock or a U-shaped lock. Bicycle lockers and secure indoor storage facilities are also allowed.
6. Bicycle parking facilities shall be at least two feet wide and six feet deep with an access aisle at least five feet wide.
7. Continuous pedestrian walkways shall be provided from building entries to the public sidewalk or right-of-way, existing community trails, parking areas, transit stops, and adjacent properties, as appropriate to encourage connectivity to off-site pedestrian walkways.
8. On-site pedestrian walkways and sidewalks shall be a minimum of five feet wide, except that walkways adjacent to a parking area where cars may overhang the walkway shall be a minimum of seven feet wide.
9. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in color, texture, or height.

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17.137 – B-7 RIVERFRONT DISTRICT

(1) Intent. This district is intended to permit the combined residential and commercial use of buildings in correlation with the 'Live-Work' style of first story living. The B-7 district is created with the idea of residential living on the first floor in part due to the location of the buildings in proximity to the water. At the time of adoption, all new or future development shall maintain a minimum of two-story building frontage along all public streets. The live-work style promotes increased usage of the backside of the buildings which has significant topographic grade changes towards Riverview Park. A range of retail, commercial, and residential land uses are permitted within this district.
(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.
(3) Dimensional Standards. The dimensional standards in the B-7 District are those of existing structures.

17.140 INDUSTRIAL DISTRICTS

17.141 – I-1 LIGHT INDUSTRIAL DISTRICT

(1) Intent. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond relatively extensive landscaping, the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.
(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.
(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area	20,000 square feet
	Minimum Width	100 feet
	Minimum Open Space	35 percent of lot area
Structural Standards		
Principal Structure	Maximum Floor Area	60% of lot area
	Maximum Height	45 feet
Accessory Structure [a]	Maximum Height	50 feet [a]
Minimum Setbacks		
All Structures	Street Yard	25 feet
	Side Yard	20 feet
	Rear Yard, buildings less than two stories in height	20 feet
	Rear Yard, building two stories in height or taller	23 feet
[a] See the Modifications Section of this Chapter.		

17.142 – I-2 HEAVY INDUSTRIAL DISTRICT

(1) Intent. This district is intended to permit both large and small scale industrial and office development at an intensity which provides ample incentive for infill development and redevelopment of industrial areas existing as of the effective date of this Chapter. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to

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residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

(2) Uses. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards.

Lot Standards		
Lot	Minimum Area	10,000 square feet
	Minimum Width	100 feet
	Minimum Open Space	25 percent of lot area
Structural Standards		
Principal Structure	Maximum Floor Area	60% of lot area
	Maximum Height	45 feet
Accessory Structure [a]	Maximum Height	50 feet [a]
Minimum Setbacks		
All Structures	Street Yard	25 feet
	Side Yard	20 feet
	Rear Yard, buildings less than two stories in height	30 feet
	Rear Yard, building two stories in height or taller	33 feet
[a] See the Modifications Section of this Chapter.		

17.150 NON-STANDARD DISTRICTS

17.151 – SPO SHORELAND PROTECTION OVERLAY DISTRICT

(1) Intent. This District is intended to preserve and protect the environmental quality of surface waters and the natural and economic values of shoreland areas within the City of Waupaca.

(a) District Application. The Shoreland Protection Overlay District shall be superimposed (overlaid) upon the base zoning district in effect. The regulations and requirements imposed by the Shoreland Protection overlay District shall be in addition to those established by the base zoning district which jointly apply. Under joint application of the districts, the more restrictive requirements shall apply.

(b) Exemption. A structure or use which was lawful before adoption of this Section, but which is not in conformity with the provisions of the Shoreland Protection Overlay District, may be continued subject to the Nonconformities Section of this Chapter.

(2) Uses. Any use permitted by right or by Conditional Use Permit in the underlying base zoning district is allowed as a permitted or Conditional use in the Shoreland Protection Overlay District. See Section 17.104 of this Chapter for a complete list of Permitted Uses and Conditional uses for all zoning districts.

(3) Dimensional Standards. All dimensional standards are as applicable for the underlying base zone.

Lot Standards		
Lot	Minimum Area	Same as underlying base zone
	Minimum Width	Same as underlying base zone
	Minimum Open Space	Same as underlying base zone
Structural Standards		
Principal Structure	Maximum Floor Area	Same as underlying base zone
	Maximum Height	Same as underlying base zone
Accessory structure [a]	Maximum Height	Same as underlying base zone

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Minimum Setbacks		
All Structures	Street Yard	Same as underlying base zone
	Side Yard	Same as underlying base zone
	Rear Yard	Same as underlying base zone
	Shore Yard	75 feet from the Ordinary High Water Mark of a navigable lake or channel.

17.152 – PUD PLANNED UNIT DEVELOPMENT DISTRICT

(1) Intent. This Section is intended to encourage residential and commercial planned unit developments offering greater creativity and flexibility in site plan design than is provided under the strict application of zoning and subdivision regulations while, at the same time, preserving the health, safety, order, convenience, prosperity and general welfare of the City. Specifically, the purpose of the planned unit development district is to:
   (a) Assure that growth is planned and accomplished within the City's goals, both for the surrounding neighborhood and the community as a whole.
   (b) Promote flexibility in design and the efficient use of land to facilitate a more economic arrangement of buildings, uses, circulation systems and utilities.
   (c) Provide for the accomplishment of external architectural unity so as to promote design harmony.
   (d) Preserve, to the greatest extent possible, existing landscape features and natural amenities and utilize such features in an effective manner.
   (e) Enhance the natural setting through the placement of man-made facilities and plant materials.
   (f) Provide more usable and suitably located common and open space areas than would otherwise be provided under conventional land development procedures.

(2) Uses. Uses permitted in a planned unit development may consist of one or a mixture of land uses clearly designated by type on the approved final development plan. Mixed uses may occur among or within buildings as long as the uses are compatible with each other and with planned and existing uses surrounding the PUD.

(3) District Standards.
   (a) Access. All land uses shall abut on a public street or have adequate access to a public street by means of a private drive. All streets and drives shall tie in effectively with the City's existing street system and with those arterial and collector streets proposed in its future land use plan.
   (b) Architectural Style. The architectural style of individual structures shall be compatible with other structures in the PUD, with the overall site design and with surrounding land uses.
   (c) Common Open Space. Whenever possible, common open space shall be linked to the open space areas of surrounding developments. Common open space shall be of a size, shape, location and usability for its proposed purpose.
   (d) Density. Density shall be governed by the standards of the zoning district most similar in function to the proposed use. A residential PUD may provide up to a 25 percent increase in the number of units per acre if the PUD provides substantially more site amenities than are found in a conventional residential development. The character, use of existing landscape, design variation and environmental concern of a PUD shall govern the amount of approved density increase.
   (e) Determining Standards. Standards for lot area, coverage, setbacks, parking and screening shall be governed by the standards of the zoning district most similar in function to the proposed PUD use, as determined by the Plan Commission. Deviation from those standards may be permitted only if such deviation is consistent with the total design of the development, encourages a desirable living environment and is not detrimental to the welfare of the City.
   (f) Exterior Boundary Setback. No principal building shall be set back less than 20 feet from the exterior of a PUD or a public street right-of-way. No commercial or industrial structure shall be nearer than 50 feet to its side or rear property lines where such line abuts a single-family use.
   (g) Property Owner's Association. If not platted in a conventional manner, membership in a property owner's association shall be mandatory for all owners of property within the PUD. The

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property owner's association shall own and maintain all common open space and private interior drives.

1. Designation of Recreational Trails. When possible, trails should be integrated into the PUD. Trails within a PUD shall be encouraged to connect to existing or future exterior trail systems. A PUD not conventionally platted shall include at least 10 percent common open space.
2. Minimum PUD Development Area. At least two acres of land in single ownership or control shall be the minimum land area for a PUD. However, a site of less than two acres may qualify if one or more of the following conditions exist:
    a. Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features; or,
    b. The land is adjacent to or across the street from property which has been developed as a PUD and is to be developed in relationship to such prior development; or,
    c. Flexible design is needed to address detrimental site features affecting the development potential of a site such as heavily used highways, railroad tracks traversing a property, rock outcroppings, adjacent incompatible land uses or similar site constraints.

(4) Environmental Review Standards and Site Design Standards. In reviewing a proposed planned development, the City shall apply the following standards and the Plan Commission shall recommend approval of such planned development only when it has determined that the following standards have been reasonably satisfied.

(a) The proposal shall demonstrate an effective and unified treatment of the development possibilities on the project site, making appropriate provision for the preservation of scenic features and physical amenities of the site and the surrounding areas.
(b) The project shall be planned and developed to harmonize with any existing or proposed surrounding land uses.
(c) Individual buildings shall be related to each other in design, mass, placement and connection to provide a visually and physically integrated development.
(d) All buildings shall be arranged so as to be accessible to services and emergency vehicles.
(e) Landscape treatment for open spaces, roads, paths, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire project area, except lands donated to the City for park or trial development.
(f) Primary landscape treatment shall consist of shrubs, ground cover and street trees, and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Whenever possible, existing trees shall be conserved and integrated into the landscape design plan.
(g) All streets bordering the project area shall be planted at regular intervals with street trees.
(h) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, i.e. sidewalks and/or trails; roadways; driveways; off-street parking and loading spaces; trash removal facilities; and outdoor storage areas. All such facilities shall be designed to City specifications.
    1. Materials and design of paving, lighting fixtures, retaining walls, fences, signage, curbs, benches, etc. shall be of good appearance, easily maintained and indicative of their function.
    2. Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of access, and shall be developed as an integral part of an overall site design. To reduce unsightliness and the visual monotony of parked cars, such facilities shall be screened from public view with landscaping or fencing.
    3. Any above-grade loading facility shall be screened from public view to the extent necessary to reduce unsightliness.

(5) Preliminary Development Plan Application.

(a) Preliminary Plan. The preliminary plan shall include the following:
    1. Existing wooded areas, streams, marshes and other predominant natural features.
    2. Phasing schedule stating the geographical phasing and approximate construction timing of the PUD or portions thereof.
    3. Preliminary drainage plan.

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4. Preliminary utility plan for all public utilities.
5. Site plan showing the lot lines, building locations, street system, parking spaces, drives, common open space areas, trails, recreational improvements and structures.
6. Summary sheet indicating the area of land in each land use, number of units proposed, density of development, percentage of land in usable open space, number of acres of common recreational open space and number of parking spaces provided.
7. Vicinity map showing sufficient area surrounding the proposed PUD to demonstrate the development's relationship to the adjacent land uses and street system.

(b) Application Information. The application form shall include the following:

1. A written explanation of the character and purpose of the proposed planned development including the type and density of any housing proposed; the nature and purpose of any nonresidential development; the proposed method for preserving and maintaining open space, streets and parking areas; and a general statement of proposed financing for the project.
2. Each proposal for planned development shall be accompanied by a schedule showing the times within which each phase or segment of the PUD will be completed. Approval of any PUD by the Council shall carry with it approval of the time schedule for completion of each phase or segment contained in the proposal and any changes or amendments.

(6) Procedure for Review of a Preliminary PUD. To obtain PUD zoning, the following procedures shall be followed:

(a) Prior to filing an application for a planned unit development zoning, the City shall schedule a pre-filing conference with the developer. The purpose of this to jointly review the proposal and consider any modifications or conditions that should be included in the application and preliminary site plan.
(b) Following the pre-filing meeting, the petitioner shall file six copies of a preliminary development plan and application form with the City at least 10 days prior to the Plan Commission meeting.
(c) Within 45 days from the filing date, the Plan Commission shall make a recommendation to the Council to approve, approve with modifications or disapprove the proposal.
(d) After receipt of the Plan Commission report, the Council shall hold a public hearing on the proposed development. Within 45 days after such public hearing, the Council shall approve conditionally or disapprove the proposed planned unit development. Conditional approval shall be valid for one year and shall be subject to acceptance by the City of a final plan for all or a portion of the preliminary development plan. The final plan shall incorporate all conditions and modifications imposed by the Council.
(e) If part of the PUD involves the subdivision of land into parcels for sale to individual owners, the site plan review required pursuant to this Section may run concurrent with a subdivision review consistent with the City's platting requirements.

(7) Application for Final PUD Plan Approval. Prior to issuance of a building permit, an application for final development plan approval for particular phases or for the entire preliminary PUD project shall be filed with the City. Said application and final development plan shall include the following:

(a) A definite time frame for start of construction and approximate amount of time to build out the project.
(b) All pertinent dimensions shown to the nearest foot.
(c) Final grading, drainage, utility, lighting and landscape plans.
(d) Any signs, consistent with City's sign code.
(e) Deed restrictions and instruments dedicating all rights-of-way, access easements and public lands, drafted to the satisfaction of the City Attorney.
(f) By-laws of the property owner's association if one is pertinent to the project.
(g) Building elevation drawings, including specifications, except for detached single-family dwellings meeting required single-family residential district standards. The City may waive this requirement.
(h) Before a building permit may be issued, the developer shall file with the City a security instrument, i.e., a performance bond acceptable to the City in an amount equal to 150% of the estimated cost of public utilities and infrastructure in accordance with the subdivision regulations; paved parking; landscaping; walkways; recreational equipment, if any; and lighting in accordance with final development plans. Such bond shall be posted for each phase as it is

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proposed for development. The estimated cost for termination of each phase shall be retained by the City' until subsequent phases are under construction.

(8) Final PUD Plan Approval. Within 30 days after the final development plan is submitted, the Plan Commission shall make a recommendation to the Council on such plan as to its conformity with the preliminary development plan, fulfillment of all required items and continued compliance with findings required for preliminary development plan approval. Upon receiving the Plan Commission's recommendation, the Council shall either grant, grant subject to conditions or deny the final development plan. If approval is granted, a PUD permit shall be issued to the developer by the City, which permit shall contain any conditions attached by the Council.

(9) Filing of Final PUD Plan. Upon approval, the City Clerk shall certify three copies of such plan with one plan filed in the Clerk's office, the second plan in the planning office and the third plan in the Assessor's office. Such plan shall be drawn to a scale of 40 feet to one inch or larger. The dimensions of such plan shall not exceed three feet by six feet. In case of a large plan, two or more sheets may be required. If so, the sheets shall be numbered.

(10) Final PUD Plan Changes.

(a) Any significant changes in the approved final development plan may be made only after Plan Commission and Council approval. No changes in the final development plan may be made unless they are shown by the developer to be required by changes in conditions or circumstances not foreseen at the time of the final plan approval. Any significant changes shall be recorded as amendments to the approved final development plan. Minor changes and adjustments to the final site plan may be approved by City administration.

(b) In the event that any portion of such time schedule in the approved final development plan is not met, the developer may submit a written request for an extension of time, delivered to the Council at least 20 days prior to the expiration of the build out date. The Council may, for good cause, extend the previously agreed completion date. The petitioner has no limit upon the number of time extensions requested.

(c) If the developer fails to satisfy any phase or segment of the completion schedule within 20 days of the expiration date or within 30 days of an extension denial by the Council, said phase or portion of a previously approved site plan associated with the PUD shall become null and void.

(11) Termination of Final PUD Plan Approval. If final development plan approval is given to a developer and thereafter he/she wishes to abandon the plan, the developer shall notify the City in writing. If the developer fails to commence the development within 18 months or upon a finding by the Plan Commission that there has not been substantial progress, as indicated by installation of utilities or completion of five percent of the proposed floor area, such final development plan approval may be terminated after public hearing by the Council.

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17.153 – RC RESOURCE CONSERVATION DISTRICT

(1) Intent. This District is intended to be used to prevent destruction of natural or manmade resources and protect areas which are not adequately drained, or which are subject to periodic or potential flooding, where developments would result in hazards to health or safety; would deplete or destroy irreplaceable resources; or be otherwise incompatible with the public welfare.

(2) Uses.

(a) Permitted Uses. Fishing, hunting, preservation, conservation, forestry, wildlife preserves, hatcheries and water retention.

(b) Conditional uses. Drainage, grazing, orchards, truck farming, utilities and wild crop harvesting.

17.154 – EGD EAST GATEWAY DESIGN DISTRICT

(1) Area. The approximate boundary of this area lies south of State Highway 22/54 (Royalton Street) and east of a line extended running east of the west ½ of the northwest ¼ of the southeast ¼, Section 28 extending south to the southern City limits, and shall be referred to as the "East Gateway Area."

(2) Review Responsibility. The Plan Commission shall review all nonresidential development proposals in the EGD District.

(3) Locational Requirements. The following minimum setbacks shall be required for all structures and storage of materials or products excluding pavement, sidewalks, and stormwater facilities:
   (a) Street Yard: 50 feet.
   (b) Side Yard: 25 feet.
   (c) Rear Yard: 25 feet.
   (d) Signs: 10 feet.

(4) Design Requirements. The following shall be incorporated into all development proposals in the East Gateway:
   (a) Landscaping plans shall utilize native planting species. Greenways (appropriate mixture of berms, trees, shrubs, grasses, trails and walkways) shall be installed along frontage roads, interior roads, STH 10, and the proposed Highway 22/54 Bypass.
   (b) Common brick and common block are prohibited as exterior building surfaces:
      1. Nonindustrial Buildings. The lower three feet of the facade shall be constructed with face brick, textured block, or a face brick stone. The remaining upper portion shall be constructed of a commercial grade material that is approved by staff.
      2. Industrial Buildings.
         a. Office Area. The lower three feet of the facade area shall be constructed with face brick, textured block, or a face brick stone. The remaining upper portion shall be constructed of face brick, stone, glass, pre-cast concrete panels, or other similar commercial grade materials that are approved by staff.
         b. Industrial Area: The lower three feet of the facade adjacent to public ways area shall be constructed with face brick, textured block, or a face brick stone. The remaining upper portion and non-public way elevations shall be constructed of a commercial grade material that is approved by staff.
   (c) Building colors shall reflect earth tones (tan, brown, green, gray, blue, etc.) with other accent colors. Variations in color shall be kept to a minimum.
   (d) Simple and uniform texture patterns are encouraged to reduce high visibility.
   (e) Sloped roofs.
      1. Nonindustrial Buildings. Sloped roofs are acceptable.
      2. Industrial Buildings. Sloped roofs are acceptable, but not constructed of wood, fiberglass, or asphalt.
   (f) Buildings shall be constructed with materials that require minimal maintenance.
   (g) All access drives and parking area shall be on paved surfaces.
   (h) Utilities shall be installed underground.
   (i) Outdoor storage shall be screened from public view. Outdoor storage areas shall be illustrated on the site plan.
   (j) Monument-type signs shall be utilized. Rooftop signs shall be prohibited. Moving, flashing, or revolving signs shall be prohibited. Mobile and portable signage shall be prohibited.
   (k) Refuse area shall be screened from public view.
   (l) Lighting shall not cast glare on adjacent properties or roadways.

(5) Submittal Requirements. The following plans submittals shall be required for consideration by the Plan Commission in determining the appropriateness of the proposed use and buildings:
   (a) Site plan, including location of all structures and appurtenances, parking areas, vehicular and pedestrian ingress and egress, outside sales or storage areas, outdoor lighting location and details, and any other information as requested by the Plan Commission.
   (b) Landscaping plan, including detailed listing of planting species, locations, and sizes.
   (c) Exterior building elevations, including building materials, aesthetics, and visual characteristics.
   (d) Signage details, including locations, dimensions, and, details.
   (e) Stormwater management plan.
   (f) Project narrative, including an understanding of the proposal, economic impact on the community, traffic impacts, and adjacent land uses.

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17.155 – Q-1 QUARRYING DISTRICT

(1) Intent. This District is intended to provide for nonmetallic mining opportunities at appropriate locations in the City.
(2) Uses. The following uses are Permitted Uses in the Q-1 District:
(a) Mineral extraction operations including washing, crushing or other processing of minerals.
(3) Dimensional Standards.

Structural Standards		
Structures	Maximum Height	45 feet [a]
Minimum Setbacks		
Yards	Right-of-Way or Property Line	200 feet
	Onsite Accessory Uses	100 feet
[a] See the Modifications Section of this Chapter.		

17.156 – PUL PUBLIC FACILITY AND UTILITY LANDS DISTRICT

(1) Intent. This district is intended to provide areas for utilities and public uses such as government buildings, public works facilities, recreation, education, safety services and passive open space.
(2) Uses.
(a) Permitted Uses.
1. Public facilities.
2. Government buildings.
3. Government maintenance facilities.
4. Safety services.
5. Schools.
6. Libraries.
7. Passive open space.
(b) Conditional uses.
1. Waste facilities.
2. Indoor/outdoor recreational facilities.
3. Mobile towers.
4. Recycling facilities.
5. Road maintenance facilities.
(3) Dimensional Standards.

Lot Standards		
Lot	Maximum Lot Coverage, buildings	50 percent of lot area
Structural Standards		
Principal Structure	Maximum Height	55 feet
Accessory structure [a]	Maximum Height	55 feet [a]
Minimum Setbacks		
All Structures [b]	Street Yard, major street	50 feet
	Street Yard, minor street	25 feet
	Side Yard	25 feet
	Rear Yard	25 feet
	Rear Yard, adjacent to residential districts	50 feet
	Between Buildings, single-story	15 feet
	Between Buildings, multiple-story	20 feet

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Minimum Landscaping Standards		
Perimeter	Street Yard	15 feet [c] [d] [e]
	Street Yard, from major roadway	50 feet [d] [e]
	Street Yard, from minor roadway	25 feet [d] [e]
	Rear Yard, adjacent to residential district	40 feet [d] [e]
General	Lot Area	20 percent [d] [e]

[a] See the Modifications Section of this Chapter.
[b] Uses Adjacent to Residential Districts. PUL uses located within 50 feet of an existing residential district designated for residential use in the Comprehensive Plan shall be conducted within an enclosed building. No part of the building within 50 feet of the residential district shall contain bay or roll-up doors, car wash entry or exit points or similar service openings.
[c] Street Frontage Landscape. Unless otherwise permitted by the City of Waupaca Zoning Code, street frontage landscape areas shall not contain parking areas, buildings, fences, parking screen walls or other permanent improvements other than sidewalks, permitted signs and lighting.
[d] Street Intersection. All proposed ingress/egress access shall align 180 degrees with existing ingress/egress access points along the roadway, and/or shall maintain a minimum 150 feet separation between existing ingress/egress access points on minor roadways and 250 feet separation on major roadways.
[e] Landscaping. All landscaping plans shall utilize native planting species. Greenways (appropriate mixture of berms, trees, shrubs, grasses, trails and walkways) shall be installed along all major and minor streets.

(4) Additional Standards.
(a) Gated Facility Entrances. A minimum of 60 feet of vehicle queuing area shall be provided behind each gated area. The minimum width of the vehicular entry shall be 20 feet in width. A vehicular turn-around area shall be provided between the gated access points. The vehicular turning area shall have a minimum interior turning radius of 35 feet and an exterior turning radius of 55 feet.
(b) Outdoor Storage. All outdoor storage shall be screened from public view using fencing materials as required the Fences section of this Chapter. All proposed storage areas shall be illustrated on the site plan. Unless otherwise approved by Plan Commission, all surfaces must be paved.
(c) Paved Surfaces. Paved surfaces are required for all driveways, parking areas and storage areas. Crushed gravel may be used as a surface in outdoor storage areas but must be approved by Plan Commission.
(d) Fences. Fences shall be required for all areas used for outdoor storage, refuse, and other uses requiring screening from public view, as required by city staff. Fence height shall be a minimum of six feet and a maximum of eight feet high when enclosing an area designated for storage or refuse.

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17.157 – FSC FULTON STREET CORRIDOR OVERLAY DISTRICT

(1) Intent. This district is intended to accommodate established uses along West Fulton Street while providing for its gradual transformation to a mixed-use commercial corridor offering a varied array of retail, service, office, residential, technology, distribution, and light manufacturing uses integrated via site plan review. The FSC Overlay District is also intended to:
(a) Create an environment conducive to pedestrian, bicycle, transit, and motor vehicle activity.
(b) Improve the quality of landscaping, site design, and urban design along these corridors. Maintain the viability of existing residential uses located along predominantly commercial corridors.
(c) Encourage appropriate transitions between higher-intensity uses along commercial corridors and adjacent lower-density residential districts.
(d) Facilitate preservation development or redevelopment consistent with the adopted goals, objectives, policies, and recommendations of the Comprehensive Plan and of adopted neighborhood, corridor or special area plans.
(e) Facilitate the transition of the corridor from an auto-oriented commercial strip to a comprehensive multiuse corridor complementary to Downtown Waupaca.

(f) Facilitate a positive impression and identifiable gateway to the City of Waupaca through the use of signature architecture, inviting public plazas, and development that supports a walkable environment.

(2) Uses.

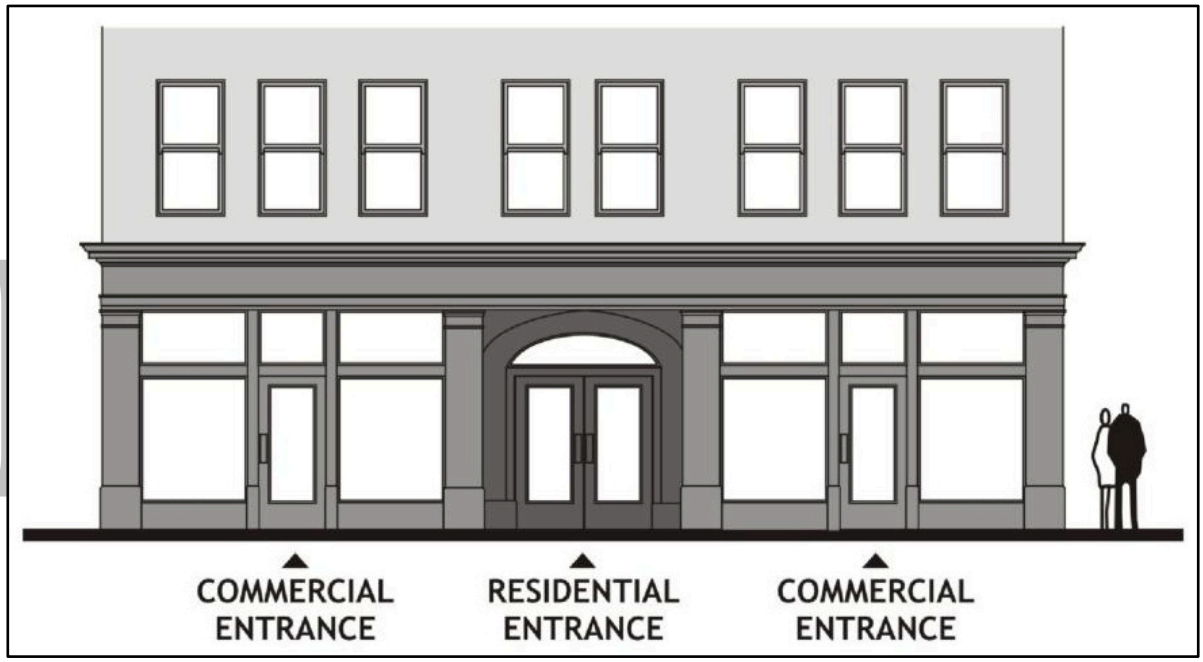
(a) Permitted Uses. Any use listed as a Permitted Use in the B-4 District.

(b) Conditional uses. Any use listed as a Permitted Use or Conditional use in the R-1, R-2, R-3, B-1, B-2, B-3, B-5, B-7, and I-1 District, consistent with Subsection (3) below.

(3) Mixed-Use Requirements.

(a) Integration of uses. Compatible residential and nonresidential uses may be integrated vertically or mixed horizontally.

1. Transition areas between residential and nonresidential uses, including parking and pedestrian/bicycle amenities, shall be carefully designed and landscaped.
2. Entrances. When nonresidential and residential uses are located in the same building, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses (see image below).



(b) Compatibility of Uses. The proposed use shall be determined by the Plan Commission to be compatible with, or that through appropriate site planning can be rendered compatible with, the following, as applicable:

1. The existing use of an abutting parcel.
2. The existing use in another structure located on the same parcel.
3. All existing uses located within the same structure, excepting business incubators as defined in this Chapter.

(c) Limitations on Use. The nonresidential component of a mixed-use project shall be a use allowed within the applicable zone by subject to the following additional limitations.

1. Prohibited uses. The following uses and activities shall not be permitted within any mixed-use development:
   a. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use.
   b. Manufacturing or industrial activities, including but not limited to welding, machining, or any open flame work.
   c. Any other activity or use, as determined by the Plan Commission to have the possibility of affecting the health or safety of residents due to potentially harmful

external impacts including, but not necessarily limited to: dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration or any other action that would be hazardous because of materials, processes, products, or wastes.

2. Changes in use. After approval, a mixed-use building shall not be converted to entirely residential use.

(d) General Standards.

1. Loading and Unloading Activities. Where applicable, the covenants, conditions, and restrictions of a mixed-use development shall indicate the times when the loading and unloading of goods may occur on the street, provided that, in no event, shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.
2. Lighting. Lighting for nonresidential uses shall be appropriately designed, located, and shielded to ensure that they do not negatively impact the residential uses in the development nor any adjacent residential uses. In no case shall lighting spill over onto an adjoining parcel.
3. Recycling and Refuse Storage Facilities. Recycling and refuse storage facilities for nonresidential uses shall be located as far as possible from residential units and shall be completely screened from view from the residential portion of the development. Recycling and refuse storage facilities for nonresidential uses shall be compatible in architectural design and details with the overall project. The location and design of trash enclosures shall mitigate nuisances from odors when residential uses might be impacted. Trash areas for food service and sales uses, when occupying the same building as residential uses, shall be refrigerated to control odor.
4. Residential Noise Notice. Residents of new residential or mixed-use development projects in the FSC District, whether owners or tenants, shall be notified in writing before taking up residence that they will be living in a mixed-use environment and that the noise levels may be higher than a strictly residential area. The covenants, conditions, and restrictions of a residential or mixed-use project shall require that prospective residents acknowledge the receipt of the written noise notification. Signatures shall confirm receipt and understanding of this information.

(e) Design Standards. Development of any structure that will contain a commercial or light industrial use shall comply with the following:

1. Siting. The siting of the building shall:
   a. Reflect, rather than obscure natural topography.
   b. Enable significant or important trees and other natural landscape elements to be preserved as determined by the Plan Commission.
   c. Be compatible with the original structure, when the structure is an addition to an existing structure.
2. Building Orientation. Local climatic conditions shall be considered when orienting buildings. For example, north-facing facades are especially susceptible to winter snow and ice accumulation, and entries may require special treatment. Snow piling zones along street shall be considered in arranging building elements on the site. Adequate solar access shall be considered when planning outdoor spaces, with shade and relief from glare provided by landscaping and overhead structures.
3. Street Corners. Buildings located on street corners shall recognize the importance of their location by:
   a. Concentrating tallest portions of the building at the intersection where they may frame the corner.
   b. Employing architectural features, such as angled façades, prominent entrances, a stepped parapet wall, or other unique building features at the corner or employing a similar technique as approved by the Plan Commission.
   a. Pedestrian Environment.
   b. Site design shall locate pedestrian routes connecting residential, recreational, and commercial uses to minimize contact with normal vehicular traffic. This can be achieved by designing crossings at traffic stop points, and/or by announcing crossings with signage, pavement changes, and landscape features.

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c. Pedestrian use can be increased by the addition of amenities such as benches, drinking fountains, planters, trash receptacles, path lighting, and bicycle racks.
d. When existing sidewalks, curbs, gutters, or other public improvements have deteriorated, the development shall be required to replace and/or repair the public amenities.
e. When sidewalks exist or are proposed, new development shall be sited and designed to encourage pedestrian activity.

4. Building Massing and Form. Unless otherwise provided in this Zoning Ordinance, building form may vary widely, as long as certain features of building form are considered:
   a. Within the development, variability in size and shape of buildings shall occur.
   b. Incorporating pedestrian-scale features at the ground level will help encourage pedestrian use. Examples include articulated entries and window canopies, arcades, recessed entries, changes in color, material, or texture.
   c. Façade modulation shall be utilized to reduce the apparent bulk of a large building, where applicable.
   d. Large, unbroken expanses and long, continuous rooflines shall be avoided.
5. Building Materials.
   a. A wide range of exterior building materials is acceptable, including but not limited to wood, brick and stone. Materials appearing to derive from local natural settings are encouraged.
   b. Metal-sided buildings are prohibited, except concealed fasteners, pre-finished metal, and architectural metal panels. Metal roofing is acceptable. Metal wainscot treatments not exceeding four feet in height are acceptable.
6. Architectural Style. The architectural character of new buildings or additions shall complement the architectural character of adjacent existing buildings.
7. Four-Sided Design. All building façades shall be designed with a similar level of design detail. Blank walls void of architectural detailing shall not be permitted. Exceptions may be granted in those areas of the building envelope that the applicant can demonstrate are not visible from adjacent development, public rights-of-way, trails, lakes, etc.
8. Entrance Visibility. Entrances shall be clearly delineated and visible from the street.
   a. Buildings shall be designed with delineated and unobstructed entries accessible from adjacent streets, as opposed to entries accessible only from parking lots.
   b. When entries cannot be located adjacent to the street, delineated and unobstructed pathways using building and landscape elements shall enhance building entries.
9. Green space. Lot with multiple buildings shall include community green space.

(4) Non-Mixed-Use Residential Development.

(a) Single-family.
1. Creative and unique development patterns are expected.
2. Subdivision development shall respect natural features or topography and create a sense of neighborhood.

(b) Multi-family.
1. Lots for apartment or condominium buildings shall balance the functional requirements of parking with the provision of pedestrian amenities.
2. Courtyards or internal parks enclosed by apartment or condominium structures are highly encouraged.
3. A logical network of walkways that connect sidewalks, common open space, and parking lots shall be provided.
4. When site conditions enable the locations of apartment or condominium buildings close to Fulton Street, a landscape buffer between the street and development lot lines shall be provided.
5. Setbacks and screening shall be provided between apartment or condominium buildings, parking areas, and adjacent properties.

(c) General.
1. Whenever possible, developments shall be organized around interconnected greenways.
2. Large expanses of one housing style (i.e. single family, garden apartments, duplexes, etc.) are not desirable.

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3. Neighborhood designs shall encourage walking to destinations in the area.
4. Street layouts shall not be so circuitous and lacking in connections between streets that residents are forced to drive.
5. The use of cul-de-sacs are not permitted, unless by using them, significant environmental resources are protected.
6. Front porches and stoops are encouraged on both single and multi-family units.
7. Buildings with multiple dwelling units are expected to include varied rooflines, and varied façade depths to create variety and individuality of dwelling units within the building.

17.158 – TZ TRANSITIONAL ZONING DISTRICT

(1) Intent. The intent of the TZ Transitional Zoning District is to provide a temporary zoning district to accommodate lands recently annexed to the City of Waupaca, subject to the following:
   (a) Annexation to or consolidations with the City subsequent to the effective date of this Code shall be placed in the TZ District.
   (b) Such lands shall remain in the TZ District for a period of time not to exceed 365 days from the date of approval of the annexation
(2) Uses. Permitted Uses in the TZ District are those uses currently in place on the land. No other uses other than uses incidental to the current use are allowable.
(3) Fees. Notwithstanding the provisions of Chapter 16.53(14), Wis. Stats., the Common Council may, in its sole discretion, pay the annexation petition review fees prescribed by the Wisconsin Department of Administration.

17.200 GENERAL PROVISIONS

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17.201 – APPLICATION REQUIREMENTS

In addition to the requirements elsewhere in this Chapter, every application for an approval, license, or permit under this Chapter shall include a digital submittal in a PDF or similar electronic format.

17.202 – LOCATION ON LOT REQUIRED

Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot.

17.203 – YARD REQUIREMENTS WHERE DIFFERENT DISTRICTS ABUT

Any side yard, rear yard, or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

17.204 – INCIDENTAL USES

Any lot containing a principal use may also contain incidental uses that are customarily affiliated with but subordinate to the principal use.

17.205 – ACCESSORY STRUCTURES AND USES

(1) General.
   (a) Accessory structures and accessory uses are allowable in any district, but not until their Principal Structure is present or under construction. Residential accessory structures shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Chapter.
   (b) Accessory structures are prohibited in the street yard or primary street yard.
   (c) Portable storage facilities including shipping containers, portable on demand storage (PODS), store and move (SAM) containers, buses, heavy-duty trucks and their bodies, semi-trailers,

freight containers, mobile homes, recreational vehicles and trailers, and any other similar items which are no longer in use for their designated purpose are prohibited from being used as an accessory structure.

(2) R-1 and R-2 Districts.
   (a) No detached garage or accessory structure for a single-family or two-family dwelling shall exceed the square footage of the Principal Structure. For the purpose of accessory buildings and structures, square feet is defined as the habitable floor space as determined by the City's assessment records. Accessory structures located on properties listed on the Historic Register are exempt form this requirement.
   (b) No more than one ice fishing shack, shanty, or structure may be stored on a residential lot.
   (c) No more than one detached garage and two accessory structures, not including transitory accessory structures, may be located on a lot.
   (d) The storage of commercial and industrial items, materials, and vehicles is prohibited.
   (e) The storage of materials and vehicles not owned by the owner or occupant of the lot is prohibited.

17.206 – TEMPORARY STRUCTURES AND USES

(1) Intent. Temporary structures and uses are those that have the potential to create unwanted impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. All temporary structures and uses are required to meet certain procedural requirements in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

(2) General regulations for temporary structures.
   (a) Portable storage facilities, as defined in this Chapter, are prohibited, other than as specifically allowable in Subsection (b) below.
   (b) No permit is required for temporary buildings, trailers, and equipment necessary for construction purposes and for the temporary storage of building materials and equipment, for a period not to exceed the duration of such construction, provided a building permit has been issued for a permanent structure and that such temporary structures are not used for living purposes.

(3) General regulations for temporary uses.
   (a) Any temporary structure required for a temporary use shall comply with the requirements of Subsection (2) above.
   (b) Temporary uses such as food sales, nursery and agricultural stock, carnivals and outdoor commercial events may be permitted in business districts.
   (c) Temporary uses such as Christmas tree sales and real estate field offices may be permitted in business districts.
   (d) The total duration of temporary uses permitted annually within a development area is limited to eight weeks. For the purposes of this Section, a development area is defined to include all lots, outlots and parcels under common ownership which make up the recognizable extent of the development site as determined by the Zoning Administrator.

(4) Permit Required.
   (a) No temporary structure or use shall be established, developed, altered, constructed, moved, extended, enlarged, continued or changed without first obtaining a Temporary Structure/Use Permit.
   (b) Temporary Uses. A Temporary Structure/Use Permit is required for all temporary uses.
   (c) Temporary Structures. A Temporary Structure/Use Permit is required for all temporary structures to be erected for a period of 15 to 180 cumulative days during a calendar year, with the following exceptions:
      1. No permit is required for temporary structures erected for a period of time not to exceed 14 days during a calendar year.
      2. Any structure erected for a period of 181 consecutive days shall comply in all respects with the requirements for a structure other than a temporary structure in the applicable zoning district.

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(5) Application Requirements. All applications for a Temporary Structure/Use Permit shall be submitted to the Community and Economic Development Department for review on a form provided by the City along with the required application fee as established in the approved fee schedule.

(a) Temporary Structures. The following application requirements apply to temporary structures:

1. A description of the proposed structure, including all of the following:
   a. The intended use of the proposed structure.
   b. Type of structure and exterior building materials and colors.
   c. Size of structure, including peak height and floor area.
   d. Location of all entrances, as applicable.
   e. Any additional information as may be required by the Zoning Administrator.
2. A site map/sketch of the subject property showing all of the following:
   a. All lot dimensions of the subject property and applicable setbacks for the temporary structure.
   b. The proposed location of the temporary structure.
   c. The type, size, and location of all existing structures onsite with all building dimensions shown.
   d. The location and general description of all existing structures located within 200 feet of the proposed temporary structure.

(b) Temporary Uses. The following application requirements apply to temporary uses:

1. Temporary uses with a requested duration of less than two weeks and which do not include temporary structures will include a site sketch showing the extent and location of the proposed use.
2. Temporary use with a requested duration of greater than two weeks or which include the use of temporary structures shall comply with the requirements of Subsection (a) above.

(6) Approval. Approval of a Temporary Structure/Use Permit shall be by the Zoning Administrator following review of a complete application and payment of the application fee.

(7) Compliance. Where a temporary structure or temporary use does not comply with the conditions of the permit, the Temporary Structure/Use Permit shall be revoked and the use shall be considered a violation of this Chapter.

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17.207 – MODIFICATIONS

(1) General. The Zoning Administrator, in reviewing zoning permits, may grant modifications to the terms of this Chapter as provided herein.

(2) Height. The height limitations set forth elsewhere in this Chapter may be exceeded as follows:

(a) Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.

(b) Chimneys; cooling towers; elevator bulkheads; fire towers; monuments; penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires; wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and power poles and lines; microwave radio relay structures; and necessary mechanical appurtenances are hereby excepted from the height regulations of this Chapter and may be erected in accordance with other regulations or ordinances of the City.

(c) Places of worship, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding 45 feet nor three stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

(d) Residences in the residential districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one foot for each foot which such building exceeds the height limit of the district in which it is located.

(e) Essential services are exempt from the height limitations of this Chapter.

(f) Communication structures such as radio and televisions transmission and relay towers and observation towers, but excluding mobile towers and amateurs radio towers, shall not exceed in height three times their distance from the nearest lot line.

(g) Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
(h) Airport Height Limitations in accordance with applicable sections of this Chapter shall supersede any modifications to the height regulations herein allowed.

(3) Yards. The yard requirements set forth elsewhere in this Chapter may be modified as follows:
(a) Uncovered stairs, landings and fire escapes may project not more than six feet into any yard but shall not be closer than three feet to any lot line.
(b) Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 12 inches.
(c) Essential Services are exempt from the yard and distance requirements of this Chapter.
(d) Ramps necessary for providing access to people with disabilities may project into the setback area with the following conditions:
1. The setback area is the only feasible place to install the ramp on the property.
2. The projection into the setback area is limited.
3. The projection does not interfere with public safety.
4. A Building Permit is issued prior to construction.

(4) Lots. The lot requirements set forth elsewhere in this Chapter may be modified as follows:
(a) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with.
(b) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record on November 3, 1967, such lot may be occupied by one family.

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17.208 – CONDITIONAL USES

(1) Statement of Purpose. This Chapter divides the City into districts where the design, use, bulk, and location of buildings and structures are compatible. However, some uses, and in some cases, design, bulk, and building location, have unique characteristics, and therefore cannot be properly allowed as unrestricted permitted uses. The City requires consideration, in each case, of their impact on neighboring land or public facilities, and of the public need for the particular use at a particular location. These uses may be necessary or desirable in a particular district if sufficient consideration is given to their location, development and operation.

(2) General.
(a) Conditional uses.
1. Only those Conditional uses presented in Section 17.104 of this Chapter are allowable by Conditional Use Permit.
2. When an existing use or structure is classified as a Conditional use at the date of adoption of this Chapter, it shall be considered a legal use without further action of the Plan Commission unless such use is noncompliant with Subsection (b) below.
3. Changes to or substitution of Conditional uses shall be subject to review and approval by the Plan Commission in accordance with this Chapter.
(b) Conditions Imposed.
1. The conditions imposed on a Conditional Use Permit shall be:
a. Related to the purpose of this Chapter.
b. Based upon substantial evidence. For the purposes of this Section, substantial evidence shall facts and information, other than merely personal preference or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion.
c. Reasonable and, to the extent practicable, measurable.
(c) Standards. A Conditional use shall comply fully with the dimensional standards, design standards, site standards, and all other applicable standards of the District within which such use is authorized.

(3) Basis for Approval. The Plan Commission and Common Council shall consider the effect of granting a Conditional Use Permit upon the health, general welfare, safety and economic prosperity of the City and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area; its physical attractiveness; the movement of traffic; the demand for related services; the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke or odor and other factors; and the City of Waupaca Comprehensive Plan or components thereof, unless such considerations are in conflict with Subsection (b).1 above.

(4) Procedure.

(a) A request for Conditional Use Permit shall be submitted in writing to the City Clerk on a form provided by the City. The City Clerk shall promptly refer such petition to the Zoning Administrator, Plan Commission, and Common Council for review and determination. Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request including the following:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
2. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
3. Building, site and operation plans of the proposed use shall be submitted for approval of the Plan Commission. Such plans shall be in sufficient detail to enable the Commission to evaluate the suitability of architectural and landscape treatment; the proper location of the building or buildings on the lot; the satisfactory provision for parking and circulation needs, for drainage and sewage disposal for adequate planting screen where necessary, and for operational control devices where necessary to eliminate noise, dust, odor, smoke, or other objectionable operating condition; and the general compatibility of the proposed use with the area in which it is located.
4. For areas designated floodland or floodplain, such description shall also include information that is necessary for the Plan Commission and Common Council to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
5. A Plat of Survey prepared by a registered land surveyor showing all of the information required under Chapter 236 Wis. Stats., the mean and historic high water lines and floodlands on or within 40 feet of the subject premises and existing structures, paving, and landscaping.
6. As may be required by the Zoning Administrator, Plan Commission, or Common Council.

(b) Review and Recommendation. The zoning Administrator shall review the Application and prepare staff report for the Plan Commission containing a recommendation to approve, conditionally approve, or deny the Conditional Use Permit. Such report shall be submitted as written testimony at the public hearing.

(5) Hearing. The public hearing shall be held before the Plan Commission as soon as practical pursuant to Section 17.804 of this Chapter. The Plan Commission shall make a recommendation regarding the petition to the Common Council.

(6) The Common Council may approve, conditionally approve or deny the application and it shall report its decision within 90 days after the filing of the application. The Common Council's decision shall be in writing and shall include an accurate description of the use permitted, of the property on which it is permitted and any and all conditions made applicable thereto.

(7) Upon approval of a conditional use by the Plan commission the Zoning Administrator shall issue a Conditional Use Permit.

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(8) Recording. When a Conditional use is approved, an appropriate record shall be made of the land use and building permits and such decision shall be applicable solely to the structures, use and property so described.
(9) Compliance. Where a use does not comply with the conditions of the permit, the Conditional Use Permit shall be revoked and the use shall be considered a violation of this Chapter.

17.209 – HEIGHT LIMITATIONS IN AIRPORT VICINITY

(1) Zones. All zones established by this Section are as shown on the map dated January 14, 2004, entitled "Height Limitation Zoning Map, Waupaca Municipal Airport, Waupaca, Wisconsin," which is hereby adopted by reference.
(2) Height Limitation Zones. Except as otherwise provided in this Section, no structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the Map referred to in Subsection (1) above.
(3) Exceptions. The restrictions contained in Subsection (2) above shall not apply to objects which are less than 35 feet in height above ground level at the object site.
(4) Permit Required. A Height Limitation Zone Permit is required for new structures and the replacement, substantial alteration, or reconstruction of nonconforming structures within the height limitation zone.
(5) Nonconforming Uses in Height Limitations Zones.
   (a) Not Retroactive. The regulations prescribed above shall not be construed to require the removal, lowering, or other change or alteration of any nonconforming use, or otherwise interfere with the continuance of any nonconforming use, except as provide in Subsection (4) above.
   (b) Changes. Nothing herein contained shall require any change in the construction, alteration or intended use of any structure if the construction or alteration of such was begun prior to the effective date of this Section, and if such was diligently prosecuted.
   (c) Removal. This Section shall not interfere with the removal of nonconforming uses by purchase or the use of eminent domain.
(6) Administration. Applications for permits shall be submitted to the Community and Economic Development Department. Applications under this Section are to be reviewed by the Zoning Administrator and shall be granted or denied within 10 days of the date of filing of the applications unless Federal Aviation Administration approval is requested.

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17.210 – OPEN SPACE

(1) Minimum Required. No building shall be erected, structurally altered or relocated on a lot so as to reduce the landscaped open space of such lot to less than that hereinafter specified by the regulations for that district.
(2) How Measure. Open space shall consist of all permeable, landscaped areas that provide for the amenities and necessities of light, air, play space, drying yard, garden, lawns, etc., but shall not include parking areas and drives. Crop pasture and wooded land may be included in computing such open area.
(3) Overlapping. No part of the open space provided for any building shall be included as part of the open space required for another building, except as hereinafter provided for planned development projects.

17.300 SUPPLEMENTARY PROVISIONS

17.301 – FENCES, WALLS, AND HEDGES.

(1) Location. Fences and hedges may be erected, placed, or maintained in any yard along or adjacent to a lot line in accordance with the requirements identified in this Section. The owner shall be responsible for ensuring the fences do not cross property lines or otherwise intrude into an adjoining lot.

(2) Fence orientation. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.

(3) Height Measurement. Fence height shall be measured from natural or approved grade. In the case of grade separation, such as the division of properties by a retaining wall, fence or hedge height shall be determined based on measurement from the average point between highest and lowest grade. If the fence or hedge is set back from the retaining wall by a distance of at least four feet, the height shall be measured from the base of the fence or hedge. Berms and retaining walls shall not be used to increase grade relative to screening height.

(4) Residential Districts.

(a) Materials.

1. Fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Zoning Administrator.
2. Barbed wire, electrical, and single-, double- or triple-strand fences are prohibited.

(b) Height.

1. Street Yard.
   a. Screening Fence. The maximum height of a screening fence or screening hedge within a required front or street yard setback (both primary and secondary) shall not exceed four feet in height.
   b. Ornamental Fence. The maximum height of an ornamental fence located in a street yard is four feet if the fence is less than fifty percent opaque, and six feet if the fence is less than twenty percent opaque.
2. Side and Rear Yards.
   a. Screening Fence. The maximum height of a screening fence or screening hedge within required side yard and rear yard setbacks shall not exceed six feet. Screening fences around swimming pools shall not exceed eight feet.
   b. Ornamental Fence. An ornamental fence or ornamental hedge may exceed six feet in height but shall not exceed eight feet in height.
3. Boundary Fence. A screening fence or screening hedge of up to eight feet in height may be placed on a district boundary line between a residential district and a nonresidential district or where adjacent to a public utility or public service use. Hedges, shrubbery, trees lines, and other such natural barriers may grow to their natural height.
   a. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

(5) Nonresidential Zoning Districts.

(a) Height.

1. Street Yard. The maximum height of a screening fence or screening hedge shall not exceed four feet.
2. Side and Rear Yards. The maximum height of a screening fence or screening hedge shall not exceed eight feet.

(6) Exceptions.

(a) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit or up to one hundred eighty consecutive days per calendar year.

(b) Protective security and boundary fences on industrial sites, publicly owned lands, or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions of this Section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.

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(7) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.
(8) Permit Required. A site plan permit or amendment to an existing site plan permit is required for all fences regulated under this Chapter, except for temporary seasonal fences (e.g. snow fences).

17.302 – SWIMMING POOLS

(1) General. For the purposes of this Chapter, the term 'swimming pool' includes, hot tubs, Jacuzzis, "natural" pools, saunas, spas, and similar such structures.
(2) Exemptions. Storable swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of 24 inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
(3) Setbacks and other Requirements.
   (a) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building.
   (b) In no case shall a swimming pool be erected or constructed in a yard adjacent to a street right-of-way.
   (c) All swimming pools shall be at least 10 feet from any lot line or building.
   (d) The pumps and filter equipment may not be closer than 20 feet to a property line and must be adequately housed and muffled.
(4) Fencing Requirements.
   (a) In-ground pools shall be completely fenced, before filling, by a permanent, sturdy fence, not less than four feet or more than eight feet in height. Access to any such pool shall be through a gate or gates in the fence, equipped with a self-closing, self-latching device placed at a minimum height of three feet above the ground.
   (b) Above-ground pools having a height of less than 3½ feet above ground at any portion of the poolside wall are required to be fenced the same as in-ground pools. When fencing is required, it shall be installed to extend a minimum of four feet beyond any area less than 42 inches high. When the height of a poolside wall is such that a fence will not be required, all ladders, steps or other means of access to an above-ground pool shall be removed and/or designed to prevent access when the pool is unattended.
(5) Filtration System Required. All private swimming pools must have a filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
(6) Permit Required. A site plan permit or amendment to an existing site plan permit is required for all swimming pools regulated under this Chapter.

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17.303 – SATELLITE DISHES OR ANTENNAE

(1) Amateur radio structures and towers and mobile towers are specifically excluded from the requirements that follow.
(2) All satellite dishes or antennae located in the City of Waupaca shall conform to the following regulations contained herein:
   (a) Satellite dishes no larger than 34 inches in diameter may be located in the street yard. All other satellite dishes shall be located in the side or rear yard only.
   (b) Satellite dishes larger than 34 inches in diameter shall be screened from view from abutting properties and adjoining streets through fencing or vegetation compliant with the applicable requirements of this Chapter.
   (c) No more than one satellite dish per dwelling unit is allowable on a lot.

17.304 – AIRPORTS

Special Authority at Airport. After review and recommendation by the Airport Board, the Plan Commission and the Council, airport property owned by the City may be leased to allow for the development of businesses or industries that are compatible with the use of the entire property as a municipal airport. In

review of the appropriateness of a particular business or industrial use of a site, the following factors shall be considered:

(1) Land use compatibility with airport activity. To promote safe airport operations, the City will restrict the use of this land to activities and purposes compatible with airport operations, including landing and takeoff of aircraft.
(2) City services required by the lessee.
(3) Effect on the environment.
(4) Traffic that may be generated on adjoining streets or highways.
(5) Any adverse effect that could have a negative effect on the safe operation of the airport.
(6) Future plans for airport expansion.
(7) Effect on surrounding properties.

17.305 – ZERO LOT LINE OR COMMON WALL SINGLE-FAMILY ATTACHED DEVELOPMENT.

(1) Platting Requirements. A certified survey map shall illustrate the proposed lot line, the location of the dwellings, required setbacks, easements, and the location of the sanitary sewer and water laterals servicing each side of the duplex the dwellings shall be provided to the City Plan Commission and Common Council for review and approval prior to recording with the County Register of Deeds.
(2) Maintenance and Drainage Easements. A perpetual easement related to maintenance, eaves, and drainage of at least 5 feet shall be provided on the lot adjacent to the zero lot line property line which, with the exception of fences, shall be kept clear of structures. These easements shall be shown on the face of the certified survey map and incorporated into each deed transferring title on the property. The building wall along the zero lot line shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners.
(3) Covenants and Maintenance Agreement. The proposed covenants and maintenance agreements shall be provided to the City Plan Commission and Common Council for review and approval prior to recording with the County Register of Deeds.
(4) Miscellaneous Documentation. Letter from licensed plumber indicating that each unit is served by separate sanitary sewer and water laterals.

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17.306 – MOBILE TOWERS.

(1) Purpose. The purpose of this Section is to regulate by Conditional Use Permit:
    (a) The siting and construction of any new mobile service support structure and facilities.
    (b) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
    (c) With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
(2) Authority. The City Council has the specific authority under Chapters 62.23 and 66.0404, Wis. Stats., to adopt and enforce this Section.
(3) Definitions. All definitions contained in Chapter 66.0404(1), Wis. Stats., are hereby incorporated by reference.
(4) Siting and Construction of Any New Mobile Service Support Structure and Facilities.
    (a) Application Process.
        1. A Conditional Use Permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a Conditional use in the City obtainable with this permit.
        2. A written permit application must be completed by any applicant and submitted to the City. The application must contain the following information:
            a. The name and business address of, and the contact individual for, the applicant.
            b.
            c. The location of the proposed or affected support structure.
            d. The location of the proposed mobile service facility.

e. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
f. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
g. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the City upon request to any applicant.
4. If an applicant submits to the City an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the City shall consider the application complete. If the City does not believe that the application is complete, the City shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
5. Within 90 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 90-day period:
   a. Review the application to determine whether it complies with all applicable aspects of the City's building code and this Chapter.
   b. Make a final decision whether to approve or disapprove the application.
   c. Notify the applicant, in writing, of its final decision.
   d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. The City may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described above.
7. If an applicant provides the City with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this Chapter, the Chapter does not apply to such a structure unless the City provides the applicant with substantial evidence that the engineering certification is flawed.

(b) The fee for the permit is $3,000.00 payable upon submittal of a complete application.

(5) Class 1 Colocation.

(a) Application Process.

1. A Conditional Use Permit is required for a Class 1 collocation.
2. An application for a Conditional Use Permit must be completed by any applicant and submitted to the City. The application must contain the following information:
   a. The name and business address of, and the contact individual for, the applicant.
   b.
   c. The location of the proposed or affected support structure.
   d. The location of the proposed mobile service facility.
   e. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters,

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receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

f. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

g. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the City upon request to any applicant.

4. If an applicant submits to the City an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the City shall consider the application complete. If the City does not believe that the application is complete, the City shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 90-day period:

a. Review the application to determine whether it complies with all applicable aspects of the City's building code and this Chapter.

b. Make a final decision whether to approve or disapprove the application.

c. Notify the applicant, in writing, of its final decision.

d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The City may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Chapter 17.11.13.E.1.b(6) above.

7. If an applicant provides the City with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this Chapter, the Chapter does not apply to such a structure unless the City provides the applicant with substantial evidence that the engineering certification is flawed.

(b) The fee for the permit is $3,000.00 payable upon submittal of a complete application.

(6) Class 2 Colocation.

(a) Application Process.

1. A Conditional Use Permit is required for a Class 2 collocation. A class 2 colocation is a permitted use in the City but still requires the issuance of the Conditional Use Permit.

2. An application must be completed by any applicant and submitted to the City. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b.

c. The location of the proposed or affected support structure.

d. The location of the proposed mobile service facility.

3. A permit application will be provided by the City upon request to any applicant.

4. A Class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject as per the City Code.

5. If an applicant submits to the City an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this

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Chapter, the City shall consider the application complete. If any of the required information is not in the application, the City shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the City shall complete all of the following or the applicant may consider the application approved, except that the applicant and the City may agree in writing to an extension of the 45-day period:
   a. Make a final decision whether to approve or disapprove the application.
   b. Notify the applicant, in writing, of its final decision.
   c. If the application is approved, issue the applicant the relevant permit.
   d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(b) The fee for the permit is $500.00 payable upon submittal of a complete application.

(7) Penalty Provisions. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture of not less than $250.00 nor more than $500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. In addition, the City Board may seek injunctive relief from a court of record to enjoin further violations.

17.307 – HOME OCCUPATIONS.

Home occupations and professional offices, when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, are subject to the following conditions:

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(1) Such uses shall not occupy more than 20% of the assessed floor area of the Principal Structure in which it is located.
(2) Such use shall not employ more than one person not a resident on the premises.
(3) No such use shall be permitted which normally necessitates the coming of the customer or client to the premises, or customer presence on the premises while the service is being performed, or otherwise generates pedestrian or vehicular traffic incompatible with the rural or residential character of the neighborhood, except for teaching or tutoring academic subjects, or the studios where dancing, music or other art instruction is offered to no more than 2 pupils at one time.
(4) Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.
(5) Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
(6) There shall be no exterior indication that the dwelling is being used for any other purpose than a dwelling.
(7) Such use shall not include the operation of any machinery, tools or other appliances, or the outside storage of materials, or other operational activity which would create offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-rays or electrical disturbances to radio or television instruments, or be otherwise incompatible to the surrounding residential area.
(8) A name plate not in excess of one square foot in area shall be permitted.
(9) A home occupation shall not be interpreted to include barber shops, beauty shops, auto repairing, antique shops, restaurants or similar occupations or professions.

17.308 – BREWERIES AND DISTILLERIES

(1) General. Breweries and distilleries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
(2) Accessory uses. The following accessory uses shall require a Conditional Use Permit:
   (a) Tasting rooms.
   (b) Retail sales of business merchandise on the brewery and distillery premises

(c) Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code or as defined in Chapter 13 of the Municipal Code.

17.309 – MICROBREWERIES AND CRAFT DISTILLERIES.

(1) General. Microbreweries and craft distilleries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
(2) Quantity.
  (a) A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year.
  (b) A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year.
(3) Accessory uses. The following accessory uses shall require a Conditional Use Permit:
  (a) Tasting rooms.
  (b) Retail sales of business merchandise on the brewery and distillery premises.
(3) Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code or as defined in Chapter 13 of the Municipal Code.

17.310 – WINERIES

(1) General. Large boutique wineries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
(2) Quantity. A total of at least 25,000 U.S. gallons of wine, but less than 100,000 gallons of wine, shall be manufactured on the premises per calendar year.
(3) Accessory uses. The following accessory uses shall require a Conditional Use Permit:
  (a) Tasting rooms.
  (b) Retail sales of business merchandise on the winery premises.
(4) Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code or as defined in Chapter 13 of the Municipal Code.

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17.311 – BOUTIQUE WINERIES

(5) General. Small boutique wineries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
(6) Quantity. A total of not more than 25,000 U.S. gallons of wine shall be manufactured on the premises per calendar year.
(7) Accessory uses. The following accessory uses shall require a Conditional Use Permit:
  (a) Tasting rooms.
  (b) Retail sales of business merchandise on the winery premises.
(8) Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code or as defined in Chapter 13 of the Municipal Code.

17.312 – ALTERNATIVE ENERGY SYSTEMS

(1) Small Wind Energy Systems.
  (a) Applicability.
    1. This Section applies to:
      a. New small wind energy systems as defined in this Chapter and in Chapter PSC 128, Wis. Stats.

b. An expansion of a previously approved wind energy system other than those described in Section 1.b below.

2. This Section does not apply to the following:
   a. A wind energy system for which construction began before March 1, 2011.
   b. A wind energy system placed in operation before March 1, 2011.
   c. A wind energy system approved by the City before March 1, 2011.
   d. A wind energy system proposed by the owner in an application filed with the City before the March 1, 2011.

(b) Purpose. It is the purpose of this Section to:
1. Promote the safe, effective and efficient use of wind energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
2. Oversee the permitting of wind energy systems.
3. Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system, per Chapter 66.0401, Wis. Stats., and Chapter PSC 128 Wis. Stats.

(c) Standards. The installation and operation of a wind energy system shall be subject to the following standards:
1. A wind energy system requires a Conditional Use Permit as an accessory to a Principal Use.
2. Physical Characteristics.
   a. The owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. The owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. The owner may attach a safety feature or wind monitoring device to a wind turbine.
   b. The owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
   c. The owner shall install lighting at a wind energy system that complies with standards established by the Federal Aviation Administration.
   d. The owner shall use shielding or control systems approved by the Federal Aviation Administration to reduce visibility of any required lighting to individuals on the ground.
   e. The owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.
   f. The owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
   g. The owner shall place appropriate warning signage on or at the base of each wind turbine.
   h. The owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.
   i. The owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and Chapter PSC 114, Wis. Stats., and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.
3. Construction, Operation, and Maintenance Standards. The owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
4. Setbacks.
   a. A wind energy system shall be setback a distance equal to 100% of from the maximum blade tip height from the following:
      i. Occupied community buildings.
      ii. Nonparticipating residences.

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iii. Nonparticipating property lines.
iv. Overhead communication and electric transmission lines or distribution lines, not including utility service lines to individual houses or outbuildings.

b. The owner of an adjacent nonparticipating residence or an adjacent occupied community building may waive the required setback as long as such waiver is provided in writing to the City at the time of application for a Conditional Use Permit.

c. There is no required setback for a wind energy systems from the following:
   i. Participating residences.
   ii. Participating property lines.
   iii. Public road right-of-way.
   iv. Overhead utility service lines to individual houses or outbuildings.

5. Noise.
   a. Hours. In this Section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.
   b. Planning.
      i. The noise limits in this Section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under Chapter PSC 128.105(1), Wis. Stats., or for which complete publicly-available plans for construction are on file with the City within 30 days of the date on which the owner gives notice under Chapter PSC 128.105(1), Wis. Stats.
      ii. The owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
      iii. The owner shall design a wind energy system to comply with the noise standards in this Section under planned operating conditions.
   c. Noise Limits.
      i. Except as provided below the owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
      ii. In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.
   d. Compliance.
      i. If the owner uses sound level measurements to evaluate compliance with this Section at a nonparticipating residence or occupied community building, those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this Section.
      ii. Upon receipt of a complaint regarding a violation of the noise standards of this Section, the owner shall test for compliance with the noise limits in this Section. The City may not require additional testing if the owner has provided the results of an accurate test conducted within two years of the date of the complaint showing that the wind energy system is in compliance at the location relating to the complaint.
      iii. Upon receipt of a complaint about a noise under this Section, the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.
   e. Waiver. Upon request by the owner of a wind energy system, the owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this Section at the affected residence or occupied community building by written

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contract with the wind energy system owner. Unless otherwise provided in a contract signed by the owner of an affected nonparticipating residence or occupied community building, a waiver by the owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded under Chapter 706, Wis. Stats.

f. Notification.
   i. Before entering into a contract for a waiver as described above, the owner of a wind energy system shall provide written notice of the requirements of this Section to the owner of an affected nonparticipating residence or occupied community building.
   ii. Before the initial operation of the wind energy system, the owner shall provide notice of the requirements of Chapter PSC 128.14, Wis. Stats., to each adjacent nonparticipating residence or occupied community building before the initial operation of the small wind energy system.

6. Shadow Flicker.
   a. Planning.
      i. The shadow flicker requirements in this Section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under Chapter PSC 128.105(1), Wis. Stats., or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under Chapter PSC 128.105(1), Wis. Stats.
      ii. The owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
   b. Shadow Flicker Limits. The owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this Subsection.
   c. Shadow Flicker Mitigation. The owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
   d. Waiver. Upon request by the owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under this Section at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under Chapter 706, Wis. Stats.

7. Signal Interference.
   a. Except as provided under an approved waiver, the signal interference requirements in this Section apply to commercial communications and personal communications in use when the wind energy system begins operation.
   b. The owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
   c. The owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The City may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.

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8. Emergency Procedures. The owner shall notify the City of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.
9. Decommissioning.
   a. The owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.
   b. A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.

(d) Application.
1. Pre-Application Notice.
   a. At least 60 days before the owner files an application to construct a wind energy system, the owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
      i. All adjacent landowners.
      ii. The City of Waupaca Zoning Administrator.
   b. The owner shall include all of the following in the required notice:
      i. A complete description of the wind energy system, including the number and size of the planned wind turbines.
      ii. A map showing the planned location of all wind energy system facilities.
      iii. Contact information for the owner.
      iv. A list of all potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.
   c. The owner shall make reasonable efforts to ascertain and accommodate any existing land uses or commercial enterprises located on an adjacent nonparticipating property.
2. Application and Notice Requirements. The owner shall file an application for Conditional Use Permit with the City.
3. Contents of application. The owner shall complete and file with the City an application on a form provided by the City that includes all of the following:
   a. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
   b. Technical description of wind turbines and wind turbine sites.
   c. Timeline and process for constructing the wind energy system.
   d. Information regarding anticipated impact of the wind energy system on local infrastructure.
   e. Information regarding noise anticipated to be attributable to the wind energy system.
   f. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
   g. Information regarding the anticipated effects of the wind energy system on parcels adjacent to the wind energy system.
   h. Information regarding the anticipated effects of the wind energy system on airports and airspace.
   i. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
   j. A list of all state and federal permits required to construct and operate the wind energy system.
   k. Information regarding the planned use and modification of roads within the City during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
   l. A representative copy of all notices issued under this Section and Chapters PSC 128.105(1)(a) and 128.42(1).
   m. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
4. Accuracy of information. The owner shall ensure that information contained in an application is accurate.

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5. Duplicate copies. The City may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the application. The City may permit the owner to file an application electronically.
6. Notice to property owners and residents.
   a. On the same day the owner files an application for a wind energy system, the owner shall, under Chapter 66.0401(4)(a)3, Wis. Stats., use commercially reasonable methods to provide written notice of the filing of the application shall be provided only to property owners and residents located adjacent to the small wind energy system. written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notification shall include all of the following:
      i. A complete description of the wind energy system, including the number and size of the wind turbines.
      ii. A map showing the locations of all proposed wind energy system facilities.
      iii. The proposed timeline for construction and operation of the wind energy system.
      iv. Locations where the application is available for public review.
      v. Owner contact information.
   b. After the City receives an application for a wind energy system, the notice required to be published by the City under Chapter 66.0401(4)(a)1 Wis. Stats., shall include a brief description of the proposed wind energy system and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the City, and the approximate schedule for review of the application by the City.
7. Application completeness.
   a. Complete applications.
      i. An application is complete if it meets the requirements of this Chapter and the filing requirements under Chapter PSC 128.30(2) and 128.50 (1), Wis. Stats.
      ii. The City shall determine the completeness of an application, and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the City in writing that all the application materials have been filed and the application fee has been paid. If the City determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.
      iii. The owner may file a supplement to an application that the City has determined to be incomplete. There is no limit to the number of times that the owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in by the Zoning Administrator.
      iv. An additional 45-day completeness review period shall begin the day after the City receives responses to all items identified in the notice.
      v. If the City does not make a completeness determination within the applicable review period, the application is considered to be complete.
   b. Requests for additional information. The City may request additional information necessary to understand the wind energy system after determining that an application is complete. The owner shall provide additional information in response to all reasonable requests. The owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.
8. Accuracy of Application. The owner shall certify that the information contained in the application is accurate. The City may reject or deny the application if it contains false, misleading or inaccurate information.
9. City Review.
   a. Written Decision.
      i. The City shall issue a written decision to grant or deny an application for a wind energy system. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision shall specify the reason for the denial.

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ii. The City shall provide its written decision to the owner and to the commission. The political subdivision shall provide the owner with a duplicate original of the decision.
iii. The owner shall record the duplicate original of a decision approving an application with the register of deeds for the county in which the wind energy system is located.

b. Ownership Change. Approval of a wind energy system remains in effect if there is a change in the owner of the wind energy system.

10. Record of Decision.

a. Recordkeeping.

i. The City shall keep a complete written record of its decision-making relating to an application for a wind energy system.
ii. If the application is denied, the City shall keep the record for at least seven years following the year in which it issues the decision.
iii. If the application s approved, the City shall keep the record for at least seven years after the year in which the wind energy system is decommissioned.

b. Record of Contents. The record of a decision shall include all of the following:

i. The approved application and all additions or amendments to the application.
ii. A representative copy of all notices issued under Chapters PSC 128.105(1)(a), 128.30(5), and 128.42(1), Wis. Stats.
iii. A copy of any notice or correspondence that the City issues related to the application.
iv. A record of any public meeting under Chapter PSC 128.30(6)(c), Wis. Stats., and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
v. Copies of any correspondence or evidentiary material that the City considered in relation to the application, including copies of all written public comments filed under Chapter PSC 128.30(6)(b), Wis. Stats.
vi. Minutes of any City meetings held to consider or act on the application.
vii. A copy of the written decision under Chapter PSC 128.32(3)(a), Wis. Stats.
viii. Other materials that the City prepared to document its decision-making process.
ix. A copy of any City ordinance cited in or applicable to the decision.

(e) Modifications to an Approved Wind Energy System.

1. Material Change.

a. The owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the City that authorized the wind energy system, unless the political subdivision automatically approves the material change by taking either of the steps specified in Chapter PSC 128.32(2)(b)1 or 2, Wis. Stats.
b. The owner shall submit an application for a material change to an approved wind energy system to the City.

2. Limited Review.

a. Upon receipt of an application for material change to an approved wind energy system, the City shall consider only those issues relevant to the proposed change.
b.
c. An application for a material change is subject to Chapters PSC 128.30(1), (3) to (5), (6)(a) and (b), and (7); and 128.31 to 128.34, Wis. Stats.
d. An application for a material change shall contain information necessary to understand the material change.
e. The City shall hold a public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

(f) Complaint Process.

1. Making a Complaint.

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a. An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this Chapter.
b. A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.
c. A complainant may petition the City for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
d. The City's decision is subject to review under Chapter 66.0401(5), Wis. Stats.

(2) Solar Energy Systems.

(a) Applicability.

1. This Section applies to solar energy systems, including photovoltaic and solar thermal systems, constructed after the effective date of this Chapter.
2. Any upgrade, modification, or structural change to a solar energy system constructed prior to the effective date of this Chapter shall comply with the provisions of Chapter.

(b) Purpose. It is the purpose of this Section to:

1. Promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
2. Oversee the permitting of solar energy systems.
3. Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system, per Chapter 66.0401, Wis. Stats.

(c) Standards. The installation and operation of a solar energy system shall be subject to the following standards:

1. A solar energy system requires a Conditional Use Permit as an accessory to a Principal Use.
2. A solar energy system shall be constructed, installed, and operated in conformance with all applicable State and City building codes, and in accordance with Chapters 66.0401, 66.0403, 700.35, and 700.41, Wis. Stats.
3. A solar energy system shall provide power for the Principal Use and/or Accessory Use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
4. A solar energy system connected to the utility grid shall provide written authorization from the local utility company to the City acknowledging and approving such connection.
5. Roof-mounted solar energy systems.
   a. A roof-mounted system may be mounted on a Principal Structure or Accessory structure.
   b. A roof-mounted system, whether mounted on the Principal Structure or Accessory structure, may not exceed the maximum Principal Structure height or Accessory structure height specified for the building type in the underlying zoning district.
   c. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
   d. A roof-mounted system must have a three-foot setback from the edge of the gutter and from the chimney.
   e. A roof-mounted system shall be located to ensure that any solar glare is directed away from adjacent properties and roads.
6. Ground-mounted solar energy systems.
   a. A ground-mounted system shall not exceed the maximum building height for Accessory structures.
   b. The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
   c. A ground-mounted system or system attached to an Accessory structure shall not be located within the required street yard setback.

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d. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways.
e. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.
f. A ground-mounted system shall be placed in the side and rear yard only and shall meet all setback and yard requirements for the district in which it is located.

7. All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
   a. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species that provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this Chapter may be used.
   b. Mechanical equipment shall not be located within the Street Yard of the parcel.
   c. Mechanical equipment shall comply with the setbacks specified for Accessory structures in the underlying zoning district.
8. No adjacent property owners shall be required to remove vegetation or structures that may block sunlight to the solar energy system during the initial installation of a system.
9. A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
10. The design of the solar energy system shall conform to applicable industry standards. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Wisconsin.
11. If a solar energy system is defective or is deemed to be unsafe by the Building Inspector, the solar energy system shall be required to be repaired by the Owner to meet federal, state, and local safety standards, or be removed by the property Owner within the time period allowed by the Plan Commission. If the Owner fails to remove or repair the defective or abandoned solar energy system, the City may pursue a legal action to have the system removed at the Owner's expense.

(3) Geothermal Energy Systems.
   (a) Applicability.
      1. This Section applies to geothermal energy systems constructed after the effective date of the Chapter.
      2. Any upgrade, modification, or structural change to a geothermal energy systems constructed prior to the effective date of this Chapter shall comply with the provisions of this Chapter.
   (b) Purpose. It is the purpose of this Section to:
      1. Promote the safe, effective and efficient use of geothermal energy systems installed to reduce the on-site consumption of utility supplied energy as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
      2. Oversee the permitting of geothermal systems.
      3. Preserve and protect the public health and safety.
   (c) Standards. The installation and operation of a geothermal energy system shall be subject to the following standards:
      1. A geothermal energy system shall be constructed, installed, and operated in conformance with all applicable State and City building codes, and in accordance with Chapter 280, Wis. Stats.

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2. A geothermal energy system shall conform to applicable industry standards including those of ANSI. Applicants shall submit certificate of compliance demonstrating that the system has been tested and approved by UL or other approved independent testing agency.
3. Above ground equipment shall comply with the setback requirements of the respective zoning district.
4. Equipment, piping and devices shall not be located in any easement or right-of-way.
5. Setbacks. Geothermal energy systems shall conform to all setbacks requirements for Accessory structures and shall:
   a. Be setback a minimum of 75 feet between a vertical geothermal energy system and a personal onsite wastewater treatment system.
   b. Be setback a minimum of 25 feet between a horizontal geothermal energy system and a personal onsite wastewater treatment system.
   c. Not be located closer than 200 feet to a well, except when the well is a private water system well and when the owner is the same for both the water well and the geothermal system, in which case the water well shall not be closer than 75 feet from the geothermal system.

(4) Electric Vehicle Infrastructure.

(a) Applicability.
1. This Section applies to electric vehicle infrastructure constructed after the effective date of the Chapter.
2. Any upgrade, modification, or structural change to a electric vehicle infrastructure constructed prior to the effective date of this Chapter shall comply with the provisions of this Chapter.

(a) Purpose. The purpose of this Section is to facilitate the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such use necessitates.

(b) Standards.
1. Electric vehicle infrastructure shall be accessory to a Principal Use unless the primary use of the parcel, where it then shall be considered in-vehicle sales or service for zoning purposes.
2. Charging stations located at single- and two-family dwellings shall be designated as private restricted use only.

(c) General requirements for parking.
1. An electric vehicle charging station space may be included in the calculation for any minimum required parking spaces.
2. Public electric vehicle charging stations are reserved for parking and charging electric vehicles only.
3. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

(d) Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.

(e) Equipment Standards and Protection.
1. Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
2. Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
3. The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.

(f) Usage Fees. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.

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(g) Signage.
1. Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this Subsection, charging means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner.
2. When a sign provides notice that a parking spaces a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this Subsection, "charging," means an electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

(h) Maintenance. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

17.313 – ACCESSORY DWELLING UNITS

(1) General Standards.
(a) Accessory dwelling units (ADU) are accessory to a Principal Use, which shall be a single-family dwelling.
(b) ADU located within or attached to a Principal Structure shall have a separate entrance from the structure dwelling.
(c) A Principal Structure shall be present prior to the commencement of construction of an ADU.
(d) The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six months is allowed.
(e) No more than one accessory dwelling unit may be located on a lot.
(f) The number of occupants of the accessory dwelling unit shall not exceed one family or two unrelated individuals.
(g) The accessory dwelling unit shall not be sold separately from the principal dwelling.

(2) Dimensional Standards.
(a) The maximum height of a detached building containing an ADU, including one built above a garage, shall be 25 feet.
(b) The maximum size of an ADU shall be 75 percent of the Principal Structure's floor area, up to a maximum size of 700 square feet.
(c) The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
(d) ADU entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.

(3) Design Standards.
(a) The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.
(b) The exterior finish material of an ADU shall be substantially consistent with the type, size, and placement of exterior finish material of the principal dwelling.
(c) The roof pitch of an ADU shall match the predominant roof pitch of the principal dwelling.
(d) Trim, projecting eaves, and other such architectural accouterment of an ADU shall match those of the principal dwelling.
(e) Windows of an ADU shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).
(f) ADU shall comply in all respects with the Wisconsin Uniform Development Code and all other applicable building codes and standards.

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17.314 – AMATEUR RADIO TOWERS

(1) Applicability.
  (a) This Section applies to all amateur radio towers installed after the effective date of this Chapter.
  (b) Any upgrade, modification, or structural change to an antenna or its support structure constructed prior to the effective date of this Chapter that materially alters the size, placement, or appearance of the system shall comply with the provisions of this Chapter.

(2) Purpose. The purpose of this Section is to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including:
  (a) Minimizing the unnecessary detriment to the aesthetic quality of the City and its landscape.
  (b) Preserving the character of various neighborhoods within the City.
  (c) Preserving the values of properties within the City.
  (d) Providing for adequate review of designs and installation of facilities that may pose substantial risk of collapse if improperly designed, installed, or maintained.
  (e) Protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities.
  (f) Assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.

(3) Standards. The installation and operation of an amateur radio tower and its antenna and support structure shall be subject to the following standards:
  (a) Compliance. The amateur radio tower and the operation of the amateur radio service using such antenna shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.
  (b) Structure.
    1. The antenna and its support structure are accessory to the Principal Structure.
    2. Not more than one support structure for licensed amateur radio operator shall be allowable on the parcel.
    3. The antenna shall not exceed 70 feet in height above grade measured at the center point of the highest part of the antenna or mast.
    4. An amateur radio tower and its antenna exceeding 70 feet in height above grade measured at the center point of the highest part of the antenna or mast shall require a Conditional Use Permit.
  (c) Location.
    1. An amateur radio tower, including its antenna and support structure, that is designed, engineered, and constructed to fall within the boundaries of the parcel upon which it is sited, including those attached to the Principal Structure, shall comply with the side yard and rear yard setbacks for Accessory structures in zoning district within which it is located.
    2. All other amateur radio towers, including associated antenna and support structures, shall be setback a distance equal to 100% of its total height from:
      a. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
      b. Any overhead utility lines, unless written permission is granted by the affected utility.
      c. Any property lines, unless written permission is granted from the affected landowner or neighbor.
    3. The amateur radio tower, including its antenna and support structure, shall be located within the Rear Yard or Secondary Street Yard on a double-frontage lot and shall not be located within any required setback.
  (d) Access.
    1. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.

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2. All electrical wires associated with the amateur radio tower and its antenna and support structure shall be located underground.
3. Anti-climbing measures shall be incorporated into the amateur radio tower and its antenna and support structure as needed, to reduce potential for trespass and injury.

(e) Lighting. The amateur radio tower and its antenna and support structure shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(f) Appearance, Color, and Finish. The amateur radio tower and its antenna and support structure shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. The support structure shall comply with the same requirements as Accessory structures in the zoning district.

(4) Waiver of Standards. If effective communications cannot be obtained when facilities are in compliance with the regulations set forth herein, the Zoning Administrator may permit a waiver from the height and location requirements of this Section. The waiver request shall:

(a) Provide technical evidence in the form of a report from a licensed professional engineer familiar with amateur radio operations, or an Extra Class licensed amateur radio operator other than the Owner, that effective communications cannot be obtained by facilities in compliance with the standards.

(b) Document the minimum reasonable accommodation, in the form of a waiver from these regulations, required in order to permit effective communications.

17.315 – LIVE/WORK UNIT

A Live/Work Unit is an owner occupied mixed-use building compliant with the following:

(1) All uses.

(a) A minimum of two means of dedicated egress shall be available for each unit.

(b) A separate Certificate of Occupancy is required for each residential and nonresidential use of the structure.

(c) The Certificate of Occupancy is non-transferrable.

(d) Owner-occupied. The main-level residential use or the main-level non-residential use shall be owner-occupied.

(2) Nonresidential Use.

(a) Only those nonresidential uses listed as a Permitted Use or Conditional use in the B-7 District are permissible.

(b) A nonresidential use may occupy any level of the structure, however:

1. No less than 50 percent of the main level shall be dedicated to a nonresidential use.
2. Such use shall occupy the entirety of the front portion of the structure, but for any entrance exclusive to the residential use. The front portion of the structure shall be that part of the structure abutting the street associated with the primary mailing address of said structure.
3. No more than five persons not a member of the owner's immediate family shall be engaged in the nonresidential use.

(3) Residential Use.

(a) A residential use may occupy any level of the structure, however:

1. No more than 50 percent of the main level shall be dedicated to a residential use.
2. Such use shall not occupy the front portion of the structure, but for any entrance exclusive to the residential use. The front portion of the structure shall be that part of the structure abutting the street associated with the primary mailing address of said structure.

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17.317 – BUSINESS INCUBATOR.

(1) Applicability. This Section applies to organizations designed to facilitate the growth and success of entrepreneurial companies through a variety of business support resources and services that could include physical space, capital, coaching, common services, and networking connections.
(2) Purpose. It is the purpose of this Section to:
  (a) Promote opportunities for small and expanding commercial, manufacturing, services, and technology businesses.
  (b) Support entrepreneurs and grow the economy of the City of Waupaca.
  (c) Oversee the permitting of business incubators.
  (d) Preserve and protect the public health and safety.
(3) Standards.
  (a) Incubators may be a Principal Structure or Use or accessory to a Principal Structure or Use.
  (b) Uses.
    1. Allowable uses are those deemed by the Plan Commission through the site plan review process to be compatible with the Principal Use and other uses within the incubator.
    2. Uses deemed by the Plan Commission to be incompatible with the Principal Use or any other use within the incubator shall be prohibited.
    3. All uses shall be conducted entirely within a building.
  (c) Dimensional and Design Standards.
    1. Business incubators approved as a Principal Use and/or Structure shall conform to the requirements for Principal Structures in the applicable zoning district.
    2. Business incubators approved as an Accessory Use and/or Structure shall conform to the requirements for Accessory Uses and Structures in the applicable zoning district.
    3. When accessory to a Principal Structure, the façade, roofline, and other architectural accoutrements of a business incubator shall be substantially the same in appearance and use substantially the same materials as the Principal Structure.

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17.318 – SITE PLAN REVIEW

(1) Purpose and Intent. The purpose of this Section is to promote compatible development; stabilize property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of a special historic significance; protect public investments; and protect the natural environment by reducing storm water runoff, sedimentation and erosion, and the destruction of environmentally sensitive areas.
(2) Permit Required. No person shall commence any use or erect any structure, other than those specifically exempted in this Chapter prior to the issuance of a Site Plan Permit under this Section.
  (a) Site Plan Permits issued by Zoning Administrator. The Zoning Administrator shall issue a Site Plan Permit for:
    1. Single-family and two-family development occurring on individual lots when such lots are not part of a proposed subdivision or mixed-use development.
    2. Single-family and two-family redevelopment occurring on an individual lot.
  (b) Site Plan Permits Issued by Plan Commission. The Plan Commission shall issue Site Plan Permits for all development and redevelopment other than specified in Subsection (a) above.
(3) Principles. To implement the purposes set forth in this Section 17.39(1), the Plan Commission shall review the site, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading (in the case of commercial and industrial uses), street and highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operations. The Plan Commission will approve site plans only after determining that:
  (a) The proposed use(s) conform(s) to the uses permitted in that zoning district.
  (b) The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this Chapter.

(c) The relative proportion of the scale and mass of a building to neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
(d) The visual continuity of roof shapes, rooflines and their contributing elements (e.g. parapet walls, coping and cornices) shall be maintained in building development or redevelopment.
(e) The proposed use conforms to all use and design provisions and requirements (if any) as found in this Chapter for the specified uses.
(f) There is a proper relationship between the existing and proposed streets, highways, and sidewalks within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
(g) The proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, pedestrian movement, stormwater drainage, erosion, grading, lighting and parking as specified by this Chapter and any other codes or laws.
(h) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare and appearance of the neighborhood.
(i) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, landscaping or other mitigating measures as provided or required in this Chapter.
(j) Land, buildings and structures are readily accessible to emergency vehicles and persons with disabilities.
(k) The site plan is consistent with the intent and purpose of this Chapter.
(l) The site plan is consistent with the public goals, objectives, principles, standards, policies and design criteria set forth in the City's adopted comprehensive plan or components thereof.

(4) Building Design Standards.
(a) Single-family or Two-family Development.
1. Structures.
a. The proposed use(s) shall conform to the uses permitted in the applicable Zoning District.
b. The dimensional arrangement of buildings and structures shall conform to the required area, yard, setback and height restrictions of the Chapter.
c. The color and appearance of Accessory structures other than Transitory Accessory structures shall be compatible with the Principal Structure.
2. Entries. All structures shall have the main or front entries oriented towards and visible from the street or entrance court.
3. Porches and Decks. All porches or decks shall be associated with a building entry and be integrated with the building architecture.
4. Attached Garages.
a. Garages and garage doors shall be scaled appropriately to the size of the Principal Structure. The main mass of the garage shall be complementary and subordinate to the main mass and positioning of the Principal Structure.
b. No more than 50% of a street facing building façade shall be made of garage doors.
(b) All Other Development.
1. The façade of multi-family residential, commercial, industrial, governmental, institutional, and recreational buildings which face upon a street right-of-way shall be finished with an aesthetically pleasing material. A minimum of 30% of a façade facing and existing or future street shall be finished with brick, wood, fieldstone, decorative masonry material, decorative glass panels, or decorative precast concrete panels, except where the building style requires a different material. Attractive aluminum or vinyl siding which has the appearance of wood siding, a “brushed” surface or other compatible attractive material may, however, be permitted.

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2. Such finished material shall extend for a distance of at least 20 feet along the sides of the structure. All buildings on multi-frontage and flag lots shall have the required finished façade facing each street.
3. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, colors shall be selected to be in general harmony with existing neighborhood buildings. The use of bright colors shall be limited and used only as an accent.
4. Accessory structures located in a Side yard or Rear Yard shall be built with materials compatible with those of the Principal Structures on the same site.
5. Accessory structures located in a Street Yard shall be affixed upon a foundation and shall be constructed of substantially the same materials and be of substantially the same appearance as the Principal Structure.
6. Outside storage areas for inventory, materials, equipment, supplies, scrap, and other materials utilized in the day-to-day operation of the Principal Use shall be paved as determined by the Plan Commission, and screened from view from public streets with appropriate vegetation or fencing or wall of a material compatible with the Principal Structure and the surrounding area. The Plan Commission may permit the outdoor display of products or merchandise when it makes a finding that such a display is essential to a business or industrial use, such as a landscape-nursery or car-sales business, and attractive periphery landscaping is provided.
7. Mechanical equipment, such as heating, air-conditioning, and ventilating equipment, at grade-level and on rooftops shall be screened from public view or located in a manner that is unobtrusive.

(5) Site Design Standards.
(a) Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical to prevent indiscriminate or excessive earth moving or clearing of property, disfiguration of natural land forms, and disruption of natural drainage patterns.
(b) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
(c) Buildings and uses shall provide adequate parking and loading areas.
(d) Appropriate buffers shall be provided between dissimilar uses in accordance with this Chapter.
(e) Appropriate erosion control measures and stormwater management practices shall be utilized in all new development.
(f) Refuse and recycling areas shall be screened by completely enclosing such areas with a fence, wall, or vegetation.
(g) All proposed development and redevelopment shall comply with the landscaping requirements of this Chapter.

(6) Prohibitions
(a) No building shall be permitted if its design or exterior appearance is determined by the Plan Commission to be visually or structurally incompatible with the surrounding neighborhood or landscape.
(b) No overhead door or loading dock for commercial, manufacturing, institutional or park buildings shall face a public street. The Plan Commission may permit overhead doors and docks to face a public street when it has made a finding that there is no feasible alternative location for such doors or docks and, insofar as is practicable, such doors and docks facing public streets are visually screened.
(c) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the City.
(d) No buildings shall impair the enjoyment or historic attractions of significant historic interest.

(7) Administration.
(a) Preapplication Consultation. Prior to submitting a site plan for formal review the developer shall schedule a meeting with the Community and Economic Development Director, Director of Public Works, and Zoning Administrator to discuss the proposed site plan. The developer shall provide a concept site plan for discussion at least three business days prior to the scheduled consultation.
(b) Applications. Applications shall be submitted to the Community and Economic Development Department.

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(c) Reviews. The Zoning Administrator shall review all site plans submitted under this Section.

(d) Approvals.

1. The Zoning Administrator shall approve all site plans submitted under this Section for the following:
   a. Single-family and two-family development occurring on individual lots when such lots are not part of a proposed subdivision or mixed-use development.
   b. Single-family and two-family redevelopment occurring on an individual lot.
2. The Plan Commission shall approve all other site plans under this Section.

(8) Plan Data Requirements.

(a) Plan data for single-family and two-family development occurring on individual lots when such lots are not part of a proposed subdivision or mixed-use development, or for single-family and two-family redevelopment occurring on an individual lot, shall include the following:

1. Existing Lots.
   a. Owner's name and address.
   b. Date of plan submittal.
   c. Lot size.
   d. All building and yard setback lines.
   e. The type, size, height, and location of all existing and proposed structures with all building dimensions shown.
   f. Existing and proposed rights-of-way and widths.
   g. Existing and proposed easements for and locations of all utility lines, including sanitary sewers, water mains, storm sewers, other drainage facilities and features, communications lines, electrical lines, natural gas lines and other utilities present on and around the site, as applicable.
   h. Scaled architectural plans and color building elevations, color perspective drawings, or color sketches illustrating the design and character of proposed structures.
   i. Other information as may be required by the Zoning Administrator.
2. Undeveloped Lots. In addition to the requirements above, plan data for development on previously undeveloped lots shall include:
   a. Site plan drawn to a recognized engineering scale, scale of drawing, north arrow, and site size information (area in acres or square feet).
   b. Architect, developer, and/or engineer's name and address, as applicable.
   a. Landscape Plan, as defined in this Chapter.

(b) All other development and redevelopment shall include the following, as applicable:

1. Site plan drawn to a recognized engineering scale.
2. Name of project.
3. Owner's and/or developer's name and address.
4. Architect and/or engineer's name and address.
5. Date of plan submittal.
6. Scale of drawing, north arrow, and site size information (area in square feet or acres).
7. Existing and proposed topography shown at contour intervals of two feet or less. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
8. The characteristics of soils related to contemplated specific uses.
9. All building and yard setback lines.
10. Where applicable, both the 100 year recurrence interval floodplain and the floodway; environmental corridors and isolated natural resource areas; and wetland areas.
11. The type, size, height, and location of all existing and proposed structures with all building dimensions shown.
12. Existing and proposed street names.
13. Existing and proposed rights-of-way and widths.
14. Existing and proposed easements for and locations of all utility lines, including sanitary sewers, water mains, storm sewers, other drainage facilities and features, communications lines, electrical lines, natural gas lines and other utilities present on and around the site, as applicable.
15. Proposed stormwater management facilities, including detention/retention areas.

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16. Proposed location and type of all signs to be placed on the site.
17. Total number and location of parking spaces.
18. The location and type of all outdoor lighting.
19. Existing isolated, individual trees and the boundary of woodlands.
20. Landscape Plan, as defined in this Chapter.
21. Location of pedestrian sidewalks and walkways, and bicycle lanes or paths.
22. A Graphic outline of any development staging.
23. Scaled architectural plans, color building elevations, and color perspective drawings and color sketches illustrating the design and character of proposed structures and relevant surrounding structures and properties within 300 feet.
24. Digital photographic samples of all exterior building materials and colors.
25. Other plans and data as required by the Zoning Administrator and/or Plan Commission.

(9) Findings. The Zoning Administrator and Plan Commission shall review the referred plans within a reasonable period of time following their submittal, but not more than 60 days. The Zoning Administrator and Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Chapter. The Zoning Administrator and Plan Commission will approve said plans only after determining the proposed site development or buildings will not substantially increase the danger of fire, traffic congestion, or otherwise endanger the public health or safety. Upon approval of a Site Plan, the Zoning Administrator shall issue a Site Plan Permit to the Applicant establishing the terms of approval and operation for said permit.

(10) Validity of Approval, Expiration, and Revisions to Site Plans. A site plan shall become effective upon obtaining approval by the City of Waupaca Plan Commission. The approval of any site plan required by this Section shall remain valid for one year after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction has not commenced. A revision to a site plan may be requested by submitting the changes to the Plan Commission. The Plan Commission may then approve, approve with conditions, or deny the requested revision(s).

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17.319 – LANDSCAPING.

(1) Intent. The purpose of requiring landscaping as an integral element of urban development is to:
   (a) Provide vegetation to visually soften paved areas and buildings.
   (b) Establish positive environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, improved water quality, noise, glare and heat abatement, and protection from the forces of erosion.
   (c) Buffer uncomplimentary land uses, lessen the impact of high intensity uses, and generally enhance the quality and appearance over the entire site of the project.
   (d) Provide habitat for beneficial animals and insects.
   (e) Improve quality of life for the residents of, and visitors to, the City of Waupaca.

(2) Principles. Individual lots and conditions will afford distinctive and varied opportunities for landscape treatment. A landscape plan shall consider the preservation of existing, desired vegetation. Mature tree species that provide a substantial canopy shall be retained if possible. Installation of additional plant materials shall augment existing vegetation.

(3) Administration.
   (a) Site Plans. All site plans submitted in accordance with Section 17.318 of this Chapter, except those listed in Chapter 17.318(8)(a).1 of this Chapter, shall include a landscape plan
   (b) Application. Applications shall be submitted to the Community and Economic Development Department.
   (c) Reviews. The Zoning Administrator shall review all site plans submitted under this Section.
   (d) Approvals.
      1. The Zoning Administrator shall approve all landscape plans submitted under this Section for single-family and two-family development occurring on undeveloped, individual lots when such lots are not part of a proposed subdivision or mixed-use development.
      2. The Plan Commission shall approve all other landscape plans under this Section.

(4) Design Criteria.

(a) Plants shall be spaced to provide optimum growing conditions.
(b) The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.
(c) Existing healthy and non-invasive species of trees, shrubs, or woodlands shall be incorporated in a landscape plan, and contribute toward the quantity requirement.
(d) Diversity of vegetation species is recommended, although the selection of a plant palette shall consider new flora that is compatible with the growing and environmental requirements of existing vegetation.
(e) Trees or shrubs that are planted immediately adjacent to roadway rights-of-way shall be moderately tolerant of both salt spray and salt absorbed into the soil.
(f) Canopy trees that are newly installed shall reach a minimum height and spread of 30 feet at maturity (10 years growth) as determined by the American Association of Nurserymen (AAN) Standards. New canopy trees shall have a minimum caliper of two inches at planting.
(g) Ornamental trees that are newly installed shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Ornamental trees shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, bark, or growth habit. New ornamental trees shall have a minimum caliper of 1.5 inches.

(5) Plant Material Types and Quantities.
(a) All plants shall be hardy and within the United States Department of Agriculture (USDA) hardiness zone applicable to the City of Waupaca, Wisconsin (at present, Hardiness Zones 4b and 5a).
(b) Native or naturalized plant species that provide effective visual screening and benefit wildlife are recommended for consideration in developing a landscape plan. A combination of native and non-native hardy plant species is appropriate.
(c) All plants shall meet the minimum standards for health, form, and root condition as outlined in the AAN Standards.

(6) General Requirements. All landscape plans shall be completed by a qualified person and shall contain the following information:
(a) North Arrow and scale.
(b) Topographic information based upon U.S. Government datum, and final grading adequate to identify and properly specify planting for areas needing slope protection.
(c) The location, size, and surface of materials of all structures and parking areas.
(d) The location, type, size, quantity and botanical name and common name of all proposed landscape materials. The size, grading and condition shall be specified according to American Association of Nurserymen Standards.
(e) The location, size, and common name of all existing plant materials to be retained on the site.
(f) Plant materials shall be drawn to a scale to reflect mature sizes.

(7) District Requirements.
(a) Multi-Family Residential Districts.
1. The developer shall include foundation, garage, driveway, parking lot (including landscaped islands), and yard plantings.
2. All multi-family residential developments which directly abut single- or two-family residential development, shall install a vegetative buffer. Buffer plants shall be a four-foot minimum height at the time of planting.
3. The developer shall plant in the terrace between sidewalk and street one street tree per 35 feet or portion thereof, of public street frontage, except when development is adjacent to an open ditch rural street Section.
(b) Business Districts, other than the B-6 and EGD District.
1. All business and commercial developments which directly abut single- or two-family residential development, shall install a vegetative buffer. Buffer plants shall be a four-foot minimum height at the time of planting and shall be installed along the full length of the property line.
2. The developer shall plant in the terrace between sidewalk and street one street tree per 35 feet or portion thereof, of public street frontage, except when development is adjacent to an open ditch rural street Section.

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3. All commercial or business developments shall install landscaping elements within the parking areas associated with the business. The following shall provide:
    a. A maximum three foot high and five foot wide visual relief screen when adjacent to a street in the form of a hedge, fence, planter, berm, dividers, shrubbery and trees or any combination. All landscaping to form such a visual relief shall be a minimum height of 18 inches at time of planting. Bark or other organic mulches shall be retained within the planting area.
    b. Perimeter landscaping appropriate to break up the visual expanse of paving and to provide shade.
    c. Landscaped islands at major entrances and other appropriate areas to delineate internal traffic patterns for vehicular and pedestrian movements. All off-street vehicular parking areas must be broken by a landscape island as required in the Traffic, Parking, and Access Section of this Chapter.

(c) Industrial Districts.
1. All industrial development which directly abut other non- industrial uses shall install a vegetative buffer to a four-foot minimum height at the time of planting and shall be installed along the full length of the property line.
2. The developer shall plant in the terrace between sidewalk and street one street tree per 35 feet or portion thereof, of public street frontage, except when development is adjacent to an open ditch rural street Section.
3. The Plan Commission may require within parking areas landscaped islands at major entrances and other appropriate areas to delineate internal traffic patterns for vehicular and pedestrian movements.

(8) Suggested Plant Species. Pleas refer to the City of Waupaca Recommended Tree and Shrub lists, as applicable.

(9) Prohibited Landscape Species. The following species are prohibited for use in all landscaping plans in the City of Waupaca due to their ability to invade wild areas, outcompete native species, degrade habitats, and potentially cause extensive ecological damage.

(a) Trees and shrubs.
1. Autumn olive
2. Buckthorn – common, glossy
3. Cottonwood
4. Honeysuckle – Amur, Morrow, showy, Tatarian
5. Japanese barberry
6. Maple – Amur, Norway
7. Smooth sumac
8. White mulberry

(b) Vines.
1. American bittersweet
2. Oriental bittersweet

(c) Ground covers.
1. Birds-foot trefoil
2. Crown vetch

(d) Flowers.
1. Dames rocket
2. Multiflora rose
3. Purple loosestrife
4. Yellow iris

(e) Grasses.
1. Maiden grass
2. Reed canary grass

(f) Aquatic.
1. Flowering rush
2. Water hyacinth
3. Water lettuce
4. Yellow floating heart

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(10) Preservation of Landscaping. All landscaped areas shall be maintained and preserved in accordance with the approved landscape plan.

17.320 – HISTORIC PRESERVATION.

(1) Purpose and Intent. It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this Section is to:
   (a) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
   (b) Safeguard the City's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
   (c) Stabilize and improve property values and enhance the visual and aesthetic character of the City.
   (d) Protect and enhance the City's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(2) Historic Preservation Commission.
   (a) Membership. A Historic Preservation Commission is hereby created, consisting of seven members. Of the membership, if available in the community, one shall be a registered architect, one shall be an historian, one shall be a licensed real estate broker, one shall be an Alderperson and three shall be citizen members of which one must be a youth. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners subject to confirmation by the Council. Terms shall be for three years except that the term of the Alderperson Commissioner shall be for one year. The appointments, except the Alderperson, shall be staggered the first year with two members for three years, two members for two years and two members for one year.
   (b) Powers and Duties. The Historic Preservation Commission shall have the power, subject to Subsection (5) below, to designate historic structures and historic sites and to recommend designation of historic districts within the City limits. Such designations shall be made based on Subsection (3) below. Historic districts shall be approved by the Council. Once designated, such historic structures, sites and districts shall be subject to all the provisions of this Section.

(3) Historic Structure, Historic Site, and Historic District Designation Criteria.
   (a) For purposes of this Section, an historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the City such as historic structures, sites or districts which:
      1. Exemplify or reflect the broad cultural, political, economic or social history of the Nation, State or community; or,
      2. Are identified with historic personages or with important events in National, State or local history; or,
      3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or,
      4. Are representative of the notable work of a master builder, designer or architect who influenced his/her age; or,
      5. Have yielded, or may be likely to yield, information important to prehistory or history.
   (b) (b) The Historic Preservation Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designation providing such are in conformance with the provisions of this Section.

(4) Regulation of Construction, Reconstruction, Alteration, and Demolition.
   (a) No owner or person in charge of an historic structure, historic site or structure within an historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any

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such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Historic Preservation Commission. Also, unless such certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work. No fee shall be paid by the owner to the City when applying for a certificate of appropriateness unless it is necessary to hold a special meeting of the Historic Preservation Commission to act on said application and, in that event, a $25 filing fee shall be paid by the owner to the City.

(b) Upon filing of any application for a certificate of appropriateness with the Historic Preservation Commission, the Historic Preservation Commission shall approve the application unless:

1. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done.
2. In the case of the construction of a new improvement upon a historic site or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district.
3. In the case of any property located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this Section and to the objectives and design criteria of the historic preservation plan for said district.
4. The building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State.
5. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(c) If the Historic Preservation Commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate. The Historic Preservation Commission shall make this decision within 45 days of the filing of the application.

(d) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate required for the proposed work.

(e) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of an historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(f) Appeals. Should the Historic Preservation Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Council within 30 days. In addition, if the Historic Preservation Commission fails to issue a certificate, it shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate within the guidelines of this Section.

(g) Recognition of Historic Structures, Sites and Districts. At such time as an historic structure, site or district has been properly designated, the Historic Preservation Commission, in cooperation with the property owner, may cause to be prepared and erected on such property a suitable plaque declaring that such property is an historic structure, site or district. The property owner shall pay for the plaque if the historic designation is of the owner's structure or site; the City shall pay for the plaque if the designation is of an historic district.

(5) Procedures.

(a) Designation of Historic Structures and Historic Sites.

1. The Historic Preservation Commission may, after notice and public hearing, designate historic structures and historic sites or rescind such designation or recommendation after application of the criteria in Subsection (3) above. At least 10 days prior to such hearing, the Historic Preservation Commission shall notify the owners of record, as listed in the

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office of the City Assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected.

2. The Historic Preservation Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Historic Preservation Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Historic Preservation Commission may designate the property as either an historic structure or an historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the City Clerk and the Building Inspector. The Historic Preservation Commission shall cause the designation or rescission to be recorded, at City expense, in the County Register of Deeds office.

3. The costs of the proceedings, including publication, witness and recording fees, shall be paid by the property owner if he/she is requesting action by the Historic Preservation Commission. If the City is requesting action by the Historic Preservation Commission, it shall pay the costs of the proceedings.

(b) Creation of Historic District. For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the City to be designated as historic districts and shall prepare an historic preservation plan for each area. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the City after application of the criteria in Subsection (3) above. Each historic preservation plan prepared for or by the Historic Preservation Commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

(6) Review and Adoption Procedure.

(a) Action by Historic Preservation Commission. The Historic Preservation Commission shall hold a public hearing when considering the plan for an historic district. Notice of the time, place and purpose of the public hearing shall be sent by the City Clerk to the Alderperson of the Aldermanic District or Districts in which the historic district is located and owners of record, as listed in the office of the City Assessor, who are owners of the property within the proposed district or are situated in whole or in part within 200 feet of the boundaries of the proposed district. Said notice is to be sent at least 10 days prior to the date of the public hearing. Following the public hearing, the Historic Preservation Commission shall vote to recommend, reject or withhold action on the plan.

(b) Action by the Council. The Council, upon receipt of the recommendations from the Historic Preservation Commission, shall hold a public hearing, notice to be given as noted in subparagraph (a), above, and shall, following the public hearing, either designate or reject the historic district. Designation of the district shall constitute adoption of the plan prepared for the district and direct the implementation of the plan.

(7) Interim Control. No building permit shall be issued by the Building Inspector for alteration, construction, demolition or removal of a nominated historic structure, historic site or any property or structure within a nominated historic district from the date of the meeting of the Historic Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Historic Preservation Commission or the Council unless such alteration, removal or demolition is authorized by formal resolution of the Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

(8) Violation and Penalties. Any person violating any provision of this Section shall forfeit $50 for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the Zoning Administrator or Building Inspector.

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17.321 - FIRST AMENDMENT PROTECTED ADULT-ORIENTED ESTABLISHMENTS.

(1) Findings of Fact.

(a) The Common Council finds that Adult-Oriented Establishments, as defined and otherwise regulated by the City in its Adult-Oriented Licensing and Regulation Ordinance, require special zoning in order to protect and preserve the health, safety, and welfare of the City.

(b) Based on its review of studies conducted in Phoenix, AZ; Garden Grove, CA; Los Angeles, CA; Whittier, CA; Indianapolis, IN; Minneapolis, MN; St. Paul, MN; Cleveland, OH; Oklahoma City, OK; Amarillo, TX; Austin, TX; Beaumont, TX; Houston, TX; Seattle, WA; and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.* , 475 U.S. 41 (1986), *Coleman A. Young v. American Mini-Theaters, Inc.* , 427 U.S. 50 (1976), the Common Council finds that there is convincing evidence that the secondary effects of adult-oriented establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.

(c) The Common Council intends to control the impact of these secondary effects in order to protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.

(d) It is not the intent of the Common Council to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of adult-oriented establishments while providing an outlet for First Amendment protected activities.

(e) In order to minimize and control the secondary effects of adult-oriented establishments upon the City, it is the intent of the Common Council to prevent the concentration of adult-oriented establishments within a certain distance of each other and within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of adult-oriented establishments.

(f) Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the Common Council finds that a geographic separation of adult-oriented establishments from alcohol beverage licensed premises is warranted.

(2) Location of First Amendment Protected Adult-Oriented Establishments.

(a) The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that adult-oriented establishments, as defined and otherwise regulated by the City, are entitled to certain protections, including the opportunity to locate in the City. Therefore, if an adult-oriented establishment license has been granted by the City, and if all the requirements of this Section of the zoning code are met, an adult-oriented establishment shall be an allowed use in the I-2 zoning district and shall be a prohibited use in any other zoning district. No other requirements of the zoning code need be satisfied, but for those required in order to obtain an adult-oriented entertainment license from the City.

(b) Adult-oriented establishments shall be located at least 1,000 feet from any:

1. Residential district line, playground lot line, or public park lot line.
2. Structure used as a residence, place of religious worship, public or private school, or youth facility as defined in the City's Adult-Oriented Establishment Licensing and Regulation Ordinance.
3. Other structure housing an adult-oriented establishment.
4. Structure housing an establishment which holds an alcohol beverage license.

(c) Distance requirements are to be measured in a straight line in any direction regardless of intervening structures, from the structure housing the adult-oriented establishment to the above residential district boundary lines, to the lot line of any lot used for a park, playground, or the lot line of any structure listed in Subsection (2)(b), above.

(d) The measurements from a structure shall be taken from the farthest point a structure extends in the direction of the measurement, including overhanging roofs or similar projections.

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(e) For adult-oriented establishments located in conjunction with other buildings and clearly separate from other establishments such as in a shopping center, measurements shall be taken from the boundaries of the space occupied by the adult-oriented establishment.
(f) For any adult-oriented establishment located above ground level in a multistory structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the adult-oriented establishment (excluding emergency exits).
(g) A licensed adult-oriented establishment is not disqualified from holding an adult-oriented establishment license by the location subsequent to the grant or renewal of its license of any of the establishments described in Subsection paragraph 2., above, within 1,000 feet of the licensed premises. This provision applies only to the renewal of an existing license and does not apply when an application for a license is submitted after a license for that location has not been renewed or has been revoked.

17.400 NONCONFORMITIES.

17.401 – NONCONFORMING USES, STRUCTURES, AND LOTS

(1) Nonconforming Uses. The nonconforming use of a nonconforming structure, building, premises, or fixture existing at the time of the adoption or any amendment of this chapter may be continued although it does not conform to the provisions of this chapter or any amendments thereto, but the alteration of, or addition to, or repair shall not exceed 50% of its assessed value of any nonshoreland existing building, premises, structure, or fixture for the purpose of carrying on a nonconforming use. The continuance of the nonconforming use of a temporary structure is prohibited.
(2) Nonconforming structures. Repairs and maintenance of certain nonconforming structures: There is no limit based on cost for the repair, maintenance, renovation, or remodeling of a nonconforming structure.
(3) Restoration of certain nonconforming structures. Nonconforming structures that are damaged or destroyed may be restored if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, with no limit on the costs of the repair, reconstruction, or improvement if all of the following apply:
   (a) The use of the building or structure which is nonconforming was not discontinued for a period of 12 months or more; and,
   (b) The damage or destruction was caused by a natural event, including but not limited to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

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17.402 – DISCONTINUED USE

If a nonconforming use is discontinued or terminated for a period of 12 months, any further use of the structure, land or water shall conform to the provisions of this chapter.

17.403 – ADDITIONS AND ENLARGEMENTS

Additions and Enlargements to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Chapter. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing encroachment. The provisions of this Subsection with respect to additions or enlargements are applicable only if the lot is served by public sanitary sewer or, if relevant, conforms to existing sanitary code requirements for private onsite sewage treatment systems (POWTS).

17.404 – NONCONFORMING LOTS OF RECORD

In any district, any permitted or permissible structure may be erected on a single lot of record at the effect date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which the lot is located as amended as long as the lot lawfully existed at the time of the adoption of or amendment to this ordinance.

17.405 – CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

17.500 SIGNS

17.501 – PURPOSE.

(1) The purpose of this Chapter is to create the legal framework to regulate, administer and enforce signs. These regulations recognize the need to protect the safety and welfare of the public and the need for well-maintained and attractive sign displays within the community.
(2) Signs not expressly permitted as being allowed by right or by permit under this Chapter, by specific requirements in another portion of the City of Waupaca Code of Ordinances or other applicable law, are prohibited.
(3) The regulations included in this Chapter are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, leased by, on behalf of, or as specifically directed or order by, federal, state, local governments and government agencies, in the furtherance of authorized government operations or activities within the public right-of-way.
(4) This Chapter shall establish reasonable time, place, and manner restrictions and shall not establish or enforce content-based restrictions. Sign regulations shall be based solely on size, brightness, zoning district, spacing, location, and the like.

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17.502 – SUBSTITUTION CLAUSE.

Signs containing noncommercial speech are permitted anywhere that signs containing commercial speech are permitted, subject to the same regulations applicable to such signs.

17.503 – AUTHORIZATION.

These regulations authorize the use of signs visible from public rights-of-way, provided the signs are:

(1) Compliant with this Chapter.
(2) Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety.
(3) Legible, readable, and visible in the circumstances in which they are used.

17.504 – INTERPRETATION.

The requirements and restrictions of this Section are in addition to, and not in lieu of, other provisions of this Chapter. This Section shall be strictly construed to limit signs in the City. Upon submission of sufficient documentation demonstrating the need to modify the size, design or number of signs necessary to identify a development, the Plan Commission may modify the sign restrictions within this Section to overcome constraints due to poor site visibility, excessive setbacks or other physical constraints.

17.505 – SIGN PERMIT.

(1) Permit Required. It shall be unlawful for any person to erect, construct, enlarge, or structurally modify a sign or cause the same to be done in the City of Waupaca without first obtaining a sign permit for each sign from the Zoning Administrator as required by this article. Permits shall not be required for the following:
   (a) A change of copy of any sign, nor for the repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.
   (b) Signs listed as exempted in this Chapter.
(2) Application. Application for a permit shall be filed with the Community and Economic Development Department upon forms provided by the City and shall contain the following information:
   (a) The name, address and telephone number of the sign owner, the property owner, where the sign is or will be located and the sign contractor of the proposed sign.
   (b) Clear and legible color drawings with description and nominal dimensions of the proposed sign, the construction, size, dimensions and kind of materials to be used is such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with locations, setbacks, size and types of existing signs on the premises where the proposed sign is to be located. All dimensions shall be indicated for the sign and the site plan elements.
   (c) Calculations or evidence showing that the structure and design meets the requirements of these regulations for wind pressure load.
   (d) Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the City.
   (e) Signature of the applicant.
   (f) All required fees.
(3) Permit issuance and denial.
   (a) The Zoning Administrator shall issue a sign permit upon determination that:
      1. The permit application is properly made.
      2. All required fees have been paid
      3. The sign complies fully with the requirements of this Chapter and any other applicable laws and regulations.
   (b) The Zoning Administrator shall notify the Building Inspector upon approval of a sign permit.
   (c) If the sign permit is denied, the Zoning Administrator shall provide written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.

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17.506 – SIGNS NOT REQUIRING A PERMIT.

Signs not requiring a permit shall comply in all respects with the sign regulations presented in this Chapter. The following signs are allowed without a permit, subject to the following regulations:

(1) In residential districts:
   (a) One temporary sign, subject to the following:
      1. Sign shall not exceed 16 square feet in total face area.
      2. Sign shall not be located in any public right-of-way.
      3. Sign shall not be artificially illuminated.
      4. Sign shall not be erected more than 15 days before, and shall be removed no later than five days after, the event, activity, or purpose for which the sign is intended, excepting those signs specifically allowed under Chapter 12.04, Wis. Stats.
   (b) One wall sign, subject to the following:
      1. Sign shall not exceed two square feet in face area.
      2. Sign shall not be artificially illuminated.
(2) In nonresidential districts.
   (a) Two temporary signs, subject to the following:
      1. No sign shall exceed 32 square feet in total face area.
      2. Signs shall not be located in any public right-of-way.
      3. Signs shall not be artificially illuminated.

4. Signs shall not be erected more than 15 days before, and shall be removed no later than five days after, the event, activity, or purpose for which the sign is intended.
5. In no cases shall signs be maintained for more than 60 days, other than specifically allowed under Chapter 12.04, Wis. Stats.

(b) One portable sign, subject to the following:
1. Portable signs shall comply with all setback requirements.
2. Portable signs shall be in place exclusively during the hours of operation of the entity for which the sign is associated.

(3) In all districts.
(a) Integral signs, not to exceed two per structure.
(b) Official and governmental signs, such as traffic control, parking, information, and notices.
(c) Signs intended to protect public safety or warn of potential hazards associated with a specific activity. Such signs shall be maintained only so long as the activity for which they are intended is ongoing.
(d) Private property signs.
(e) Official notices posted by public officers or employers in the performance of their duties.
(f) Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.
(g) Truck, bus, trailer or other vehicles, while operating in the normal course of business which is not primarily the display of signs.
(h) A sign carried by a person.
(i) House numbers and name plates not exceeding two square feet in area for each residential, commercial or industrial building.
(j) Incidental signs.
(k) Interior Signs.
(l) Athletic field signage including signs, banners, and scoreboards designed solely for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex; except that approval of the Plan Commission shall be required to display a sign, banner, or scoreboard under this paragraph at a city park. Scoreboards that qualify under this paragraph may include flashing elements, if adequate screening is provided to screen the views from abutting streets, as approved by the Community and Economic Development Department. For purposes of this paragraph, a "school" shall mean public schools as defined in Chapter 115.01(1), Wis. Stats., private schools as defined in Chapter 115.001(3r), Wis. Stats., and technical colleges authorized under Chapter 38, Wis. Stats. Athletic field signage may be illuminated and may be temporary.

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17.507 – PROHIBITED SIGNS

(1) General. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be place so as to obstruct or interfere with traffic visibility, or be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing.

(2) The following signs are specifically prohibited in all districts:
(a) Animated signs.
(b) Flashing signs, including signs with scintillating, blinking, or traveling lights of more than 15 watts per lamp.
(c) Off-premises signs.
(d) Signs which are painted on, or attached or affixed to, rocks, trees or other living vegetation.
(e) Signs with any light flashing more than 10 times per minute.
(f) Roof signs.
(g) Swinging signs
(h) Any other signs not specifically permitted by this Chapter.

17.508 – RESTRICTIONS ON POSTING SIGNS.

No person shall cause to be placed any type of sign, notice or other item on any traffic sign pole, utility pole, street indicator sign or any other pole under the jurisdiction of the City.

17.509 – SIGN STANDARDS

(1) Construction standards.
   (a) Signs shall comply in all respects with applicable Sections of City of Waupaca Chapter 14: Building Code.
   (b) All ground signs shall be self-supporting structures and permanently attached to sufficient foundations.
   (c) All signs, except those attached flat against the wall of a building and those signs of which no portion exceeds a height of three feet and are no greater than nine square feet in area shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
      1. For solid signs, 30 pounds per square foot of the sign and structure.
      2. For skeleton signs, 30 pounds per square foot on the total face cover of the letters and other sign surfaces or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
   (d) Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
   (e) All signs in which electrical wiring or connections are used shall be subject to all applicable provisions of State code. No person may erect any sign with exposed electrical cords or wires. Electrical service to ground signs shall be concealed wherever possible.
(2) Maintenance standards.
   (a) Every sign shall be maintained in a safe, presentable and structurally sound condition at all times. This includes restoring, repainting, or replacing a worn or damaged sign to its original condition. This also includes maintaining the premises on which the sign is erected in a clean and sanitary condition, free and clear of noxious substances.
   (b) The Zoning Administrator and Building Inspector shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.
(3) Measurement standards.
   (a) Signable Area. The signable area of a building is designated as the area of the facade of the building up to the roofline, which is free of windows and doors or major architectural detail on which signs may be displayed.
   (b) Measuring Sign Face. In calculating the area of a sign to determine whether it meets the requirement of this Chapter, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation. The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
   (c) Measuring Sign Height. The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.
(4) Illumination standards.
   (a) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign is prohibited.
   (b) All sign lighting shall be designed, located, shielded, or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.
(5) Landscape Standards. All ground signs shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign. Species shall be consistent with the requirements of the Landscaping Section of this Chapter.

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(6) Changeable Copy. Unless otherwise specified by this Chapter, any sign herein allowed may use manual or automatic changeable copy.

17.510 – PERMITTED SIGNS

(1) R-3 District.
(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed in the R-3 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Ground	One [1]	30 sq. ft.	10 ft.	Equal to height of sign [2]	Three ft.

[1] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
[2] Ground mounted signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.

(2) B-1, I-1, I-2, and PUL Districts.
(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-1, I-2, and I-2 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Awning/ Canopy	One per street facing, first floor window	50 sq. ft.	[1]	[2]	n/a
Ground	One [3]	[4]	20 ft.	Equal to height [5]	Three ft.
Ingress/ Egress	Two [6]	Eight sq. ft.	Five ft.	0 ft.	Three ft.
Portable	One, in street yard only	24 sq. ft.	Four ft.	Off-street	n/a
Projecting	One	35 sq. ft.	12 ft. above grade	[7]	[7]
Wall, non-residential	Three	[8] [9]	n/a	n/a	n/a

[1] Awnings/canopies must maintain a minimum clearance between the bottom of the canopy and the finished grade of nine feet.
[2] Awnings/canopies shall project a minimum of 3.5 feet to provide pedestrians protection from the elements. Awning/canopies may extend to a point not more than two feet in from the face of the curb, or seven feet from the building, whichever is less.
[3] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
[4] Street frontage 0-100 feet: 50 square feet
Street frontage 101 feet or greater: 100 square feet
[5] Ground mounted signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.
[6] Ingress/egress signs shall be associated with, and located no farther than 10 ft. from, an access to a City street.
[7] Projecting signs may extend to a point not more than two feet in from the face of the curb, or nine feet from the building, whichever is less.
[8] Wall signs shall not exceed one square foot of face area per lineal foot of street frontage. The maximum area of wall signage allowed is 500 square feet.
[9] Wall signs shall not extend outward more than 14 inches from the surface of the wall.

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(3) B-2 District

(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-2 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Awning/ Canopy	One per street facing, first floor window	50 sq. ft.	[1]	[2]	n/a
Ground	One [3]	[4]	20 ft.	Equal to height [5]	Three ft.
Ingress/ Egress	Two [6]	Eight sq. ft.	Five ft.	0 ft.	Three ft.
Portable	One, in street yard only	24 sq. ft.	Four ft.	Off-street	n/a
Projecting	One	55 sq. ft.	12 ft. above grade	[7]	[7]
Wall, non-residential	Three	[8] [9] [10]	n/a	n/a	n/a
Window/ Door	One	25% of window or door area [11]	n/a	n/a	n/a

[1] Awnings/canopies must maintain a minimum clearance between the bottom of the canopy and the finished grade of nine feet.
[2] Awnings/canopies shall project a minimum of 3.5 feet to provide pedestrians protection from the elements. Awning/canopies may extend to a point not more than two feet in from the face of the curb, or seven feet from the building, whichever is less.
[3] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
[4] Street Frontage, 0-100 feet: 100 square feet.
Street Frontage, 101 feet or greater: 150 square feet.
[5] Ground signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.
[6] Ingress/egress signs shall be associated with, and located no farther than 10 ft. from, an access to a City street.
[7] Projecting signs may extend to a point not more than two feet in from the face of the curb, or nine feet from the building, whichever is less.
[8] Wall signs fastened to or painted on the street-facing facade associated with the primary mailing address of a structure shall not exceed 150 square feet in size.
[9] Wall signs fastened to or painted on any façade other than the street-facing facade associated with the primary mailing address of a structure shall have no maximum size.
[10] Wall signs shall not extend outward more than 14 inches from the surface of the wall.
[11] Window/door graphics shall not become unsightly or illegible. Chipped or peeling areas shall be removed, repaired, or replaced.

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(4) B-3, B-4, and B-5 Districts

(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-2, B-3, B-4, and B-5 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Awning/ Canopy	One per street facing, first floor window	50 sq. ft.	[1]	[2]	n/a
Ground	One [3]	[4]	20 ft.	Equal to height [5]	Three ft.

Ingress/ Egress	Two [6]	Eight sq. ft.	Five ft.	0 ft.	Three ft.
Portable	One, in street yard only	24 sq. ft.	Four ft.	Off-street	n/a
Projecting	One	55 sq. ft.	12 ft. above grade	[7]	[7]
Wall, non-residential	Three	500 sq. ft. [8]	n/a	n/a	n/a
Window/ Door	One	25% of window or door area [9]	n/a	n/a	n/a

[1] Awnings/canopies must maintain a minimum clearance between the bottom of the canopy and the finished grade of nine feet.
[2] Awnings/canopies shall project a minimum of 3.5 feet to provide pedestrians protection from the elements. Awning/canopies may extend to a point not more than two feet in from the face of the curb, or seven feet from the building, whichever is less.
[3] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
[4] Street Frontage 0-100 feet: 100 square feet.
Street Frontage 101 feet or greater: 150 square feet.
[5] Ground signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.
[6] Ingress/egress signs shall be associated with, and located no farther than 10 ft. from, an access to a City street.
[7] Projecting signs may extend to a point not more than two feet in from the face of the curb, or nine feet from the building, whichever is less.
[8] shall not extend outward more than 14 inches from the surface of the wall.
[9] Window/door graphics shall not become unsightly or illegible. Chipped or peeling areas shall be removed, repaired, or replaced.

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(5) B-6 District.

(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-6 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Ground	One [1]	30 ft. to 65 ft. [2] [3]	20 ft. [3]	Equal to height [4]	Three ft.
Ingress/ Egress	Two [5]	Eight sq. ft.	Five ft.	0 ft.	Three ft.
Projecting	One	55 sq. ft.	12 ft. above grade	[6]	[4]
Wall, non-residential	Three	[7] [8]	n/a	n/a	n/a
Window/ Door	One	25% of window or door area [9]	n/a	n/a	n/a

[1] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
[2] Square footage may be increased to the second number at a rate of one square foot for each additional 10 feet of lot frontage, after the first 50 feet of frontage, up to 400 feet of frontage. In addition, square footage may be increased by one square foot for every two feet additional setback up from the required setback to a maximum of a 40-foot setback from the base setback line.
[3] See subsection (b) below.
[4] Ground signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.
[5] Ingress/egress signs shall be associated with, and located no farther than 10 ft. from, an access to a City street.

[6]	Projecting signs may extend to a point not more than two feet in from the face of the curb, or nine feet from the building, whichever is less.
[7]	Wall signs shall not exceed one square foot of face area per lineal foot of street frontage. The maximum area of wall signage allowed is 500 square feet.
[8]	Wall signs shall not extend outward more than 14 inches from the surface of the wall.
[9]	Window/door graphics shall not become unsightly or illegible. Chipped or peeling areas shall be removed, repaired, or replaced.

(b) Ground mounted signs fronting STH 10:

1. Maximum face area.

Lot Size	Maximum Face Area
0.5 or fewer acres	300 sq. ft.
0.51 to two acres	600 sq. ft.
More than two acres	900 sq. ft.

2. Maximum height.
   a. Maximum height may exceed 20 feet by two feet for each additional foot the sign is set back from a minimum of 10 feet from the Highway 10 right-of-way. No freestanding sign shall exceed 35 feet in height.
   b. Conditional Use Permit. The maximum height of a ground mounted sign fronting STH 10 may be increased to 60 feet with an approved Conditional Use Permit if Owner can demonstrate unique site and surrounding conditions warrant such an increase in sign height.
   c. No sign may exceed maximum elevations noted in the 2004 Airport Height Limitation Zoning Map for the Waupaca Municipal Airport.
3. Design. Ground mounted signs shall:
   a. Compliment on-building signage
   b. Incorporate a landscaped area at the base of the sign.
   c. A mixture of trees, shrubbery, and other decorative landscaping elements are provided at the base of the sign.
   d. Sign poles shall be constructed of block or other decorative material.
4. Shared signs are encouraged.

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(6) B-7 District.

(a) Type of signs allowed. In addition to signs not requiring a permit, the following sign types are allowed for nonresidential uses in the B-7 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Street Yard Setback	Side Yard Setback
Awning/ Canopy	One per street facing, first floor window	50 sq. ft.	[1]	[2]	n/a
Ground	One [3]	30 ft. to 65 ft. [4]	Six ft.	Equal to height [5]	Three ft.
Ingress/ Egress	Two [6]	Eight sq. ft.	Five ft.	0 ft.	Three ft.
Portable	One, in street yard only	24 sq. ft.	Four ft.	Off-street	n/a
Projecting	One	24 sq. ft.	12 ft. above grade	[7]	[7]
Wall, non-residential	One	[8] [9] [10]	n/a	n/a	n/a
Window	One	25% of window area [11]	n/a	n/a	n/a

[1] Awnings/canopies must maintain a minimum clearance between the bottom of the canopy and the finished grade of nine feet.
[2] Awnings/canopies shall project a minimum of 3.5 feet to provide pedestrians protection from the elements. Awning/canopies may extend to a point not more than two feet in from the face of the curb, or seven feet from the building, whichever is less.
[3] Total number of ground signs shall be limited to one per property for each abutting and accessible street frontage unless otherwise approved in a planned unit development.
[4] Square footage may be increased to the second number at a rate of one square foot for each additional 10 feet of lot frontage, after the first 50 feet of frontage, up to 400 feet of frontage. In addition, square footage may be increased by one square foot for every two feet additional setback up from the required setback to a maximum of a 40-foot setback from the base setback line.
[5] Ground signs with a total height less than 6 feet may be located with a zero-foot setback from the right-of-way line.
[6] Ingress/egress signs shall be associated with, and located no farther than 10 ft. from, an access to a City street.
[7] Projecting signs may extend to a point not more than two feet in from the face of the curb, or nine feet from the building, whichever is less.
[8] Wall signs fastened to or painted on the street-facing facade associated with the primary mailing address of a structure shall not exceed 150 square feet in size.
[9] Wall signs fastened to or painted on any façade other than the street-facing facade associated with the primary mailing address of a structure shall have no maximum size.
[10] Wall signs shall not extend outward more than 14 inches from the surface of the wall.
[11] Window graphics shall not become unsightly or illegible. Chipped or peeling areas shall be removed, repaired, or replaced.

(7) Multi-Tenant Signs.

(a) Purpose. The City desires to reduce visual clutter by consolidating signage for businesses, entities, and/or tenants of a multi-tenant building, complex, development, or subdivision onto multi-tenant signs.

(b) Districts Allowed. Multi-tenant signs are allowed in B-1, B-2, B-3, B-4, B-5, B-6, I-1, and I-2 Districts.

(c) General Standards.

1. Multi-tenant signs may be utilized whenever a development consists of several, separate units having appurtenant shared facilities, including but not limited to driveways, parking, common walls or structures, and pedestrian walkways.
2. Multi-tenant signs may be ground signs or freestanding signs.
3. Entities represented on a multi-tenant sign shall not also erect or display additional ground signs or freestanding signs.

(d) Dimensional Standards.

1. Maximum Number. The maximum number of multi-tenant signs allowable in a single development is one. The maximum number of tenant panels on a multi-tenant sign shall be one associated with, and limited to, each business, entity or tenant located in the development.
2. Maximum Face Area. The face area for each panel displayed on the multi-tenant sign shall comply with the maximum face area for a ground sign in the applicable zoning district.
3. Maximum Height. The maximum height of a multi-tenant sign shall comply with the maximum height of a ground sign in the applicable zoning district.

(e) Design Standards.

1. Monument signs are preferred over pole signs.
2. A multi-tenant sign shall have no exposed poles and shall not be a monopole.
3. A multi-tenant sign shall be designed and maintained to be architecturally compatible with the development.

(f) Panel Easement Required. A panel easement granting access and rights to all property owners and tenants who are placing their sign on the multi-tenant sign. A Master Sign Easement shall be recorded at the Waupaca County Register of Deeds Office prior to issuance of the multi-tenant sign permit.

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17.511 – INDEMNIFICATION.

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify the City of Waupaca, its officers, agents, and employees against any and all claims of negligence resulting from such work insofar as this Chapter has not specifically directed the placement of a sign.

17.512 – INSURANCE.

Every sign contractor shall maintain all required insurance and shall file with the City a satisfactory certificate of insurance to indemnify the City against any form of liability to a minimum of $300,000 (per occurrence and aggregate with regard to bodily injury and property damage).

17.513 REMOVAL AND DISPOSITION OF SIGNS.

(1) Abandoned signs. All abandoned signs shall be removed within six months by the owner or lessee of the premises upon which an on-premise sign is located when the entity for which the sign is associated is no longer present or in operation. If the owner or lessee fails to remove the sign(s), the Zoning Administrator shall give the owner or lessee 30 days written notice to remove said sign(s). Upon failure to comply with this notice, the City of Waupaca may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.
(2) Deteriorated dilapidated signs. The Zoning Administrator and Building Inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of Chapter 66.0413(1), Wis. Stats.
(3) Unlawful signs. The Zoning Administrator may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall be in writing and shall state the reasons of the Zoning Administrator as to why any sign owned, kept, displayed, or maintained by any person within the City is in violation of this Chapter.

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17.514 – SIGN NONCONFORMITIES.

(1) Nonconforming signs. Any sign located in the City of Waupaca as of the date of adoption or amendment of this Chapter, or located within an area annexed to the City of Waupaca hereafter, that does not conform to the provisions of this Chapter as adopted or amended is a legal, non-conforming sign if the sign was legally constructed prior to the date of adoption or amendment of this Chapter. Such signs may be continued although the use, size, number, or location does not conform to the provisions of this Chapter.
(2) Nonconforming status. A sign loses its legal, non-conforming status if one of the following occurs:
    (a) The sign is structurally altered in any way other than normal maintenance and repair that makes the sign less compliant with the requirements of this Chapter than it was before the alteration.
    (b) The sign is relocated.
    (c) The sign is abandoned.
    (d) The permitted or conditional use associated with the sign changes.
(3) Reconstruction. A non-conforming sign can be reconstructed to its former state if it is destroyed by wind, vandalism, fire, ice, or flood.

17.600 TRAFFIC, PARKING AND ACCESS

17.601 – VISIBILITY AND CLEARANCE.

There shall be an unoccupied triangular vision clearance space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points 10 feet from the corner on each street line. In the case of arterial streets intersecting with other arterial streets or railways, the corner cut-off

distances establishing the triangular vision clearance space shall be increased to 50 feet. No obstructions such as structures, parking or vegetation, except for necessary highway and traffic signs or public utility lines, shall be permitted in any district between the heights of 2.5 feet and 10 feet above the curb level.

17.602 – LOADING REQUIREMENTS.

(1) In All Districts. All adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.
(2) Loading Space Required For Lots Abutting Alleys. In any commercial or industrial district, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall be, at all times, free and unobstructed to the passage of traffic.

17.603 – PARKING REQUIREMENTS.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

(1) Adequate Access. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for single-family and two-family dwellings and a minimum of 24 feet for all other uses.
(2) Size. The size of each parking space shall be not less than nine feet by 18 feet, exclusive of the space required for ingress and egress.
(3) Location. The location shall be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 15 feet to a residential district lot line or a street line opposite a residential district lot line or a street line opposite a residential district with an appropriate landscape buffer as outlined in Subsection (8) below and approved by the Plan Commission.
(4) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
(5) Curbs or Barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
(6) Uses Not Listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Where uses are not enumerated, the Plan Commission shall make the appropriate determination.
(7) Combinations. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
(8) Landscape Buffers. Buffers shall incorporate some combination of shrubs, berming, and deciduous and coniferous trees to provide an all-season screen, with an opacity of at least 60 percent at maturity (80 percent for outdoor storage facilities). Buffer yard landscaping shall have a minimum height of three feet at time of planting. The use of berming or an opaque fence constructed of materials compatible with the building on the site may be approved by the Plan Commission in addition to landscaping. The location of buffer yard plantings shall be within 25 feet of the property line, except where necessary to avoid utility easements

17.604 – BARRIER-FREE PARKING STALLS.

Barrier-Free Parking stalls. Where parking spaces are provided, barrier-free parking spaces shall be provided in accordance with all applicable federal and state requirements including the Americans with Disabilities Act and Chapter Comm 69 of the Wisconsin Administrative Code. The parking spaces provided under this paragraph shall be in addition to, and not in lieu of, any parking spaces required under other provisions of this section.

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17.605 – NUMBER OF PARKING STALL REQUIRED

The following table shall establish the minimum number of parking stalls for particular land uses:

Use	Requirements
Duplex	2 spaces per dwelling unit
Single-family detached residence	2 spaces per dwelling unit
Single-family attached residence	1.5 spaces per dwelling unit
Mobile/manufactured homes and parks	3 spaces per dwelling unit
Multifamily dwellings	1 stall for each guest room plus 1 stall for each 3 employees
Motels and hotels	1-1/2 stalls for each sleeping unit
Places of worship, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
College, secondary and elementary schools	1 stall for each 2 employees
High schools (junior and senior)	Auditorium requirement or 1 space for every 5 students of maximum capacity
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 3 employees
Hospitals	1 space for every 3 beds, plus 1 space for each medical staff member, plus 1 space for every 3 employees
Nursing, convalescent, rest and old age homes	1 space for every 3 rooms, plus 1 space for each staff member and employee
Clinics	5 spaces for every practitioner on the staff
Industrial uses	1 space for every 2 employees
Commercial office buildings	1 space for every 300 square feet of gross floor area
Retail uses	1 space for every 300 square feet of gross floor area
Customer service establishments	1 space for every 200 square feet of gross floor area
Restaurants, taverns, club, etc.	1 space for every 100 square feet of gross floor area
Planned shopping center	1 space for every 100 square feet of gross floor area

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17.606 – DRIVEWAYS.

All driveways installed, altered, changed, replaced or extended after November 3, 1967, shall meet the following requirements:

(1) Openings. Openings for vehicular ingress and egress for residential occupancy shall not exceed 24 feet at the property line and 30 feet at the roadway. For all other uses openings shall be determined by the Board of Public Works.
(2) Vehicular Entrances and Exits. Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service washing and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance on exit to a school, college, university, place of worship, hospital, park, playground, library, public emergency shelter or other place of public assembly.

17.607 – HIGHWAY ACCESS.

No direct private access shall be permitted to the existing or proposed rights-of-way nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
(1) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
(2) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.

(3) Access barriers such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
(4) Temporary access to the above rights-of-way requires a Conditional Use Permit. The Plan Commission shall grant a Conditional Use Permit after review and recommendation by the highway agencies having jurisdiction. Such access shall be temporary, revocable, and subject to any conditions required, and shall be issued for a period not to exceed 12 months.

17.700 CHANGES AND AMENDMENTS.

17.701 – AUTHORITY.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Council may, by ordinance, change the District boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

17.702 – INITIATION.

A change or amendment may be initiated by the Council or Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

17.703 – PETITIONS.

Petitions for any change to the District boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

(1) Plot Plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent Zoning Districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
(2) Owners Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
(3) Additional Information as may be required by the Zoning Administrator, Plan Commission, or Council.

17.704 – REVIEW AND RECOMMENDATIONS.

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

17.705 – HEARINGS.

The Council shall hold a public hearing upon each petition giving public notice thereof as specified in Chapter 17.804, listing the time, place, and the changes of amendments proposed. The Council shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

17.706 – COUNCIL'S ACTION.

As soon as possible after such public hearing, and after careful consideration of the Plan Commission's recommendations, the Council shall act on the petition either approving, modifying and approving, or disapproving of the same.

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17.707 – PROTEST.

In the event of a protest against such District change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of 3/4 of the full Council membership.

17.708 – MODIFICATIONS.

The Zoning Administrator, in reviewing zoning permits, may grant modifications to the terms of this Chapter as provided herein.

(1) Height. The district height limitations set forth elsewhere in this Chapter may be exceeded as follows:
   (a) Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
   (b) Special Structures such as elevator penthouses, grain elevators, radio and television antenna, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks are exempt from the height limitations of this Chapter. Radio and television antennas shall be shielded and/or filtered to prevent the emission and/or reflection of electromagnetic radiation that would interfere with radio and television reception on adjacent properties.
   (c) Essential Services are exempt from the height limitations of this Chapter.
   (d) Communication Structures such as radio and televisions transmission and relay towers, and observation towers, but excluding mobile towers and amateur radio towers, shall not exceed in height three times their distance from the nearest lot line.
   (e) Airport Height Limitations in accordance with this Chapter shall supersede any modifications to the height regulations herein allowed.

(2) Yards. The yard requirements set forth elsewhere in this Chapter may be modified as follows:
   (a) Uncovered Stairs, landings and fire escapes may project not more than six feet into any yard but shall not be closer than three feet to any lot line.
   (b) Architectural Projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project not more than two feet into any required yard.
   (c) Accessory structures and Vegetation used for landscaping and decorating may be placed in the required street yard and side yards. Permitted structures and vegetation include flagpoles, ornamental light standards, lawn furniture, sundials, birdbaths, trees, shrubs and flowers. Structures and vegetation shall comply with the traffic visibility requirements set forth in this Chapter.
   (d) Firewood Storage is permitted in any single-family or two-family residential district provided that the firewood is for the personal use of the occupant of the premises and that no more than two face cords of firewood is stored.

(3) Multi-Frontage Lots.
   (a) Primary Street Yard. The Primary Street Yard shall be that yard abutting or fronting a public or private street on a corner lot or double frontage lot which is associated with the mailing address of the lot.
   (b) Secondary Street Yard. The Secondary Street Yard shall be any yard abutting or fronting a public or private street on a corner lot or double frontage lot which is not defined as the Primary Street Yard.

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17.800 ADMINISTRATION AND ENFORCEMENT

17.801 - GENERAL ADMINISTRATIVE SYSTEM.

The Zoning Administrator shall administer this Chapter. The City of Waupaca Code Enforcement Officer in consultation with the Zoning Administrator shall enforce this Chapter. Certain considerations, particularly with regard to granting of Conditional Uses, issuance of site plan permits for all nonresidential development, changes in zoning districts and the zoning map, and amending the text of this Chapter require review and recommendation by the Plan Commission and ultimate action by the Common Council. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

17.802 – ZONING ADMINISTRATOR.

The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter.

(1) Responsibilities. The Zoning Administrator shall further:
   (a) Maintain records of all reports prepared, permits issued, inspections made, work approved, and other official actions.
   (b) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
   (c) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, and any other purported violations of this Chapter.
   (d) Notify the City Administrator upon determination of a violation of this Chapter.
   (e) In case of any finding of a violation of a provision of this Chapter, notify in writing, the owner of the property on which the violation has taken place indicating the nature of the violation and the action necessary to correct it.
   (f) Prohibit the issuance of any Building Permit until any required zoning approvals have been issued.
   (g) Request assistance and cooperation from the Building Inspector, City Attorney, Police Department, and other applicable parties as deemed necessary.
   (h) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.

(2) Authority. In the enforcement of this Chapter The Zoning Administrator shall have the power and authority for the following:
   (a) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.
   (b) Upon reasonable cause or question as to proper compliance, to revoke any zoning permits and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Chapter, such revocation to be in effect until reinstated by the Director of Community and Economic Development or designee, Code Enforcement Office, and the Building Inspector or the Board of Appeals; or take any other action as directed by the Common Council to ensure compliance with or to prevent violation of its provisions.
   (c) In the name of the City, in consultation with the City Attorney, and with authorization of the Common Council commence any legal proceedings necessary to enforce the provisions of this Chapter, including the collection of forfeitures provided for herein.

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17.803 – CODE ENFORCEMENT OFFICER.

The duty of the Code Enforcement Officer shall be to monitor and enforce the provisions required by this Chapter.

(1) Responsibilities. The Code Enforcement Officer shall further:
   (a) Maintain records of all reports prepared, inspections made, work approved, and other official actions.
   (b) Monitor, investigate, respond to complaints, and cause prosecution of violations of the City ordinances as set forth in the ordinances.
   (c) Take steps to cause the correction of any violation of this chapter and all other chapters of this Code under the Officer's jurisdiction. These steps may include warnings, a written order to correct the matter, filing of citations for ordinance violations or filing, with the assistance of the City Attorney, other court actions to enforce this Code. Section 66.0113, Wis. Stats., which authorizes the use of citations, is hereby adopted and incorporated herein by reference.
   (d) In case of any finding of a violation of a provision of this Chapter, notify in writing, the owner of the property on which the violation has taken place indicating the nature of the violation and the action necessary to correct it.
   (e) Request assistance and cooperation from the Building Inspector, City Attorney, Police Department, and other applicable parties as deemed necessary.
   (f) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.
(2) Authority. In the enforcement of this Chapter the Code Enforcement Officer shall have the power and authority for the following:
   (a) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.
   (b) Upon reasonable cause or question as to proper compliance, to revoke any zoning permits and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Chapter, such revocation to be in effect until reinstated by the Director of Community and Economic Development or designee, Code Enforcement Office, and the Building Inspector or the Board of Appeals; or take any other action as directed by the Common Council to ensure compliance with or to prevent violation of its provisions.
   (c) In the name of the City, in consultation with the City Attorney, and with authorization of the Common Council commence any legal proceedings necessary to enforce the provisions of this Chapter, including the collection of forfeitures provided for herein.

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17.804 – PLAN COMMISSION.

(1) Duties. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the City to the City Council, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys.
(2) Powers. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the City Council pursuant to guidelines set forth in this Chapter as to various matters, and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

17.805 - PUBLIC HEARINGS.

(1) Notice. Notice of the proposed zoning map or text amendment shall require a Class II notice, and the notice of a Conditional use shall require a Class I notice. Hearing thereon shall be given by publication in the official paper, and in cases of petitions requesting changes in the zoning district classification of any property, granting of Conditional uses, or of planned developments, the Clerk shall mail notice of the public hearing to the owners of all lands within 250 feet of any part of the land included in such proposed change or Conditional use at least five days before such public hearing. The failure of such notice to reach any property owner provided such failure not be intentional, shall not invalidate any amending ordinance, or grant of Conditional use of planned development. Such mailed notice shall not be required where the Common Council determines that the change is of such comprehensive nature that such notice would involve excessive administrative effort and expense and is not necessary for reasonable notification of affected property owners. At least five days prior written notice of changes in the district plan shall also be given to the Clerk of any municipality whose boundaries are within 1,000 feet of the land to be affected by the proposed change. Failure to give such notice shall not invalidate any such change.

(2) Information. Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held, and shall include, in the case of map changes a description of the area involved and in the case of text changes a description of the proposed change, in sufficient detail for general public identification. Reference shall also be made to the fact that detailed descriptions are available for public inspection at the Clerk's Office.

(3) Petitions Not Involving Zoning Change. Where such hearing is required by the provisions of this Chapter as a result of a request for other than a zoning change or appearance before the Board of Appeals, such request shall be presented to the Clerk in writing, and shall be accompanied by a map or description clearly identifying the property involved and by a fee payable to the City, as from time to time established by Resolution of the Common Council, to defray the cost of notification and holding of a public hearing.

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17.806 - BOARD OF APPEALS.

(1) Establishment.
   (a) A Board of Appeals is hereby established.
      1. The Board of Appeals shall consist of five members appointed by the Mayor, subject to confirmation by the Council, for three-year terms.
      2. Official Oaths shall be taken by all members in accordance with Chapter 19.01, Wis. Stats., within 10 days of receiving notice of their appointment.
      3. The members shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing.
      4. The Mayor shall designate one of the members as Chair.
      5. The Mayor shall appoint two alternate members for three-year terms who shall act with full power only when a member of the Board of Appeals is absent or refuses to vote because of interest.
      6. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary and other employees.

(2) Meetings. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. Such chair, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the Board of Appeals and shall be public record.
   (a) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.

(3) Powers. The Board of Appeals shall have the following powers:
   (a) Errors. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by any administrative official.

(b) Variances. To authorize, upon appeal in specific cases, such variances from the terms of this Chapter as shall not be contrary to the public interest where, owning to special conditions, a literal enforcement shall result in unnecessary hardship so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. The burden of proof for the unnecessary hardship shall rest entirely upon the applicant. Use variances shall not be granted. In every case where a variance from these regulations has been granted, the minutes of the Board of Appeals meeting shall affirmatively show that an unnecessary hardship exists, and the records of the Board of Appeals shall clearly show in what particular and specific respects an unnecessary hardship is created.

(c) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

(d) Permits. The Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issuance of a permit.

(e) Assistance. The Board of Appeals may request assistance from other City officers, departments, commissions and boards.

(f) Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.

(4) Appeals and Applications. Appeals from the decision of any administrative official concerning the literal enforcement of this Chapter may be made by any person aggrieved or by an officer, department, board, or bureau of the City.

(a) Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(b) Deadline for Application. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the administrative official. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

1. Name and Address. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
2. Information. All information required for a zoning permit.
3. Additional Information. Additional information required by the Plan Commission, the Board of Appeals or the Zoning Administrator.
4. Payment of Fee in accordance with this Chapter.

(5) Prohibited Uses. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

(6) Public Hearings. The Board of Appeals shall fix a reasonable time and place for the hearing, give a Class 1 public notice thereof as specified in Ch. 985, Wis. Stats., and shall give due notice to the parties of interest, the adjacent property owners, the Zoning Administrator, and the Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

(7) Findings. No variance to the provisions of this Chapter shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicated such in the minutes of its proceedings.

(a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or Conditional use in that particular district.

(b) Special or Unique Condition. There shall be a special or unique condition applying to the lot or parcel that does not apply generally to other properties in the same district, and the granting of the variance shall not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

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(c) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. The special or unique condition on the lot or parcel must cause an unnecessary hardship. However, no variance shall be granted solely on the basis of economic gain or loss and self-imposed hardships shall not be considered as grounds for the granting of a variance.

(d) Public Interest: No variance shall be granted that will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

(8) Decision. The Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of its decision to the appellant or applicant, Zoning Administrator, and Plan Commission.

(a) Required Vote. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation therefrom. The grounds of every such determination shall be stated.

(b) Conditions may be placed upon any building permit ordered or authorized by the Board.

(c) Variances, Substitutions, or Permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

(9) Review by Court of Record. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

17.807 – EXTRATERRITORIAL ZONING COMMITTEE.

(1) Jurisdiction. In the event an extraterritorial zoning committee is formed, pursuant to §62.23(7a), Wis. Stats., the jurisdiction of this Section shall also extend to those lands and waters lying within the unincorporated area that are approved by a majority of the members of the appropriate joint extraterritorial zoning committee.

(2) Changes and Amendments. Each change or amendment shall be subject to the review and recommendation of the Plan Commission and the appropriate joint extraterritorial zoning committee.

(3) Recommendations. The appropriate joint extraterritorial zoning committee and the Plan Commission shall review all proposed changes and amendments within the extraterritorial zoning jurisdiction, but only the members of the appropriate joint committee shall vote on matters relating to their zoning jurisdiction.

(4) Hearings. The Council shall hold a public hearing upon each recommendation, giving notice by publication thereof by a Class 2 notice under Chapter 985, Wis. Stats., during the preceding 30 days, listing the time, place and the changes or amendments proposed and by mailing notice to the town clerk of the town affected. The Council shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment. Prior to the Council hearing, the appropriate joint extraterritorial zoning committee shall hold a public hearing upon each proposed change or amendment within their zoning jurisdiction, giving notice thereof by a Class 2 notice under Chapter 985, Wis. Stats., during the preceding 30 days by listing the time, place and the changes or amendments proposed. The joint committee shall mail notice to the clerk of the affected town.

(5) Council Action. Following such hearing and after careful consideration to the recommendations of the Plan Commission and the appropriate joint extraterritorial zoning committee, the Council shall vote on the passage of the proposed change or amendment. The Plan Commission's recommendations may only be overruled by a ¾ vote of the full Council membership. A favorable vote of a majority of 6 members of the appropriate joint extraterritorial zoning committee is required before the Council may adopt any changes or amendments affecting their extraterritorial zoning jurisdiction.

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17.808 – CERTIFICATE OF OCCUPANCY.

(1) No vacant land shall be occupied or used and no building hereafter erected, altered on moved shall be occupied until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Chapter. Such permit shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this Chapter.
(2) Under such rules and regulations as may be established by the Council, the Building Inspector may issue a temporary certificate of occupancy for part of a building.
(3) Upon written request from the owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing on November 3, 1967, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

17.809 – TIME RESTRICTIONS FOR PLAN COMMISSION APPROVALS.

Plan Commission approvals granted for building, site and operation plans, signs, second garage structures, temporary structures and sketch land divisions in which the petitioner has not commenced construction activity or preparation of the land, or has not submitted a certified survey map or preliminary plat within the past 24 months of the date of approval, said approval will expire and reapplication will be required. A reapplication shall be limited solely to reasonable compliance with current design, locational, and operational requirements. A reapplication shall not involve the basic permissibility of the use where such use is permitted by right at the time of reapplication. The Plan Commission may grant one six-month extension if requested 30 days prior to the pending expiration date provided that the applicant demonstrates a valid cause. This Section shall be in force and effect for all applications filed after the date of adoption and publication.

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17.810 – FEES.

(1) Application Fees. The application fee charged for a permit issued under this Chapter shall be in an amount as indicated in the most recently Common Council adopted Fee Schedule. No application shall be accepted unless accompanied by the established application fee.
(2) Reapplication Fee. A reapplication fee shall be paid with the submission of any revised or amended application for a permit issued under this Chapter which contains substantial changes from the original submittal. Such reapplication fee shall be 50 percent of the application fee as cited in Subsection (1) above. If the submittal is so different as to constitute a new application, the full review fee shall be paid.
(3) Consultant Fees. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission and/or City Council. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the petitioner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the petitioner pays such fees. Review fees which are applied to a petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of a professional services reimbursement form as a prerequisite to the processing of the development application.
(4) Fees Doubled. Fees shall be doubled if the work, use, or activity is commenced prior to the issuance of a permit required under this Chapter.

17.811 – PENALTY.

Any person who violates any provision of this Chapter shall be subject to a penalty as provided in Chapter 25.04 of the City of Waupaca Code of Ordinances.

17.812 – ENFORCEMENT.

(1) It shall be the duty of the Zoning Administrator in consultation with the Director of Community and Economic Development and with the aid of the Building Inspector, Code Enforcement Office, Police department, and City Attorney to enforce the provisions of this Chapter.
(2) Any building or structure hereafter erected, moved, or structurally altered or any use hereafter established in violation of any of the provisions of this Chapter shall be deemed an unlawful building, structure, or use. The Zoning Administrator shall promptly report all such violations to the City Attorney, who shall bring action to enjoin the erection, moving, or structural alteration of such building of the establishment of such use or to cause such building, structure, or use to be vacated or removed.

17.900 DEFINITIONS.

17.901 – GENERAL.

(1) For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.
(2) Words used in the present tense in this Chapter include the future.
(3) The word "person" includes a firm, association, partnership, trust, company or corporation as well as an individual.
(4) The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.
(5) Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

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17.902 – WORDS DEFINED.

(1) Abandoned Sign. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity and/or for which no legal owner can be found.
(2) Accessory Dwelling Unit. A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.
(3) Accessory Use or Structure. A use or detached structure subordinate to the principal use of a structure or land, and located on the same lot or parcel serving a purpose incidental to the principal use or the Principal Structure. Accessory structures include detached garages and accessory dwelling units.
(4) Adjacent (also, Adjoining). Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
(5) Adult-Oriented Establishment. One or a combination of more than one of the following types of businesses: adult bookstore, adult motion picture theater, adult mini- motion picture theater, adult personal service business, adult novelty business.
    (a) Adult bookstore. An establishment having as a principal activity the sale or rental of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
    (b) Adult motion picture theater. An enclosed building having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
    (c) Adult mini-motion picture theater. An enclosed building having as a principal activity the presentation of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein individual viewing booths.

(d) Adult novelty business. A business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
(e) Adult personal service business. A business having as a principal activity a person, while nude or partially nude, providing personal services for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Wisconsin.
(f) Partially nude. Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.
(g) Principal activity. A use accounting for more than 20 percent of a business's stock in trade, display space, floor space or movie display time per month.

(6) Airport Definitions.
(a) Airport. Any area of land which is used or intended for the landing and takeoff of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including taxiways, aircraft storage and tie down areas, hangars and other related building and open spaces.
(b) Airport Hazard. Any structure or object of natural growth which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.
(c) Nonconforming Use. Any structure or tree which does not conform to a regulation prescribed in this Section or an amendment thereto, as of the effective date of such regulation.
(d) Structure. Any object constructed or installed by a person.
(e) Trees. Does not include shrubs, bushes or plants which do not grow to a height of more than 20 feet.
(f) Runway. A level portion of an airport having a surface specifically developed and maintained for the landing and takeoff of aircraft.

(7) Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

(8) Animal Equivalency Factors. The following animal equivalents shall be used in calculating the maximum number of allowable animal units:

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	Type of Animal	Animal Unit Factor
Dairy Cattle	Milking and Dry Cows	1.4
	Heifers (800 lbs. to 1200 lbs.)	1.1
	Heifers (400 lbs. to 800 lbs.)	0.6
	Calves (up to 400 lbs.)	0.2
Beef	Steers or Cows (600 lbs. to market)	1.0
	Calves (under 600 lbs.)	0.5
	Bulls (each)	1.4
Swine	Pigs (55 lbs. to market)	0.4
	Pigs (up to 55 lbs.)	0.1
Poultry	Layers (each)	0.01
	Broilers (each)	0.005
	Broilers - continuous overflow watering	0.01
	Layers or Broilers - liquid manure system	0.033
	Ducks - wet lot (each)	0.2
	Ducks - dry lot (each)	0.01
	Turkeys (each)	0.018
Sheep		0.1
Goats		0.1

Llama		0.1
Alpacas		0.1
Horses		2

(9) Animal Unit. A unit of measure used to determine the total number of single animal types or combination of animal types permissible on a given lot or parcel of land.
(10) Animated Sign. Any sign which uses movement, reflection or change of lighting to depict action or to create a special effect or scene
(11) ANSI. Refers to the American National Standards Institute.
(12) Appeal. A process initiated by an aggrieved person to review a decision made pursuant to this Chapter, or an alleged failure to act as required by this Chapter.
(13) Applicant. A person that submits an application as required by this Chapter.
(14) Artisan Shops. A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.
(15) Awning Sign. A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.
(16) Banner. A sign made of fabric or any nonrigid material with no enclosing framework.
(17) Basement. That portion of any structure located partly below the average adjoining lot grade. If a basement is occupied for living purposes it shall be counted as a story for purposes of height measurement. (See Sign Type Illustration)
(18) Battery charging station. An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
(19) Battery electric vehicle. Means any vehicle that operates exclusively on electrical energy from an off-board source (generally, the electric grid) that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.
(20) Bed and Breakfast. Any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, as defined in Wisconsin Adm. Code § ATCP 73.
(21) Bees. Honey bees or mason bees raised for honey or pollination.
(22) Berm. A raised bank of soil and rock, topped by native plants, shrubs, and or trees most often constructed so as to provide a visually appealing barrier between incompatible adjoining land uses.
(23) Boarding House. A building other than a hotel where meals, or lodging and meals, are furnished for compensation for three or more persons not members of a family.
(24) Boutique Winery. An establishment operating under Chapter 125.53, Wis. Stats., that manufactures, bottles, and stores wine on premises and which produces less than 100,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers, on premise tasting of wine, and may impose additional restrictions. Excludes homemade wine, defined under Chapter 125.06(3), Wis. Stats.
(25) Brewery. A use which manufactures, bottles, and packages a total of more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year on premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.
(26) Brewpub. See Microbrewery.
(27) Bufferyard (also, Buffer Strip). A linear strip of undeveloped land, along with landscaping or a fence, that is located between two different uses or zoning districts that have potentially incompatible characteristics. Buffer yards are intended to create separation between the incompatible land uses and eliminate or lessen the impacts (e.g., noise, dust, glare of lights, outdoor activities) of the most intrusive land use on the other.
(28) Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
(29) Building, Height. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the

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deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

(30) Building, Main. See Principal Structure.

(31) Business Incubator. A mechanism used to encourage and support young companies until they become viable comprised of a multi-tenant space, building, or facility dedicated for providing technical, financial, managerial, technological, legal, and other support or assistance to start-up and/or growing businesses.

(32) Canopy Sign. See, Awning Sign.

(33) Certificate of Appropriateness. The certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction or demolition of an historic structure, historic site or any improvement in an historic district which would include relocation of an historic structure to another location on or off its existing site.

(34) Changeable Copy Sign, Automatic. A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

(35) Changeable Copy Sign, Manual. A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

(36) Charging levels. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

(a) Level-1: Voltage from 0 through 120; considered slow charging.

(b) Level-2: Voltage from 120 through 240; considered medium charging.

(c) Level-3: Voltage greater than 240; considered fast or rapid charging.

(37) Clinic. An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

(38) Club. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, education or recreational purpose, but not primarily to render a service which is customarily carried on as a business.

(39) Commercial Animal Boarding. Any land use which provides short-term and/or long-term boarding for dogs and/or cats as the primary use of the property. Examples include commercial kennels and pet 'day care' facilities. Outdoor exercise yards, fields, training areas, etc. associated with such land uses are considered accessory to such land uses and do not require separate consideration.

(40) Commercial Communications. Communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.

(41) Community Living Arrangement. The following facilities licensed or operated, or permitted under the authority of Wisconsin State Statutes: child welfare agencies under Chapter 48.60, Wis. Stats., group foster homes for children under Chapter 48.02(7)(m), Wis. Stats., and community-based residential facilities under Chapter 50.01, Wis. Stats.; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with Chapters 46.03(22), 59.97(15), 62.23(7)(i) and 62.23(7)(a), Wis. Stats., and amendments thereto.

(42) Conditional Use Permit. A permit issued by the Plan Commission and Common Council authorizing establishment of a conditional use consistent with the provisions of this Chapter.

(43) Craft-Distillery. A use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials", or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

(44) Daycare Center, Group. Any facility operated for the purpose of providing care, protection, and guidance to children and/or adults during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

(45) Deck. An above ground, unroofed platform extending from a building and intended for outdoor living.

(46) Decommissioning. The removal of all of the following:

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(a) The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.
(b) All below ground facilities, except the following:
1. Underground collector circuit facilities.
2. Those portions of concrete structures 4 feet or more below grade.

(47) Development. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

(48) Distillery. A use which manufactures, bottles and packages a total of more than 100,000 proof gallons of intoxicating liquor under the name of “whiskey”, “brandy”, “gin”, “rum”, “spirits”, “cordials” or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.

(49) Door Sign. A sign that is applied or attached to the exterior of a door.

(50) Driveway - A private route of ingress and egress from any public right-of-way, which provides access to one residential dwelling/ unit, commercial building, or property.

(51) Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, but not including automobile trailers, hotels, motels or boarding and lodging houses.

(52) Dwelling Unit. A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations.

(53) Dwelling, Multi-Family. A building or portion thereof designed for and occupied by more than two families, including, but not necessarily limited to, triplexes, quadplexes, apartment houses, and the like.

(54) Dwelling, Single-Family. An attached or detached structure designed for or occupied exclusively by one family.

(55) Dwelling, Single-Family Attached. A building containing not more than one dwelling unit attached at the side or sides in a series or group of three or more buildings each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs.

(56) Dwelling, Single-Family Detached. A dwelling consisting of one dwelling unit designed for, converted to, and/or occupied by one family and not attached to another dwelling unit.

(57) Dwelling, Two-Family. A detached or semi-detached building designed for and occupied exclusively by two families.

(58) Easement – A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs. A utility easement, for example, would allow any person with a right to use the easement to install and maintain utilities across, over, or under the subject land. A road easement would likewise allow the installation and maintenance of a driveway or roadway along with ancillary utilities.

(59) Electric vehicle. Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source (generally, the electric grid, that is stored on-board via a battery for motive purpose. Electric vehicle includes:
(a) A battery electric vehicle.
(b) A plug-in hybrid electric vehicle.

(60) Electric vehicle charging station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

(61) Electric vehicle charging station-private restricted use. An electric vehicle charging station that is:
(a) Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or,
(b) Publicly owned and restricted (e.g., fleet parking with no access to the general public).

(62) Electric vehicle charging station-public use. Means an electric vehicle charging station that is:
(a) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or,

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(b) Privately owned and available to visitors of the use (e.g., shopping center parking).

(63) Electric vehicle infrastructure. Means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.

(64) Electric vehicle parking space. Means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

(65) Electrical Sign. A sign or sign structure in which electrical wiring, connections, or fixtures are used.

(66) Essential Services. Services provided by public and private utilities necessary for the exercise of the Principal Use or service of the Principal Structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

(67) Existing Use. Any lawful permitted or conditional use in existence at the time of the adoption of the most recent amendment to the Zoning Ordinance.

(68) Façade. The entire front or any other face of a building, including the parapet.

(69) Family. One or more persons related by blood, adoption or marriage, or not more than two unrelated persons living and cooking together as a single housekeeping unit.

(70) Fence. An Accessory structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, brick, stone or other manufactured material or combination of materials erected to enclose, screen or separate areas. Structures designed to enclose recreational facilities, such as tennis courts or backstops, shall not be considered fences.

(71) Fence, Open. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, rail fences, and others as identified in this Chapter.

(72) Fence, Ornamental. A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type and others as identified in this Chapter.

(73) Fence, Security. A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire or as otherwise identified in this.

(74) Fence, Solid. A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences or as otherwise identified in this Chapter.

(75) Festoon. A string of balloons, ribbons, tinsel, small flags, or pinwheels.

(76) Flag. Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a business, corporation, government, political subdivision or other entity.

(77) Flashing Sign. A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light

(78) Floor Area. The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.

(79) Freestanding (also, Ground Sign). A sign erected and maintained on a freestanding frame, mast, or pole not attached to any building, including ground signs.

(80) Frontage. All the property abutting on one side of a street between two intersecting streets, or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

(81) Garage. Private. A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles of the residents upon the premises. Carports are considered garages.

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(82) Garage, Public or Commercial. Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, public parking of motor vehicles, snowmobiles or other recreational vehicles for hire.
(83) Garage, Storage. A building or portion thereof, other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles.
(84) Geothermal Energy System. A sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate a liquid solution through a heat exchanger. This includes but is not limited to: vertical closed loop, horizontal closed loop and body of water closed loop systems.
(85) Geothermal Energy System, Horizontal. A geothermal energy system constructed to contain horizontal piping and the installation and grouting of the horizontal piping when such piping does not exceed 20 feet in depth.
(86) Geothermal Energy System, Vertical. A geothermal energy system constructed to contain vertical piping and the installation and grouting of the vertical piping exceeding 20 feet in depth.
(87) Ground-Mounted Solar Energy System. A solar energy system not attached to another structure and is ground mounted.
(88) Hazard. A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.
(89) Hazardous Material (also Hazardous Substance). A material regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 1101-11050, as may be amended.
(90) Historic District. An area designated by the Common Council, on recommendation of the Historic Preservation Commission, that contains two or more historic improvements or sites.
(91) Historic Site. Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred and which has been designated as an historic site under this Section or an improvement parcel, or part thereof, on which is situated an historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.
(92) Historic Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City, State, or Nation and which has been designated as an historic structure pursuant to the provisions of this Section.
(93) Home Occupation. Any gainful occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, and which is carried on wholly within a main building or accessory building by a member of the family residing on the premises.
(94) Hotel. A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding house, lodging house or an apartment, which are herein separately defined.
(95) Illegal Sign. A sign which does not meet the requirements of this Chapter and is erected after the effective date of this Chapter.
(96) Illuminated Sign. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
(97) Indoor Sales or Service. Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building.
(98) Impervious Surface. Any artificial or natural surface which does not allow the entrance or passage of water or sediment into the ground surface. These areas seal the ground surface from infiltration of water into the subsurface and prevent recharge of the ground water and increase the amount of stormwater runoff. Runoff from impervious surfaces tends to increase the potential for flooding, and carries sediment and pollutants that are detrimental to the quality of surface waters. New developments typically increase the amount of impervious surface. It is important to manage and minimize the amount of impervious surface in new and existing developments to help protect the surface waters and help recharge natural ground water. Impervious surfaces include, but are not limited to buildings and roof areas, structures, concrete or asphalt surfaces, gravel or traffic bond

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surfaces, decks with no spaces in between the decking, and bricks or pavers with no spacing between, which are placed on traffic bond.

(99) Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

(100) Incidental Sign. A sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., credit card sign or sign indicating hours of business. Incidental signs shall include signs placed on items for sale.

(101) Integral Sign. A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel, or aluminum, or similar materials attached to the building façade.

(102) Interior Sign. A sign located within the interior of any building or structure which are not visible from the public right of way. This does not, however, exempt such signs from the structural, electrical or material specifications of this Chapter.

(103) In-Vehicle Sales or Service. In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use.

(104) Junk Yard. Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored for salvage unless such accumulation shall be stored in a completely enclosed building.

(105) Laundromat. An establishment providing home-type washing, drying or ironing machines for use on the premises by the general public.

(106) Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

(107) Loading Area. A completely off-street space or berth on the same lot as the Principal Use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(108) Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than three persons not members of the family.

(109) Lot. A tract of land, designated by metes and bounds, land survey, minor land division or plat, and recorded in the office of the county register of deeds.

(110) Lot, Corner. A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees. (See Lot Type Illustration).

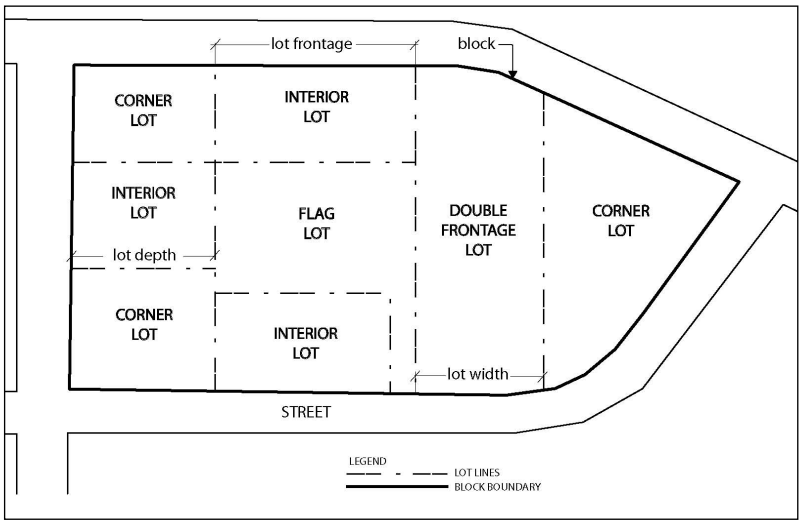
(111) Lot, Depth of. The mean horizontal distance between the front and rear lot lines. (See Lot Type Illustration).

(112) Lot, Flag. A lot containing a narrow strip or panhandle of land providing access from the public street to the remainder of the lot. (See Lot Type Illustration).

(113) Lot, Interior. A lot other than a corner lot. (See Lot Type Illustration).

(114) Lot, Substandard. A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.

(115) Lot, Through (also, Double Frontage). A lot having a pair of opposite lot lines along,



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and access to, two more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. (See Lot Type Illustration).

(116) Lot Lines. The lines bounding a lot. (See Lot Type Illustration).

(117) Lot Type Illustration (see image at right).

(118) Lot. Width. The width of a parcel of land measured at the setback line. (See Lot Type Illustration).

(119) Main Level. The floor or story of a building at or nearest ground level abutting the street for which the primary mailing address is associated.

(120) Manufactured Home. A residential dwelling for one family as is defined in Chapter 101.91(2), Wis. Stats., fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. Sections 5401 to 5426, and built after June 14, 1976. A manufactured home shall be considered a single-family dwelling for the purposes of this Chapter only where it meets said regulations.

(121) Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

(122) Maximum blade tip height. The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, “maximum blade tip height" means the actual hub height plus the blade length.

(123) Microbrewery (also, Brewpub). A use which manufactures, bottles and packages a total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year and may or may not operate restaurant on the premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.

(124) Mobile Home. A transportable factory built structure as is defined in Chapter 101.91(2k), Wis. Stats., designed for long-term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. A mobile home is not considered to be a type of single-family dwelling for the purposes of this Chapter.

(125) Mobile Home Park. A parcel of land or subdivision used for the placement of two or more mobile homes and/or manufactured homes. Manufactured home developments and subdivisions shall not be included under this land use category where all manufactured homes meet the regulations of built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. §5401 to 5426, and built after June 14, 1976.

(126) Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

(127) Multi-Tenant Sign. A type of ground sign which identifies and advertises businesses, entities, or tenants located within a multi-tenant building, complex, development, or subdivision.

(128) Mural. See, Wall Signs.

(129) Nameplate capacity. The nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

(130) Nonconforming Building or Structure. Any building which:

(a) Does not comply with all of the regulations of this Chapter or any amendment hereto governing bulk for the zoning district in which such building is located; or,

(b) Is designed or intended for a nonconforming use.

(131) Nonconforming Use. Any principal use of land, buildings, or structures which does not comply with all the regulations of this Chapter or of any amendment hereto governing use for the zoning district in which such use is located.

(132) Non-electric vehicle. Any motor vehicle that does not meet the definition of electric vehicle.

(133) Nonparticipating property. Real property that is not a participating property.

(134) Nonparticipating residence. A residence located on nonparticipating property.

(135) Nursing, Rest, or Convalescent Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who by reason or advanced age, chronic illness, or infirmity, are unable to care for themselves.

(136) Off-Premises Sign. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located

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(137) Office. A room or suite of rooms used for conducting the affairs of a business, profession, service industry, or government.
(138) Open Space. The areas of a lot which contain permeable surfaces and shall remain unbuilt and shall not be used for parking, storage, access drives, or display. The use of gravel or pavers shall not be considered permeable surface for the calculation of open space. Open space represents many different landscaping elements, including greens, quadrangles, lawns, hedgerows, gardens, pathways/walkways, groves, wooded areas, fields, and natural areas.
(139) Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of the surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
(140) Ordinary Maintenance and Repairs. Ordinary and routine actions necessary to continue or restore the safe and healthy use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structural improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, and the repair of the following; exterior windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, and internal improvements within the structural envelope without doing a structural alteration.
(141) Owner (Wind Energy System).
  (a) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.
  (b) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.
(142) Parapet. The extension of a false front or wall above a roof line.
(143) Parking Lot. Any public or private land area designated and used for parking motor vehicles. A parking lot may be at ground level and not be subject to the setback and other yard requirements of a structure; or may be located within a structure which must meet the yard requirements of a specified Zoning District.
(144) Parking Space. An area permanently reserved and maintained for the parking of one motor vehicle which meets the dimensional standards of this Chapter.
(145) Participating property. A turbine host property.
(146) Participating residence. A residence located on participating property.
(147) Parties in Interest. Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.
(148) Person. An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
(149) Personal communications. Includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.
(150) Pervious Surface. Any artificial or natural surface which allows the entrance or passage of water or sediment into the ground surface via the porous nature of the material itself. The void areas and the infiltration rates of these materials allow rainwater and surface water to penetrate deep into the soil areas allowing the natural recharge of groundwater.
(151) Photovoltaic Cell. A semiconductor device that converts solar energy into electricity.
(152) Plug-in hybrid electric vehicle. An electric vehicle that:
  (a) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor.
  (b) Charges its battery primarily by connecting to the grid or other off-board electrical source (generally, the electric grid).
  (c) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator.
  (d) Has the ability to travel powered by electricity

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(153) Portable Sign. Any sign without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than limited to a fixed location regardless of modifications that limit its movability. (See Sign Type Illustration)
(154) Premises. Any lot or parcel of land owned by any person, firm or corporation, public or private, improved with building, whether occupied or unoccupied.
(155) Principal Structure. The primary structure on a parcel of land where the Principal Use occurs.
(156) Private Property Sign. A sign erected to inform of public of private property boundaries and any prohibitions associated with such property, not to exceed 1.5 square feet in area per sign.
(157) Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential use, not more than 25 percent of the floor area of only one story of a dwelling unit shall be occupied by such office and only one unlighted name plate, not exceeding one square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.
(158) Projecting Sign. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Sign Type Illustration)
(159) Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percentage of ethyl alcohol by volume.
(160) Proof Gallon. A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.
(161) Public Facilities. Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.
(162) Real Estate Sign. A sign advertising the sale, rental, or lease of the premises on which the sign is located.
(163) Redevelopment. Any substantive change to a developed site, its structures, or its uses.
(164) Residence (specific to Wind Energy System). An occupied primary or secondary personal residence including a manufactured home as defined in Chapter 101.91(2), Wis. Stats., a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. Residence includes a temporarily unoccupied primary or secondary personal residence. Residence does not include any of the following:
   (a) A recreational vehicle as defined in Chapter 340.01(48r), Wis. Stats., notwithstanding the length of the vehicle.
   (b) A camping trailer as defined in Chapter 340.01 (6m), Wis. Stats.
   (c) A permanently abandoned personal residence.
(165) Right-of-Way. A strip of land dedicated or acquired for public use.
(166) Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area, and there shall be not more than one roadside stand on any one premises.
(167) Roof Sign. A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above a point of a building with a flat roof, the eave line of a building with a gambrel, or hip roof, or the deck line of a building with a mansard roof. (See Sign Type Illustration)
(168) Screen. A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.
(169) Self-Service Storage Units (also, Mini Warehouses). Real property containing leased spaces that a lessee is entitled to use for the storage of personal property on a self-service basis pursuant to a rental agreement and that is not rented or provided to the lessee in conjunction with property for residential use by the lessee. A "mini-warehouse" does not include warehouses licensed and regulated under Chapter 99, Wis. Stats.
(170) Setback. The minimum horizontal distance between a property line and a line parallel thereto through the nearest point of the Principal Structure. Covered porches, whether enclosed or unenclosed, and attached garages shall be considered as part of the Principal Structure and shall

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not project into the required setback. Where the street line is an arc, the setback shall be measured from the arc.

(171) Shadow flicker. A pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

(172) Shorelands. Those lands lying within 1,000 feet from a lake or pond of flowage, and 300 feet from a river or stream or to the landward side of the floodplain, from the ordinary high water mark of navigable waters, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river, those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history, and such lands are maintained in nonstructural agricultural use.

(173) Short-term Rental. A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

(174) Sign (also, signage). Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street or road are not considered signs. Each display surface of a sign or sign face is considered a sign. Neither official court or public notices, nor the flag of the nation or State shall be considered a sign under this Chapter.

(175) Sign Area. The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

(176) Sign Contractor. Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.

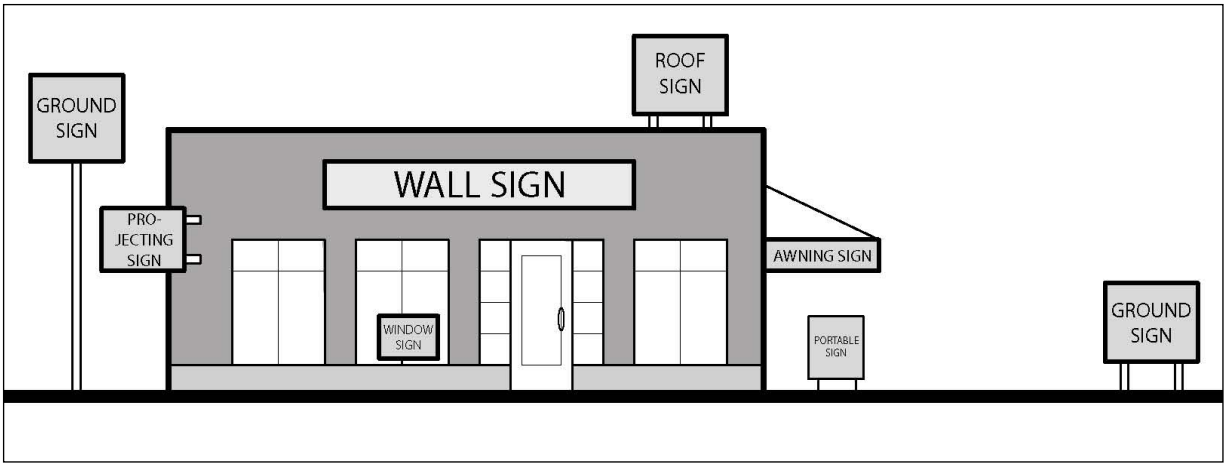
(177) Sign Copy. The wording and/or symbols on a sign surface in either permanent or removable letter form.

(178) Sign Face. The entire display surface area of a sign upon, against, or through which copy is displayed.

(179) Sign Height. The vertical distance measured from the highest point of the sign to the surface grade beneath the sign.

(180) Sign Structure. Any device or material, which supports, has supported or is capable of supporting a sign in a stationary position, including decorative covers.

(181) Sign Type Illustration:



(182) Site Plan. A drawing of a subject property that shows existing and proposed conditions and other features required by this Chapter.

(183) Skeleton Sign. A sign composed of letters, characters, or symbols applied to a background which is not a structural part of the sign.

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(184) Small wind energy system. A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.
(185) Solar Collector. A device, structure or part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.
(186) Solar Glare. The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
(187) Solar Panel. A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.
(188) Solid Sign. Any sign other than a skeleton sign.
(189) Stormwater. Water, and the materials it carries, that results from a rainfall event or melting snow or ice.
(190) Stormwater Management Facility. A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.
(191) Story. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having ½ or more of its height above grade shall be deemed a story for the purpose of height regulation.
(192) Story, Half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
(193) Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore and which is 21 feet or more in width.
(194) Street Line. A dividing line between a lot, tract, or parcel of land and a contiguous street.
(195) Structure. Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground.
(196) Structural Alteration. Any change in the supporting members of a building, any substantial change in the roof structure or in the exterior walls, or any change that would increase the floor space, area or height of a building.
(197) Tasting Room. A facility or portion of a facility supporting a rural craft brewery, distillery, or winery where the public may sample and purchase products produced by the facility and which has ancillary related retail sales. Retail sales shall be limited only to on-site production and merchandise directly related to the facility. Tasting rooms may include food sales.
(198) Temporary Building or Structure. A structure without any foundation or footings and that is removed when the designated time period has ceased, or which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
(199) Temporary Sign. A sign which may be displayed for a limited period of time.
(200) Trailer. Any structure which is or may be mounted upon wheels for moving about and is propelled by its own or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business trade or occupation, or is used for hauling purposes.
(201) Transitory Accessory Structure. An Accessory Structure in a Residential District including the following: enclosed structures no larger than 120 sq. ft. in area; pergolas (not including decks); trellises; fences and walls; towers; personal energy systems; children's playhouses, play apparatus, swing sets, sand boxes, and the like; raised bed gardens; bee hives; enclosures for chickens; dog enclosures; swimming or wading pools with a maximum wall height of 24 inches that it may be readily disassembled for storage; and other structures deemed to be substantially the same by the Plan Commission.
(202) Turbine host property. Real property on which at least one wind turbine is located.
(203) Unnecessary Hardship. That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.
(204) Use. The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.

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(205) Use, Accessory. A use on the same lot with, and of a nature customarily subordinate to, the principal use or structure, and serving the occupants of the principal use or structure.
(206) Use, Conditional. A use allowed under a Conditional Use Permit, special exception, or other special zoning permission, but not including a variance, which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district.
(207) Use, Incidental. A use that is affiliated with but subordinate to a principal use of land or structure.
(208) Use, Permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.
(209) Use, Principal. The main use of land or building as distinguished from a subordinate or accessory use.
(210) Variance. An authorization granted by the Zoning Board of Appeals to construct, alter, or use a building, structure, or property in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit the use of a property that is otherwise prohibited by the Chapter or allow flood land construction that is not protected to the flood protection elevation.
(211) Vision Clearance. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
(212) Wall Sign. A sign, mural, or similar display fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign, mural, or similar display. (See Sign Type Illustration)
(213) Wind energy system. A system as defined in Chapter 66.0403(1)(m), Wis. Stats., used to convert wind energy to electrical energy.
(214) Wind energy system emergency. A condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.
(215) Wind energy system facility. Any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.
(216) Wind energy system lease. A written agreement between a landowner and the owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.
(217) Wind Tower. The monopole, freestanding, or guyed structure that supports a wind turbine generator.
(218) Window Sign. A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Sign Type Illustration)
(219) Winery: An establishment operating under Chapter 125.53, Wis. Stats., that manufactures, bottles, and stores wine on premises and which produces at least 100,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers, on premise tasting of wine, and may impose additional restrictions.
(220) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The Street and Rear Yards extend the full width of the lot.
(221) Yard, Primary Street. A yard associated with the primary mailing address or fire number for the Principal Structure extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).
(222) Yard, Rear. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the Principal Structure. This yard shall be opposite the Primary Street Yard on a corner lot. (See Yard Type Illustration).
(223) Yard, Secondary Street. A yard that abuts an existing or proposed street or highway not otherwise defined as a Primary Street Yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).

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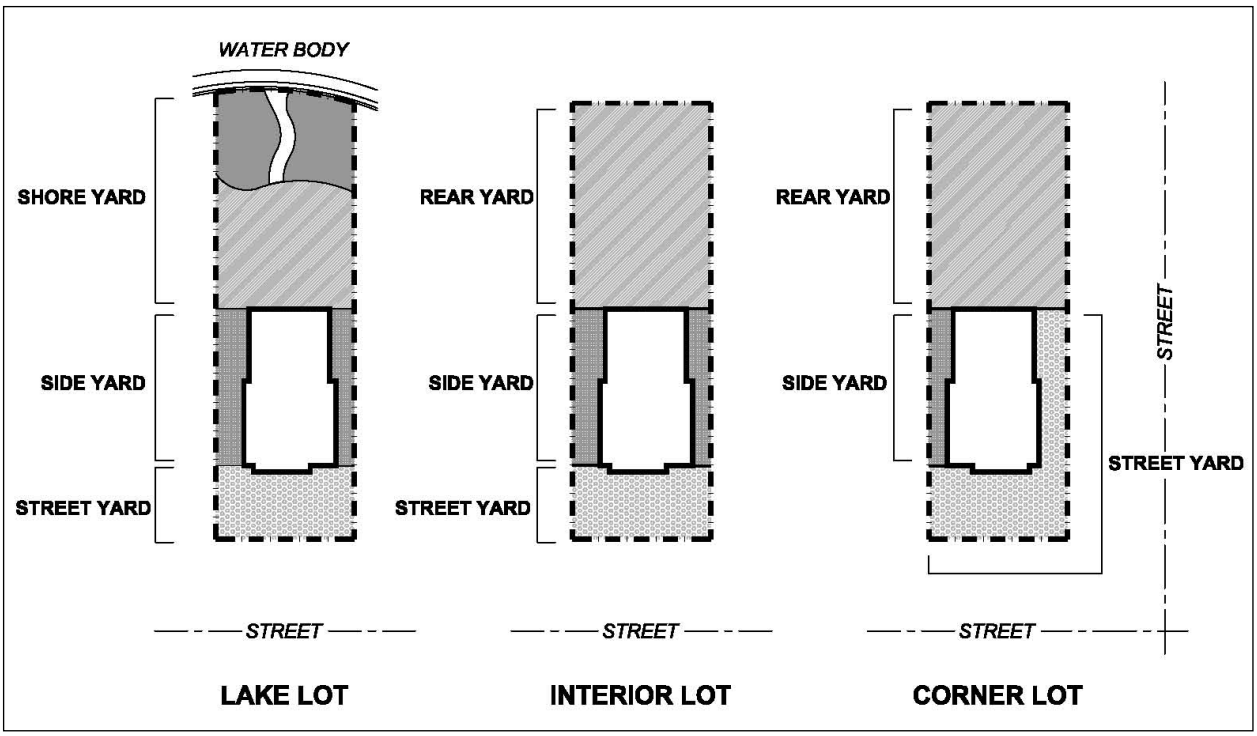
(224) Yard, Shore. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between a navigable body of water and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).
(225) Yard, Side. A yard extending from the Street Yard to the Rear Yard or Shore Yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).
(226) Yard, Street. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure. Corner lots shall have 2 such yards. The Primary Street Yard on a double frontage lot or corner lot shall be that associated with the mailing address or fire number, as applicable. (See Yard Type Illustration).
(227) Yard Type Illustration. See image below.



(228) Zoning District, Base. A part or parts of the City for which the uniform regulations of this Chapter govern the use and location of land and buildings.
(229) Zoning District, Overlay. A zoning district that is super-imposed on one or more base zoning districts and imposes additional restrictions or additional development options on the underlying districts.
(230) A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter. Zoning permits include, but are not necessarily limited to: sign permits, site plan permits, and temporary structure/use permits. A Conditional Use Permit is not considered a zoning permit for the purposes of this Chapter.

Aaron Jenson, City Administrator
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715.258.4411

City Administrator

To: Mayor Smith, Members of City Council

From: Aaron Jenson, City Administrator

Date: 10/20/20

Re: WPPA Labor Agreement

Background: The current two-year contract between the City of Waupaca and the Waupaca Law Enforcement Association WPPA/LEER expires on December 31st of this year. Contract negotiations were entered into on September 9th.

Summary: As a result of the September 9th negotiations the attached document was agreed upon by City negotiating team members and the union representatives. The WPPA has ratified the attached agreement. Key changes are summarized below and can also be seen in the attached document.

- **Article 6 – Probation:** Removal of the sentence "Probationary employees who have been employed for at least 6 months qualify for holiday pay." This means employees are eligible for holiday pay upon their official hire date.

- **Article 9 –** Wages and Hours of Work: Changes in this section are administrative in nature and can be seen in the attached document.

- **Article 14 – Vacations:** Modify Section A as follows:

  After ~~8~~ 6 years of service 132 hours

  Changes in Section B of Article 14 are administrative in nature and can be seen in the attachment document.

- **Article 18 – Uniforms and Expenses**: Modify the last sentence of section A to read:

  Uniforms: The uniform allowance per employee shall be as follows: ~~$475~~ $500 effective January 1, 2021; $525 effective January 1, 2022; $550 effective January 1, 2023.

- **Article 26 – Duration – Modify the first sentence to read:**
  This Agreement shall become effective on January 1, ~~2019~~ 2021 and shall remain in full force and effect through December 31, ~~2020~~ 2023.

- **Wages** – Increase hourly rates as follows:

  Effective January 1, 2021 – 2%
  Effective January 1, 2022 – 2%
  Effective January 1, 2023 – 2%

Recommendation: To approve the Agreement for Ratification Between the City of Waupaca and the Waupaca City Law Enforcement Association WPPA/LEER to be in effect from January 1, 2021 through December 31, 2023.

Attachments:

- *Tentative Agreement for Ratification Between The City of Waupaca and The Waupaca City Law Enforcement Association WPPA/LEER*

TENTATIVE AGREEMENT FOR RATIFICATION
BETWEEN
THE CITY OF WAUPACA
AND
THE WAUPACA CITY LAW ENFORCEMENT ASSOCIATION
WPPA/LEER

(2021-2023)

1. Article 6 - Probation – Delete the last sentence from the second paragraph as follows:

   ~~Probationary employees who have been employed for at least six (6) months qualify for holiday pay.~~

2. Article 9 – Wages and Hours of Work – Modify Section B to read:

   B. Work Period for Patrol Officers: Employees ……. Swing position. The Swing Shift Officer may adjust his/her schedule upon approval of the Chief of Police or his/her designee.

   The hours of work shall be as follows: 6AM – 5 PM, 8 AM – 7 PM, 5 PM – 4 AM, 7 PM – 6 AM. The swing shift ~~per the MOU between the parties and an additional~~ also includes the additional hour os work as follows: 11 AM – 10 PM and 3 PM – 2 AM.

3. Article 14 – Vacations – Modify Section A as follows:

   After ~~8~~ 6 years of service 132 hours

   Modify Section B as follows:

   Vacations for an employee shall not be cumulative from year to year. The Chief of Police shall determine vacation schedules. ~~provided, however, that in setting vacations he will consider requests from employee which are at least two (2) weeks prior to the beginning of the vacation requested. Should two or more employees with the same job classification request the same vacation period within the time set by the preceding sentence, the senior employee will be given first consideration.~~ The Chief of Police may consider vacation requests of one or less days at any time. Vacation requests for two or more days shall be submitted 18 days prior to the requested date off. Vacation requests received 45 day or more in advance of the requested date off will be on a first come first serve basis and once approved cannot be later bumped by a senior officer. Vacation requests received 44 days or less to the requested date off will be by seniority. No more than two (2) consecutive weeks of vacation may be taken at a time unless with prior approval of the City Council.

4. Article 18 – Uniforms and Expenses – Modify the last sentence of section A to read:

A. Uniforms: ……. The uniform allowance per employee shall be as follows: ~~$475~~ $500 effective January 1, 2021; $525 effective January 1, 2022; $550 effective January 1, 2023.

5. Article 26 – Duration – Modify the first sentence to read:
This Agreement shall become effective on January 1, ~~2019~~ 2021 and shall remain in full force and effect through December 31, ~~2020~~ 2023, …..

Step 1: By August 1, ~~2020~~ 2023 …
Step 2: The City … September 1, ~~2020~~ 2023.
Step 3: Negotiations … October 1, ~~2020~~ 2023.

6. Wages – Increase hourly rates as follows:

Effective January 1, 2021 – 2%
Effective January 1, 2022 – 2%
Effective January 1, 2023 – 2%

Add the following language:

Lateral Transfer Candidates

A Lateral Transfer Candidate (LTC) is defined as an individual seeking employment with the Department who is currently employed at another law enforcement agency, is certified and meets the standards for employment for the City of Waupaca Police Department. When considering an LTC with prior law enforcement experience for vacancies, the Chief shall have the authority and discretion, based on prior years' experience, education and additional skills to determine singly or in combination the rate of pay and vacation eligibility accrual that may be granted to such qualified LTC upon hire. Any consideration shall not exceed years of full time sworn law enforcement experience. No other contractual benefits or privileges are extended to recognize prior service. Lateral entry officers shall be subject to the probationary period.

If the LTC does not successfully complete his/her probationary period, vacation leave advanced at the time of hire will not be available for pay-out at separation of employment. Any of the advanced vacation leave that was used by the LTC during his/her probationary period prior to separation of employment shall be paid back to the City via payroll deduction or other method agreed upon by the City and LTC. Other benefits will be paid or withheld pursuant to the terms of this Agreement.

WaupacaOnline.net
Your Local, Wireless Internet Service

111 S. Main Street • Waupaca, WI 54981
info@waupacaonline.net
www.waupacaonline.net
715.942.9919

To: Mayor Smith & Waupaca City Council

From: Joshua Werner, IT & Community Media Director

Date: Tuesday, October 19, 2020

Re: Lease with CHS, Inc. for Waupaca Online

For the past several months, I have been in contact with Paula Pagel, the town Chair in Caledonia. The town of Caledonia is challenged for internet in many areas and are looking for other options. Upon discussion with Paula and Caledonia's Plan Commission, I have learned that the incumbent providers (CenturyLink and AT&T) have been non-responsive to Caledonia's requests to add, improve and upgrade internet services. Paula reached out to Waupaca Online and Ralph and I have been researching and evaluating options in Caledonia.

What we have found is Caledonia is a lot like rural Waupaca with many trees and hills making it an extremely challenging, but not impossible area, for fixed-wireless internet. We can be part of the solution to providing better internet but not the only solution. After exploring many options, spending time driving around Caledonia and evaluating different coverage maps for potential situations, we have found the best option to get started in Caledonia would be to utilize the CHS, Inc. 180' grain elevator structure located just north of Readfield.

CHS's structure is located reasonably central in the town of Caledonia, the height of the structure is just right, and we have good sight in all directions except a small area to the direct north, making this an ideal jumping point to other locations. Finally, we have tested and ensured we have the signal needed back to Waupaca to get adequate internet service to Caledonia.

Attached is a lease agreement with CHS, Inc. to utilize their structure for placement of five antennas. I worked with CHS on a few items on an initial lease to get it to the point where I felt comfortable on a staff level to recommend this to city council for approval. Per Waupaca Online's current rates, it would take just shy of two customers in Caledonia to cover the lease amount.

A few bullet points from the lease agreement:

- Two year initial lease with two year renewal terms
- $100/month with CHS having the option to increase rent 5% each renewal cycle, electricity is included
- Space to mount five antennas and needed equipment
- After-hours access would incur a charge to Waupaca Online
- Our utilization of this structure will incur no costs to CHS, Inc.
- The rest of the lease items are fairly standard tower lease agreement terms

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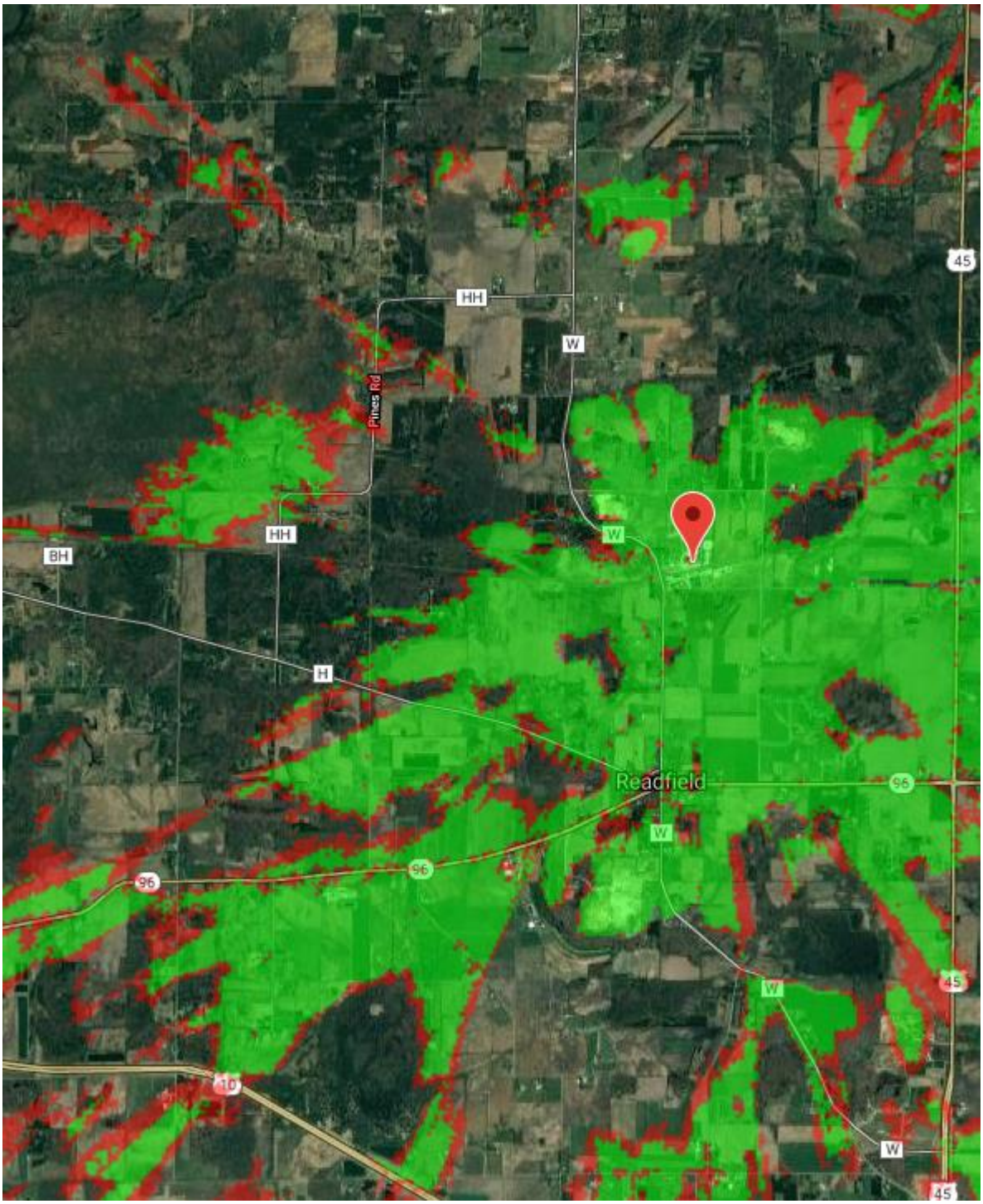
Approximate coverage in the town of Caledonia from this structure



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SITE LEASE AGREEMENT

THIS SITE LEASE AGREEMENT (the "Lease"), made and entered into this 1st day of October, 2020, by and between CHS Inc., a Minnesota corporation, whose post office address is PO Box 64089, St. Paul, MN 55164-0089, hereinafter referred to as "Lessor", and City of Waupaca, a Wisconsin municipality, whose post office address is 111 S Main St., Waupaca, WI 54981, hereinafter referred to as "Lessee".

RECITALS

A. Lessor is the owner and/or in possession of certain buildings and real property located in the County of Waupaca, State of Wisconsin, with an address of N1344 County Highway W, Readfield, WI 54969 (the "Property").

B. Lessee desires to lease certain space upon the aforesaid Property for the purpose of constructing and maintaining up to five (5) antennas and communication equipment for wireless communication as fully described and on **Exhibit A**, attached hereto and incorporated herein (the "Equipment").

For valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Lessor and Lessee agree as follows:

1. Use. In consideration of the performance and strict observance by Lessee of the terms and conditions hereinafter set forth, Lessor hereby grants to Lessee the exclusive right and permission to use of the Leased Premises (as defined below) together with a non-exclusive right for ingress and egress for the purpose of constructing and maintaining the Equipment in order to provide Lessee's customers with wireless communication service; provided however, that Lessee's use of the Leased Premises does not in any way interfere, currently or in the future, with Lessor's business operations or its successors or assigns. Lessee accepts the Leased Premises AS IS, WHERE IS with no representations or warranties by Lessor of any kind or any nature whatsoever, including but not limited to title, quiet enjoyment, non-interference to the Property.

2. Location. Said antenna shall be located on the top platform of Lessor's elevator located on the Property and the other communications equipment shall be located as shown and described on Exhibit A (collectively the "Leased Premises"). In the event Lessor determines that a survey is required to define the Leased Premises, a survey shall be performed and Lessee shall pay for all costs of the survey.

3. Term of Lease. The term of this Lease shall begin on October 1, 2020 (the "Effective Date") and continue, unless terminated earlier as provided in Section 12 or otherwise, for a period of Two (2) years from the Effective Date (the "Initial Term").

4. Automatic Renewal. Following the Initial Term, this Lease shall renew automatically in consecutive two-year terms (each such two-year term a "Renewal Term") until terminated by either party upon ninety (90) days written notice to the other party.

5. Rent. Lessee hereby covenants with Lessor that, in exchange for the use of the Leased Premises, Lessee agrees to pay Lessor rent in the amount of One Hundred and NO/100 Dollars ($100.00) per month due and payable in advance of the first day of each month, with the first payment due and payable upon execution of this Lease. Lessor reserves the right to increase the rent each Renewal Term by 5% of the rent due for the immediately prior year.

6. Taxes, Utilities, and Lessee's Setup Costs. Lessor agrees to pay all charges incurred for electricity utilized for the Leased Premises upon Effective Date and during the Initial Term or any Renewal Term of the Lease. Except for the electrical charges paid by Lessor, Lessee understands and agrees that there shall be no cost of any kind or nature to the Lessor during the Initial Term or any Renewal Term of this Lease in regard to the Lessee's use of the Leased Premises. In addition, Lessee shall be solely responsible for any and all setup costs and maintenance costs for the Leased Premises.

7. Indemnification. Lessee shall indemnify, defend and hold Lessor, its subsidiaries, affiliates and their respective officers, directors, employees, agents, successors, and permitted assigns (each, a "Lessor Indemnitee") harmless against and from any and all losses, deficiencies, actions, judgments, awards, penalties, fines, costs, expenses, suits, claims, damages or liability of any character whatsoever, including attorneys' fees and costs, the cost of enforcing any right to indemnification hereunder, and the cost of pursuing any insurance providers, directly or indirectly, arising out of or in connection with any third-party or direct claim against any Lessor Indemnitee arising out of or in connection with 1) any acts or omissions of Lessee, its employees, or its agents; 2) Lessee's use of the Leased Premises; 3) this Lease; or 4) Lessee's failure to comply with any applicable law, statute, regulation, rule or industry standard in connection with the subject matter contained herein, including without limitation, compliance with any laws, statutes, rules, regulations, or standards promulgated by the Federal Communications Commission or the Department of Homeland Security or either of its successors.

8. Casualty. In the event that a substantial portion of the Leased Premises should be damaged or destroyed by fire or other casualty, Lessor shall give written notice thereof to Lessee within fifteen (15) calendar days of such event. Upon any event of casualty, the Lease shall terminate.

9. Insurance.

(a) Liability Insurance. Lessee shall carry public liability insurance covering its activities on or about the Leased Premises, and its business conducted on the Leased Premises, which shall be in an amount of not less than $2 Million for property damage; $2 Million for bodily injury for any person; and $2 Million for bodily injury for any occurrence. Lessor shall be named as an additional insured on this insurance policy and such insurance shall be primary with respect to other insurance carried by Lessor. Lessee shall provide Lessor with copies of its certificates of insurance. Said certificates shall provide that coverage will not be cancelled without prior written notice by insurer to Lessor in accordance with the provisions of such insurance policy.

(b) Property Insurance. Lessor shall maintain property insurance, or self-insure, as it concerns the Lessor's Property. Lessee is responsible for maintaining property insurance on, or self-insuring, its Equipment. Lessee shall be solely responsible for any damage to its Equipment, and Lessee hereby waives and releases Lessor from all claims, demands, damages, costs, or actions of whatever kind or nature in law or equity relating to or arising out of damage to Lessee's Equipment, even if such damage is the result of Lessor's negligence. If Lessee does carry property insurance on its Equipment, such property insurance shall be endorsed with a Waiver of Subrogation Endorsement effectively waiving Lessee's right of subrogation with respect to Lessor. Lessee shall provide Lessor with copies of its certificates of insurance. Said certificates shall provide that coverage will not be cancelled without prior written notice by insurer to Lessor in accordance with the provisions of such insurance policy.

(c) Worker's Compensation. Lessee shall carry Worker's Compensation and Employer's Liability Insurance coverage, pursuant to statutory requirements and the Federal Employer Liability Act (FELA).

10. Lessee's Right of Access. Lessor shall permit Lessee, through its authorized agents or employees, free, unobstructed access to and egress from the Leased Premises during business hours (Monday through Friday, 8:00 AM to 5:00 PM) for the purpose of installing, operating, maintaining and repairing the Equipment, or for removal of the Equipment so long as such access does not interfere with Lessor's business operations. Lessee or any of its authorized agents or employees must sign in with Lessor whenever they enter the Property. Should Lessee, through its authorized agents or employees, require access to and egress from the Leased Premises during non-business hours (5:00 PM to 8:00 AM Monday through Friday) and at any time on Saturday or Sunday ("Non-Business Hours"), Lessee must contact one of the Lessor's employees designated below ("Designated Employee") in order to obtain access to the Leased Premises. The Lessee must be accompanied by a Designated Employee at all times when Lessee is at the Leased Premises during Non-Business Hours. Lessee agrees to reimburse Lessor for any and all costs, expenses and/or wages incurred by Lessor for this access.

Matt McHugh 920-740-6674

11. Condemnation. If the Leased Premises is taken or ingress and egress is prevented for any public or quasi-public use under any law, ordinance, or regulation, or by right of eminent domain or by private purchase in lieu thereof, this Lease shall terminate and Lessee shall have no rights to an award made in condemnation concerning the Leased Premises.

12. Termination of Lease. Notwithstanding anything to the contrary in Sections 3 or 4 herein, this Lease shall commence on the Effective Date stated herein and shall continue until terminated at any time by either party by giving at least ninety (90) days written notice to the other party.

13. Lessee's Removal. Upon expiration or termination of the Lease, Lessee shall promptly remove at its own expense, all of the Equipment from the Leased Premises and repair and restore the facility to its original condition (absent normal wear and tear) within 30 days. In the event Lessee does not remove the Equipment with 30 days, Lessee agrees that Lessor may remove and dispose of the Equipment in whatever manner Lessor see fit and at Lessee's sole expense.

14. Assignment or Transfer. Lessee shall not assign, mortgage, pledge, or encumber this Lease or sublet the Leased Premises in whole or in part, or permit the Leased Premises to be used or occupied by others, nor shall this Lease be assigned or transferred by operation of law, without the prior consent in writing by Lessor in each instance. Lessor may assign this Lease without the consent of Lessee.

15. Interference. Lessee shall not do or permit any activity upon the Property which causes or permits physical, electronic or other current or future interference with the radio and telecommunications facilities, equipment, signals or operations of Lessor or other users of the Property (including other lessees). Lessee shall engineer its Equipment so as not to cause current or future interference with Lessor's operations in any manner. If Lessee's Equipment interferes with Lessor's operations, Lessee shall immediately cease using the Equipment, and shall terminate this Lease in the event it cannot operate the Equipment without interference to Lessor within five (5) calendar days.

16. Equipment Rules.

(a) Lessee shall be solely responsible for compliance with all present and future federal, state and local laws, statutes, rules and regulations including any and all administrative rules and regulations having jurisdiction over Lessee's operation or use of the Equipment or use of the Leased Premises and bearing on safety of persons and property and their protection from damage, injury or loss. Lessee will at all times have all necessary licenses, permits and approvals to operate its business and the Equipment.

(b) Lessee shall be solely responsible for the availability and continuity of Lessee's internet service to its customers and the community.

(c) Lessee shall install its Equipment on the Leased Premises diagrammed in Exhibit A. Any changes to the Equipment's locations diagrammed in Exhibit A shall be submitted for Lessor's approval prior to Lessee making such changes.

(d) All Equipment shall be anchored and installed following good engineering practices and standards and in a manner acceptable to Lessor.

(e) Lessee shall inspect, maintain, repair and replace all of its Equipment at the Leased Premises so that the Equipment is safe, functional and in compliance with all governmental rules and ordinances.

(f) Lessee shall install all electrical wiring and materials associated with the Equipment only on the outside of Lessor's elevator structure and as approved by Lessor and in accordance with all applicable rules and regulations including, but not limited to, requirements for electrical equipment in electrically classified areas (as defined in 29 CFR 1910.307). Lessee acknowledges such specific requirements.

17. Covenant Against Waste. Throughout the term of this Lease, Lessee shall take good care of the Leased Premises and keep it free from waste. Lessee shall keep the Leased Premises in good condition.

18. Events of Default by Lessee. The following events shall be deemed to be events of default by Lessee under this Lease:

(a) Lessee shall fail to pay any installment of rent when due and owing, and such failure shall continue for a period of five (5) calendar days from due date.

(b) Lessee shall fail to comply with any term, provision, or covenant of this Lease, other than the payment of rent.

(c) Lessee shall become insolvent, or shall make a transfer in fraud of creditors, or shall make an assignment for the benefit of creditors.

(d) Lessee shall file a petition under any section or chapter of the Bankruptcy Code, as amended, or under any similar law or statute of the United States or any state thereof; or Lessee shall be adjudged bankrupt or insolvent in proceedings filed against Lessee hereunder.

(e) A receiver or trustee shall be appointed for all or substantially all of the assets of Lessee.

19. Re-entry. Upon occurrence of any such events of default by Lessee, Lessor shall have the choice to re-enter, take possession, and re-let the Leased Premises for the benefit of Lessee, terminate the Lease, or exercise any rights available to Lessor at law or in equity. In the event of a default by Lessee and Lessor's subsequent decision to terminate the Lease, Lessee shall have 30 calendar days to remove the Equipment or Lessor may dispose of it pursuant to the provisions in Section 13.

20. Hazardous Substances.

(a) Definitions. For purposes of this Lease, "Hazardous Substance" means hazardous waste, toxic substances, polychlorinated biphenyls, or asbestos or related materials, and also includes but is not limited to substances defined as "hazardous substances" or "toxic substances" in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended, 42. U.S.C. Sec. 9061, et seq., or the Hazardous Materials Transportation Act, 49 U.S.C. Sec. 5101, et seq., as well as all substances or materials defined as hazardous under the laws of the State of Wisconsin. The term "Hazardous Substances" as used in this Lease also includes petroleum, including crude oil or any fraction thereof, natural gas, natural gas liquids, liquified natural gas, synthetic gas usable for fuel, or mixtures of the foregoing, PCBs, asbestos, urea formaldehyde or related substances.

(b) Warranties Pertaining to Hazardous Substances. Lessee warrants that, during the entire time Lessee has possession of the Leased Premises, Lessee shall not in any way bring Hazardous Substances onto the Property or Leased Premises.

21. Survival of Warranties and Indemnification. Lessee's warranties and indemnifications will survive the termination of this Lease.

22. Rental Payment and Notice.

(a) All rent and other payments required to be made by Lessee to Lessor hereunder shall be mailed or delivered to Lessor at the address set forth below, or to such other address as Lessor may specify from time to time by written notice.

CHS Larsen Cooperative
1104 Mulligan Dr
New London, WI 54961

(b) All notices from either party must be mailed certified or registered mail, return receipt requested, to the address set forth below, or to such other address as the party shall specify from time to time by written notice:

Lessor: CHS Inc.
Attn: Executive Vice President, Country Operations
P.O. Box 64089
St. Paul, MN 55164

Lessee: City of Waupaca
c/o Waupaca Online
111 S Main St.
Waupaca, WI 54981

23. Binding Effect. The terms, provisions, covenants, and conditions contained in this Lease shall apply to, inure to the benefit of, and be binding upon the parties hereto, upon their assigns, and upon their respective successors in interest and legal representatives, except as otherwise herein expressly provided.

24. No Waiver. If either party to this Lease fails to insist upon strict performance of any obligation under this Lease, that failure will not result in a waiver of that party's right to demand strict performance in the future. This will still be the case no matter how long the failure to insist upon strict performance continues.

25. Entire Agreement. This Lease, the exhibits to it, and the other documents required in connection with the Lease, set out the entire agreement between the parties regarding the Leased Premises, and the other matters set out in this Lease and said other documents. The parties agree that there are no other oral or written understandings or agreements between them regarding these matters.

26. Interpretation. This Lease will be interpreted in a fair and neutral manner, without favoring one party over the other. No provision of this Lease will be interpreted for or against any party because the provision was drafted by that party or its legal representative.

27. Amendment, Modification, or Waiver. No amendment, modification, or waiver of any provision of this Lease will be effective unless it is made in writing, unless it is signed by the parties to be bound by it, and unless it clearly specifies the extent and nature of the amendment, modification, or waiver.

28. Severability. If any provision of this Lease is held to be invalid or unenforceable under any applicable law, that holding will not affect the validity or enforceability of the rest of the Lease. Also, any provisions of this Lease held to be invalid or unenforceable will not be completely invalidated, but will instead be considered amended to the extent necessary to remove the cause of the invalidity and unenforceability.

29. Headings and Captions. The headings and captions of the paragraphs and sections of this Lease are inserted for convenience of reference only, and do not constitute part of the Lease.

30. No Recording of this Lease. This Lease may not be recorded by Lessee, and in the event it is recorded, such recording shall be deemed of no effect and null and void, and Lessee shall immediately effectuate all steps to remove this Lease from of record.

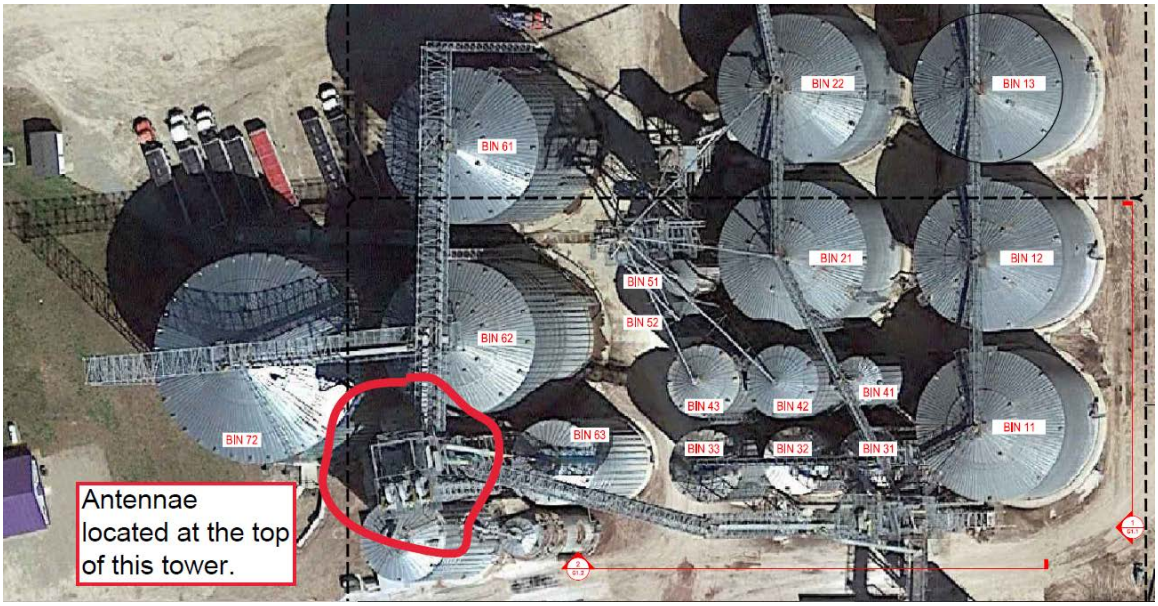
31. Execution. This Lease may be executed in any number of identical counterparts by email (pdf), each of which for all purposes shall be deemed an original, and all of which together shall constitute one instrument. Delivery of executed counterparts by email or other electronic transmission shall be as effective as delivery of originally executed counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed as of the date first above written.

Lessor:	**Lessee:**
CHS Inc.	**City of Waupaca**
By: _____	By: _____
Its: Senior Vice President	Its: _____

EXHIBIT A

The Equipment will be installed on the elevator located on the Property as shown below:



LICENSE REPORT NO. 1514

WE, the Common Council of the City of Waupaca have considered the following license applications and approve the issuance of the license upon meeting the requirements as to premise and upon payment of the fees and stipulations provided by ordinances:

*****ALL PREMISES ARE APPROVED PENDING INSPECTIONS BY THE POLICE CHIEF, THE FIRE CHIEF, BUILDING INSPECTOR AND HEALTH INSPECTOR******

*****PENDING BACKGROUND CHECKS.**

"CLASS B" INTOXICATING LIQUOR LICENSES AND CLASS "B" FERMENTED MALT BEVERAGE LICENSE:

Avocados, LLC, AVOCADOS, 1332 Churchill Street, Jose Antonio Ayala Gallegos, Agent

DATED: October 20, 2020 _____

LICENSE REPORT NO. 1515

WE, the Common Council of the City of Waupaca have considered the following license applications and approve the issuance of the license upon meeting the requirements as to premise and upon payment of the fees and stipulations provided by ordinances:

ARCADE / AMUSEMENT DEVICE LICENSE – 2020-2021

Avocados, LLC 1332 Churchill St, Jose Antonio Ayala Gallegos, Agent – (5) Gambling Machines (0) Other

DATED: October 20, 2020

_____

LICENSE REPORT NO. 1516

WE, the Common Council of the City of Waupaca have considered the following license applications and approve the issuance of the license upon meeting the requirements of said license and upon payment of the fees and stipulations provided by ordinances:

OPERATOR'S LICENSES: 2020– 2021

ALL LICENSES PENDING BACKGROUND CHECK AND PAYMENT OF ANY MONIES OWED TO THE CITY

Rose	Haertl	E4717 Den-Ed Rd Apt #2N	Weyauwega
Jessica	Kasprick	314 S Western Ave #14	Waupaca

***** Pending payment of money owed to city of Waupaca

DATED: OCTOBER 20, 2020

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