



136 North Monroe Street
Waterloo, Wisconsin 53594-1198

**NOTICE OF A CITY OF WATERLOO
PLAN COMMISSION MEETING**

***** Agenda revised 8/24/2018 1:48 PM *****

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and the news media, the following meeting will be held:

MEETING: PLAN COMMISSION
DATE: TUESDAY, AUGUST 28, 2018 **TIME: 7:00 p.m.**
LOCATION: 136 N. MONROE STREET, MUNICIPAL BUILDING COUNCIL CHAMBERS

to consider the following:

PUBLIC HEARING

1. CALL TO ORDER
2. PUBLIC HEARING COMMENT - REZONING OF PARCEL 290-0813-0544-089) 217 MAPLE DRIVE
The applicant, the City of Waterloo, seeks to change the zoning from (C) Conservancy District to (R-1) Single-Family Residential District to enable the construction of a single-family dwelling.
3. ADJOURN PUBLIC HEARING

PLAN COMMISSION REGULARLY SCHEDULED MEETING

1. CALL TO ORDER AND ROLL CALL
2. APPROVAL OF MEETING AND PUBLIC HEARING MINUTES: July 24, 2018
3. CITIZEN INPUT
4. COMPLIANCE & ENFORCEMENT REPORT
5. UNFINISHED BUSINESS
 - a. Certified Survey Map, 123 South Monroe Street, Community Hall 1926 LLC
6. NEW BUSINESS
 - a. Rezoning Parcel (290-0813-0544-089) 217 Maple Drive From (C) Conservancy District to (R-1) Single-Family Residential District
 - b. Recommending Zoning Ordinance Changes Relating To Permitting Attached And Detached Garages And Garden And Yard Equipment Sheds
 - c. Review Of Certified Survey Map Considering Exercising Extraterritorial Jurisdiction Rights, N8894 County Road O, Waterloo Utilities
7. FUTURE AGENDA ITEMS & ANNOUNCEMENTS - Zoning Maps & Planning Map Updates & Forms Updates
8. ADJOURNMENT

Mo Hansen

Mo Hansen, Clerk/Treasurer

Posted, Distributed & Emailed: August 21, 2018; revised 8/24/2018

Members: Leisses, Thompson, Crosby, Butzine, Reynolds, Lannoy and Springer

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.



136 North Monroe Street
Waterloo, WI 53594
Phone: (920) 478-3025
Fax: (920) 478-2021
www.waterloowi.us

**NOTICE OF PUBLIC HEARING FOR LAND USE REZONING FROM CONSERVANCY DISTRICT TO R-1
SINGLE-FAMILY RESIDENTIAL DISTRICT UNDER PROVISIONS OF CHAPTER §385-31 CHANGES AND
AMENDMENTS AND CHAPTER §385-8, R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT**

Please take notice that the Plan Commission of the City of Waterloo, Jefferson County, Wisconsin, acting under provisions of Chapter §385-31 changes and amendments and Chapter §385-8, R-1 Single Family Residential District of the Zoning Code of the City of Waterloo, shall hold a public hearing on the matter of an application from the City of Waterloo, in regards to the property located at 217 Maple Drive, Waterloo.

The land use-rezoning request is to allow a change in land use from existing Conservancy District to R-1, Single Family Residential District for purposes of establishing a residential dwelling unit on the lower level.

The property is described as follows:

Tax Parcel: 290-0813-0544-089

Lot Description: BEG AT NE/C LOT 42, 1ST ADD TO SUNSET GARDENS, N33DG37'E 100FT, S56DG20'E 139.94FT, S33DG42'W 100FT TO SE/C LOT 42, NW TO POB

Also known as: 217 Maple Drive, Waterloo

Be further notified that the Plan Commission will hear all persons interested or their agents or attorneys concerning the recommendation for a land use zoning change at a public hearing to be held at 7:00 p.m., on **Tuesday, August 28, 2018 in the Council Chamber of the Municipal Building, 136 N. Monroe Street, Waterloo.**

Subsequent to the public hearing, the Plan Commission shall recommend approval, denial or conditional approval of the land use rezoning request to the Common Council. The Common Council will act on the Plan Commission's recommendation at its regular scheduled September 6, 2018 meeting.

Morton J. Hansen
City Clerk/Treasurer

PUB: The Courier: August 2 and 9, 2018

WATERLOO PLAN COMMISSION – MINUTES
July 24, 2018

PUBLIC HEARING

1. CALL TO ORDER -- CONDITIONAL USE PERMIT – RICHARD WEIHERT, PROPERTY LOCATED AT 1110 E. MADISON STREET. The applicant, Richard Weihert, property owner at 1110 E. Madison Street, is requesting a conditional use permit to allow for construction of a 32' X 40' (1,280 sq. ft.) additional accessory building and exceeding height requirements of 15 feet. Springer called the public hearing to order at 7 pm. Plan Commissioners attending: Leisses, Crosby, Springer, Lannoy and Reynolds. Absent: Butzine and Thompson. Others attending: Richard Weihert Sr.; Richard Weihert Jr.; Joan Weihert; Cass Gilbertson; Diane Graff, the Courier and the Clerk/Treasurer.
2. PUBLIC COMMENT. Springer said neighbor Nancy Cook raised a concern about the aesthetics of the proposed saying she objects to additional steel buildings. Weihert Sr. said the proposed exterior would match the existing house as closely as possible.
3. ADJOURN PUBLIC HEARING. Springer closed the hearing at 7:03 pm.

PLAN COMMISSION REGULARLY SCHEDULED MEETING

1. CALL TO ORDER AND ROLL CALL. Council President Springer called the public hearing to order at 7:04 pm. Plan Commissioners attending: Leisses, Crosby, Springer, Lannoy and Reynolds. Absent: Thompson and Butzine. Others attending: Richard Weihert Sr.; Richard Weihert Jr.; Joan Weihert; Cass Gilbertson; Diane Graff, the Courier and the Clerk/Treasurer.
2. APPROVAL OF MEETING PUBLIC HEARING MINUTES: 03/27/2018 And 04/24/2018 (no May or June meetings). MOTION: Moved by Leisses, seconded by Lannoy to approve the minutes for 3/27 and 4/24 as presented. VOICE VOTE: Motion carried.
3. CITIZEN INPUT. Crosby said right-of-way landscaping, street resurfacing and curb repair due to lead pipe replacements was not being completed in a timely fashion.
4. COMPLIANCE & ENFORCEMENT REPORT. Hansen said a next step for non-compliers would be a citation.
5. NEW BUSINESS
 - a. Conditional Use Permit, Richard Weihert, Owner Of The Property Located At 1110 E. Madison Street - To Allow For Construction Of A 32' X 40' (1,280 sq. ft.) Additional Accessory Building And Exceeding Height Requirements of 15 ft. DISCUSSION: Lannoy questioned the height request. He said if we do it for every conditional use request, it should be done for all. Springer said the height is lower than what was granted for the house. Lannoy wanted assurances the building would be vinyl sided. Crosby and Lannoy said complete building plans were not submitted, only partial drawings. In reply to the Lannoy question, Weihert Sr. said the structure would be used for personal not commercial uses, the storage of vehicles and similar. The necessary separation distance between proposed and existing was discussed. MOTION: Moved by Crosby, seconded by Reynolds to recommend City Council approval subject to the Building Inspector approving all setbacks and the separation distance between structures. ROLL CALL VOTE: Ayes: Leisses, Crosby, Springer, Lannoy and Reynolds. Noes: none with Thompson and Butzine absent. Motion carried.
 - b. Certified Survey Map, 123 South Monroe Street, Community Hall 1926 LLC. MOTION: Moved by Springer, seconded by Reynolds to table until such time as a map is presented. VOICE VOTE: Motion carried.
 - c. Initiating The Rezoning Of Parcel (290-0813-0544-089) 217 Maple Drive. As Permitted by § 385-31(b) Of The Municipal Code. DISCUSSION: Hansen said the City acquired the parcel and the sale to a Scott Quimby was pending with a condition that the new owner build a dwelling unit on or before June 30, 2019. MOTION: Moved by Crosby, seconded by Reynolds for the Plan Commission to initiate a rezoning process changing the parcel zoning from conservancy to residential. VOICE VOTE: Motion carried.
 - d. Review Of Certified Survey Map Considering Exercising Extraterritorial Jurisdiction Rights, W9521 Waterloo Road, Wilkes LLC. DISCUSSION: Hansen said the Plan Commission could exercise extraterritorial jurisdiction if it so chooses. MOTION: Moved by Springer, seconded by Lannoy to go on record as taking no action. VOICE VOTE: Motion carried.
6. FUTURE AGENDA ITEMS & ANNOUNCEMENTS
 - a. Zoning Maps & Planning Map Updates & Forms Updates. Noted.
 - b. Reynolds requested a review of additional garage size had been requested.

7. ADJOURNMENT. MOTION: Moved by Crosby seconded by Lannoy to adjourn. Approximate time: 7:20 pm.



Mo Hansen
Clerk/Treasurer

Clerk/Treasurer's Report To The Plan Commission: Partial List Of Enforcement Challenges
7/19/2018 2:36 PM

| Category | Address | Responsible Party | Contact_Street | Contact_City | Desired Outcome | Link To Ord. | Notes |
|------------------------------------|--|---|--------------------------------|--------------|--|---|--|
| Column1 | Column2 | Column3 | Column34 | Column33 | Column4 | Column43 | Column5 |
| OPEN Property Maintenance | McKay Way (municipal stormwater ponds south of road) | John DeWitt / Waterloo Properties Inc | 5375 MARINERS COVE DR UNIT 112 | MADISON | Developer dredging of silted ponds per development agreement | §377-7 Postconstruction Stormwater Performance standards | Waterloo Properties Inc. responsible for maintaining stormwater drainage ponds dedicated to City per original development agreement |
| OPEN Property Maintenance | 133 Harrison St | Brent Voelker | 133 HARRISON ST | WATERLOO | Complete improvement project to code | §140-7 Building Inspector | Permit not initially pulled; contractor work not to code; SafeBuilt requires remedy; remedy incomplete due to legal dispute between contractor & owner |
| OPEN Property Maintenance | 467 W. Madison St | Janice Faga / Hawthorn & Stone Development | | | Property owner investment in construction after sale of property from City to property owners | §219-5 Safe and sanitary maintenance of property | Property in violation of contract with City (development agreement) |
| OPEN Neighbor complaints | 100 block of Hickory Ln | David Baehr American Realtors / Old National Bank | 106 West Main St. | Sun Prairie | Improved property owner care for property which was originally intended to be public space | § 377-7 Postconstruction Stormwater Performance standards | terminus of Hickory Ln a former park reverted to private property when the plat was voided in 2008. Former park space is design to receive and convey storm water from public street. It now discharges to private ditch which is silted in. |
| OPEN Neighbor complaints | 136 Jefferson Street | Jon & Tara Driver | 136 Jefferson St | Waterloo | Appropriate use of sump pump not creating potential pedestrian slip hazard | §283-8 Clear waters | discharge of sump pump to curb line doesn't flow to storm sewer creating pedestrian walk hazard near elementary school |
| OPEN Neighbor complaints | 135 Jefferson St | Corey Besl | 135 Jefferson St | Waterloo | Appropriate use of sump pump not creating potential pedestrian slip hazard | §283-8 Clear waters | discharge of sump pump to curb line doesn't flow to storm sewer creating pedestrian walk hazard near elementary school |
| OPEN Neighbor complaints | 200 block of Beech Rd | David Baehr American Realtors / Old National Bank | 106 West Main St. | Sun Prairie | Improved property owner care for property which was originally intended to be public space | § 377-7 Postconstruction Stormwater Performance standards | terminus of Beech Rd (private property) collects storm water from street leading to ponding of stagnant water |
| OPEN Code compliance | 100 McKay Way | Carl Butzine | 100 McKay Way | Waterloo | Sump pump code compliance | §283-8 Clear waters | discharge of sump pump to curb line |
| OPEN Code compliance | 120 W. Madison St | Todd Strauss | N8605 HIGHLAND RD | Watertown | 100% of final inspections completed | §140-7 Building Inspector | Owner does not call-in for final inspection. How many incomplete final inspections do we have? |
| OPEN Code compliance | 129 N Monroe St | Keri Sellnow | 129 N Monroe St | Waterloo | Complete 1st floor build-out to code per conditional use | §140-19 Violations and penalties | Owner granted conditional use to reside on a portion of 1st floor; has not complied with building code with shared commercial & residential floor |
| OPEN Code compliance | 213 West Madison St | Bill Hart | 92 CAMBRIDGE RD | Madison | Use in compliance with zoning code | §385-12 C-1 General Commercial District | Use changed from printing to warehousing, no conditional use granted therefore an illegal use |
| OPEN Code compliance | 341 Portland Rd | Ron Griffin | 341 Portland Rd | Waterloo | Outdoor storage of vehicles including truck bodies or trailers limited to three | 261-6 Nuisances - Storage of vehicles | recurring violation; no citations issued |
| CLOSED Property Maintenance | 275 S. Jackson St | Tired Iron Buyer LLC | N8117 ABENDROTH RD | WATERLOO | Property owner investment in warehouse repairs after sale of property from City to property owners | §219-5 Safe and sanitary maintenance of property | Door repaired wall repair in progress |

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7/19/2018 2:36 PM

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|-----------------------------------|-------------------------------------|-----------------------------------|-----------------|--------------|---|--|---|
| CLOSED Neighbor complaints | 1300 block Oak St | Fugate/Bauer | | | | § 385-10.2 Home occupations in residential districts | neighbor reports operation of business without home occupation permit |
| CLOSED Neighbor complaints | 348 & 362 E Madison St | Seidl & Uttech | | | Prompt enforcement | | Neighbors make recurring complaints and counter-complaints against one another; one property owner is moving out-of-town due to lack of prompt enforcement |
| CLOSED Neighbor complaints | 362 E. Madison St. | Jeremy Uttech | | | Property owner maintaining clean property; no dangerous work garage | §219-5 Safe and sanitary maintenance of property | A residential property formerly zoned commercial; owner has long history of selling items on lawn. Repeated combustion incidents in garage. |
| CLOSED Neighbor complaints | 505 Indian Hills & 901 W Madison St | Marten residence & Briess Malting | | | Ability to enforce credible noise complaints | §385-24 Performance standards - Noise | Recurring complaint about noise from Briess Malting plant creating excess noise in back yard. Multiple municipal attempts to remedy; property owner moved away due to noise |
| CLOSED Neighbor complaints | McKay Way | Waterloo Properties Inc | | | Improved property owner care for property | §261-8 Weed control | Neighbor complaint: undeveloped R-1 land infrequently mowed exacerbating health concerns |
| CLOSED Neighbor complaints | 143 Adams St | Cascade Investment Group | | | Improved property owner property maintenance | § 219-5 Safe and sanitary maintenance of property | |
| CLOSED Neighbor complaints | 1042 & 1110 E. Madison St | Cook & Weihert | | | Neighbor behavior towards one another not leading to repetitive filed complaints | | Multiple issues relating to storm water management; property line location; equipment travel on ROW, etc... complaints date back more than an decade. |
| CLOSED Code compliance | 143 Portland Rd | Walter Hensler & tenants | 143 Portland Rd | Waterloo | Outdoor storage of vehicles limited to three | 261-6 Nuisances - Storage of vehicles | vehicles moved |
| CLOSED Code compliance | 1326 Oak | Vic Bauer | | | Peaceable operation of an in-home business owner must seek and be granted an in-home occupation permit in this residential district | §385-10.2 Home occupations in residential districts | noise complains of mechanical repairs in R-1 District |
| CLOSED Code compliance | 258 Polk St | Dan Knapton | | | Prompt enforcement. Raze property due to blighting influence | §219-5 Safe and sanitary maintenance of property | 4 years and running, citation and notices have no effect on compliance |
| CLOSED Code compliance | 347 Crestview | Daniel Gorder Trust | | | One-family dwelling | §385-8 R-1 Single-Family Residential District | Report of for-profit dwelling arrangement rather than nonprofit housekeeping unit as stated in ordinance |
| CLOSED Code compliance | 437 Minnetonka | Bruce Braunschweig | | | Pay utilities bills to remedy dwelling being deems an uninhabitable dwelling | 219-9 Unfit Dwelling | Property owner residing in an unfit dwelling unit. Water & sewer disconnected due to past due utility bills |

Clerk/Treasurer's Report To The Plan Commission: Partial List Of Enforcement Challenges
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|-------------------------------|-------------------------------|--|----------------|--------------|--|---|--|
| CLOSED Code compliance | Multiple commercial locations | multiple | | | Compliance with the sign ordinance with focus on repair of damaged signs and removal of outdated signs | §385-26 Signs and billboards | Commercial signs require a permit; some existing have not been issued a permit; other temporary advertising signs on private property also have not been issued a permit. Encouraging creative use of signage to promote commerce is an implementation item of the economic development plan |
| CLOSED Code compliance | 601 Mohawk Ct | Hogan residence | | | Code Compliance | §385-8 R-1 Single-Family Residential District | Neighbors complaining that property is not used as a single-family dwelling. |
| CLOSED Blight | 104 East Madison St | Nick Sharron | | | Eliminate recurring dumping of trash/appliances & furniture on Monroe St side of property | §219-5 Safe and sanitary maintenance of property | Mattresses & debris dumped on site without owners consent on recurring basis. |
| CLOSED Blight | 362 W. Madison St | Robert Janek | | | Improved property owner care for property | §219-5 Safe and sanitary maintenance of property | Junk/trash in yard, recurring |
| CLOSED Blight | multiple | Owners of vehicles or recreational equipment | | | Recurring uniform contact & follow-up | §261-6 Nuisances - Storage of vehicles, recreational equipment & firewood | Police Department makes contact on complaint basis & reviews the community in Spring & Fall; primarily relates to unlicensed vehicles |
| CLOSED Absentee owner | 122 S. Monroe St | Tom Bussan | | | Improved property owner care for property | 261-3 Public nuisance affecting health | Property serves as dumping grounds for mattresses, and junk, etc in downtown because all know no eyes are watching property |

Mo Hansen

From: Mo Hansen <cityhall@waterloowi.us>
Sent: Monday, August 20, 2018 3:29 PM
To: Leisses, Mitchell; dpsorenson@waterloowi.us; Barry Sorenson (bsorenson@wppienergy.org); dpw@waterloowi.us; Vern Butzine; Micheal D Hahn (mhahn@axley.com); Chris Butschke
Subject: FW: preliminary CSM
Attachments: 180704 columbus csm prelim.pdf; 180704 columbus inv.pdf; Mitchell Leisses.vcf

Please review the attached preliminary certified survey map and route comments to Mitch Leisses for a single staff review document in advance of 8/28 Plan Commission consideration. The property owner seeks to make additional building improvements including stairs and deck. The existing encroaches. Thank you.

Questions.

- Is the public road width as proposed sufficient? What is the future intent of the ingress/egress? Will future 100-200 person events mean this is a well-used route to parking to the south?
- Do we need a written understand relating to future road surface maintenance, recurring snow removal, etc.
- Is buried water & sewer, or overhead electric affected?
- Is there a need to design ground level safety into this proposal? This would be the opportunity to do so.
- Lee Columbus is a leader in downtown private investment. How do we ensure his experience is positive and translates into others also investing downtown?

Mo Hansen | Clerk/Treasurer | City of Waterloo | 920.478.3025



From: Lee Columbus [mailto:leecolumbus@frontier.com]
Sent: Saturday, August 18, 2018 12:24 PM
To: 'Mo Hansen' <cityhall@waterloowi.us>
Cc: Brandon Columbus <brandon1227c@hotmail.com>
Subject: FW: preliminary CSM

Mo,
Here is the CSM for 123 S Monroe Street. Please let me know what I need to do next.
Thanks, Lee.

Lee Columbus
7600 Suffolk Down
Sun Prairie, WI 53590
608-839-7093
leecolumbus@frontier.com

City of Waterloo, WI
Tuesday, August 21, 2018

Chapter 385. Zoning

§ 385-2. Definitions.

For the purpose of this chapter, the following definitions shall be used:

ABUTTING

Having a common property line or district line.

ACCESSORY BUILDING

A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.

ALLEY

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

APARTMENT

A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

APARTMENT HOUSE

See "dwelling, multifamily."

BASEMENT

A story, as defined below, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.

BILLBOARD

An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.

BOARDINGHOUSE

A building other than a hotel where lodging and meals are furnished for compensation for three or more persons not members of a family.

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.

BUILDING, ALTERATION OF

See "structural alterations."

BUILDING AREA

The total living area bounded by the exterior walls of a building at the floor level, but not including basement, garage, open porch and unfinished attic.

BUILDING, HEIGHT OF

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

CERTIFICATE OF OCCUPANCY

A written statement issued by the Building Inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.

CONDITIONAL USE

A use of a special nature so as to make impractical its predetermination as a principal use within a district.

DWELLING

A. ONE-FAMILY

A detached building designed for or occupied exclusively by one family.

B. TWO-FAMILY

A detached or semidetached building designed for and occupied exclusively by two families.

C. MULTIFAMILY

A building or portion thereof designed for and occupied by more than two families, including tenement houses, row houses, apartment houses and apartment hotels.

DWELLING UNIT

A separate housekeeping unit, designed and used for occupancy by a single family.

FAMILY

One or more persons occupying a dwelling unit as a single nonprofit housekeeping unit, who are living together as a bona fide stable and committed living unit, being a traditional family or the functional equivalent thereof, exhibiting the generic character of a traditional family. A boardinghouse shall not be considered a family.

[Amended 5-3-2007 by Ord. No. 2007-12]

FARM

Land consisting of five acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

FLOOR AREA

- A. For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.
- B. For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

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.

GARAGE

A. PRIVATE

An accessory building or space for the storage only of not more than two motor-driven vehicles per dwelling.

B. PUBLIC

Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

C. STORAGE

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold. No commercial motor vehicle exceeding two tons' capacity shall be stored in any storage garage.

HOME OCCUPATION

A gainful occupation conducted by members of the family only within their place of residence, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock-in-trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted nameplate not more than four feet square is installed and that no person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not allowed.

[Amended 3-15-2007 by Ord. No. 2007-05]

HOTEL or MOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

LOT

A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building, together with the open spaces required by this chapter, and abutting on a public street or officially approved place.

LOT, CORNER

A lot abutting on two or more dedicated and accepted streets at their intersection, provided that the interior angle of such intersection is less than 135°.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINES

The lines bounding a lot as defined herein.

LOT, THROUGH

An interior lot having frontage on two nonintersecting streets.

MOBILE HOME

A non-self-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.

MOBILE HOME PARK

Any lot on which two or more mobile homes are parked for the purpose of temporary or permanent habitation.

MOTEL

See "hotel."

NONCONFORMING USE

A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

NURSERY

Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

NURSING HOME

Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

PARKING STALL

An off-street space available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PROFESSIONAL HOME OFFICE

The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an R-1 District, a professional office shall be incidental to the residential occupation, and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.

RAILROAD RIGHT-OF-WAY

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

SETBACK

The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

SHOPPING CENTER

A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

SIGN

Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which they are located, as distinguished from a billboard.

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 is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

STREET

All property dedicated for public street purposes.

STREET LINE

A dividing line between a lot, tract or parcel of land and an abutting street.

STRUCTURAL ALTERATION

Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

TEMPORARY SIGN

A nonpermanent sign or advertising display intended to be displayed for a short, usually fixed period of time not exceeding 30 consecutive days in a twelve-month period, unless in conjunction with an approved temporary seasonal use. Temporary signs include wall, freestanding, and banner signs mounted on walls. A mobile or portable sign shall not be considered a temporary sign or used for such purpose. Only one temporary sign may be displayed on a lot at one time. Furthermore, any one lot is limited to a maximum of two temporary signs in a twelve-month period. Political signs are exempt from this provision.

[Added 12-5-2013 by Ord. No. 2013-06]

TEMPORARY STRUCTURE

A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.

USE

The use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended or for which it is occupied or maintained.

USE, ACCESSORY

A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.

USE, CONDITIONAL

See "conditional use."

USE, PERMITTED

A use which may be lawfully established in a particular district or districts provided that it conforms to all requirements, regulations and performance standards, if any, of such districts.

USE, PRINCIPAL

The main use of land or a building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

UTILITIES

Public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, and microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

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.

YARD

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

A. FRONT YARD OR SETBACK

A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

B. REAR YARD

A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building, excluding uncovered steps.

C. SIDE YARD

A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

ZONING DISTRICT

An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

ZONING PERMIT

A permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

City of Waterloo, WI
Tuesday, August 21, 2018

Chapter 385. Zoning

§ 385-3. General provisions.

- A. Compliance. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable City, county and state regulations.
- B. Use restrictions. The following use restrictions and regulations shall apply:
- (1) Principal uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.
 - (a) Accessory uses. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs, storage, parking facilities, gardening, servant and watchman quarters not for rent, private swimming pools, and private emergency shelters. Accessory buildings shall not occupy more than 30% of the required area for the rear yard.
 - (b) Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by the Council after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
 - (c) Temporary uses. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Council.
 - (2) Performance standards. Performance standards listed in § 385-24 of this chapter shall be complied with by all uses in all districts.
- C. Yard reduction or joint use.
- (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
 - (3) No lot in the City which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.
- D. Lot occupancy. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot, and in no case shall there be more than one principal building on one platted lot unless approved by the Council.
- E. Yards abutting district boundaries. 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.

- F. Storage limitation. No required side yard or front yard in the commercial or industrial districts shall be used for storage or the conduct of business.
- G. Vision clearance. No obstructions, such as structures, parking or vegetation, shall be permitted in any district other than the C-1 District between the height of 2 1/2 feet and 10 feet above a plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.
- H. Performance standards. See § **385-24** of this chapter.
- I. Parking and loading restrictions. See § **385-23** of this chapter.
- J. Regulation of historic places. As authorized under § 62.23(7)(em), Wis. Stats., no structure on any property that is listed on the National Registry of Historic Places in Wisconsin or the State Registry of Historic Places shall be razed, or structurally or aesthetically altered, without the approval of the Plan Commission. Any owner of such historic place desiring to raze or to structurally or aesthetically alter any structure thereon shall first apply for a permit as required under Chapter **140**, Building Construction, of this Code. The Building Inspector shall inspect the structure and shall file a report with the Plan Commission within 20 days regarding the structural condition of the building and the economic feasibility of maintaining the structure as an historic building. The Plan Commission shall hold a hearing upon giving a Class 1 notice and, after reviewing the report of the Building Inspector and the testimony given and after considering any proposed structural or aesthetic alterations, shall, within 30 days, make findings and issue an order authorizing the Building Inspector to grant or deny the permit. Any person aggrieved by the order of the Plan Commission may file an appeal with the Board of Zoning Appeals within 30 days of such order.

Chapter 385. Zoning

§ 385-4. Height and area exceptions.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- A. Chimneys, towers, lofts, etc. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Plan Commission.
- B. Street yard modifications. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
 - (1) Uncovered stair restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line, and must be eight feet or more above ground.
 - (2) Cul-de-sac and curve restrictions. Residential lot frontage on culs-de-sac and curves in R-1 Districts may be less than 80 feet provided that the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on culs-de-sac and curves in R-2 Districts may be less than 100 feet provided that the width at the building setback line is at least 100 feet and the street frontage is not less than 55 feet.
 - (3) Architectural projection restrictions. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.
 - (4) Residential fence restrictions. Residential fences are permitted in front, rear and side yards in the residential districts. On the side yards the fence shall not project into the principal building required setback distance and shall be in compliance with required vision clearance. A building permit is required; see Chapter 140, Building Construction, of this Code.
[Amended 2-15-2007 by Ord. No. 2007-03]
 - (5) Security fence restrictions. Security fences are permitted on the property lines in all districts but shall not exceed 10 feet in height and shall be an open type similar to woven wire or wrought iron fencing. A building permit is required. See Chapter 140, Building Construction, of this Code.
 - (6) Essential services exemptions. Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
 - (7) Street yard restrictions. With the approval of the Building Inspector, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential districts and five feet in any business or industrial district.
- C. Corner lots. On corner lots the side yard facing the street shall not be less than 30 feet.
- D. Lots abutting different grades. 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.

- E. Buildings on through lots. The requirements for a rear yard for buildings on through lots and extending from street to street may be waived 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.
- F. Accessory buildings. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15 feet high and shall not be nearer than five feet to any lot line nor five feet to any alley line and shall not extend into a front yard beyond the required setback.
- G. Unobstructed yards. 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 two feet.

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§ 385-8. R-1 Single-Family Residential District.

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

A. Permitted uses.

- (1) One-family dwellings.
- (2) Attached or detached garage, 864 square feet and 15 feet in height maximum.
- (3) Garden and yard equipment shed, 144 square feet maximum.
[Amended 11-5-2009 by Ord. No. 2009-17]

B. Conditional uses. See also § 385-21 of this chapter.

- (1) Churches, synagogues and similar places of worship and instruction, including parsonages.
- (2) Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- (3) Utility offices, provided that there is no service garage or storage yard.
- (4) Public, parochial and private elementary and secondary schools.
- (5) Public parks, recreation areas, playgrounds and community centers.
- (6) Home occupations and professional home offices.
[Amended 3-15-2007 by Ord. No. 2007-05]
- (7) Additional garages or accessory building exceeding 144 square feet.
[Added by Ord. No. 95-11; amended 11-5-2009 by Ord. No. 2009-17]

C. Lot, yard and building requirements. See also § 385-3 of this chapter.

- (1) Lot frontage at setback: minimum 80 feet.
- (2) Lot area: minimum 10,000 square feet.
- (3) Principal building.
 - (a) Front yard: minimum 30 feet.
 - (b) Side yards: minimum total, 20 feet; minimum side, eight feet.
 - (c) Rear yard: minimum 30 feet.
 - (d) Building height: maximum 35 feet.

- (4) Accessory buildings.
 - (a) Front yard: minimum 30 feet.
 - (b) Side yards: minimum five feet.
 - (c) Rear yard: minimum five feet.
 - (d) Building height: maximum 15 feet. Accessory buildings shall not exceed 15 feet in height as measured to the roof peak except in those cases where the existing home and at least two of the abutting property homes are two stories in height or more. In those cases the accessory building can be up to 25 feet in height. The maximum area in those cases shall be the "footprint" of the building, not the total floor area.
 - (e) Garage: maximum 864 square feet.
 - (f) Garden shed: maximum 144 square feet.

[Amended 11-5-2009 by Ord. No. 2009-17]

- (5) Floor area: minimum 1,000 square feet.
- (6) Off-street parking: minimum two spaces per unit. (See also § 385-23 of this chapter.)
- (7) With respect to any lot of record as of this date (July 21, 1989) which is 72 feet or less in width, the total width of the side yards of the principal building, including attached garages, shall not be less than 15 feet and no single side yard shall be less than five feet; accessory buildings and unattached garages shall not be less than three feet from the lot line.