



To: City of Manitowoc Staff and Plan Commission
From: Mike Slavney, FAICP, and Jessica Schmiedicke, AICP
Date: November 2, 2009
Re: Review of Development Codes

The following memorandum is a compilation of recommendations for revisions based on our review of the City of Manitowoc's development codes. Our review included the following documents: Zoning Ordinance, Subdivision Ordinance, Building Regulations, Housing Ordinance, and Stormwater Management. We have organized this memorandum into sections to generally follow the format of the ordinances reviewed. A summary of key points is presented at the conclusion of each section.

ZONING ORDINANCE REVIEW

The following comments reflect our review of the current Zoning Ordinance text, revised August 31, 2007. Overall, the City's Zoning Ordinance generally suits the needs of the City; however, the City must determine the most appropriate balance between the administrative efforts associated with zoning, the quality of development, and the control over development. The City's Zoning Ordinance will also require revisions to reflect the new standards and recommendations laid out in the updated Comprehensive Plan.

15.01 TITLE AND PURPOSE

The Title and Purpose section should strongly emphasize how the Zoning Ordinance will implement the City's Comprehensive Plan (and its component documents) to the greatest extent possible through zoning. This ordinance does not appear to explicitly bear much relationship to community planning—either from a legal defensibility standpoint or from a strategic plan implementation standpoint. If the City goes to the trouble of significantly amending the existing ordinance, both of these very important objectives should be highlighted in the Title and Purpose section.

To an ever-increasing extent, the U.S. Supreme Court is recognizing that zoning plays a key role in the implementation of municipal comprehensive plans. The City's zoning ordinance should first and foremost be designed to directly implement the City's planning objectives. This is a critical concept. Approximately 70% of the recommendations made in Manitowoc's Comprehensive Plan can be accomplished directly through zoning regulations, with another 10% accomplishable through subdivision regulations. Essentially, a modern planning-zoning relationship has a plan which is designed to be implemented through zoning and land division control, developer contributions, capital improvements strategies, and economic development programs to the greatest extent possible—so as to reduce property tax burdens on the general residential and business public. The review and recommendations made in the following sections will be based on strategies to implement, to the greatest extent possible, the recommendations of the Comprehensive Plan through zoning regulations.

Vandewalle & Associates

120 East Lakeside Street • Madison, Wisconsin 53715
608 255-3988 • 608 255-0814 Fax • va@vandewalle.com

Shaping places, shaping change

We also recommend the inclusion of some additional sections that are typically found in introduction sections to zoning ordinances. These sections are as follows: Intent (which also more strongly links the zoning ordinance to the Comprehensive Plan); Severability (which clearly states that if a section of the ordinance is challenged that the balance of the ordinance is not invalidated); Re-enactment and Repeal (which provides language for retaining and not invalidating some of the provisions of the existing code, while adding important amendments); and Effective Date (which clarifies when the ordinance was adopted/amended). Model language for these sections is included below:

Section 1: Purpose

The overall purpose of this Chapter is to implement the City's Comprehensive Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes.

This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to promote adequate light and air; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve, protect and promote property values; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities; and to preserve burial sites as defined in s.157.70(1). State Law Reference: Section 62.23(7)(c), Wisconsin Statutes.

This Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the Comprehensive Plan. Additional purposes of this Chapter are specified throughout this Chapter.

Rationale: In developing the specific regulations of this Chapter, much effort has gone into balancing the goals and objectives of the Comprehensive Plan. The current status of this Chapter and its components (including the Zoning District Map) represents the cohesive result of carefully considered plan implementation practices. Amendments to these provisions and/or the Zoning District Map shall seriously consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Plan, and related long-range planning policies and programs.

Section 2: Legislative Intent

In enacting this Chapter, special attention has been given to ensuring a direct relationship of these regulations to the City's Comprehensive Plan. The general intent of this Chapter is to implement certain goals and objectives of the Comprehensive Plan which are best addressed through zoning approaches, as enabled by State of Wisconsin Statutes.

Section 3: Severability and Non-Liability

It is hereby declared to be the intention of the Common Council that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- (4) The City does not guarantee, warrant or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the City, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

Section 4: Re-enactment and Repeal

- (1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the “Zoning Code”, Chapter __ of the Code of Ordinances for the City, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact 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 Zoning District Map.
- (2) All provisions of Chapter __ of the City’s Code of Ordinances which are not re-enacted 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.

Section 5: Effective Date

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to Developer's Agreement provisions. This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Zoning District Map.

15.03 DEFINITIONS

In general, the definitions section is comprehensive and in good order. Regarding organization of definitions, where a term is used more than once through the code, we recommend including it in the main definitions section; where a term is only used once in the code in a specialized section (e.g. sign regulations), we recommend including it in that section only.

We would suggest expanding the definition of (40) Floor Area Useable to include land uses beyond residential. Other terms to be added to the Definitions section include: access, animal unit, appeal, attic, average ground elevation, “big box,” candlepower, deck, floor area ratio, group development, hardship impervious surface, landscape surface ratio, substantial improvement, and temporary use,.

Access: A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or public or private roadway.

Animal unit: A measure which represents a common denominator for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit:

Animal Unit Table

Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit	Type of Livestock	# of Animals/ Animal Unit
Horse (> 2 yrs)	1	Calves (< 1 yr)	5	Lambs	14
Colt (< 2 yrs)	2	Brood Sow or Boar	2	Chickens – Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens – Fryers	60
Cattle (< 2 yrs)	2	Sheep	10	Turkeys	50

Source: The Stockman’s Handbook

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section _____.

Average ground elevation: The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

“Big Box:” An area of land comprising one or more contiguous parcels or building sites for a single enterprise or multiple enterprises engaged primarily in retail sales and/or commercial services, the area of which is subject to a coordinated plan of building placement where the cumulative size of the building or buildings housing enterprises that are or will be engaged in retail sales and/or commercial services exceeds 60,000 square feet of gross floor area, including both display and enclosed storage areas, and where one or both of the following conditions exist:

1. The parking area is or will be served by an integrated system of off-street vehicular parking benefiting all or substantially all improvements within such area.
2. The area is or will be subject to reciprocal access rights benefiting all or substantially all improvements within such area.

Candlepower: The amount of light that will illuminate a surface one-foot distant from a light source to an intensity of one foot-candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Deck: A structure that has no roof or walls and is considered part of a building or structure.

Floor area ratio (FAR): The ratio calculated by dividing the total floor area of all buildings on a site by the Gross Site Area. See Maximum floor area ratio.

Group development: A group development is any development containing:

- (a) Two or more structures containing principal land uses on the same lot;
- (b) Any single structure on a single lot which contains 5 or more dwelling units or 2 or more non-residential uses; and/or,
- (c) Any new institutional, commercial, or office building in excess of 5,000 gross square feet and to all multi-building Group Developments in which the combined total of all structures on a site, regardless of diverse ownership, use or tenancy, combine to exceed 5,000 square feet.
- (d) Any building additions to institutional, commercial, and office buildings that bring the total building size to over 5,000 gross square feet. These regulations shall apply to the building addition, the older portions of the building constructed prior to the adoption of this Section, and to the site.

Hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Impervious surface: Areas designed and installed to prohibit infiltration of stormwater. Homes, buildings, and other structures, as well as concrete, brick, asphalt, and similar paved surfaces are considered impervious. Gravel areas and areas with “landscaped pavers” and “pervious pavement” which are intended for vehicular traffic are considered to be impervious.

Landscape surface area ratio (LSR): The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- (a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and
- (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance and repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

Temporary use: A land use which is present on a property for a limited and specified period of time.

15.05—15.35 ZONING DISTRICTS

Based upon our review of the City’s zoning districts, we find the current mix to be appropriate for a city of Manitowoc’s size and complexity. However, we do make following general recommendations and specific comments regarding districts within the following land uses:

Residential

- While the City has several residential districts to accommodate both traditional and modern urban housing development, the City has not designated a specific district focused on “estate” housing with larger lots. This type of housing is typically “siphoned-off” by the unincorporated areas surrounding the City. Creating this type of district would position the City to capture a full-range of lot sizes, housing prices, and income levels. We therefore recommend that this new district be established and named R-1, Estate Residential. Proposed lot regulations are as follows: Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit; Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet.
- In establishing the R-1 district as Estate Residential, we recommend that the existing R-1, Residential-Agricultural District be reestablished as R-H, Rural Holding. The intent of a Rural Holding District is twofold: (1) to promote the retention of agricultural land uses surrounding the City by requiring rural density (1 dwelling unit per 35 gross acres) single-family residential development, and (2) to serve as a “holding zone” which provides for an interim land use (agriculture) that will permit future development (by rezoning to another district) at the appropriate time. This Rural Holding District will accomplish a similar objective as the existing R-1, Residential-Agricultural District, but will clearly delineate the rural focus of this district, rather than its use as a development district.

Office/Commercial

- The Zoning Ordinance currently provides only one office district (B-1) within the City, which also allows residential uses. The City should consider establishing a separate large-scale office district. This district would be designed to safely and efficiently accommodate both vehicles and pedestrians with typical office park parking structures and building placement patterns. This district would include a mixture of office, limited service, restaurant, and entertainment uses. We recommend that this new district be named O-1, Planned Office.
- The existing mix of business/commercial districts as outlined in the City’s Zoning Ordinance is appropriate for a community of its size—Neighborhood Business (B-2), General Business (B-3), Central Business (B-4), and Commercial (C-1)—however, minor adjustments to lot size, building size, floor area ratio, setback, and use requirements maybe required to remain current and up to date.
- The current regulations listed under the Neighborhood Business District do not relate to its intended purpose, which is to provide “neighborhood scale” commercial uses to nearby residential properties. For example, the Neighborhood Business District does not currently regulate building size (except restaurants)—the allowance of larger buildings may negatively affect the overall character of the neighborhood, where smaller, “neighborhood scale” (less than 5,000 square feet in size) buildings should be required.

Industrial

- The City’s two industrial districts (I-1 and I-2) are appropriate for the City and will allow Manitowoc to accommodate a full range of industrial and manufacturing uses.

Figure 1 depicts the City’s current and proposed zoning districts organized by development character and land use. Proposed districts are highlighted in bold font.

Figure 1: Zoning District Comparison Chart

	Predominant Land Uses				
	Agriculture	Conservation	Residential	Office/Commercial	Industrial
Rural/Open	R-1, R-H	P-1			
Suburban			R-2, R-3, R-1	B-3, C-1, O-1	
Neighborhood			R-4, R-5	B-2	
Urban			R-6	B-1	I-1
Central			R-7	B-4	I-2

Zoning Abbreviations (Proposed changes are in **BOLD**):

- | | |
|---------------------------------|---------------------------|
| P-1 Conservancy | B-1 Office-Residential |
| R-1 Residential-Agricultural | B-2 Neighborhood Business |
| R-2 Single Family | B-3 General Business |
| R-3 Single Family | B-4 Central Business |
| R-4 Single & Two Family | C-1 Commercial |
| R-5 Low Density Multiple Family | I-1 Light Industrial |
| R-6 Multiple Family | I-2 Heavy Industrial |
| R-7 Central Residence | O-1 Planned Office |
| R-1 Estate Residential | |
| R-H Rural Holding | |

15.05—15.35 ZONING DISTRICTS – PERMITTED USES

This brings us to a discussion/introduction of a new concept for the regulation of land use in the City. The City’s ordinance currently lists out uses which are permitted by right and permitted conditionally within specific zoning districts. These uses are very specific, i.e. antique shop, live bait stores, restaurants, sporting goods stores, etc. We strongly recommend that the City consider a new approach to the regulation of uses, as it is virtually impossible to track and list every specific use to be included in each district. Without something like the unclassified provision (“Other uses not specifically listed above but which are similar to the above permitted uses”), which we recommend removing due to its similarity to use variances, the City will continuously need to amend its zoning ordinance.

As an alternative approach to the “unclassified provision,” the City should consider changing its approach to use regulation by using general categories of land use, such as personal and professional services, outdoor commercial entertainment, indoor sales and services, in-vehicle sales or services, manufacturing, etc. Although having more general categories of land uses

necessitates a need for more interpretation of the ordinance, it also allows for much more flexibility and reduces the frequency with which amendments may be necessary.

A modern ordinance which utilizes this “category approach” to land use regulation versus the “specific use approach,” would include detailed descriptions and conditions associated with each category of use that can be referred to when reviewing development applications. This review can be done by City staff or the Plan Commission, and thus the special use and conditional use approval process is easily facilitated. If the City is interested in discussing this approach, Vandewalle & Associates has developed a base ordinance that incorporates these broad land use categories and a mix of modern zoning districts that can be customized for the community. Samples of general use classifications with standard conditions specific to that classification have been included below for review and discussion purposes:

Example (1): In-Vehicle Sales or Service

Description: 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. Such land uses often have traffic volumes that 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, and auto repair or maintenance. 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.

1. Conditional Use Regulations:
 - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
 - b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
 - c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Subsection.
 - d. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.
 - e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum 4 ton axle load.
 - f. Facility shall provide a bufferyard with a minimum opacity of 0.60 along borders of the property abutting residentially zoned property.

- g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No exterior fixture, such as a fuel pump, vacuum stand or menu board, shall be located closer than 25 feet to all property lines.
 - h. Shall comply with standards and procedures applicable to all conditional uses.
2. Parking Regulations: One space per 50 square feet of gross floor area. Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window.

Example (2): Indoor Commercial Entertainment

Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.

1. Conditional Use Regulations:
- a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property.
 - c. Shall comply with standards and procedures applicable to all conditional uses.
2. Parking Regulations: One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater).

15.05—15.35 ZONING DISTRICTS – CONDITIONAL USES

The City’s traditional approach to conditional use regulations is typical to older zoning regulations. The current ordinance provides too little legal defensibility for a denied conditional use, or for the imposition of additional conditions of operation. More importantly, a wider variety of land uses should be treated as conditional uses, rather than as permitted by right uses in the commercial and industrial zoning districts; particularly as it relates to commercial uses with potential nuisances related to outdoor activities or late operating hours. In a community the size of Manitowoc, these uses will occur in close proximity to residential areas, and nuisances must be controlled. Also, many more baseline requirements for each form of conditional use should be adopted. These standards would ensure that all conditional uses are treated uniformly and predictably. Unequal restriction is a

common cause of land use litigation. Of strong particular concern is the need to regulate instances of the following as conditional uses, regardless of zoning district:

- *Group Developments*: residential development containing more than one principle use building, or a single residential building containing more than four dwelling units; and non-residential development containing more than one commercial or industrial tenant in a single building, or more than one principle use structure on a single lot. These developments often generate unusual land use relationships and a variety of site design and traffic flow complications.
- *Entertainment Land Uses*: including restaurants, taverns, theaters, amusement facilities, clubs and commercial athletic establishments. These uses often operate earlier and later than typical commercial uses, generate high peak hour activity levels, and attract children on foot or bike in substantial numbers.
- *Outdoor Display Land Uses*: including car dealerships, garden centers, tire sales, equipment rental, retail lumber yards and similar uses often use high levels of lighting and are laid out so as to create potentially dangerous pedestrian / traffic conflicts.
- *Outdoor Storage Land Uses*: including contractors' equipment yards, building material yards, equipment repair yards and similar commercial and industrial areas often use high levels of lighting and are inherently unattractive.
- *In-Vehicle Land Uses*: including drive-in, drive-through, drive-up, and similar facilities, and other services available to persons in vehicles or to motorized vehicles themselves. These uses typically have high traffic peaks that coincide with peak traffic on adjacent collector or arterial streets, generally have complicated traffic flows with substantial potential for pedestrian/vehicle conflicts, generate high levels of lighting from installed fixtures as well as from customer vehicles.

15.37 SUPPLEMENTARY REGULATIONS – USE

This section's title does not reflect its contents. This section should be reorganized and renamed (e.g. Procedures and Administration) to increase usability.

Also, we recommend the City consider ordinance language which addresses vacation of "big box" sites (i.e., buildings over 60,000 square feet) where the use moves to another location in Manitowoc. Model language is included below:

Policy on Vacation of Existing Sites. Where such a building is proposed as a replacement location for a business already located within the City, the City shall prohibit any privately imposed limits on the type or reuse of the previously occupied building through conditions of sale or lease. If the building remains vacant of a permanent occupant for more than 36 months, the City may order the property owner to demolish the building and restore the site to "greenfield" status, as defined by the removal of all buildings, foundations, pavement, concrete, light fixtures, signage, and materials and including the establishment of permanent turf on the site. Temporary occupancy of the building for periods of 365 consecutive days or less, and/or the exterior grounds shall not be considered a "permanent occupant". The Development Agreement for the project shall include a developer commitment to this requirement and its application.

15.39 SUPPLEMENTARY REGULATIONS – YARD, HEIGHT, AREA, SETBACKS

In general, this section's content is comprehensive and appropriate for the City; however, it should be reorganized to increase usability.

15.41 NON-CONFORMING USES

In general, this section is comprehensive and appropriate for the City. However, we are concerned about section (3) Change in Non-Conforming Use which allows a non-conforming use to be changed to another non-conforming use. The following text is model language to address non-conforming situations.

Uses Now Regulated as Conditional Uses Which Were Approved as Legal Permitted by Right or as Conditional Uses—Prior to the Effective Date of This Chapter

A use now regulated as a conditional use which was approved as a legal land use—either permitted by right or as a conditional use—prior to the Effective Date of this Chapter shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under this Section.

Nonconforming Density and Intensity Situations

Full legal conforming status for any and all requirements of this Subchapter is hereby automatically granted to the density and intensity of all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansions or extension into compliance with the provisions of this Subchapter, unless a variance is granted by the Zoning Board of Appeals.

Rationale: This Section is intended to prevent the creation of certain nonconforming developments related to densities, floor area ratios, building footprint coverages and/or landscaped surface ratios subject to the requirements of this Chapter. This Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

Nonconforming Bulk Situations

Full legal conforming status for any and all requirements of this Subchapter is hereby automatically granted to the bulk status of all principle structures in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures may not be enlarged, expanded or extended without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Zoning Board of Appeals.

Rationale: The "blanket conforming status" specified in Subsection is intended to eliminate the continued classification and/or creation of certain principle structures as non-conforming subject to the requirements of this Chapter. This provision addresses two different situations. First: many principle structures in the community were erected prior to the adoption of zoning and do not meet some or all of the bulk requirements of this ordinance. Second: in some instances, this revised zoning ordinance establishes new bulk requirements that existing legal structures under the previous zoning ordinances do not meet. This section therefore ensures that owners of such structures legally established prior to the adoption of this

Ordinance do not encounter difficulty in transferring ownership because the structures would otherwise be considered nonconforming. This "blanket conforming status" is not available for accessory structures.

Nonconforming Design Situations

Full legal conforming status for any and all requirements of this Subchapter is hereby automatically granted to the design components of all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to modify, enlarge, expand or extend such design elements without bringing the modification, enlargement, expansions or extension into compliance with the provisions of this Subchapter, unless a variance is granted by the Zoning Board of Appeals.

Rationale: This section is intended to prevent the creation of certain nonconforming developments related to building and site design subject to the requirements of this Chapter. These building and site design components may include one or more of the following:

- Build-to design requirements
- Exterior building materials requirements
- Exterior building design requirements
- Parking, loading, access drive and other paved area design requirements
- Landscaping design requirements
- Bufferyard design requirements
- Fencing design requirements
- Lighting design requirements

This section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

Finally, we caution the City to be sensitive to active litigation of non-conforming situations as enactment of these regulations could undermine its objectives.

15.43 OFF-STREET PARKING AND LOADING REQUIREMENTS

These rules are generally appropriate for the City, but are somewhat outdated and incomplete. These rules should be simplified to readily accommodate long-term changes to similar uses by developing consistent parking requirements across similar uses. We would also recommend modest reductions in parking requirements, including the following:

- Parking requirements for all industrial uses should be calculated under one formula based on gross square feet, such as one parking space per 1,000 gross square feet (gsf).
- Parking requirements for all office, retail, and service uses should be calculated under one formula based on gross square feet, such as one parking space per 300 gsf.

- Parking requirements for all entertainment uses should be calculated under one formula based on building occupancy, such as one parking space per 3 seats or 3 persons at maximum rated capacity.

Parking structure and lot design guidelines and landscaping requirements should be provided within the ordinance, as well as many for standards for limiting access and designing loading areas.

Paving methods and materials continue to evolve, including the use of pervious pavement. Since there are no broadly accepted conclusions regarding long term maintenance and life span, we recommend the City consider how it would like to approach this issue. Language could be added to this section that allows City staff to approve the use of alternative paving methods on a case by case basis until an approach has been established.

15.45 SIGN ORDINANCE

In general, the content in this section is comprehensive and appropriate for the City; however, we have minor recommendations for the following subsections:

- Sign height:
 - The general character and appearance of a non-residential area is typically inverse to the height of signs. Therefore, a commonly used height standard for freestanding signs in office and neighborhood business districts and downtown districts is 6 to 10 feet. The ordinance currently allows 16 foot ground signs in the B-1 district, 20 foot ground signs in the B-2 district, and 30 foot ground signs in the B-4 district.
 - A commonly used height standard for freestanding signs in general business districts is 20 feet. The ordinance currently allows 30 foot ground signs in the B-3 and 35 foot ground signs in the C-1 district.
- Shopping center signs: It is unclear if individual business signs are allowed on shopping center identification signs.
- Freeway-Oriented On-Premise Signs: It is unclear where these signs are allowed. The ordinance allows 75 foot signs. We would typically recommend a maximum sign height of 30 feet for any and all freestanding signs in a community.
- The rules for nonconforming signs will result in the very slow elimination of nonconforming signs in the community. More expeditious methods, which still provide for property owner discretion, are available. These are based on triggering conformance when any aspect of the sign's appearance is modified, aside from routine maintenance. See model language below.

Section ____: Nonconforming Signs

- (1) Notification of nonconformance. After enactment of the ordinance from which this article is derived, the zoning administrator shall, as soon as practical, survey the city for signs which do not conform to the requirements of this article. Upon determination that a sign is nonconforming, the zoning administrator shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 - (a) The reason for the sign's nonconformity.

- (b) Whether the sign is eligible as a legal nonconforming sign or is unlawful.
- (2) Signs eligible for characterization as legal nonconforming. Any sign located within the city limits on the date of original adoption of the ordinance from which this article is derived, which does not conform with the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets one of the following requirements:
 - (a) The sign is erected under the authority of a proper sign permit prior to the date of original adoption of the ordinance from which this article is derived;
or
 - (b) No permit was required under applicable law for the sign in question on the date of installation or placement.
- (3) Loss of legal nonconforming status. A sign loses its legal nonconforming status if one or more of the following occurs:
 - (a) The sign is altered in any way, except for normal maintenance, which makes the sign less in compliance with the requirements of this article. Normal maintenance shall include repainting; repairing, including structural repairs, without removal of the sign; cleaning; maintaining electrical wiring; changing or repairing fasteners; and repairs required pursuant to the maintenance or safety standards of the signage regulations. If the original intent was to make periodic face or message changes to a particular sign, then such changes will constitute normal maintenance.
 - (b) The sign is moved or relocated.
 - (c) The sign fails to conform to this article regarding maintenance, safety, repair, abandonment or the sign is obsolete.
 - (d) The nonconforming sign is damaged by fire, flood, explosion or act of God to an extent of less than 50 percent of its replacement value and the sign is not reconstructed and used as before within three months after such calamity. If a sign is damaged by such causes to the extent of 50 percent or more of its replacement value, the sign shall lose its legal nonconforming status and shall be removed or reconstructed to conform to the standards of this article. [Currently, State Statutes allow non-conforming structures and signs to be replaced if damaged by an act of God.]
- (4) Removal of nonconforming signs. All signs found to be in noncompliance with the provisions of this article shall be removed within 30 days of receiving written notice of noncompliance from the zoning administrator.
- (5) Abandoned signs. All abandoned signs determined to be nonconforming or legal nonconforming shall be removed within 30 days of the date of discontinuance of the usage of the sign.

15.47 AIRPORT HEIGHT AND USE LIMITATION

In general, this section's content is comprehensive and appropriate for the City.

15.49 FLOODPLAIN ZONING

In general, this section's content is comprehensive and appropriate for the City.

15.51 MOBILE HOME PARKS, MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES

In general, this section's content is comprehensive and appropriate for the City. We would like to note that it is suitable for the City to allow mobile home parks as conditional uses in the R-6 Multiple Family district to allow the City the highest level of control over placement of mobile homes.

15.53 AMENDMENTS TO ZONING DISTRICTS and 15.55 ZONING BOARD OF APPEALS

More thorough treatment is recommended for these sections. Particular concerns relate to consistency of application and the need for pre-identified criteria for evaluating requested zoning changes, variances, and appeals and interpretations. These standards, in particular, should be written to help City officials including the Plan Commission and Common Council do a tough job well. Again, application standards should be more clear and stringent.

This content could be included in a new "Procedures and Administration" section.

15.57 CERTIFICATE OF OCCUPANCY, 15.59 ENFORCEMENT, 15.61 VALIDITY, and 15.63 VIOLATIONS AND PENALTIES

In general, these sections are comprehensive and appropriate for the City. Again, we suggest that this content could be combined in a new "Procedures and Administration" section to make the ordinance more user friendly.

15.65 HISTORIC PRESERVATION

In general, this section is comprehensive and appropriate for the City.

15.67 SHORELAND – WETLAND ZONING

In general, this section is comprehensive and appropriate for the City.

15.69 LANDSCAPING AND OFF-STREET PARKING REQUIREMENTS

In general, this section is comprehensive and appropriate for the City. However, the title of this section is misleading and could be interpreted to mean it includes landscaping requirements and off-street parking requirements, rather than the intended landscaping requirements for off-street parking areas.

The ordinance does not include landscaping requirements for other areas of a development besides the parking lot. A modern zoning ordinance should provide required landscaping regulations for all development in a city, except single-family detached dwellings and farm developments. The most typical landscape regulations use a point system, similar to the one currently used for parking lot landscaping, to reward the use of larger trees versus shrubs, and evergreens versus deciduous species. Often, landscaping requirements are also identified for street frontages, other paved areas, building foundations and a sprinkling of trees in the yards. This type of approach eliminates concerns regarding definitions of terms such as "adequate landscaping", "attractive landscaping", or "appropriate landscaping", makes enforcement easier, and prevents barren development.

15.71 STANDARDS FOR WIRELESS TELECOMMUNICATION FACILITIES

In general, this section is comprehensive and appropriate for the City.

15.73 TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

In general, this section is comprehensive and appropriate for the City. However, we have the following concerns:

- While this section provides detailed requirements for the information provided in the GDP, it does not specify what should be included in the FDP.
- The ordinance requires 20 percent of the development to be open space. Based on our experience, this percentage is high. Also, we recommend using a Manitowoc-specific park standard (acres per 1,000 persons) rather than a set percentage that does not relate to the number of housing units and new residents. We will be preparing a separate memo regarding the City's use of impact fees, including parks and recreation later in the process.

15.75 PLANNED UNIT DEVELOPMENT (PUD)

In general, this section is comprehensive and appropriate for the City. However, we have the following concerns:

- While this section provides detailed requirements for the information provided in the GDP, it does not specify what should be included in the FDP.

15.77 SMALL WIND ENERGY SYSTEMS

On September 9, 2009, the State enacted a law that requires State regulators to create uniform site and procedural regulations for large wind farms (greater than one megawatt); these rules trump local ordinances. In general, this section should be revised to focus on small wind energy systems (in a variety of formats) that generate less than one megawatt of electricity following a decision by the Public Services Commission on siting regulations. We suggest the following changes to this section based on State law and our experience:



- Section (3)(d) Definitions: Consider revising this definition to those used to generate less than one megawatt of electricity.

- Section (4) Standards: Consider permitting small wind energy systems in other zoning districts, particularly to accommodate other types of systems such as wind spires or roof top turbines, and to avoid “spot zoning.”

- Section (4)(b)1. Standards: Clarify if this section refers to off-site and/or on-site structures; consider reducing this setback to the maximum height of the wind energy system to allow to for very small scale “urban turbines.”



- Section (4)(m) Standards: Consider revising this section to include the blade tip or any other moving external part; we have found that 25 to 35 feet clearance is more typical for small systems.

ZONING ORDINANCE SUMMARY

Overall, the City's zoning ordinance is a useful tool for regulating land use. The following are the critical steps that should be taken to ensure that the ordinance continues to serve the City's goals and will implement the recommendations of the Comprehensive Plan.

- Consider reorganization of the ordinance, particularly to include an expanded Introduction section and a Procedures and Administration section.
- Consider the creation of new zoning districts: Rural Holding (R-H), Estate Residential (R-1), and Planned Office (O-1).
- Consider a new approach to the regulation of uses in each district.
- Update off-street parking requirements.
- Explore amendments to the height regulations in the sign ordinance.
- Clarify procedural requirements in the TND and PUD districts.
- Establish landscaping requirements for all development types except single family homes, and perhaps two-family homes.

BUILDING, HEATING, AND VENTILATING CODE

The following comments reflect our review of Chapter 16: Building, Heating, and Ventilating Code, revised September 25, 2007. In general, this chapter suits the needs of the City; however, we suggest making several substantial changes to the organization and placement of code materials found in this chapter. For example, the Building Regulations and Housing Ordinance might be divided into separate chapters, with the following subsections to be included under Building Regulations:

- Building Board of Appeals
- Demolition of Buildings

A list of subsections for the separate Housing Code chapter is listed and described in greater detail below. We also recommend that the sections titled “Junk Yards. Junk.” and “Junked and Abandoned Vehicles” be transferred to the Zoning Ordinance and the “Storm Water Diversion” section be included in the Storm Water Management chapter. We believe these changes will increase clarification and the ease of use of this document. Other changes specific to individual sections of this chapter are described in greater detail below.

16.01 BUILDING REGULATIONS

The City of Manitowoc adopted the Wisconsin Uniform Building Code and the Wisconsin Uniform Dwelling Code to regulate buildings—these codes meet state requirements and are sufficient to serve the City’s needs. If at some point in the future the City decides to allow greater flexibility to include “sustainable” building features, such as green roofs and solar panels, Chapter 22.03, Energy Conservation, of Wisconsin’s Administrative Code offers provisions to regulate these features.

16.15 HOUSING ORDINANCE

To clarify the purpose and intent of this ordinance, we recommend that the name be changed from “Housing Ordinance” to “Property Maintenance Ordinance,” and, as indicated above, become a unique chapter within the Manitowoc Municipal Code. We suggest this ordinance should be reorganized in the following general outline:

1. Title
2. Intent, Purpose, and Severability
3. Rules
4. Definitions
5. Minimum Standards For:
 - a. Equipment and Facilities
 - b. Heating, Lighting, and Ventilation
6. Minimum Space, Use, and Location Requirements
7. Maintenance
8. Rooming House Regulations
9. Responsibility of Owners, Operators, and Occupants
10. Inspection
11. Administration and Enforcement
12. Penalties
13. Designation of Unfit Buildings or Structures and Legal Procedures of Repair or Razing.
14. Energy Code for Residential Properties

In the existing text, Section 16.15(1) generally describes the purpose of the ordinance, which is to eliminate and prevent the occurrence of blight within the City. However, the term “blight” is not listed in the definition section. As this term lays the general foundation for this ordinance, we strongly encourage that a definition for “blight” be added to the definitions section; the following is an example definition: Unsightly condition including the accumulation of debris, litter, rubbish, or rubble; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged; and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

We also recommend the following words be added to the definitions section:

Exit: That portion of a means of egress system which is separated from other interior spaces of a building or structure by fire-resistance-rated construction and opening protectives as required to provide a protected path of egress travel between the exit access and the exit discharge.

Hot water heating system: A heating system for a building in which the heat-conveying medium is hot water, consisting of a water-heating or -cooling means and of heat-emitting means such as radiators, convectors, baseboard radiators, or panel coils.

Inspection: an examination or survey of a premises, a facility, or a structure by an authorized person as to determine compliance with regulations or susceptibility to fire or other hazards.

Room (cross reference with “habitable room”): Any room meeting the requirements of the State code for sleeping, living, cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms, and similar spaces.

Ventilation: The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, attics, cathedral ceilings or other enclosed spaces over which a roof assembly is located.

Window: Any opening in a wall or roof which functions or appears to function to admit light to a building or structure.

We recommend that the “meaning of certain words” section, as listed under Section 16.15(2)(pp), be moved and placed under what we’re proposing to be the “Rules” section.

Under Section 16.15(3), regarding inspections, the circumstances that will initiate an inspection should be included in this section, such as a complaint, visual identification of blight conditions, or a change in tenant or ownership. A process for filing a complaint should be described in this chapter.

BUILDING CODE AND HOUSING ORDINANCE REVIEW SUMMARY

In general, the City of Manitowoc’s Building Code and Housing Ordinance currently meet the needs of the City. We believe the above recommended changes will increase the clarity and usability of these documents. Additional changes to these documents may be necessary to implement policies and objectives in the City’s updated Comprehensive Plan and to meet the City’s sustainability objectives.

SUBDIVISION REGULATIONS REVIEW

The following comments and recommendations reflect our review of the current Subdivision Regulations text, revised September 15, 2006.

21.01 INTRODUCTION

We offer two minor recommendations based on review of the Introduction section. As mentioned above in Section 15.01 of the Zoning Ordinance review, section 21.01(3), Purpose, should explicitly state how the Subdivision Ordinance will implement policies and objectives outlined in the City's Comprehensive Plan, Zoning Ordinance, and subsequent documents through future growth and development.

Second, we recommend the inclusion of additional issues/themes that are generally addressed in the introduction of modern subdivision ordinances. These are as follows:

- Provisions for bicycle and pedestrian traffic.
- Establishment of design standards and procedures for subdivisions.
- Preservation of air, water quality, natural features, and topography.
- Preservation of social and economic stability.
- Efficiency in design and layout of the land.

21.02 DEFINITIONS

In general, the Definitions section is comprehensive and in good order. However, we do suggest that those definitions that are listed in both the Subdivision Ordinance and Zoning Ordinance match. The following terms should also be included in the Definitions section of this ordinance:

Concept plan: A generalized plan intended to guide the overall division of land including the requirements of Section 21.04(1)(a).

Double lotting: [Per the intent of section Section 21.05(4)(j).]

Extraterritorial jurisdiction: The unincorporated areas within 3 miles of the City, in which Wisconsin Statutes instill certain powers with the City, including but not limited to subdivision review authority.

Floodplain: The land area susceptible to inundation by water as a result of a flood event as defined and mapped in Section 15.49 of the City's Zoning Ordinance.

Frontage: The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.

Parcel: A platted lot or lot described in a certified survey map or in a metes and bounds description which has been approved by the City or by Manitowoc County; and has been recorded in the office of the Register of Deeds.

Reversed frontage lots: A double frontage lot which takes access from a local street which is typically to the rear side of the building.

Rear lot line: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered

to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be selected by the property owner.

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

Variance: An authorization by the board of adjustment or appeals for a land division in a manner which is inconsistent with **this Chapter**.

21.03 GENERAL PROVISIONS

We offer the following recommendations to the General Provisions section:

- Under subsection 21.03(2)(a), we recommend the addition of the provisions of Chapter 703, Wisconsin Statutes, which addresses regulations pertaining to condominium plats. Additional requirements pertaining to condominium plats should be included elsewhere in the Subdivision Ordinance where appropriate.
- Recommendations regarding park dedication requirements are discussed in a separate document.

21.04 PROCEDURES

The Procedures section appropriately outlines the City's plat approval process; however, we do recommend the following minor modifications:

- Under section 21.01(1), we recommend including a site assessment checklist to the procedural requirements, which would apply to subdivisions and condominium plats. A site assessment checklist provides a systematic review of the effects of new land divisions upon the community. It addresses site-specific issues related to land as well as natural and historic resources. A site assessment checklist form should be made available to the subdivider or developer by the Planning Department. The checklist would be submitted and reviewed by the appropriate City departments and agencies prior to the concept plan. An example site assessment checklist can be found at the end of this memorandum.
- Under subsection 21.04(1)(b), include provisions for condominium plat submittal and reference to Section 703.11, Wisconsin Statutes. Should the City choose to require a site assessment checklist, a stipulation should be added to this subsection that the preliminary plat should not be submitted prior to City review of the site assessment checklist or the concept plan.
- We recommend the inclusion of a subsection following 21.01(1)(f), to outline procedures and requirements for public notice following submittal of the final plat according to Section 236.11(2), Wisconsin Statutes.
- With regard to the provisions outlined in the subsection 21.04(2), we recommend inclusion of land division review fees and a timeline for filing the application and paying review fees.
- Finally, we recommend that section 21.04(4) should be modified to include filing procedures, a timeframe in which the certified survey review fee shall be paid, and a timeline in which CSM must be filed.

21.05 DESIGN STANDARDS

In general, this section is comprehensive and generally appropriate for the City; however, we do recommend the following minor modifications:

- Under subsection 21.05(1)(d), the City may want to consider policy changes regarding the type of streets allowed and their characteristics. For example, the City’s current ordinance prohibits alleys in residential areas. Alleys are common features of traditional neighborhoods, as well as several new successful neighborhoods in the Madison area (e.g. Grandview Commons, Smith’s Crossing). Alley’s are often necessary to achieve more compact development patterns and allow a type of neighborhood design that is appropriate for the areas identified as “Planned Neighborhood” on the City’s Planned Land Use Map.
- Under subsection 21.05(1)(g), the City should consider a requiring a landscape buffer strip along arterial streets where residential lots back up to the right of way. For consistency, section 21.05(2)(d) should be moved up to section 21.05(1) Street Layout.
- The City should consider updating the table under subsection 21.05(3) to include: right-of-way width for all street types (including alleys), street width (curb-face to curb-face) for all street types (including alleys), whether or not sidewalks are required, and off-street parking provisions.
- The City should require an additional subsection related to the naming of new streets; such section should include procedures and standards for street naming, and should prohibit duplication of street names.
- Section 21.05(3) should also discuss provision and requirements for bicycles lanes, multi-use paths, walkways, and sidewalks.
- Under section 21.05(4), Lot Design, we recommend the City consider the adding the following requirements:
 - Area and width of lots shall conform to the requirements of the Zoning Ordinance.
 - Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision or condominium plat and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake, river, or stream.
 - Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall be considered a desirable ratio under normal conditions. Depth of lots reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and zoning.
- Language should also be added to this chapter to communicate that economic hardship should not be a recognized justification for variances from subdivision design standards.

21.06 PLAT SPECIFICATIONS AND REQUIREMENTS

Pertaining to the Preliminary Plat, we recommend the following additions to subsection 21.06(1)(b):

- Proposed number of lots and dwelling units, building setback lines, lot layout, lot and block numbers, and land use types.
- Location of streams and watercourses, dry runs, lakes, marshes, wetlands, floodplains, shoreland zoning areas, rock outcrops, wooded areas, and environmental corridors.

- Water elevations of adjoining lakes, streams, or drainage-ways and high and low water elevations and boundaries of the 100-year flood-plain.
- Subsurface soil, rock, and water conditions, including depth to bedrock and average depth to ground water table.
- Draft of proposed covenants (if any) to be imposed.

As outlined, the Final Plat requirement list is comprehensive; however, we do recommend additions as listed above for the Preliminary Plat section.

Pertaining to the Certified Surveys, under subsection 21.06(3)(a)(2), add provision that CSM must be comply with Chapter 236.34, Wisconsin Statutes.

21.07 MONUMENTS

This section is comprehensive and appropriate for the City.

SUBDIVISION ORDINANCE SUMMARY

Overall, the City's subdivision ordinance is a useful tool for regulating the division of land. Aside from the minor revisions suggested above, this ordinance will continue to suit the City's needs.

In addition, extraterritorial jurisdiction issues and recommendations will be addressed in a separate memo.

STORMWATER MANAGEMENT REVIEW

The following comments and recommendations reflect our review of the current Stormwater Management Regulations text, revised February 27, 2006.

SECTIONS 28.01 – 28.08 and 28.10 – 28.13

These sections are comprehensive and appropriate to meet the City's stormwater management goals. These sections are in good order and do not require revisions.

28.09 MAINTENANCE AGREEMENT

Under Section 28.09(2)(d), regarding inspections, we recommend the following revisions:

- Revise the text to read “stormwater management facilities” instead of “detention basin(s)/pond(s)” so that other facilities such as swales, rain gardens, and infiltration systems may be included and must meet inspection requirements.
- Identify the inspectors and the frequency with which inspections will be conducted. The frequency of inspection will depend on the type of stormwater management facility. Some facilities may need annual inspection while others may require more frequent inspection.
- Establish procedures to ensure that any problems identified during inspection are remedied in a timely manner by the operator responsible for maintenance. Establish a timeline for re-inspection after the problems have been remedied.
- Include a provision for non-routine maintenance and designate the appropriate person/organization to be responsible for the financing and oversight of such maintenance. Non-routine maintenance activities are the infrequent, but often expensive maintenance measures which can include pond dredging and other emergency repairs.

STORMWATER MANAGEMENT ORDINANCE SUMMARY

Overall, the City's Stormwater Management Ordinance is thorough and appropriate for the City. Aside from the suggested minor revisions to the Maintenance Agreement section, this ordinance will continue to suit the City's needs.

APPENDIX 1: SITE ASSESSMENT CHECKLIST

SITE ASSESSMENT CHECKLIST		
ITEM OF INFORMATION	YES	NO
I. Land Resources. Does the project site involve:		
A. Changes in relief and drainage patterns (Attach a topographical map showing, at a minimum, 2-foot contour intervals)		
B. A landform or topographical feature including perennial streams		
C. A floodplain (If “yes,” attach 2 copies of the 100-year floodplain limits.)		
D. An area of soil instability—greater than 18 % slope and/or hydric or alluvial soils, as depicted in the applicable “County Soils Survey”		
E. An area of bedrock within 6 ft. of the soil surface as depicted in the “County Soils Survey” or a more detailed source		
F. An area with groundwater table within 5 feet of the soil surface as described in the “County Soils Survey” or a more detailed source		
G. An area with fractured bedrock within 10 feet of the soil surface as depicted in the “County Soils Survey”		
H. Prevention of future gravel extraction		
I. A drainage-way with a tributary area of 5 or more acres		
J. Lot coverage of more than 50 percent impermeable surfaces		
K. Prime agricultural land as depicted in the applicable “County Soils Survey” or adopted farm land preservation plans		
L. Wetlands as depicted on DNR wetland inventory maps or more detailed sources		
M. Environmental corridors, as mapped by the City or county		
II. Water Resources. Does the project involve:		
A. Location in an area traversed by a navigable stream, intermittent stream, or dry run		
B. Impact on the capacity of a stormwater storage system or flow of a waterway within 1 mile		
C. The use of septic systems for on-site waste disposal		
D. Lowering of water table by pumping or drainage		
E. Raising of water table by altered drainage		
F. Frontage on a lake, river, or other navigable waterway		
III. Biological Resources. Does the project involve:		

A. Critical habitat for plants and animals of community interest per DNR inventory		
B. Endangered or rare plant or animal species per the DNR Wisconsin Natural Heritage Inventory		
C. Trees with a diameter of 6 or more inches at breast height outside of “mature woodlands” as defined in the subdivision ordinance (If yes, all trees of such size must be mapped.)		
D. Removal of over 40% of the trees on the site within a “mature woodland” as defined in the subdivision ordinance		
IV. Human and Scientific Interest per State Historical Society Inventory. Does this project site involve:		
A. An area of archeological interest included on the Wisconsin Archeological Site Inventory		
B. An area of historical interest, including historic buildings or monuments listed on the State or National Register of Historic Places		
V. Energy, Transportation and Communications.		
A. Would the development increase traffic flow on any arterial or collector street by more than 10 percent based upon the most recent traffic counts and trip generation rates provided by the Institute of Transportation Engineers (ITE)?		
B. Is the land traversed by an existing or planned roadway corridor, as shown on the City’s official map or comprehensive plan?		
C. Is the land within a highway noise impacted area (within 500 feet of an interstate or state or Federal highway).		
D. Is the land traversed by an existing or planned utility corridor (gas, electrical, water, sewer, storm, communications)?		
VI. Population.		
A. Which public school service areas (elementary, middle and high) are affected by the proposed development, and what is their current available capacity?	E:Cap: M:Cap: H:Cap:	
VII. Appendices and Supporting Material including		

NOTES:

1. “Yes” answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.
2. The Plan Commission may waive the filing of a site assessment checklist for subdivisions of less than 5 acres total area.