



AN ORDINANCE: By City Plan Commission
Re: Amending Neenah Code chapter 26 relating to various miscellaneous changes to the Neenah Zoning Code

ORDINANCE NO. 2014-14
Introduced: August 6, 2014
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. The following definitions in Section 26-3 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Gazebo, or similar detached structure means small open structure, usually round, octagonal or of similar shape having a roof structure. Walls, if any, will not be greater than 30 percent enclosed excluding glass or screen material.

Lot line, front means that boundary of a lot which abuts an existing or dedicated public street. In the case of a lot abutting two or more public streets the front lot line shall be the lot line of least dimension.

Vision clearance triangle means an unoccupied triangle space at the street corner of a corner lot. The triangle is formed by connecting the point where each street line intersects and two points located 25 feet along each street line. Such space shall remain clear of obstructions between three and ten feet above grade.

Section 2. Section 26-27(b)(7) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (7) In the event of a protest against a rezoning, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed rezoning, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the frontage of such opposite land, such rezoning shall not become effective except

by the favorable vote of three-fourths of the ~~full membership~~ of the Council voting on the proposed change.

Section 3. Section 26-77 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-77. Review.

To safeguard against potential problems or impacts that may arise, site plan approval shall be required for the following:

- (1) Any proposed use that is listed in a particular district as requiring "~~conditional~~ site plan approval";
- (2) Any new construction, or additions to existing buildings, located on a parcel within a commercial or industrial zoned district;
- (3) Any new construction, or addition to existing buildings, which will result in the establishment of four or more residential dwelling units on a single parcel.
- (4) Any new construction or reconstruction of a parking lot, or addition of ten (10) or more parking spaces to an existing parking lot.

Section 4. Section 26-78(2) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (2) A site plan shall be filed with the Department of Community Development along with the submittal of a site plan review application and fee as established by the Council. A digital copy of all site plans, in PDF or compatible format by electronic mail or compact disc shall also be submitted. The Department of Community Development will determine if all the required information is provided and adequate for review;

Section 5. Section 26-102 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-102. Intent.

To ensure that as many properties as possible are in compliance with this Code, all commercial, multifamily and industrial property changing occupancy, shall first be reviewed by the Department of Community Development if either of the following apply:-

- (1) The property has been vacant for a period of 12 consecutive months or more.
- (2) A change in the use of the property occurs.

Section 6. Section 26-103 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-103. Procedure.

The procedure for obtaining approval on a change in occupancy is as follows:

- (1) The property owner or agent shall meet with the Department of Community Development to explain the proposed occupancy. Any required documents or plans~~An application~~ for change in occupancy shall be filed with the Department of Community Development; and
- (2) The Department of Community Development will review the proposed change~~application~~ and will verify whether the new occupancy complies with this Code. If the new occupancy complies, an~~the~~ occupancy permit~~change~~ will then be issued to the applicant~~approved~~. If the new occupancy does not comply, then corrective actions will be so noted and explained to the applicant. An Change in~~Change in~~ occupancy permit~~will not be issued~~ will not be issued~~allowed~~ until all corrective actions are completed.

Section 7. Section 26- 104(3) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (3) The Plan Commission shall review the appeal and consider the matter. If the Commission upholds the Department's interpretation, then the applicant shall make the necessary corrective action. If the Commission agrees with the applicant, it may so order that an~~the~~ change in~~change in~~ occupancy permit~~be granted~~ be granted~~allowed~~ or may order that an~~the~~ change in~~change in~~ occupancy permit~~be issued~~ be issued~~allowed~~ with conditions it deems appropriate.

Section 8. Section 26-148(3) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (3) Single~~One single~~-family detached dwelling.

Section 9. Section 26-149 (title and intro) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-149. Permitted uses requiring conditional site plan approval.

The following permitted uses requiring conditional~~conditional~~ site plan approval are allowed in the R-1 Single-Family Residence District:

Section 10. Section 26-151 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-151. Garages, accessory buildings and uses.

The following garages, accessory buildings and uses are allowed in the R-1 Single-family Residence District:

- (1) One private garage; not to exceed 816 square feet in gross area.
- (2) One accessory building; not to exceed 200 square feet in gross area.
- (3) One private swimming pool.
- (4) Any of the following accessory uses:

- a. One private [tennis-recreation](#) court.
- b. One satellite antenna/dish.
- c. Solar energy systems.
 - 1. Ground-mounted solar energy systems are not allowed in any actual or required front yard or required side yard, cannot exceed an overall height of 20 feet and must be setback from the property line a distance equal to its overall height.
 - 2. Roof- or wall-mounted solar energy systems shall not project more than five feet above the roof of the structure it is installed on and shall not exceed the maximum height, which is allowed for structures in this zoning district.
- d. One gazebo; [not to exceed 300 square feet in gross area](#).

(5) Yard sale.

Section 11. Section 26-175 (title and intro) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-175. Permitted uses requiring ~~conditional~~ site plan approval.

The following permitted uses requiring ~~conditional~~ site plan approval are allowed in the R-2 Single-Family Residence District:

Section 12. Section 26-177 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-177. Garages, accessory buildings and uses.

The following garages, accessory buildings and uses are allowed in the R-1 Single-family Residence District:

- (1) One private garage per dwelling unit; [not to exceed 816 square feet in gross area](#).
- (2) One accessory building per dwelling unit; [not to exceed 200 square feet in gross area](#).
- (3) One private swimming pool.
- (4) Any of the following accessory uses per dwelling unit:
 - a. One private [tennis-recreation](#) court.
 - b. One satellite antenna/dish.
 - c. Solar energy systems.
 - 1. Ground-mounted solar energy systems are not allowed in any actual or required front yard or required side yard, cannot exceed an overall height of 20 feet and must be setback from the property line a distance equal to its overall height.

2. Roof- or wall-mounted solar energy systems shall not project more than five feet above the roof of the structure it is installed on and shall not exceed the maximum height, which is allowed for structures in this zoning district.

d. One gazebo; not to exceed 300 square feet in gross area.

(5) Yard sale.

Section 13. Section 26-195(2) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(2) Multifamily dwellings with three (3) or less units.

Section 14. Section 26-196 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-196. Permitted uses requiring ~~conditional~~ site plan approval.

The following permitted uses requiring ~~conditional~~ site plan approval are allowed in the M-1 Multifamily Residence District:

(1) Multifamily dwellings with four (4) or more units.

(2) Utility substation.

(~~2~~3) Communications Antenna.

Section 15. Section 26-198(4) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(4) Any of the following accessory uses per lot:

a. One private ~~tennis-recreation~~ court.

b. One satellite antenna/dish.

c. Solar energy systems.

1. Ground-mounted solar energy systems are not allowed in any actual or required front yard or required side yard, cannot exceed an overall height of 20 feet and must be setback from the property line a distance equal to its overall height.

2. Roof- or wall-mounted solar energy systems shall not project more than five feet above the roof of the structure it is installed on and shall not exceed the maximum height, which is allowed for structures in this zoning district.

d. One gazebo; not to exceed 300 square feet in gross area.

Section 16. Section 26-216 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-216. Permitted uses.

The following permitted uses are allowed in the M-2 Multifamily District:

(1) Any use permitted in the M-1 Multifamily Residence District.

Section 17. Section 26-217 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-217. Permitted uses requiring site ~~conditional~~ plan approval.

The following permitted uses requiring ~~conditional~~ site plan approval are allowed in the M-2 Multifamily Residence District:

(1) Multifamily dwellings with four (4) or more units.

(2) Utility substation.

(23) Communications Antenna.

Section 18. Section 26-219(4) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

(4) Any of the following accessory uses per lot:

a. One private ~~tennis-recreation~~ court.

b. One satellite antenna/dish.

c. Solar energy systems.

1. Ground-mounted solar energy systems are not allowed in any actual or required front yard or required side yard, cannot exceed an overall height of 20 feet and must be setback from the property line a distance equal to its overall height.

2. Roof- or wall-mounted solar energy systems shall not project more than five feet above the roof of the structure it is installed on and shall not exceed the maximum height, which is allowed for structures in this zoning district.

d. One gazebo, not to exceed 300 square feet in gross area;

Section 19. Section 26-235 of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

Sec. 26-235. Permitted uses requiring site plan approval.

The following permitted uses requiring site plan approval are allowed in the C-1 General Commercial District:

(1) Multifamily dwellings with four (4) or more units.

(2) Retail sale, rental, and repair services including:

Animal hospitals.

Antique shops.

Audio and video equipment and merchandise.

Automotive accessory stores.

Automotive and truck rentals, sales, service and auto body repair.

Automotive and truck washes.

Bakeries.

Barber shops.

Beauty shops.

Bicycle sales.

Boat, camper and travel trailer sales/rentals.

Book/stationery stores.

Candy and ice cream stores.

Camera and photographic supply stores.

Catering services.

China and glassware stores.

Clothing and apparel stores.

Computer and computer accessory stores.

Convenience stores.

Custom dressmaking.

Day care center.

Drug stores.

Dry cleaning and laundry.

Electronic and house ware appliance stores.

Flower shops.

Fruit and produce stands.

Furniture and home furnishings stores.

Garden supply stores.

Gasoline stations.

Gift shops.

Grocery stores.

Hardware and paint stores.

Hobby shops.

Jewelry stores.

Landscape nurseries.

Leather goods and luggage stores.

Locksmiths.

Major department stores.
Meat markets.
Musical instrument stores.
Office supply stores.
Optical goods stores.
Orthopedic sales and supply stores.
Pet stores and grooming shops.
Photo studios.
Recreational vehicle sales/rentals.
Schools for music, dance and the martial arts.
Sewing machine shops.
Shoe stores.
Small equipment rental.
Sporting goods stores.
Tailor shops.
Tobacco shops.
Travel bureaus.
Video arcades.

(3) Other establishments, institutions and uses including:

Adult establishments which are more than 500 feet from schools, churches, community living arrangements, day care centers/nursery schools, family day care homes, parks, playgrounds and other community facilities.

Boardinghouse.

Bed and breakfast inn.

Banks and financial institutions.

Bowling alleys.

Clinics or medical offices

Communications radio, microwave or television towers.

Dance halls.

Hotels/motels.

Indoor commercial recreational facilities.

Meeting/assembly halls.

Public buildings.

Professional offices and similar establishments.

Railroad rights-of-way and uses essential to railroad operation.

Restaurants.

Taverns.

Theaters (indoor)

Utility substation or tower.

- (4) Uses not explicitly enumerated in the section as permitted uses, but closely similar thereto provided that these uses are not specified elsewhere as requiring a special use permit or conditional site plan approval.

Section 20. Section 26-236 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-236. Special uses.

The following special uses are allowed in the C-1 General Commercial District:

- (1) Airport/heliport.
- ~~(2) Clinic or medical office requiring 40 or more parking stalls.~~
- ~~(32)~~ Commercial greenhouses.
- ~~(43)~~ Commercial kennels.
- ~~(4)~~ Manufactured home sales.
- (5) Office buildings exceeding three stories in height.
- (6) Outdoor commercial recreational facility.
- (7) Produce terminal, wholesale.
- (8) Self-storage facilities (mini-warehouses).
- (9) Stadium or auditorium.
- (10) Theaters (outdoor).
- (11) Truck sales and service.

Section 21. Section 26-271 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-271. Permitted uses.

The following permitted uses are allowed in the C-2 Central Business District:

- (1) Any use permitted in the C-1 General Commercial District as defined in Section 26-234 except single-family and two-family dwelling units as a principal use.

Section 22. Section 26-272 of the Code of Ordinances of the City of Neenah is repealed

Section 23. Section 26-273 of the Code of Ordinances of the City of Neenah is renumbered as 26-272 and is further amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-~~273~~272. Special uses.

The following special uses are allowed in the C-2 Central Business District:

- (1) Automotive and truck washes.
- (2) Clinic or medical offices ~~requiring 40 or more parking stalls.~~
- (3) Drive-in restaurants.
- (4) Financial institution drive-in facility
- ~~(35)~~ Gasoline stations (self or full service).
- ~~(46)~~ Office buildings exceeding three stories or 45 feet in height.
- ~~(57)~~ Produce terminal-wholesale.
- (8) Radio, microwave or television tower.
- ~~(69)~~ Stadium or auditorium.
- (710) Warehousing.

Section 24. Sections 26-274 to 26-276 of the Code of Ordinances of the City of Neenah are renumbered 26-273 to 26-275.

Section 25. Section 26-300 (title and intro) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

Sec. 26-300. Permitted uses requiring ~~conditional~~ site plan approval.

The following permitted uses requiring ~~conditional~~ site plan approval are allowed in the I-1 Planned Business Center District:

Section 26. Section 26-301 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

Sec. 26-301. Special uses.

The following special uses are allowed in the I-1 Planned Business Center District:

- (1) Public utility structures

Section 27. Section 26-326 of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

Sec. 26-326. Permitted uses requiring site plan approval.

The following permitted uses requiring site plan approval are allowed in the I-2 General Industrial District:

- (1) Communications radio, microwave or television tower.
- (2) Insurance, real estate, office and other services incidental and complementary to local industry.
- (3) Manufacture, assembly, compounding, processing and packaging of goods, materials and products.

- (4) Parks
- (5) Printing, publishing and engraving.
- (6) Public utility structures.
- (7) Railroad rights-of-way and uses essential to railroad operation.
- (8) Research, laboratory and testing facilities.
- (9) Transportation, trucking facilities or terminals and enclosed repair facilities.
- (10) Wholesale, warehousing, storage and distribution.

Section 28. Section 26-327 of the Code of Ordinances of the City of Neenah is repealed.

Section 29. Section 26-328 to 26-330 of the Code of Ordinances of the City of Neenah are renumbered 26-327 to 26-329.

Section 30. Section 26-439(intro) and (1) of the Code of Ordinances of the City of Neenah are amended by deleting the stricken language and adding the highlighted language to read as follows:

Sec. 26-439. Continuation.

The use of any land or building existing on February 5, 1997 or subsequent amendment of this ordinance, may be continued, even if such use does not conform to the regulations of this Code, except as provided below:

- (1) Nonconforming buildings:
 - a. *Enlargement.* A nonconforming building or structure shall not be added to or enlarged in any manner unless such additions or enlargements are made so as to bring the entire building or structure into conformity with the regulations of this Code.
 - b. *Restoration.* A nonconforming principal or accessory building or structure may be restored or repaired to the size, location and use that it had immediately before damage or destruction occurred, and without regard to the cost of such restoration, repairs or improvements if both of the following apply: which is damaged by fire or other causes; altered; or reconstructed to the extent of more than 50 percent of its market value, shall not be restored except in conformity with the regulations of this Code.
 - 1. The nonconforming principal or accessory building or structure was damaged or destroyed on or after March 2, 2006.
 - 2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.The size of such nonconforming principal or accessory building or structure to which this subsection applies may be enlarged if such

enlargement is made necessary for principal or accessory building or structure to comply with applicable state and federal requirements.

- c. *Maintenance.* Normal maintenance of a building or other structure containing or related to a lawful nonconforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not extend or intensify the nonconforming use.
- d. *Exception.* Nonconforming detached garages and accessory buildings may be altered or enlarged provided that the existing side or rear yard dimensions are within 50 percent of the requirements of this Code. Such enlargement shall be made in conformance with the regulations of this Code.

Section 31. Section 26-465 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

Sec. 26-465. Principal building.

No garage, accessory building or use shall be allowed on a lot without a principal building, ~~unless said lot adjoins a lot of same ownership with a principal building.~~

Section 32. Section 26-551(a)(19) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language and adding the highlighted language to read as follows:

- (19) *Manufacturing, fabricating, general industrial buildings, and processing plants not engaged in retail trade:* At least two parking spaces per three employees on a maximum shift or one parking space for every ~~4,000~~1,000 square feet of gross floor area, whichever is greater;

Section 33. Section 26-656(table) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

<u>Drive-in restaurant</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>C-2</u>	<u>#</u>	<u>Yes</u>	<u>Yes</u>
<u>Financial institution drive-in facility</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>C-2</u>	<u>#</u>	<u>Yes</u>	<u>Yes</u>

<u>Manufactured home sales</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>C-1</u>	<u>#</u>	<u>Yes</u>	<u>Yes</u>
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<u>Radio, microwave, or television tower</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>#</u>	<u>C-2</u>	<u>N/A</u>	<u>Yes</u>	<u>Yes</u>
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Section 34. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 35. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: Ald. Kunz/Bates

Adopted: August 6, 2014

Approved: 8-0 August 6, 2014

Published: August 11, 2014

Approved:



Dean R. Kaufert, Mayor

Attest:



Patricia A. Sturn, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney James G. Godlewski
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Neenah, WI 54956
State Bar No. 1005210