



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Amending Neenah Code §26-3, 26-149, 26-150, 26-152(1), 26-174, 26-175, 26-176, 26-177, 26-178, 26-196, 26-197, 26-199, 26-217, 26-218, 26-220, 26-234, 26-235, 26-236, 26-238(1), 26-238(4), 26-271, 26-272, 26-300(9), 26-301, 26-303(11), 26-326, 26-327, 26-329(9), 26-466, and 26-656.

ORDINANCE NO. 2019-08
Introduced: February 27, 2019
Committee/Commission Action:
RECOMMENDED FOR PASSAGE

AN ORDINANCE

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

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

Block means the property abutting one side of a street lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdividable acreage, lake, river, or live stream, or between any of the foregoing and any other physical barrier to the continuity of development, or corporate boundary line of the municipality.

Boardinghouse means boarding or dwelling unit other than a motel, hotel, tourist house, or bed and breakfast inn, where, for compensation and by prearrangement, lodging is provided with or without meals for three or more persons.

~~Church means a building, together with its necessary buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.~~

Electric Substation means an assemblage of equipment for purposes other than generation or utilization, through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the needs of the general public; provided that in residence districts an electric substation shall not include rotating equipment, storage of materials, trucks or repair facilities, housing or repair crews, or office or place of business.

Mobile Service Facility means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

Office uses means those commercial activities that take place in office buildings, where goods are not produced, sold, or repaired. These include: banks, general offices, professional offices, governmental office, insurance office, real estate office, travel agency or transportation ticket office, ~~telephone exchange~~, utility office, radio broadcasting and similar uses.

Religious Institution means a building, together with its necessary buildings and uses, where persons regularly assemble for religious worship and which buildings, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

Self-Storage Facility means a building or a group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-service storage of personal items.

Telecommunication Tower means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure (as per Wis. §66.0404). This definition excludes Amateur Radio Antennas (as per Wis. §62.23(7)(hf)).

Section 2. Section 26-149 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:

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

~~(1) Utility Substation~~

~~(2)~~ (1) Communications Antenna.

Section 3. Section 26-150 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:¹

- (1) All commercial and public radio, communication and telecommunication towers, microwave and television towers; and all private radio and television towers exceeding 50 feet in height.
- (5) ~~Church~~ Religious Institution.
- (14) ~~Single-family attached dwelling~~ Electric Substation

Section 4. Section 26-152(1) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

- (1) Minimum front yard setback, 25 feet or the average setback for a principal dwelling or use along the block. Structures shall be placed within plus or minus 5 feet of the average setback, but in the case where the average setback is less than 25 feet, the structure shall be located no less than the average setback.

Section 5. Section 26-174 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted and deleting the stricken language to read as follows:

The following permitted uses are allowed in the ~~R-2~~ Two-Family Residence District:

- (1) Any use permitted in the R-1 Single-Family Residence District.
- (2) Two-family dwelling units.
- (3) Single-family attached dwelling.

Section 6. Section 26-175 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted and deleting the stricken language to read as follows:

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

- ~~(1) Utility Substation.~~
- ~~(2)~~ (1) Communications Antenna.

¹ For sections amended by this ordinance, any additional language found in the code of ordinances but not reflected in this ordinance remain unchanged.

Section 7. Section 26-176 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:

- (1) All commercial and public radio, communication and telecommunication towers, microwave and television towers; and all private radio and television towers exceeding 50 feet in height.
- (5) ~~Church~~ Religious Institution.
- (14) Electric Substation

Section 8. 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:

The following garages, accessory buildings and uses are allowed in the R-~~1~~ 2 ~~Single~~ Two-family Residence District:

- (1) One private garage per dwelling unit; total area of all garages not to exceed 816 square feet in gross area.
- (2) One accessory building per dwelling unit; total area of all accessory buildings not to exceed 200 square feet in gross area.

Section 9. Section 26-178 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:

Standards for the R-2 ~~Single~~ Two-Family Residence District are as follows:

- (1) Minimum front yard setback, 25 feet or the average setback for a principal dwelling or use along the block. Structures shall be placed within plus or minus 5 feet of the average setback, but in the case where the average setback is less than 25 feet, the structure shall be located no less than the average setback.

Section 10. Section 26-196 of the Code of Ordinances of the City of Neenah amended by deleting the stricken language to read as follows:

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

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

(2) ~~Utility substation~~

~~(3)~~—Communications antenna.

Section 11. Section 26-197 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:

(1) All commercial and public radio, communication or telecommunication towers, microwave and television towers; and all private radio and television towers exceeding 60 feet in height.

(4) ~~Church~~ Religious Institution.

(13) Electric Substation

Section 12. Section 26-199 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

(1) Minimum front yard setback, 20 feet or the average setback for a principal dwelling or use along the block. Structures shall be placed within plus or minus 5 feet of the average setback, but in the case where the average setback is less than 20 feet, the structure shall be located no less than the average setback.

(4) Minimum side yard and rear yard from parcel boundaries of adjoining single-family or two-family residential uses or districts, 30 feet.

Section 13. Section 26-217 of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

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

(1) Multifamily dwellings with four or more units.

(2) ~~Utility substation.~~

~~(3)~~—Communications antenna.

Section 14. Section 26-218 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:

(1) All commercial and public radio, communication or telecommunication towers, microwave and television towers; and all private radio and television towers exceeding 60 feet in height.

(4) ~~Church~~ Religious Institution

(14) Electric Substation

Section 15. Subsections 26-220(1) & (4) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

(1) Minimum front yard setback, 20 feet or the average setback for a principal dwelling or use along the block. Structures shall be placed within plus or minus 5 feet of the average setback, but in the case where the average setback is less than 20 feet, the structure shall be located no less than the average setback.

(4) Minimum side yard and rear yard from parcel boundaries of adjoining single-family or two-family residential uses or districts, 30 feet.

Section 16. Section 26-234 of the Code of Ordinances of the City of Neenah is repealed and reserved for future use.

Section 17. Section 26-235 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

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~~ three or more units.

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

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

~~Boat, camper and travel trailer sales/rentals.~~

~~Gasoline stations.~~

~~Recreational vehicle sales/rentals.~~

² All other permitted uses not stricken in this section and any additional language found in the section but not reflected in this ordinance remain unchanged.

~~Video arcades.~~

- (3) Other establishments, institutions and uses including:
Banks and financial institutions (not including drive-in).
~~Communications radio, microwave or television towers.~~
Restaurants (not including drive-in).
~~Utility substation or tower.~~

Section 18. 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) Automotive and truck rentals, sales, service and auto body.
- (3) Bank and financial institution (Drive-in)
- (4) Boat, camper and travel trailer sales/rentals.
- ~~(25)~~ Commercial greenhouses.
- ~~(36)~~ Commercial kennels.
- ~~(7) Produce Terminal, Wholesale.~~
- (7) Communication radios, telecommunication towers, microwave or television towers.
- (8) Gasoline Stations
- ~~(49)~~ Manufactured home sales.
- ~~(510)~~ Office buildings exceeding three stories in height.
- ~~(611)~~ Outdoor commercial recreational facility.
- (12) Recreational vehicle sales/service
- (13) Restaurant (Drive-in)
- ~~(8) Self-storage facilities (mini-warehouses)~~
- ~~(914)~~ Stadium or auditorium.
- ~~(1015)~~ Theaters (outdoor).
- ~~(1116)~~ Truck sales and service.
- (17) Electric Substation

Section 19. Section 26-238(4) of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

Sec. 26-238. - Standards.

(4) If residential development is the principal use, then all requirements and standards of the applicable residential district apply (Single-Family Use (R-1 District), Two-Family Use (R-2 District), and Multi-Family Use (M-1 District)).

Section 20. 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:

The following permitted uses are allowed with site plan review 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.~~

- (1) Animal hospital.
- (2) Antique shops.
- (3) Bakeries.
- (4) Barber/Beauty shops.
- (5) Banks and Financial Institutions (except drive-in facilities).
- (6) Banquet hall.
- (7) Bed and Breakfast Inn.
- (8) Book store.
- (9) Coffee house.
- (10) Catering Services.
- (11) China and glassware stores.
- (12) Clinics or medical offices requiring less than 40 parking stalls.
- (13) Clothing and apparel stores.
- (14) Custom Dressmaking stores.
- (15) Dry cleaning and laundry services.
- (16) Flower Shops.
- (17) Furniture and home furnishing stores.
- (18) Gift Shops.
- (19) Grocery stores.
- (20) Hardware stores.
- (21) Hobby shops.
- (22) Hotel or motel.
- (23) Jewelry stores.
- (24) Musical instrument sales/service.
- (25) Multi-Family Residences (4 or more dwelling units).
- (26) Off-street surface parking lot or parking structure.

- (27) [Photo studios.](#)
- (28) [Professional offices and similar establishments](#)
- (29) [Public buildings.](#)
- (30) [Restaurants \(except drive-in\).](#)
- (31) [Residential dwelling units as an accessory use to a commercial use and located above the principle use.](#)
- (32) [Schools for music, dance, fitness, and the martial arts.](#)
- (33) [Shoe Stores.](#)
- (34) [Tailor Shops.](#)
- (35) [Taverns.](#)
- (36) [Travel Bureaus.](#)
- (37) [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 21. Section 26-272 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:

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

- (1) Automotive and truck washes.
- (2) Clinic or medical offices.
- (3) Drive-in restaurants.
- (4) Financial institution drive-in facility.
- (5) Gasoline stations ~~(self or full service).~~
- (6) Office buildings exceeding three stories or 45 feet in height.
- ~~(7) Produce terminal—wholesale.~~
- (7) [Public Park.](#)
- (8) Radio, microwave, television tower, or [telecommunication tower.](#)
- (9) Stadium or auditorium.
- (10) ~~Warehousing.~~
[Religious Institution.](#)
- (11) [Schools \(Public and Private\).](#)

Section 22. Section 26-300(9) of the Code of Ordinances of the City of Neenah is amended by deleting the stricken language to read as follows:

- (9) Wholesale, warehousing, storage and distribution [\(not including self-storage or mini-warehouse facilities\).](#)

Section 23. Section 26-301 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

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

- (1) Public utility structures and electric substations.
- (2) Telecommunication towers.

Section 24. Section 26-303(11) of the Code of Ordinances of the City of Neenah is created to read as follows:

(11) Outdoor storage of material, equipment, or products for a period exceeding 24 hours is prohibited unless the outdoor storage area is completely screened with a 6-foot tall sight tight fence. Personal items not associated with the business such as recreational vehicles, trailers, personal vehicles or other similar vehicles are strictly prohibited from being stored on the property.

Section 25. Section 26-326 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

- (6) Public utility structures and electric substations.
- (10) Wholesale, warehousing, storage and distribution (not including self-storage and mini-warehouse facilities).

Section 26. Section 26-327 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language to read as follows:

- (5) Produce Terminal – wholesale.
- (6) Self-storage and mini-warehouse facilities.

Section 27. Section 26-329(9) of the Code of Ordinances of the City of Neenah is created to read as follows:

(9) Outdoor storage of material, equipment, or products for a period exceeding 24 hours is prohibited unless the outdoor storage area is completely screened with a sight tight fence. Personal items not associated with the business such as recreational vehicles, trailers, personal vehicles or other similar vehicles are strictly prohibited from being stored on the property.

Section 28. Section 26-466 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language and deleting the stricken language to read as follows:

Unless otherwise herein specified, no detached accessory building or use shall exceed a maximum wall height of ten feet on no more than two elevations and a maximum overall height of 15 feet. In addition, no detached garage shall exceed a maximum wall height of ten feet on no more than two elevations and a maximum overall height of 20 feet.

Roof dormers on accessory buildings and detached garages shall be limited in size to no more than 1/3 of the main roof's length.

Section 29. Section 26-656 of the Code of Ordinances of the City of Neenah is repealed and recreated to read as follows:

Special Use	Minimum Lot Size	Minimum Yard (FT)	Distance from R-1 District, Churches, Schools or Community Facilities	Fencing	Landscape Standards	Off-Street Parking	Site Plan Review	Plan Commission Approval of Outdoor Signage and Lighting
Airport/heliport	1 Acre	#	300 Ft.	4-foot high wire mesh	C-1	N/A	Yes	Yes
<u>Automobile and truck rentals, sales, service and auto body</u>	<u>0.5 Acres</u>	<u>#</u>	<u>N/A</u>	<u>#</u>	<u>C-1</u>	<u>#</u>	<u>Yes</u>	<u>Yes</u>
<u>Automotive and truck washes</u>	<u>0.5 Acres</u>	<u>#</u>	<u>N/A</u>	<u>#</u>	<u>C-1</u>	<u>#</u>	<u>Yes</u>	<u>Yes</u>
Bed and breakfast inns	#	#	N/A	N/A	C-1	2 spaces plus one additional for each leased room	Yes	Yes

Boardinghouses and roominghouses	#	#	N/A	N/A	C-1	#	Yes	Yes
<u>Boat, camper and travel trailer sales</u>	<u>1 Acre</u>	#	<u>N/A</u>	#	<u>C-1</u>	#	<u>Yes</u>	<u>Yes</u>
Cement, lime or gypsum, etc.	#	F-100 S-100 R-100	S-100 <u>300 Feet</u>	<u>N/A</u>	<u>I-2</u>	<u>1 per employee</u>	<u>Yes</u>	<u>No</u>
R-100	300 feet	N/A	I-2	1 per employee	Yes	No		
Cemetery	40 acres	#	N/A	N/A	I-2	N/A	Yes	No
Church	25,000 sq. ft.	#	N/A	N/A	C-1	#	Yes	Yes
Clinics or medical office with 40 or more parking stalls	#	#	N/A	N/A	C-1	#	Yes	Yes
<u>Commercial greenhouse</u>	#	#	<u>N/A</u>	<u>Yes</u>	<u>C-1</u>	#	<u>Yes</u>	<u>Yes</u>
Commercial kennel	#	#	N/A	Yes	C-1	#	Yes	Yes
Commercial/landscape nursery	25,000 sq. ft.	#	N/A	N/A	C-1	1 per 3 employees plus 1 per 125 sq. ft. of publicly used area	Yes	Yes
Country club and golf course	80 acres	#	N/A	N/A	C-1	1 per 2 employees plus 3 per hole	Yes	Yes
Day care center/nursery school	#	#	N/A	Around play area	C-1	1 per 2 employees plus 1 per 5 children	Yes	Yes

Drive-in restaurant	#	#	#	#	C-2	#	Yes	Yes
Financial institution drive-in facility	#	#	#	#	C-2	#	Yes	Yes
Fuel storage and refining	#	F-100 S-100 R-100	300 Ft.	N/A	I-2	1 per employee	Yes	No
Garbage or rubbish, and dumping	No	F-100 Ft. S-100 Ft. R-100 Ft.	300 Ft.	6 Feet high solid wood	I-2	1 per employee	Yes	Yes
Gasoline Station	#0.5 Acres	#	N/A	N/A	C-1	#	Yes	Yes
Hospital	5 Acres	#	N/A	N/A	C-1	#	Yes	Yes
Manufactured home Park	#	#	#	#	#	#	Yes	#
Manufactured home sales	#	#	#	#	C-1	#	Yes	Yes
Mining, quarrying, etc.	20 acres	#	300 Feet	6-foot high solid wood	I-2	1 per 2 employees	Yes	Yes
Multifamily apartment with 500 sq. ft. units	#	#	#	#	#	#	Yes	#
Nursing home	25,000 sq. ft	#	N/A	N/A	C-1	#	Yes	Yes
Office buildings over 3 stories	#	#	N/A	N/A	C-1	#	Yes	Yes
Outdoor commercial recreation center	25,000 Sq. Ft.	#	300 feet	6-foot high solid wood	C-1	1 per 3 employees plus 1 per 500 sq. ft.	Yes	Yes

						of area use		
Outdoor theatre	25,000 sq. ft.	F = 100 feet	300 Feet	6-foot high solid wood	I-2	N/A	Yes	Yes
Parks and playgrounds	25,000 sq. ft.	#	N/A	N/A	C-1	N/A	Yes	No
Private club, fraternity or lodge	#	#	N/A	N/A	C-1	#	Yes	Yes
Produce terminal- wholesale	5 acres	#	300 Feet	N/A	I-2	1 per 2 employees	Yes	Yes
Public building	#	#	N/A	N/A	C-1	#	Yes	Yes
Public libraries, museums, art galleries, and community center	25,000 sq. ft.	#	N/A	N/A	C-1	#	Yes	Yes
Public utility structure /Electric Substation	N/A	#	N/A	N/A	N/A	N/A	Yes	N/A
Radio, microwave, or television tower	#	#	#	#	C-2	N/A	Yes	Yes
Railroad uses	N/A	N/A	N/A	N/A	N/A	N/A	Yes	Yes
Recreational Vehicle Sales/Service	1 Acre	#	N/A	#	C-1	#	Yes	Yes
Religious Institution	25,000 sq. ft.	#	N/A	N/A	C-1	#	Yes	Yes
Schools - private and public education	25,000 sq. ft.	#	N/A	N/A	C-1	#	Yes	No
Self-service storage facilities	# w/50 percent lot	F-10 (no parking)	N/A	#	C-1	1 per 5 cubicles	Yes	Yes

	coverage maximum	S-10 R-10						
Single-family attached dwellings	#	#	N/A	N/A	N/A	#	Yes	No
Smelting of ferrous or nonferrous metals	F-100 ft. S-100 ft. R-100 ft.	300 ft.	N/A	1-2	1 per employee	Yes	No	
Stadium or auditorium	5 acres	F-100 S-100 R-100	N/A	N/A	C-1	1 per 4 seats	Yes	Yes
Truck sales or service	25,000 sq.ft.	#	N/A	N/A	C-1	1 per employee plus 2 per service stall	Yes	Yes

Section 30. 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 31. 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. Lang/Kunz

Adopted: February 27, 2019

Approved: 8-0 February 27, 2019

Published: March 1, 2019

Approved:



Dean R. Kaufert, Mayor

Attest:



Patricia A. Sturn, City Clerk

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