

ORDINANCE NO. 828

**AN ORDINANCE TO AMEND THE CITY OF FORT ATKINSON ZONING CODE,
CHAPTER 15 OF THE CODE OF GENERAL ORDINANCES,
RELATING TO MEDIUM INDUSTRIAL LAND USES, FENCING, BUILDING MAINTENANCE,
LANDSCAPING, SIGNAGE, AND POOLS**

NOW, THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, do ordain as follows:

Section 1. Section 15.02.11 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.02.11: (SR-3) Single Family Residential-3 Zoning District

Section 2. Section 15.02.22 – Section 15.02.72 of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

15.02.22 (MRL-8)

(7) Density, Intensity, and Bulk Regulations for the (MRL-8) Multi-Family Residential – 8 District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.23 (MRM-12)

(7) Density, Intensity, and Bulk Regulations for the (MRM-12) Multi-Family Residential – 12 District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.24 (MRH-30)

(7) Density, Intensity, and Bulk Regulations for the (MRH-30) Multi-Family Residential – 30 District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.30 (NMU)

(7) Density, Intensity, and Bulk Regulations for the (NMU) Neighborhood Mixed Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.31 (SMU)

(7) Density, Intensity, and Bulk Regulations for the (SMU) Suburban Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.32 (UMU)

(7) Density, Intensity, and Bulk Regulations for the (UMU) Urban Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.33 (DPMU)

(7) Density, Intensity, and Bulk Regulations for the (DPMU) Downtown Periphery Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.34 (DHMU)

(7) Density, Intensity, and Bulk Regulations for the (DHMU) Downtown Historic Mixed-Use District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.40 (I)

(7) Density, Intensity, and Bulk Regulations for the (I) Institutional District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.50 (LI)

(7) Density, Intensity, and Bulk Regulations for the (LI) Light Industrial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.51 (MI)

(7) Density, Intensity, and Bulk Regulations for the (MI) Medium Industrial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.52 (BP)

(7) Density, Intensity, and Bulk Regulations for the (BP) Business Park District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.53 (HI)

(7) Density, Intensity, and Bulk Regulations for the (HI) Heavy Industrial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.60 (IOS)

(7) Density, Intensity, and Bulk Regulations for the (IOS) Intensive Outdoor Storage District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.61 (IOC)

(7) Density, Intensity, and Bulk Regulations for the (IOC) Intensive Outdoor Commercial District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.62 (AO)

(7) Density, Intensity, and Bulk Regulations for the (AO) Adult-Oriented Entertainment District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.63 (EX)

(7) Density, Intensity, and Bulk Regulations for the (EX) Extraction/Disposal District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.70 (RH-35)

(7) Density, Intensity, and Bulk Regulations for the (RH-35) Rural Holding District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

15.02.71 (CON)

(7) Density, Intensity, and Bulk Regulations for the (CON) Conservancy District.

	Requirement
Minimum Attached Garage Setback	Even with the plane of the building (0 foot setback)

Section 3. Section 15.02.32 of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

- (1) Intent. This district is intended to permit areas, generally on established commercial corridors, that are or are planning to become mixed use in character and establish standards that are compatible with the existing mix of land uses and redevelopment objectives. This district is intended to provide for a variety of employment, retail, and community service opportunities, while allowing some residential uses at an approximate density of up to 36 dwelling units per acre. Uses shall be compatible not only with other uses within the district, but land uses in adjoining zoning districts as well.

Section 4. Section 15.03.14, Section 15.02.51, Section 15.02.52, and Section 15.06.06 of the City of Fort Atkinson Zoning Ordinance are hereby added to read as follows:

Section 15.03.14 Industrial Land Uses

- (6) Medium Industrial: Facilities where the majority of operations, with the exception of loading and some outdoor storage of raw materials or finished products, are conducted entirely within an enclosed building. Such land uses are not associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line, and do not pose a significant safety hazard (such as danger of explosion). Examples include, but are not limited to manufacturing and or assembly of clothing, furniture, cabinetry, electronic components, motorized equipment assembly, production of plastic products and components from plastic pellets and related material refined or produced off-site, and mass-produced arts and crafts. These land uses may conduct indoor sales as an accessory use provided that the requirements of Section 15.03.10(3) are complied with.
- (a) All outdoor activity areas shall meet the requirements for Outdoor Storage (Section 15.03.16(2) or 15.03.28(17)), be located a minimum of 100 feet from residentially zoned property and be surrounded by a bufferyard minimum opacity of 0.5 along all borders of the outdoor activity abutting properties which are not zoned MI or HI.
- (b) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of (c), below. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (c) Minimum required parking: One space per each employee on the largest work shift.

Section 15.02.51: (MI) Medium Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial
- (3) Principal Uses Permitted as Conditional Use. Refer to Article III for detailed definitions and requirements for each of the following land uses.
 - (n) Outdoor Storage and Wholesaling

Section 15.02.51: (HI) Heavy Industrial Zoning District

- (2) Principal Uses Permitted by Right. Refer to Article II for detailed definitions and requirements for each of the following land uses.
 - (n) Medium Industrial

Section 15.06.06: Off-Street Parking and Traffic Circulation

Figure 15.06.06a: Number of Off-Street Parking Spaces Required by Land Use

Light Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
Medium Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.
Heavy Industrial	1 space per each employee on the largest work shift.	1.25 spaces per each employee on the largest work shift.

Section 5. Section 15.06.40(5)(a)3. and Section 15.06.40(6)(c)3. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.40: Fencing Standards

(5) Design and Materials.

- 3. Rules Related to Specific Materials.
 - a. Permanent chicken wire fences or snow fences shall not be used.
 - b. Non-corrugated, solid metal fences are permitted in the LI, MI, HI, IOS, IOC, AO, and EX zoning districts within the rear or side yards.
 - c. Wire mesh and chain link fencing is not permitted within front or street yards and shall not extend toward the street beyond the front of the building in the SR-2, SR-3, SR-5, SR-7, MH-7, DR-8, TF-10, MRL-8, MRM-12, MRH-30, and CON zoning districts, except when used in conjunction with parks, schools, airports, or other institutional uses. All other zoning districts are exempt from this requirement.
 - d. Barb wire fencing or similar security fencing shall be permitted only on the top of security fencing in the rear or side yards when located at least 6 feet above the ground and shall be permitted only in the LI, MI, HI, IOS, and EX districts. Such fences shall meet the setbacks for the principal structure.

(6) Height.

- (c) Maximum Height. The maximum height of any fence panel, landscape wall, or decorative post shall be the following:

3. In the LI, MI, HI, IOS, IOC, AO, and EX zoning districts

a. 4 feet when located within the required or provided front yard or street yard, whichever is closer to the street.

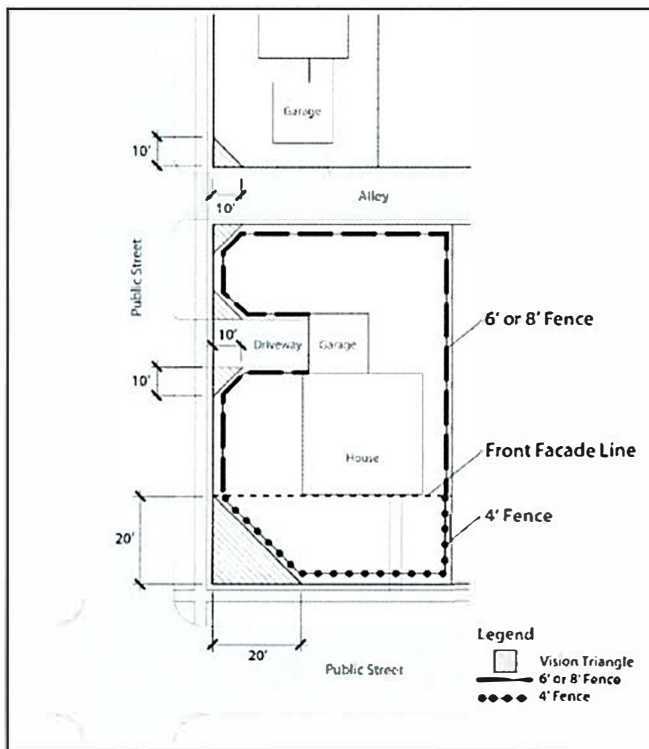
1. In the LI, MI, HI, IOS, IOC, and EX zoning districts security fencing height can be increased to 6 feet provided the fence is decorative in style, as determined by the Zoning Administrator.

b. 8 feet within the side yard or rear yard, but not in the required front yard or beyond the front façade of the principal building.

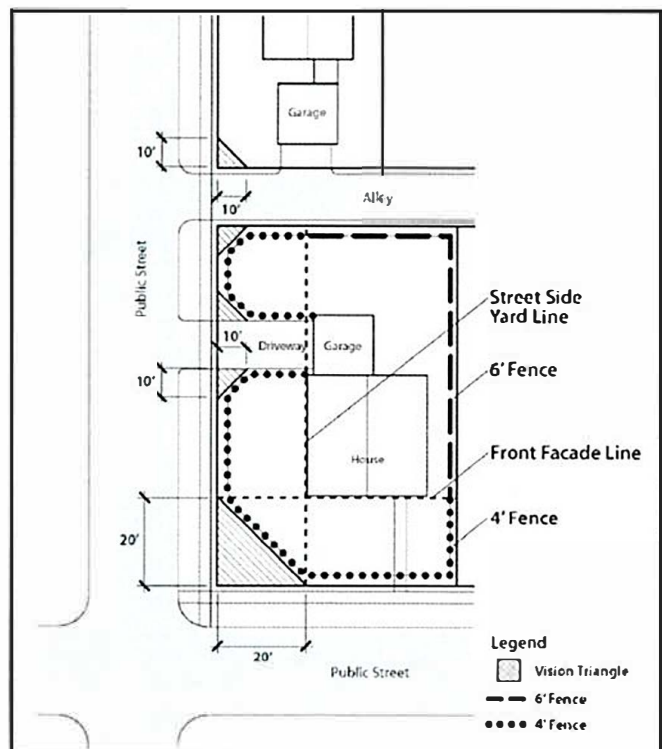
c. Where permitted in rear or side yards, barb wire fencing or similar security fencing on top of fences shall not extend higher than 3 feet beyond the top of the fence.

Section 6. Section 15.06.40 – Figure 15.06.40C of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Existing Figure 15.06.40(c)



Proposed New Figure 15.06.40(c)



Section 7. Section 15.06.42(8) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.06.42 Swimming Pool Standards

- (8) Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than 4 feet in height and not less than 4 feet from the pool edge, and constructed not to have voids, holes, or openings larger than 4 inches in one dimension. Maximum height for such fences or walls is 6 feet from ground level. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure.
- (a) Pools shall not be required to have a fence if each side of the pool structure is a minimum of 54 inches tall and a removable ladder or gate is provided, or the pool structure is less than 54 inches tall but has approved wall height extensions and a removable ladder or gate is provided, as approved by the Zoning Administrator.
 - (b) This Section shall not apply to existing fences on the date of adoption of this Chapter at least 48 inches in height that otherwise comply with this Section.

Section 8. Section 15.06.51 of the City of Fort Atkinson Zoning Ordinance is hereby created to read as follows:

- (1) The following shall apply to all private property in the City of Fort Atkinson:
 - (a) It is unlawful to retain a building or structure in violation of the adopted building and housing code.
 - (b) It is unlawful to allow a building or structure to become substantially deteriorated through poor or no maintenance so that the structural integrity of the building becomes a health and/or safety concern.
 - (c) All exterior surfaces of a building or structure that are not inherently resistant to deterioration shall be treated periodically with a protective coating of paint or other suitable preservative that will provide adequate resistance to weathering and maintain an attractive appearance.
 - (d) Violations of this Section will be subject to the penalties provided in section 15.10.60.

Section 9. Section 15.07.50(1)(c)1. of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Section 15.07.50: Special Areas

- (1) Downtown Historic Mixed-Use District (DHMU) Design Standards. See Section 15.02.34 for additional requirements for this district.
 - (a) Purpose. This district is intended to implement urban design recommendations of the Comprehensive Plan, by preserving and enhancing the historical quality of the downtown area, as defined by the mapped boundaries of the Downtown Historic Mixed-Use District.
 - (b) Applicability. The regulations of this Section shall apply to new development and changes to the exterior of any building within the mapped boundaries of the Downtown Historic Mixed-Use District.
 - (c) Review and Approval.
 - 1. There are three categories of review in this district:

- a. **Renovation Review** (renovation of the exterior appearance of a property such as repainting, re-roofing, residing or replacing with identical colors, finishes, and materials)
- b. **Design Alteration Review** (change only in the exterior appearance of a nonresidential or multi-family property such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage)
- c. **Project Review** (modification to the physical configuration of a property such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building)

Section 10. Section 15.08.10(2) of the City of Fort Atkinson Zoning Ordinance relating to applicability of landscaping requirements is hereby amended to read as follows:

- (2) Any use for which Planning Commission approval is required under Section 15.10.20 shall provide landscaping in accordance with the regulations of this Section, including the following development:
 - (a) New buildings and paved areas
 - (b) Expansions of existing buildings or paved areas. In the case of expansions, only the new portion of the building or paved area shall provide landscaping per the requirements of this Article.

Section 11. Section 15.09.11(1) – Figure 15.09.01(1)B.1. of the City of Fort Atkinson Zoning Ordinance relating to lighting for permanent business wall signs is hereby amended to read as follows:

Wall Sign

- Sign Lighting Allowed: Standard ^{12,13}

Section 12. Section 15.09.11(1) – Figure 15.09.01(1)D.4. of the City of Fort Atkinson Zoning Ordinance relating to standards for permanent business order board signs is hereby amended to read as follows:

Order Board Signs

- Number of Signs Allowed: 1 sign per drive-through lane
- Sign Area and Height: 48 sf area/8 ft height¹⁰
- Footnote 10: Order Board Signs shall conform to the location requirements for Drive-Through and In-Vehicle Sales or Service land uses. See Section 15.03.10(10). A maximum total of 96 sf of total Order Board Signs is permitted per business.

Section 13. Section 15.02.84(4), 15.03.26(7)(b), 15.06.03(3), 15.06.06(3), 15.06.42(3), 15.07.01(3) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

15.02.84(4): Airport Height limitations Overlay Zoning District: Site Plan Approval

- (a) No structure shall hereafter be constructed or located that exceeds the height indicated in any zone created by subsection (2) of this Chapter until the owner or his or her agent shall have applied in writing and obtained Site Plan Approval (Section 15.10.42) from the Plan Commission. Application for Site Plan Approval shall meet all requirements of Section 15.10.42, in addition to indicating the purpose, with sufficient information to determine whether such structure would conform to the regulations herein prescribed.

15.03.26(7)(b) Market Garden Land Use: Site Plan Approval

- (b) A site plan shall be submitted to the Plan Commission, for approval. Said site plan shall list the property owner, established sponsoring organization, and garden manager, and demonstrate consideration for and indicate locations of structures, materials storage, equipment storage, access for deliveries and pickups, water availability, shaded rest area, and availability of public parking.

15.06.03(3) Vehicle Access Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the Plan Commission, shall review and approve all proposed driveways and other access points on the subject property. See Chapter 90 of the Fort Atkinson Municipal Code.

15.06.05(3) Visibility Standards: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42), the Plan Commission shall review and approve all development for conformance with this Section.

15.06.06(3) Off-Street Parking and Traffic Circulation: Site Plan Approval

- (3) Review and Approval. Through the site plan review process (see Section 15.10.42) the Plan Commission, shall review and approve all development for conformance with this Section.

15.06.42(3) Swimming Pools: Site Plan Approval

- (3) Review and Approval. Any pool requiring excavation below 1-foot of the existing grade is subject to site plan review. The Zoning Administrator shall review and approve all development for conformance with this Section through the site plan review process (see Section 15.10.42).

15.07.01(3) Exterior Building Design Standards: Site Plan Approval

- (3) **Review and Approval.** Through the building permit and/or site plan review process, the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development.

Section 14. Section 15.10.32(18)-(19) of the City of Fort Atkinson Zoning Ordinance are hereby amended to read as follows:

18. **Recording of Conditional Use Requirements.** Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the Register of Deeds for the subject property. The City shall record modifications, alterations and expansions as well as expired or revoked conditional use permits.
19. **Formerly Approved Conditional Uses.** 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 Title, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and previously approved 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.

Section 15. Section 15.10.20 – Figure 15.10.20a of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:

Figure 15.10.20a: Review and Approval Activities and Bodies

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Zoning Ordinance Amendment (§15.10.30)	RR	PH, RR	RE, A		
Zoning Map Amendment (§15.10.31)	PM*, RR	PH, RR	RE, A		
Conditional Use Permit (§15.10.32)	PM*, RR	RE, A		Appeal Only	RR**
Temporary Use Permit (§15.10.40)	RE, IP				
Site Plan (§15.10.42)	RE, RR	A			
Special Area Design Review (§15.10.43)	See Figure 15.10.43a			Appeal Only	
Group & Large Development (§15.06.02)	PM*, RR	RE, A	Appeal Only		RR**
Planned Unit Development (§15.10.44)	PM*, RR	PH, RR	RE, A		
Interpretation (§15.10.50)	RE, A			Appeal Only	

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Variance (§15.10.51)	RR			PH, RE, A	
Appeal (§15.10.52)	RR			PH, RE, A	
Violations and Penalties (§15.10.60)	RE, A				
Official Mapping (§Wis. Stats. 62.23(6))	PM, RR	PH, RR	RE, A		
Land Interest Transfer	RE, A				
Land Division-CSM/no new lot (Chapter 70)	RE, A				
Land Division-CSM/new lot (Chapter 70)	RR	RE, A			
Land Division-Preliminary Plat (Chapter 70)	RR	RR	RE, A		
Land Division-Final Plat (Chapter 70)	RR	RR	A		
Historic Preservation: Landmarking (Chapter 42)	PM, RR	RR	RE, A		PH, RR
Historic Preservation: Certificate of Appropriateness (Chapter 42)	RE, A		PH, A, Appeal Only		PH, RE, A
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Figure and footnotes continued on the following page.

Figure 15.10.20a: Review and Approval Activities and Bodies, Continued

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Planning Document/Plans	PM, RR	RR	RE, A		RR**
Annexation (Wis. Stats. 66.0217)	RR	PH, RR	RE, A		
Attachment		Refer to Adopted Agreement			
Street Vacation/Discontinuance (Wis. Stats. 66.1003)	RR	RR	PH, RE, A		
Floodplain Map Amendment (Chapter 30)		Refer to Wisconsin DNR/FEMA			
Privilege in the Right-of-Way (Wis. Stats. 62.23)	RE, A				
Easement Acceptance/Release (Wis. Stats. 62.23)	RE, A				
Sign Permit (§15.09)		See Figures 15.09.11(1)-(4)			

Application Process	Staff	Plan Commission	City Council	Board of Zoning Appeals	Historic Preservation Commission
Building Permit	RE, IP	See Chapter 18 of the Municipal Code			
Certificate of Occupancy	RE, IP	See Chapter 18 of the Municipal Code			
Community Living Arrangement Occupancy Permit (§15.10.33)	RE, IP				
RE = Review and Evaluate IP = Issues Permit RR = Review and Recommend PH = Public Hearing PM = Public Meeting A = Final Action					

Note: This table is not exhaustive. Some procedures may not be covered within this table.

** If determined to be necessary by the Zoning Administrator.*

*** Historic Preservation Commission review and recommendation necessary if site/building is locally landmarked, individually listed or part of the State or National Register of Historic Places.*

Section 16. Section 15.10.42(2) of the City of Fort Atkinson Zoning Ordinance is hereby amended to read as follows:


(2) Applicability. Site plan review and approval shall be required for changes to site characteristics in Subsections (4)(c) through (i) including all multi-family residential, mixed use, commercial, industrial, institutional, storage, transportation, telecommunications, extraction and disposal, and energy production land uses where new or replacement structures or uses are proposed that are governed by this ordinance. Some other residential land uses and some accessory land uses may be subject to Site Plan review and approval.

(a) The degree of change shall be evaluated by the Zoning Administrator and the City Engineer during the pre-application conference. Both must indicate in writing, submitted to the applicant, the change requires review by the Plan Commission.

Section 17. This ordinance shall take effect starting upon passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin,
this 1st day of AUGUST, 2023.

Fort Atkinson City Council



Bruce Johnson, President

ATTEST:



Michelle Ebbert, City Clerk/Treasurer/Finance Director