

ORDINANCE COMMITTEE AGENDA

Village of Whiting Municipal Center
3600 Water St. Stevens Point, WI 54481

Tuesday, April 20, 2021 – 6:00 p.m.

1. Roll Call
2. Persons who wish to address the Ordinance Committee on specific agenda items
3. Permitted & Conditional Uses vs. “Permitted Use with Conditions”, specifically:
 - a. Proposed changes as shown in Exhibit A
 - i. 19.05 R-1 Single-Family Residential District Regulations
 - ii. 19.07 R-3 Multiple-Family Residential District Regulations
 - iii. 19.08 C-1 Commercial District Regulations
 - iv. 19.10 Conservancy District Regulations
4. Sec. 19.18 – Fences and Hedges, specifically:
 - a. Proposed changes as shown in Exhibit B
 - i. 19.18.2 - FENCE SETBACK IN RESIDENTIAL ZONED DISTRICTS.
 - ii. 19.18.7 - CORNER LOT FENCES
 - iii. 19.18.3 - RESIDENTIAL FENCES
5. Adjournment

Dated: April 19, 2021

cc: Village Board (info only)

Stevens Point Journal

NOTICE: Any person who has special needs and plans on attending this meeting should contact the Village Clerk at least one (1) day prior to the meeting to ensure that reasonable accommodations can be made. (715-341-2742)

Exhibit A

Permitted vs Conditional Uses

Sec. 19.05 R-1 Single-Family Residential District Regulations

1. USE. In the Single-Family residential District, no building or premises shall be erected, moved, or structurally altered except for one or more of the following uses:
 - a. Single-family dwelling.
 - b. Churches, convents, schools, public libraries, public museums, municipal administration buildings, and municipal well fields.
 - c. Accessory buildings.
 - d. Professional offices.**
 - e. Home occupations, except that no home occupation shall be permitted which violates the nuisance chapter of this Municipal Code as to noise or odor or cause unusual traffic problems to an area.**
 - f. Signs, provided no advertising sign of any character shall be permitted in the Residential District, except one (1) nameplate with no interior lighting not to exceed two (2) square feet and not to exceed five (5) feet in height. One (1) nameplate not exceeding one (1) square foot or one (1) sign exceeding four (4) square feet in area pertaining to the lease, hire or sale of the building or premises.
 - g. Signs pertaining to the sale or lease of the building shall not exceed six (6) square feet and will not exceed height of five (5) feet.
 - h. Churches, convents, schools, public libraries, public museums, municipal administration buildings, and municipal well fields shall be allowed one (1) twenty (20) square foot illuminated but non-flashing sign.

1 (d) & (e) are worth discussing and may be considered with Conditions. (e) is already indicating conditions to some degree.

Sec. 19.07 R-3 Multiple-Family Residential District Regulations

1. **INTENT.** This district is established to provide a mixed residential district intended for a transition between lower density detached housing areas and more intensive non-residential land usage consistent with the Village's Development Guide and Land Use Plan.
2. **PERMITTED USES.** In the Multiple-Family Residential District, no building or premises shall be used, and no building shall hereafter be erected, moved, or structurally altered except for the following permitted uses:
 - a. Permitted uses in R-1 and R-2.
 - b. Multiple-family dwellings of at least three (3) units but not more than eight (8) units.
 - c. Churches, schools, public libraries, public museums, municipal administrative buildings, well fields.
 - d. Accessory building.
 - e. Professional offices.
 - f. Home occupations, except that no home occupation shall be permitted which violates the nuisance chapter of this Code as to noise or odor or cause unusual traffic problems to an area.
 - g. Signs, provided no advertising sign of any character shall be permitted in the Multiple-Family Residence District, except one (1) nameplate not internally lit and not exceeding 25 square feet and not more than eight (8) feet off grade height. One (1) nameplate not exceeding one (1) square foot.
 - h. One (1) sign not exceeding four (4) square feet in area pertaining to the sale or lease of the building or premises.
3. **PERMITTED USES WITH CONDITIONS ~~CONDITIONAL USES.~~** The following uses may be permitted in the Multiple-Family Residential District as conditional uses if the requirements of this Chapter are met:
 - a. Single-and two-family residences provided that the regulations for single-family and two-family dwellings are followed respectively.
 - b. Multiple-family dwellings over eight (8) units in size.
 - c. Nursing homes, elderly care facilities, community based residential facilities, congregate housing for the elderly.
 - d. Day Care Centers

Sec. 19.08 C-1 Commercial District Regulations

- 1) **INTENT.** This district is established to provide larger areas for retail, commercial, office, service, and apartment uses in areas of good accessibility along arterial streets consistent with the Village Development Guide. This district is primarily intended to accommodate commercial uses requiring large land and parking areas and depending upon village-wide or area-wide usage.
- 2) **PERMITTED USES.** In the C-1 Commercial District, no building or premises shall be used and no building shall hereafter be erected or structurally altered except for the following permitted uses:
 - a) Retail bakeries.
 - b) Bank, financial, businesses, and professional office and governmental administrative buildings.
 - c) Medical and dental clinics.
 - d) Department stores, retail stores including grocery, drug, pharmacies, shoes, clothing, candy, gift, florists, jewelry, hardware, dairy products, ice cream shops, meat and fish markets, liquor stores, optical stores, watch repair shops, camera shops, photographer's studios, tobacco stores, variety shops, bookstores, sporting goods and bicycle sales and services, and coin and precious metal dealers.
 - e) Household equipment sales such as furniture stores, appliances, plumbing, lighting and electrical sales outlet and greenhouse that are accessory uses to florist shops.
 - f) Restaurant and cafes. (No outside service allowed, but drive-up windows (take out) service is permitted).
 - g) Bowling alleys.
 - h) Barber shops and beauty shops.
 - i) Funeral homes.
 - j) Irrigation equipment.
 - k) Automobile glass and plate glass replacement.
 - l) Upholstery repair shops.
 - m) Multiple family dwellings of at least three (3) units but not more than eight (8) units.
- 3) **PERMITTED USES WITH CONDITIONS. ~~CONDITIONAL USES.~~** The following uses may be permitted in the Commercial Zoning District as **with conditions** ~~conditional uses~~ if the requirements of this Chapter are met:
 - a) Taverns and cocktail lounges.
 - b) Hotels and motels.
 - c) Gas and service stations.
 - d) Single-family and two-family residences.
 - e) Single-family residence as accessory and incidental uses to a permitted commercial use.
 - f) Multiple-family dwellings over eight (8) units in size.
 - g) Retail Lumber Yards.
 - h) Animal Grooming Business.

Sec. 19.10 Conservancy District Regulations

1. USE AND INTENT. This district is intended to preserve the natural state of scenic areas in the Village, and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help discourage intensive development of marginal lands so as to prevent hazards to the public and private property. The following uses are permitted in this district:
 - a. Harvesting of wild crops, such as wild rice, ferns, moss, berries, tree fruits, and tree seeds.
 - b. Forestry and the management of forests.
 - c. Wildlife preserve.
 - d. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
 - e. Fishing.
 - f. Public and private parks, picnic areas, and similar uses.
 - g. Hiking trails and paths.
 - h. Presentation of areas of scenic, historic, or scientific value.
 - i. Public roads and streets.
 - j. DNR offices and Maintenance Facilities.
 - k. Any purpose of and by the Village of Whiting approved by the Village Board for the purposes of maintaining or improving health and safety.
 - l. Uses similar and customarily incident to any of the above uses.
2. **PERMITTED USES WITH CONDITIONS. ~~CONDITIONAL USES.~~** The following are permitted **with conditions** ~~as conditional uses~~ in the CON District:
 - a. Dams, flowages, ponds and water storage and water pumping facilities.
 - b. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
 - c. Utilities such as, but not restricted to, telephone, telegraph, power and other transmission lines.
 - d. Piers and docks.
 - e. Relocation of any watercourse.
 - f. Filling drainage of dredging of wetlands, provided that this shall conform to any Shoreland-Wetland Zoning Ordinance enacted by the Village.
 - g. Official designated county, state or local snowmobile trails.
 - h. Parking lots.

Exhibit B

Discussion on Sec. 19.18 as follows:

Delete sections 19.18.2 and 19.18.7

Proposed revision to section 19.18.3 as follows:

1. RESIDENTIAL FENCES

a. Height

i. Max height is six feet (6'-0") in the backyard and side yard unless the side yard is adjacent to a right of way.

ii. If the fence is adjacent to a right of way, the maximum height shall be four feet (4'-0)

b. Setback

i. Fences may not be constructed within the front setback or within the front yard.

ii. Fence setback along the side and rear property lines is 0' (Fences are permitted on the property lines) unless they are adjacent to a right of way.

iii. Fences adjacent to a right of way on corner lots shall be set back two feet (2'-0").

iv. No fence or portion of a fence shall be constructed within the front setback area of a building provided, however, that a decorative fence may be constructed in the front setback area.

Section 19.18 – Fences and Hedges for reference only:

Sec. 19.18 Fences and Hedges

1. DEFINITION FENCES AND HEDGES.

a. DECORATIVE FENCE: A fence not exceeding a height of thirty-six (36) inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern) and not solid pattern (such as a block, concrete, or privacy pattern).

b. FENCE: Means a vertical, freestanding barrier or enclosure constructed of wood, masonry, iron, stone, or metal which supports no load other than its own weight.

c. SOLID FENCE: A fence having a regular pattern that has eighty percent (80%) or less of the surface which is open and unobstructed to both light and air when viewed perpendicular (right angle) to the place of the fence.

d. OPEN FENCE: A fence having a regular pattern of which more than eighty percent (80%) of the surface will permit the unobstructed passage of light and air when viewed perpendicular (right angle) to the place of the fence.

e. HEDGE: A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

f. PICKET FENCE: A fence having a pointed post, stake, or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.

g. RETAINING WALL: A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this Section.

2. FENCE SETBACK IN RESIDENTIAL ZONED DISTRICTS. No fence or portion of a fence shall be constructed within the front setback area of a building provided, however, that a decorative fence may be constructed in the front setback area. Fences may be constructed alongside rear and side yard lot lines. Fences shall not extend into the front setback area as extended to the side lot lines.

3. RESIDENTIAL FENCES are permitted on the property lines in residential districts but shall not in any case exceed a height of six (6) feet. Fences shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way.

4. SECURITY FENCES. Are permitted on the property lines in all districts except residential districts but shall not exceed ten (10) feet in height and shall be on an open type similar to woven wire or wrought iron fencing.

a. Municipal Buildings and Property are exempt. Security Fencing may be installed in areas zoned Residential.

5. PROHIBITED FENCES. No fence shall be constructed which conducts electricity or is designed to electrically shock or which uses barbed wire: provided, however, that barbed wire may be used in industrially zoned areas if

the devices securing the barbed wire to the fence are ten (10) feet above the ground or higher and project toward the fenced property and away from any public area.

(a) Municipal Buildings and Property are exempt in that barbed wire may be used for security around Municipal Owned Buildings and Property. The barbed wire may project outward toward the public area.

6. **FENCES TO BE MAINTAINED.** Fences in all districts of the Village shall be maintained in good repair and shall be kept vertical, uniform, and structurally sound. Fences must be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise, imperils life or property, shall be deemed a nuisance.
7. **CORNER LOT FENCES.** On the street sides of corner lots, a fence may be constructed not to exceed six feet in height but shall not extend beyond the front yard setback.
8. **HEDGES.** The height and setback or hedges shall be the same as outlined for fences in this Chapter; provided, however, hedges three (3) feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four (4) feet of any street or alley. Hedges shall be trimmed and maintained.
9. **TEMPORARY FENCES.** Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Chapter. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
10. **NONCONFORMING FENCES AND HEDGES.** Any fence or hedge existing on the effective date of this Chapter and not in conformance with this Article may be maintained, but no alteration, modification, or improvement of same shall be permitted unless as a result of such alteration, modification or improvement said fence shall comply with the Section.
11. **PRIVATE SWIMMING POOLS—FENCING AND CONSTRUCTION REQUIREMENTS.**
 - a. **DEFINITION.** A private swimming pool, as regulated herein, shall be any pool, pond, lake or open tank, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1-1/2) feet.
 - b. **EXEMPT POOLS.** Storable swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity, are exempt from the provisions of this section.
 - c. **REQUIREMENTS.** All private swimming pools shall meet the following requirements:
 1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 2. It may not be located, including any walks, paved areas, or accessory structures adjacent thereto, closer than the minimum lot and yard setback requirements for accessory structures as specified for the district in which the pool is located.
 3. A wall or fence at least sixty (60) inches high and not more than six (6) feet from ground level shall be constructed so as to prevent uncontrolled access to the pool by children from the street or from adjacent properties. The fence material shall be a durable wood or chain-link type so as to make access difficult. The fence shall enclose all private combination, diving, swimming, and limited purpose pools. The entrance to the pool area may be provided through a bathhouse or gate.
 4. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top outer edge of the raised deck. Where pool ladders are provided, they shall be a type that can be removed when the pool is not in use.
 5. All electrical service to swimming pool areas shall be in compliance with the requirements of Section 680 (1-47) of the National Electrical Code.
 6. Water connections and all plumbing work shall be approved by the building inspector and shall comply with all requirements of the State Plumbing Code.