

ORDINANCE NO.: _____

AN ORDINANCE to repeal, recreate, and amend various sections of Chapter 115 of the Code of Ordinances of the City of La Crosse relating to Conditional Use Permits.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 115-342 is hereby repealed and recreated as follows:

- (a) *Definition.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section:

Substantial Evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

- (b) *Purpose and findings.* This Section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right but which may, under appropriate standards and factors set forth in the Zoning Code, be approved. These uses shall be allowed through the issuance of a conditional use permit approved by the City Plan Commission after ensuring that the use can be appropriately accommodated on the specific property; that it will conform to the adopted comprehensive plan; that it can be constructed and operated in a manner that is compatible with the surrounding land uses and overall character of the neighborhood; and that the public interest, health, safety, and general welfare will be promoted.
- (c) *Applicability.* The provisions of this section apply to those uses that are enumerated as conditional uses in article VII of this chapter.
- (d) *Initiation of Application.* An owner of real property, or that owner's authorized representative, may apply for a conditional use permit for that property by filing an application with the City Clerk on the form available from the Clerk's office or Planning Department. Before completing the application, the applicant is encouraged to meet with the Planning Director or designee to discuss the proposed conditional use and the review process.
- (e) The application for a conditional use permit shall include the following information:
- (1) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of the County. The map shall clearly indicate the current zoning of the subject property and its environs. The map shall be submitted in a form that is clearly reproducible with a photocopier and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

- (2) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
 - (3) A site plan of the subject property as proposed for development;
 - (4) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in subsection (k);
 - (5) Applications for proposed new or substantially modified mobile service facilities and supporting structures shall be reviewed for completeness and provide information as specified in Wis. Stat. § 66.0404(2)(b) and (c);
 - (6) Applications for proposed wind energy systems shall be reviewed for completeness and shall provide the information specified in Wis. Admin. Code § PSC 128.30, 128.31, and 128.60, as applicable;
 - (7) Payment in full of all application fees established by the governing body; and
 - (8) Additional information as may be required by local ordinances.
- (f) *Completeness Review.* The Planning Director or designee shall review the conditional use permit application for completeness before review by the Plan Commission. Once the Planning Department notifies the applicant that the application is complete, the applicant shall provide the City Clerk with the complete application.
- (g) *Withdrawal of Application.* An application for a conditional use permit may be withdrawn by the applicant at any time prior to action by the Common Council.
- (h) *Amendments.* Any proposed amendment to a conditional use permit shall be approved in the same manner and under the same procedures as are applicable to the issuance of the original permit. Any proposed amendment must be supported by substantial evidence.
- (i) *Effect of Denial.* If an application for a conditional use permit is denied, a new application for the same conditional use will not be considered by the City Plan Commission for a period of 12 months from the date of denial.
- (j) *Approval.* After the application has been received by the City Clerk, it shall be referred to the City Plan Commission for review and decision. The Planning Director will prepare a staff report summarizing the proposed conditional use and including recommended conditions based on the requirements and standards of this Code.
- (1) *Third Party Consultation.* If necessary expertise is not available from City of La Crosse staff, public academic institutions or from appropriate regional, state or federal agencies, the City Plan Commission may consult with a third party to effectively evaluate a conditional use permit application. The Planning Director or designee will select the consultant. The applicant for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees.
 - (2) *Public Hearings.* The City Plan Commission shall hold at least one public hearing on the application following publication of a class 2 notice under Wis. Stat. ch. 985. The public hearing shall be conducted as a quasi-judicial hearing. Notice of the public hearing shall also be given by first class mail to the owners of all lands within two hundred (200) feet of any part of the land

included in such conditional use at least seven (7) days before the public hearing. The Commission's findings and recommendations shall be forwarded to the Judiciary and Administration Committee for review. The Judiciary and Administration Committee shall provide a recommendation to the Common Council.

- (3) *Common Council Decision.* After receiving the recommendations of the Plan Commission and the Judiciary and Administration Committee, the Common Council shall consider the conditional use permit application and act to approve, approve with conditions, or deny the application based on the approval criteria of subsection (k). As soon as practical following the Common Council decision, the Common Council shall render its decision in writing. Such decision shall include an accurate and complete description of the approved conditional use, including all applicable conditions, or if disapproved, the reasons for disapproval. Any condition imposed and any decision to approve or deny must be based on substantial evidence.
- (4) *Recording Procedures.* The applicant, at its own expense, shall record a certified copy of the conditional use permit containing the specific requirements of approval pursuant to this section in the office of the County Register of Deeds.
- (k) *Approval Standards.* No application for a conditional use shall be approved unless the City Plan Commission finds all of the following:
 - (1) The conditional use complies with the regulations of the zoning district.
 - (2) The conditional use complies with the standards and regulations of the specific use. This includes the specific use standards and regulations as set forth in article VII of this chapter.
 - (3) The conditional use shall be compatible with the character of the neighborhood within the immediate area in which it is located.
 - (4) The use furthers and does not conflict with goals, objectives, and policies of the Comprehensive Plan.
 - (5) Traffic hazards and congestion are not substantially impaired.
 - (6) Vibration, noise, odor, dust, or gas shall not be noxious or offensive.
 - (7) The use and enjoyment of other property in the immediate vicinity will not be substantially impaired or diminished.
 - (8) The property values within the neighborhood will not be substantially diminished.
 - (9) The orderly development and improvement of surrounding property for uses allowed in the zoning district shall not be impeded.
 - (10) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.
 - (11) The public interest and welfare supporting the proposed use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.
- (l) *Conditions.*
 - (1) The City Plan Commission may attach conditions based on substantial evidence in order to achieve the standards under subsection (k) of this section or under article VII of this chapter. Such conditions include, but are not limited to:
 - a. Financing and availability of adequate public facilities or services;

- b. Dedication of land;
 - c. Reservation of land;
 - d. Creation of restrictive covenants or easements;
 - e. Special setbacks;
 - f. Yard requirements;
 - g. Increased screening or landscaping requirements;
 - h. Development phasing;
 - i. Standards pertaining to traffic, circulation, noise, lighting, emissions, hours of operation, and protection of environmentally sensitive areas;
 - j. Provision of stormwater management and erosion and sedimentation control;
 - k. Require that a performance guarantee be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified; and
 - l. Require that a development agreement be entered into by the applicant.
- (m) *Court Review.* Any person aggrieved by the decision of the Common Council may seek relief by having the decision reviewed by the Circuit Court by certiorari, provided the petition for the writ is presented to the Court within 30 days of the decision of the Common Council.
- (n) *Duration, Transfer, Renewal and Nonconforming Uses.*
 - (1) *Duration.* Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued and the requirements of this Ordinance are followed. Unless a specific duration is included in a conditional use permit, a conditional use permit shall automatically expire if the conditional use changes to a permitted use not requiring a conditional use permit or if the conditional use is discontinued or ceases to exist for a continuous period of at least 365 days for any reason.
 - (2) *Renewal.* If a conditional use permit is for a specific duration as included in the conditional use permit or the conditional use permit has expired, the property owner will need to apply for a new conditional use permit following the requirements of this ordinance.
 - (3) *Transfer of Ownership.* Unless a limitation on the transfer of ownership is included in the conditional use permit, all requirements of an approved conditional use shall be continued regardless of ownership of the subject property.
 - (4) *Nonconforming Uses.* For an existing and currently valid conditional use that is no longer allowed as a conditional use in the zoning district in which it is located, the provisions of section 115-33 shall apply.
- (o) *Compliance.* No alteration of a conditional use shall be permitted unless approved by the City Plan Commission.
 - (1) *Time Limits on the Development of Conditional Use.* The start of construction of a conditional use shall begin within 365 days of its approval by the Common Council. A conditional use shall be operational within 730 days of its approval by the Common Council. Failure to initiate development and/or begin operations within this period shall automatically constitute a revocation of the conditional use. An applicant may request that the Common Council

approve an extension for justifiable reasons for up to 24 months from the expiration date.

- (2) *Other Permits, Approvals.* No building permit or certificate of occupancy shall be issued for any development that does not comply with the requirements of the conditional use permit or this Code.
- (3) *Continuing Jurisdiction.*
 - a. Any person may notify the Zoning Administrator that one or more requirements or conditions of City of La Crosse ordinances or conditions of a conditional use permit have not been completed or are being violated. The Zoning Administrator may also investigate on his or her own volition. The Zoning Administrator shall have the power to enforce compliance and to revoke any conditional use permit should he or she find violations of the permit.
 - b. If the Zoning Administrator determines a violation exists, the Zoning Administrator may revoke the conditional use permit.
 - c. The determination of the Zoning Administrator may be appealed to the Judiciary and Administration Committee for an evidentiary hearing and decision.
 - d. The Judiciary and Administration Committee shall conduct a hearing following publication of a class 2 notice under Wis. Stat. ch. 985. The Judiciary and Administration Committee may uphold, reverse, or modify the Zoning Administrator's decision based on substantial evidence. The decision of the Judiciary and Administrative Committee shall be final. Pursuant to Wis. Stat. § 68.16, the City elects this method as the exclusive review procedure.
 - e. *Court Review.* Any person aggrieved by the decision of the Judiciary and Administration Committee may seek relief by having the decision reviewed by the Circuit Court by certiorari, provided the petition for the writ is presented to the Court within 30 days of the decision of the Judiciary and Administration Committee.

SECTION II: Sections 115-343 through 115-364 are hereby repealed.

SECTION III: Subsections 115-401(b) and (c) are hereby created and Sections (b) and (c) to (d) and (e) renumbered read as follows:

(b) *Conditional use procedures.*

- (1) The owner/operator of a proposed community living arrangement (CLA) shall submit the following with the application for a conditional use permit:
 - a. A building plan as required by Section 115-342, plus:
 1. The layout of the building and any planned additions, including size and layout of rooms;
 2. The total square footage of the building and total living space and square feet;
 3. The number of bedrooms and the number of beds per bedroom;

4. Handicap and emergency access and exit;
 - b. A site plan as required by Section 115-342, including:
 1. Location and the "footprint" of building(s) and structure(s);
 2. Off-street parking areas; and
 3. Proposed landscaping.
 - c. A drainage plan, landscape plan, and utility plan as required by Section 115-342.
- (2) The application for a residential conditional use permit shall also be accompanied by an operational plan which includes the name and address of the CLA operator, the proposed operation and supervision including the type of CLA and any programs offered, the number of employees, the proposed bed capacity and total number of occupants of the structure including any residents not under residential care.
- (3) Upon receipt of all necessary information and the permit fee, the Department of Planning and Development may request the Wisconsin Department of Children and Families to inspect the proposed CLA and review the proposed operation. Approval of the Department may be a condition of approval of the conditional use permit. The same shall apply to any other applicable agency or department, such as the Federal Veterans Administration where appropriate. Comments or reports on the proposed CLA received from such agencies will be considered. The CLA conditional use permit request must confirm compliance with Wis. Admin. Code ch. DCF 57, Wis. Stat. ch. 50, and all other applicable licensing regulations of the Wisconsin Department of Children and Family Services and any other relevant agency appropriate to the facility seeking the conditional use permit. The CLA must confirm compliance with all applicable State and local Housing Building, and Fire Codes.
- (4) The application will also confirm adequate off-street visitor and employee parking. The City may require more parking than is normally required if special characteristics of the CLA warrant such additional parking.
- (5) In the business zoning districts, all proposed residential uses are to be above the first floor.
- (6) There shall be no outdoor signs on or near the facility and the CLA's exterior appearance and proposed operation must be compatible with the surrounding residences when it is in a residential district or surrounding uses when it is in a business or other district.
- (7) When the proposed CLA is not within one half mile (2,640 feet), measured from property line to property line, of a public park, the CLA shall provide 75 square feet of open recreational space on the property per bed.
- (8) The City shall use the following factors when reviewing the proposed capacity (density) of the CLA:

- a. Per person living space requirements of Wis. Admin. Code ch. DCF 57, the Federal Veterans Administration ("VA") Regulations, the City of La Crosse minimum housing code requirements and any other applicable requirements. In no case shall the City approve a capacity which would provide less living space per person than State, local or VA requirements;
 - b. The ambulatory and physical nature of residents;
 - c. The densities of residential uses within the surrounding neighborhood;
 - d. The density data available from the U.S. Census Bureau for the City;
 - e. Densities of other CLAs the City has reviewed since adoption of this section;
 - f. Densities of other similar CLAs in the City;
 - g. The type of CLA building and room layout;
 - h. The proposed living and working space arrangements for residents, house parents and other employees;
 - i. The area and configuration of the CLA lot; and
 - j. Any comments from the Wisconsin Department of Children and Family Services, the VA, La Crosse County, City representatives, and other applicable agencies.
- (9) The City shall also consider other issues which may have an adverse social, economic, or environmental impact or effect on the health, safety or welfare of abutting or neighboring properties or the City as a whole.
- (c) *Conditional Use Standards.* No application for a conditional use shall be recommended, approved or granted by the City Plan Commission unless the Commission finds all of the following:
- (1) All standards under Section 115-342(k) are met.
 - (2) That when applying the above standards to an application by a community living arrangement the City Plan Commission shall:
 - a. Bear in mind the City's general intent to accommodate community living arrangements in applying these criteria;
 - b. Exercise care to avoid an over-concentration of community living arrangements which could create an institutional setting and seriously strain the existing social structure of the community. Considerations relevant to the determination include:
 - 1. The distance separating the proposed community living arrangement from other such facilities;
 - 2. The capacity of the community living arrangement and the percentage by which the facility will increase the population of the aldermanic district and/or the City;

3. The total capacity of all community living arrangements in the City;
4. The impact on the City of other community living arrangements;
5. The success or failure of integration into communities or other community living arrangements operated by the individual or group seeking the conditional use permit; and
6. The ability of the City to meet the special needs, if any, of the applicant facility.

~~(b)~~(d) *Annual review.*

- (1) Not less than 11 months nor more than 13 months after the first licensure of an adult family home under Wis. Stat. § 50.033 or a community living arrangement, and every year thereafter, the Common Council may make a determination as to the effect of the adult family home or community living arrangement on the health, safety and/or welfare of the City's residents.
- (2) This residential impact determination shall be made after a hearing before the Common Council. The City shall provide at least 30 days' notice to the licensed adult family home or the community living arrangement that such a hearing will be held. At the hearing, the facility may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The Common Council may call witnesses and may issue subpoenas. All witnesses shall be sworn by the Common Council. The Common Council shall take notes of the testimony and shall mark and preserve all exhibits. The Common Council may, and upon request of the facility's representatives, shall, cause the proceedings to be recorded by a stenographer or by a recording device, the expense thereof to be paid by the City. Within 20 days of the hearing, the Common Council shall mail or deliver to the facility its written determination stating the reasons therefore. The determination shall be a final determination.
- (3) If the Common Council determines that the existence in the City of a licensed adult family home or a community living arrangement poses a threat to the health, safety and/or welfare of the City's residents, the Common Council may order the adult family home or community living arrangement to cease operation until special zoning permission is obtained. This order is subject to judicial review pursuant to Wis. Stat. § 68.13, except that a free copy of the transcript of any hearing at which the determination is made may not be provided to the adult family home or community living arrangement. The adult family home or community living arrangement must cease operation within 90 days after the date of the order, or the date of final judicial review of the

order, or the date of the denial with special zoning permission, whichever is later.

- ~~(e)~~(e) *Pre-licensure community involvement.* Prior to the initial licensure of a residential care center for children and youth operated by a child welfare agency or group home or a community-based residential facility operated by the State of Wisconsin, the applicant for licensure must make a good faith effort to establish a community advisory committee consisting of representatives from the proposed facility, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with Wis. Stat. § 48.68(4) or 50.03(4)(g), as applicable, with the local government representative being the local Common Council Member.

SECTION IV: Subsection 115-140(b)(10) is hereby amended and Subsection 115-140(b)(11) is hereby created to read as follows:

(10) Conditional or permitted uses as provided in article VII of this chapter.

- (11) Horticulture retail sales. Any building utilized for such retail sales shall not exceed 1,500 square feet in area. The building must be not less than 50 feet from the property line. Any outdoor advertising signage for such horticultural retail facility may not exceed 150 square feet in aggregate.

SECTION V: Subsection 115-142(a) (7) and (10) are hereby amended and Subsections 115-142(a) (12) to (18) are hereby created to read as follows:

(7) Churches, ~~in existence on August 10, 1989.~~

(10) Conditional or permitted uses as provided in article VII of this chapter.

(12) Nursing and care homes, provided they were in existence on August 26, 1989.

(13) Daycare centers which are licensed by the Wisconsin Department of Children and Families and which, for compensation, provide care and supervision for four or more children under the age of seven for less than 24 hours a day within public or private schools or churches.

(14) Family day care home services by a person other than a resident provided no other dwelling unit on the same parcel is licensed as a family day care home, and provided the following requirements apply:

- a. Applicant shall secure and maintain a family childcare license from the State of Wisconsin;
- b. All structures and facilities shall be designed and used in such manner as not to be detrimental to adjacent and surrounding property nor to the safety and welfare of the children. The Council may require additional screening, setbacks or other design

considerations to prevent adverse impacts between the day care center and adjacent properties.

- c. Minimum parking shall be one space per staff person, one space minimum.
 - d. Applicants may be required to obtain a certificate by La Crosse County if under four children.
 - e. No signage shall be permitted.
- (15) Administrative offices and services of an elementary or secondary public, parochial or private school system.
 - (16) A second accessory structure or replacement accessory structure on an adjacent vacant lot meeting the requirements stated in Section 115-405.
 - (17) Commercial Structures or Churches used for limited retail or Personal Service Businesses meeting the requirements stated in Section 115-410.
 - (18) Cemeteries provided all principal structures are located not less than 25 feet from any lot line.

SECTION VI: Subsection 115-143(a) (9) is hereby amended and Subsections 115-143(12) to (22) are hereby created to read as follows:

- (9) Conditional or permitted uses as provided in article VII of this chapter.
- (11) Adult day care providers, nursing, and care homes.
- (12) Two-family dwellings containing more than three bedrooms.
- (13) Daycare centers which are licensed by the Wisconsin Department of Children and Families and which for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day within public or private schools or churches.
- (14) Facilities for the presentation of periodic theatrical performances and instruction or classes for dramatic arts in places of assembly that existed prior to April 1, 2000, having a lawful capacity of more than 100 people and that provide adequate parking either on-site or through satellite lots.
- (15) Professional Home Office meeting the requirements stated in Section 115-406.
- (16) Funeral homes and crematories provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.
- (17) Family day care home services by a person other than a resident provided no other dwelling unit on the same parcel is licensed as a family day care home, and provided the following requirements apply:
 - a. Applicant shall secure and maintain a family child care license from the State of Wisconsin;
 - b. All structures and facilities shall be designed and used in such manner as not to be detrimental to adjacent and surrounding property nor to the safety and welfare of the children. The Council may require additional screening, setbacks or other design

considerations to prevent adverse impacts between the day care center and adjacent properties.

- c. Minimum parking shall be one space per staff person, one space minimum.
- d. Applicants may be required to obtain a certificate by La Crosse County if under four children.
- e. No signage shall be permitted.

(18) Administrative offices and services of an elementary or secondary public, parochial or private school system.

(19) Philanthropic and Eleemosynary Institutions excluding post-secondary educational facilities, providing all principal structures and uses are not less than 25 feet from any lot line.

(20) Cemeteries provided all principal structures are located not less than 25 feet from any lot line.

(21) Commercial Structures or Churches used for limited retail or Personal Service Businesses meeting the requirements stated in Section 115-410.

SECTION VII: Subsection 115-144(a)(10) is hereby amended and Subsections 115-144(12) to (20) are hereby created to read as follows:

(10) Conditional or permitted uses as provided in article VII of this chapter.

(12) Adult day care providers, nursing, and care homes.

(13) Two-family dwellings containing more than three bedrooms.

(14) Daycare centers which are licensed by the Wisconsin Department of Children and Families and which for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day within public or private schools or churches.

(15) Facilities for the presentation of periodic theatrical performances and instruction or classes for dramatic arts in places of assembly that existed prior to April 1, 2000, having a lawful capacity of more than 100 people and that provide adequate parking either on-site or through satellite lots.

(16) Professional Home Office meeting the requirements stated in Section 115-406.

(17) Funeral homes and crematories provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.

(18) Philanthropic and Eleemosynary Institutions excluding post-secondary educational facilities, providing all principal structures and uses are not less than 25 feet from any lot line.

(19) Commercial Structures or Churches used for limited retail or Personal Service Businesses meeting the requirements stated in Section 115-410.

(20) Cemeteries provided all principal structures are located not less than 25 feet from any lot line.

SECTION VIII: Subsections 115-145(a)(9) and (10) are hereby amended and Subsections 115-145(12) to (21) are hereby created to read as follows:

- (9) Conditional or permitted uses as provided in article VII of this chapter.
- (10) ~~Five or more family dwellings provided that such were in existence on April 10, 1997 and provided further that such five or more family dwellings may be replaced with a five or more family dwelling as long as such replacement shall not contain more units than that which existed on April 10, 1997 and as long as all other building and zoning code requirements for the R-4 District are met. Fraternities, sororities, private clubs, boardinghouses, roominghouses and all types of cooperative housing occupied by six or more persons.~~
- (12) Mobile home parks meeting the requirements stated in Section 115-407.
- (13) Adult day care providers, nursing, and care homes.
- (14) Daycare centers which are licensed by the Wisconsin Department of Children and Families and which for compensation provide care and supervision for four or more children under the age of seven for less than 24 hours a day within public or private schools or churches.
- (15) Facilities for the presentation of periodic theatrical performances and instruction or classes for dramatic arts in places of assembly that existed prior to April 1, 2000, having a lawful capacity of more than 100 people and that provide adequate parking either on-site or through satellite lots.
- (16) Professional Home Office meeting the requirements stated in Section 115-406.
- (17) Philanthropic and Eleemosynary Institutions excluding post-secondary educational facilities, providing all principal structures and uses are not less than 25 feet from any lot line.
- (18) Community centers provided that all principal structures and uses are not less than 25 feet from any lot line.
- (19) Commercial Structures or Churches used for limited retail or Personal Service Businesses meeting the requirements stated in Section 115-410.
- (20) Cemeteries provided all principal structures are located not less than 25 feet from any lot line.
- (21) Funeral homes and crematories provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.

SECTION IX: Subsections 115-146(a)(2) and (3) are hereby amended as follows.

- (2) ~~Multiple dwellings; boardinghouses, roominghouses, fraternities and sororities occupied by less than six persons. Administrative offices and services of an elementary or secondary public, parochial or private school system.~~
- (3) Conditional or permitted uses as provided in article VII of this chapter.

SECTION X: Subsection 115-147(a)(2) is hereby amended and Subsection 115-147(3) is created to read as follows:

- (2) Conditional or permitted uses as provided in article VII of this chapter.
- (3) Convenience stores, beauty salons and other nonresidential uses for the residents of elderly housing or public housing exclusively used by the residents of such facilities. The number of square footage devoted to the nonresidential use, the hours of operation, persons operating the convenience store, beauty salon or other nonresidential use, and persons that would use such facility shall be provided to the Fire Department – Division of Fire Prevention and Building Safety. The building for the nonresidential use shall be four stories or more in height with the nonresidential facility on the first floor or ground level. The total area of the nonresidential activity shall not exceed 500 square feet and such use shall be only for the tenants, residents, and employees of the building.

SECTION XI: Subsections 115-149(a)(1), (4), (24), (25) and (26) are hereby amended as follows:

- (1) Animal or veterinary hospital or clinic, animal sales shop that includes a kennel where animals are bred or boarded, or stable unless they meet the requirements in Section 115-408.
- (4) Bottling works, except breweries, wineries, distilleries as permitted in Sec. 115-150(a).
- (24) Any use excluded from the Light Industrial District, except the following uses: except dwellings above the first story, crematories permitted by a conditional use permit under section 115-349, and dwellings on the first story or below permitted by conditional use permit under section 115-343.
- a. Dwellings above the first story.
 - b. Crematories provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.
 - c. Dwellings occupied by an owner, operator, or manager of a business which are used or intended to be used for living, sleeping, cooking, and eating, provided the dwelling occupies no more than 25 percent of the first floor and the remaining 75 percent or more of such first floor is a commercial use.
 - d. Dwellings below the first story occupied by an owner, operator or manager of a business located in the building which are used or intended to be used for living, sleeping, cooking, and eating.
- (25) General garages where motor driven vehicles are equipped, repaired, hired, sold, or stored unless meeting the requirement in Section 115-412.
- (26) ~~Conditional uses as provided for in article VI of this chapter.~~ Recycling Centers, unless they meet the definition and requirements of chapter 10, article XII.

SECTION XII: Subsection 115-150(a)(18) is hereby amended and Subsections 115-150(19) to (28) are hereby created to read as follows:

(18) Conditional or permitted uses as provided in article VII of this chapter.

(19) Multiple dwellings that:

- a. Meet the off-street parking in accordance with the standards set forth in Section 115-393;
- b. Contain no less than one dwelling unit for each 400 square feet of land area;
- c. No part or portion of any multiple dwelling shall be erected, constructed or extended nearer than 20 feet from the front line of any parcel on which it is constructed and that this 20 foot setback shall be entirely graded and sodded or seeded between side lot lines to the building face in a manner that will produce an acceptable lawn excepting only such areas as may be required for driveways or walks;
- d. No part or portion of any multiple dwelling shall be erected, constructed or extended nearer than ten feet to any interior side lot line. The combined total side yards for any interior parcel shall be not less than 30 feet. All side yards shall be entirely graded and sodded or seeded except only such area as may be required for driveways or walks.

(20) Dwellings occupied by an owner, operator, or manager of a business which are used or intended to be used for living, sleeping, cooking, and eating, provided the dwelling occupies no more than 25 percent of the first floor and the remaining 75 percent or more of such first floor is a commercial use.

(21) Dwellings below the first story occupied by an owner, operator or manager of a business located in the building which are used or intended to be used for living, sleeping, cooking, and eating.

(22) Residential living quarters on the ground floor, except for those properties located within the National Register La Crosse Commercial Historic District located in Downtown La Crosse.

(23) Breweries of fermented malt beverages that include a tasting room with an annual production of less than 1,000 barrels per year. The storage of all items or materials utilized for production shall be in an enclosed building.

(24) Wineries that include a wine tasting room and are no larger than 5,000 square feet. The storage of all items or materials utilized for production shall be in an enclosed building.

(25) Distilleries for the production and bottling of distilled beverages that includes a tasting room. The storage of all items or materials utilized for the production of distilled beverages shall be in enclosed building. Must meet all applicable requirements associated with any state and federal licenses and adhere to National Fire Protection Association and International Building Code requirements.

(26) Printing operations.

(27) Community festival facilities for nonprofit, governmental or commercial events such as, but not limited to, Oktoberfest, Jazzfest, school related events, community music and cultural events, fundraisers, wedding receptions or parties.

(28) Private garages for residents living above the first story meeting the requirements in Section 115-409.

SECTION XIII: Subsection 115-151(a)(3) is hereby amended and Subsections 115-151(a)(6) to (14) are hereby created to read as follows:

(3) Conditional or permitted uses as provided in article VII of this chapter.

(6) Dwellings occupied by an owner, operator or manager of a business which are used or intended to be used for living, sleeping, cooking, and eating, provided the dwelling occupies no more than 25 percent of the first floor and the remaining 75 percent or more of such first floor is a commercial use.

(7) Dwellings below the first story occupied by an owner, operator or manager of a business located in the building which are used or intended to be used for living, sleeping, cooking, and eating.

(8) Printing operations.

(9) The staging and interim placement of large, manufactured products prior to shipping, mixed use commercial/office uses and outdoor storage of equipment and materials used for heavy moving. Land shall be maintained in a sightly condition and screened with landscaping and/or fencing.

(10) Where it abuts R-1 through R-4 zoned property, the following small-scale urban agricultural uses:

- a. Wholesale/retail sale of produce and bedding plants grown on the premises, where the retail sales area is no larger than 200 square feet;
- b. Composting and vermicomposting for greenhouse house use and retail sale;
- c. Aquaponics;
- d. Educational programs on nutrition, meal planning, growing, preparing and preserving produce; demonstration projects for establishing high-yield, small-space gardens and produce; sustainable building, renewable energy and business practices; or
- e. Partnering with licensed incubator kitchens to produce "value-added" products such as sauces from produce grown on the premises.

(11) Veterinary clinics, animal hospitals, and kennels used for the boarding of pet animals meeting the requirements in Section 115-408.

(12) Funeral homes and crematories, provided the crematory is odorless and smokeless and meets all applicable local, State and Federal laws and regulations.

(13) Private garages for residents living above the first story meeting the requirements in Section 115-409.

- (14) Recycling Centers meeting the definition and requirements of chapter 10, article XII.

SECTION XIV: Section 115-153(a) and subsections 115-153(a)(15) to (18) are hereby amended to read as follows:

- (a) *Scope and use regulations.* This section applies to the Heavy Industrial District. In the Heavy Industrial District, buildings and land may be used for any purpose whatsoever not in conflict with any ordinance of the City, provided, however, no dwelling shall be constructed in such district except a dwelling for one owner, a watchperson or a caretaker employed on the premises and for members of such person's family; provided, further, however, that no building or occupancy permit shall be issued for any of the following or other extremely nauseous, obnoxious, offensive, dangerous or unwholesome uses until and unless the location of such use shall have been approved as a conditional use by the Common Council as provided in subsections (a)(15), and (16) and (17) of this section, or by the Board of Zoning Appeals after a public hearing shall have been held thereon, and any such decision by the Board of Zoning Appeals shall be consistent with the purpose, spirit and intent of this chapter, and provided further, however, that any dwelling in existence situated on any premises zoned heavy industrial on November 26, 1957, shall be exempt from the ordinary restrictions applying to nonconforming uses.
- (1) Acid manufacture
 - (2) Automobile or machinery wrecking, salvaging or rebuilding.
 - (3) Cement, lime, gypsum or plaster of Paris manufacture.
 - (4) Distillation of bones.
 - (5) Explosives, manufacture or storage.
 - (6) Fat rendering or rendering works.
 - (7) Fertilizer manufacture.
 - (8) Forge plant.
 - (9) Garbage, offal or dead animal reduction or dumping.
 - (10) Glue manufacture.
 - (11) Junkyard.
 - (12) Petroleum refining.
 - (13) Smelting of tin, copper, zinc or iron ores.
 - (14) Stockyards, abattoir, or slaughtering of animals.
 - (15) Garbage, trash or recycling transfer facilities used for the purpose of unloading or reloading garbage, trash, or recyclable materials, provided the location is at least 500 feet from a floodplain; wetland; endangered and protected flora and fauna habitats; sites of historical, archeological, or cultural significance; prime agricultural land; park land or preserve. The location and operation must comply with federal regulations for operation in proximity to airports and all property owners within 500 feet must agree with the proposed placement of the transfer facility, only when approved as a Conditional Use by the Common Council, as provided in article VI of this chapter.
 - (16) Biodiesel production facilities made which may manufacture fuel for motor vehicles from from waste fats and oils, including soybean oil. when such

~~facility is approved as a conditional use by the Common Council as provided in article VI of this chapter.~~

- (17) Metallic or nonmetallic (sand and gravel) processing facilities, including any of the following activities; sand and gravel washing or drying, processing, loading or unloading, storing, and transportation facilities meeting the requirements in Section 115-411. ~~loading and unloading facilities including facilities located along rail yards or sidings, port or waterfront areas or trucking terminals and sites and only when such facility is approved as a conditional use by the Common Council as provide in article VI of this chapter. The notification for this use shall include notification within 1,000 feet and the conditional use permit fee shall be as established by resolution.~~
- (18) Mini-warehouses or storage buildings utilized on a commercial basis for the storage of miscellaneous personality or vehicles.

SECTION XV: Subsection 115-158(b)(5) is hereby amended and Subsection 115-158(7) is hereby created as follows:

- (5) Conditional or permitted uses as provided in ~~section 115-344~~ article VII of this chapter.
- (7) Bridle paths and hiking trails, toboggan runs, ski resorts, archery ranges and accessory buildings. Class "A" cabarets are not permitted in the accessory buildings.

SECTION XVI: Section 115-406 is hereby created as follows:

Sec. 115-406. – Professional Home Office.

- (1) Professional home offices must meet the following requirements:
 - a. Examples include an attorney, architect, consultant, physician, or accountant.
 - b. The office may occupy no more than two rooms in the dwelling.
 - c. No more than one nonmember of the household employee (in addition to the proprietor) shall be permitted.
 - d. The owner of the home-based professional business shall reside on the premises.

SECTION XVII: Section 115-407 is hereby created as follows:

Sec. 115-407. – Mobile Home Parks.

- (1) Mobile home parks must meet the following requirements:
 - a. Minimum mobile home park size: five acres.
 - b. Minimum lot size per mobile home: 4,000 square feet.
 - c. Minimum width of mobile home lot: 40 feet.
 - d. Maximum height of mobile home: 15 feet.

- e. Minimum distance between mobile homes or buildings within mobile home park: 20 feet.
- f. Minimum distance between mobile home and service road: 15 feet.
- g. Minimum setback from property lines of mobile home park: 40 feet.
- h. Each mobile home park shall be well drained, properly graded, and free from stagnant pools of water.
- i. All mobile home lots shall abut upon a private driveway of not less than 30 feet in width which shall have unobstructed access to a public street or highway.
- j. Each mobile home shall be served by a water supply and a sewerage disposal system, each connected to the public water and sewerage system.
- k. All drives, parking areas and walkways shall be hard surfaced.
- l. Each mobile home shall be securely anchored to the ground by its axle with an anchor so designed that it will hold the mobile home securely in place in winds with a velocity up to 100 miles per hour.
- m. No mobile home sales office or other public or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office serving the mobile home park are permitted.
- n. A mobile home is defined as a portable dwelling intended for occupancy as a year-around permanent residence. A "mobile home park" is defined as a tract of land designated, maintained, intended, or used for the purpose of supplying the location or accommodations for mobile homes and shall include all buildings or uses intended to service the mobile home park.
- o. All mobile homes to be placed on a site located in any floodplain zoning district shall be placed to prevent the flotation, collapse, or lateral movement of the structure due to flooding. Such mobile homes shall be anchored according to the following specifications:
 - 1. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, and mobile homes less than 50 feet long shall require one additional tie per side;
 - 2. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points, and mobile homes less than 50 feet long shall require four additional ties per side;
 - 3. All components of the anchoring system shall be capable of carrying 4,800 pounds; and
 - 4. Any additions to the mobile home shall be similarly anchored.

- p. The requirements set forth in article V, division 2 of this chapter for existing mobile home parks and mobile home subdivisions shall also apply to new mobile home parks and to expansions to existing mobile home parks and subdivisions when they are in the Flood Zoning Overlay Districts.

SECTION XVIII: Section 115-408 is hereby created as follows:

Sec. 115-408. – Veterinary clinics, animal hospitals, and kennels.

- (1) Veterinary clinics, animal hospitals, and kennels must meet the following requirements:
 - a. Outdoor runs shall be located to the rear of the building and all such areas visible from a public right-of-way shall be enclosed with a privacy fence or similar weather-resistant, durable, and opaque material that meets Section 115-398 of the Municipal Code.
 - b. Fences shall be no less than four feet in height.
 - c. All waste material shall be stored in closed containers and screened from all thoroughfares and adjoining properties by a fence, wall, or plant screen at least as high as the containers.
 - d. Emission of any offensive odors beyond the lot line shall not be permitted at any time.

SECTION XIX: Section 115-409 is hereby created as follows:

Sec. 115-409. - Private garages for residents in a commercial zoning district.

- (1) Private garages for residents in the Community Business District or Commercial District must meet the following requirements:
 - a. Garage must be located off an alley with no frontage on the street.
 - b. The "Fire District" regulations apply for garages located in the City's Fire District.
 - c. The building must have brick siding to match adjacent buildings and the principal structure and consist of building materials meeting the requirements of the Fire District.
 - d. Accessory garages must have similar roof pitches and window treatments of the surrounding buildings.
 - e. If a proposed garage is within the National Register of Historic Places District, final approval of architectural or building plans is to be given by the Heritage Preservation Commission.
 - f. No residential, commercial, or industrial uses are permitted in the accessory garage.

- g. The garage shall not be available for rent to the public or other property owners as it is to be used strictly by the owner or residential tenant of the principal building.
- h. Accessory garages may not exceed 20 feet in height.
- i. Garages may be attached or detached from the principal structure.

SECTION XX: Section 115-410 is hereby created as follows:

115-410. – Commercial Structures or Churches used for limited retail or Personal Service Businesses.

- (1) The purpose and intent of this section is to allow limited commercial uses in structures that were originally constructed and used as commercial structures, or churches, for limited retail stores and personal service businesses is the to allow for limited commercial uses that are primarily suited to neighborhoods and are within walking distance (one-quarter mile) of the establishment. A neighborhood compatible uses will have little impact to the neighborhood and will "fit in" with the residential character and therefore require little if any off-street parking. The following prerequisites shall be met:
 - a. The owner shall file documentation that the structure was originally constructed as a commercial structure and produce a historic record of commercial use which shall then be verified by the City.
 - b. The original commercial structure shall not be greater than 3,000 feet in total square footage and not more than 1,500 square feet shall be devoted to the retail area for the proposed use. The original church structure shall not be greater than 5,500 feet in total square footage and nor more than 3,000 square feet shall be devoted to the retail area for the proposed use.
- (2) The following information shall be included with any permit application to the Fire Department – Division of Fire Prevention and Building Safety:
 - a. The location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings to be demolished and any mitigation plan to offset loss of either tax base or housing opportunities;
 - b. A site plan showing building location, signage location, lighting, landscaping plans, off-street parking, loading areas, ingress, egress, and existing or proposed screening;
 - c. Building elevations (pictures or drawings) showing proposed use and character of the building frontage and any building or facade renovation and remodeling plans;
 - d. Detailed signage and lighting plans; and
 - e. A floor plan to include the square footage devoted to commercial or retail purposes, the hours of operation, locations for loading and unloading of raw materials and products produced at the site.
- (3) The following uses may be considered and because of their nature require no off-street parking: ~~(If the following uses are proposed to have three or more employees at one time, then off-street parking shall be provided.)~~

- a. Ice cream and candy/confectionery store;
- b. Non-adult-oriented used bookstore;
- c. Barber shops and beauty parlors;
- d. Pet grooming establishment;
- e. Photography studio;
- f. Butcher shop;
- g. Bakery;
- h. Bike/skate shop;
- i. Artisan shop;
- j. Repairing/alterations of clothing apparel shop;
- k. Restaurants, cafes, coffee house, tearoom or delicatessens limited to indoor seating for 25 persons and outdoor seating for 12 persons; drive-ins or drive-through facilities are prohibited;
- l. New or used clothing and apparel;
- m. Shoe repair;
- n. Art gallery, framing, and stationary stores;
- o. Florist shop;
- p. Antique shop;
- q. Neighborhood grocery store;
- r. Variety and dry goods store; or
- s. Health club.

(4) Fences, walls, and screening.

- a. Where the side or rear lot line abuts or is located across an alley from any residential zoning district there shall be a fence or landscape screening. Fences must be in conformance with Section 115-398.
- b. An opaque privacy fence or vegetative screening of a minimum of five feet and no more than six feet in height may be permitted if requested by an abutting residential property owner. Such fence shall be placed on the property line and shall run from the front setback line to the rear property line.

(5) Parking and loading.

- a. Off-street parking shall be met for any residential use of the property and meet Section 115-393.

(6) Signage. Any signage that can be viewed from the public street or sidewalk is strictly regulated and shall conform to the following requirements:

- a. Any outdoor advertising display signs shall be attached to and be parallel with the wall of the building;
- b. A maximum of two wall signs are permitted, one on the street facing side of the building and one on either side of the building;
- c. The maximum height of the sign facing the street shall not be more than two feet in height and shall not be more than 75 percent of the width of the building and in no case shall be more than 40 square feet in total;
- d. The maximum size of the sign on the side of the building shall be 12 square feet;
- e. Only indirect lighting is permitted and there shall be no internally lit signs;
- f. There shall be no projecting signs.

- g. All signs shall pertain only to the use conducted within the building.
- h. Digital or lighted signs, including window signs, are prohibited, except for one lighted sign that cannot be digital or flashing and is only lit during business hours indicating the business is "open" and which shall not exceed two square feet;
- i. Awning signs are permitted and shall only be constructed of fabric and shall not be internally lit; and
- j. One sandwich board sign is permitted if placed in accordance with the City's sandwich board policy.

SECTION XXI: Section 115-411 is hereby created as follows:

Section 115-411 Metallic or nonmetallic sand and gravel processing facilities.

- (1) Metallic or nonmetallic sand and gravel processing facilities, including any of the following activities: sand and gravel washing or drying, processing, loading or unloading, storing, and transportation facilities, shall comply with the following requirements as part of the permitting process:
 - a. Submit an approved air pollution permit from the Wisconsin DNR. If an air pollution permit is not required, the applicant shall submit a letter stating the reasons an air pollution permit is not required.
 - b. Submit a stormwater management plan for the proposed site which shall be reviewed for compliance with the City's stormwater regulations by the City Engineer's Office.
 - c. Submit a fugitive dust control plan that shall address the following elements:
 - i. Description of the operation;
 - ii. Provide a map of activities;
 - iii. List the activities which may produce both dust and particulates e.g. crushing, grinding, bagging, storing, transferring, loading and unloading, conveyors and drop points;
 - iv. List of equipment on site or readily obtainable for cleanup to reduce fugitive dust: Watering truck/wagon or dedicated sprinkler system, frontend loader/trucks (cleaning up spillage), brooms, sweepers/vacuums, sealants for building/equipment, list of chemicals and/or additives for dust control and the MSDS;
 - v. Site roadways and plant yard;
 - 1. Asphalt or concrete surfacing shall be required in any truck or equipment maneuvering area. The dust on the site shall be controlled by applications of water or other

approved fugitive dust control compounds per Wis. Admin Code NR 415.075.

2. All paved yards shall be swept or vacuumed daily with PM-10 approved sweepers and whenever fugitive is observed to control emissions, and any material spillage shall be cleaned up immediately.
3. Fugitive dust should not cross the property boundary, and fugitive emissions from haul roads will not exceed 20 percent opacity at the source.
4. Truck washing equipment or tracking pads/grizzly pads/shakers, or a combination of both, should be installed at each exit to remove build up material on tires or undercarriage.

vi. Operation facilities;

1. The drop distance from each transfer point shall be reduced to the minimum the equipment can achieve. The transfer point from the re-circulating belt to the feed belt shall be equipped with an enclosed chute.
2. Plant equipment and enclosures shall be inspected on a regular basis for physical integrity. Any equipment or seal leaks shall be repaired as soon as practicable, but no later than 48 hours after being identified.
3. Processing equipment (including dryers, washers, and screeners) and stockpiles within 500 feet of any residential or business district shall be enclosed by a structure.

vii. Storage piles;

1. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.
2. Stockpiles shall be observed daily and watered whenever fugitive dust is observed to control emissions. After application, a follow-up observation shall be performed to ensure the effectiveness of the control measure. Equipment to apply water or dust suppressant shall be available at the site, or on call for the use at the site, within a given operating day.
3. Stockpiles within 500 feet of any residential or business district shall be enclosed by a structure. Stockpiles greater than 500 feet from a Residential or Business

District and undisturbed for more than one week shall be covered.

4. Encrusting agents approved by the WI DNR or covering shall be used on piles intended for long term storage or inactivity. Nontoxic antifreeze additives approved by the DNR can be used to control dust when temperatures are below 32 degrees Fahrenheit.

viii. Truck traffic;

1. Vehicles shall be loaded to prevent their contents from dropping, leaking blowing or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within six inches of the top of any side board, side panel or tail gate. Otherwise, the haul trucks shall be covered, treated or secured to prevent the escape of materials likely to become airborne during transport, prior to any transportation off site.
2. Excess dust and/or spillage of material off-site shall be cleaned up and returned to the facility or properly disposed of.
3. Truck route designation. All trucks entering and leaving such facilities shall enter and exit La Crosse on designated truck routes. Such routes shall avoid residentially zoned property to the greatest extent possible.
4. Trip generation. The frequency of loads entering and leaving the facility, as well as the weight of loads shall be identified.

ix. Inspection;

1. List the maximum intervals for inspection and routine maintenance of fugitive dust control equipment, including a description of the items or conditions that will be checked.
2. List the schedules for watering, treating and periodic cleaning of roads, trafficable areas and storage piles.
3. The provisions and procedures of this plan are subject to adjustment if following an inspection and written notification, the City finds fugitive dust management practices do not meet requirements and/or permitted emission limits are not being met.

x. Staff responsible for implementation of plan.

1. All staff members will be required to notify the operations manager of excessive fugitive emissions when observed. This will include a description of the source of the excessive emission. The operations manager will be responsible for directing dust control measures. The plan shall include the names and contact information for the operations manager and secondary contacts when the manager is not available or not on site.
 2. Records of daily inspections, visible emissions observations, equipment repairs, and dust suppressant activities shall be kept on file and be made available to the City upon request. The plan shall include a draft copy of the daily fugitive dust control reporting forms and other regular checks. The forms shall be dated and initialed by the person performing the checks.
- d. Hours of operation. Hours of operation for truck traffic and equipment/machinery with back-up alarms shall be limited to 7:00 a.m.-10:00 p.m.
 - e. Landscaping and screening. Sufficient landscaping and screening, including but not limited to fences, walls and/or vegetative screens, as approved by the City of La Crosse, may be required to mitigate visual impacts and to provide wind breaks.
 - f. Any other applicable State or Federal permits shall be obtained and placed on file with the City of La Crosse. Any reports generated to fulfill permit requirements shall be submitted to the City of La Crosse.
 - g. Exemptions. The following entities and uses are exempt from requiring a permit for metallic or nonmetallic sand and gravel processing facilities.
 - i. Government entities.
 - ii. Construction overburden or fill stockpiles located on an active construction site. The 500 yards is to be measured cumulatively for "pass thru" stockpiles, such as when stockpiling for the purpose of changing mode of transportation or ownership of material and off-site construction stockpiles.
 - iii. Sand stockpiles from dredging operations.
 - iv. Operations that are preempted by Federal law

SECTION XXII: Section 115-412 is hereby created as follows:

Section 115-412- General Garages for minor automobile repair services

- (1) Minor automobile repair services are defined as repairs and servicing that produce relatively low levels of noise, vibration, and fumes and, more specifically, include the following types of repairs to motor vehicles of a gross vehicle weight of no more than 6,000 pounds:
 - a. Motor vehicle maintenance that is limited to such activities as:
 - i. Car washing.
 - ii. Addition of fluids.
 - iii. Wiper blade replacement.
 - iv. Electrical charging.
 - b. Air conditioning, starting and charging service.
 - c. Engine oil changes, fluids replacement.
 - d. Automotive electrical work and diagnostics other than audio sound system installation.
 - e. Upholstery work.
 - f. Windshield and glass installation.
 - g. Tune-ups, diagnostics; spark plug replacement, emission control service.
 - h. Other repairs of a similar nature with respect to impacts on nearby properties.
- (2) General garages for minor automobile repair services are subject to the following provisions.
 - a. No general garage shall be located within 100 feet of a residential zoning district unless the following conditions are met:
 - i. A solid board on board wood fence or brick or stone wall at least six feet in height is placed along any property line abutting a residential zoning district.
 - ii. No motor vehicle repair or diagnostic activity occurs within ten feet of a residential zoning district.
 - iii. No new service bay or garage door is oriented toward a residential zoning district.
 - b. No motor vehicle repair or diagnostic activity shall be performed before 7:30 a.m. or after 8:30 p.m.
 - c. Any general garage shall include no more than four service bays. For corner properties, such service bays shall be oriented to the street.
 - d. All tires, barrels, auto parts, or any other materials used or sold on the premises shall not be stored outside of the building.
 - e. No commercial tractor, trailer or semi-trailer, except trailers designed to be pulled by passenger automobiles, may be parked on the premises for more than four hours within any 24-hour period, except in case of emergency. Not more than four customer vehicles may be stored overnight in an outdoor location on the premises. A vehicle that

is not in working order shall not be stored on such premises for more than 48 hours.

SECTION XXIII: The introductory paragraph to Subsection 10-522(2) is hereby amended to read as follows and Subsections 10-522(2)(a through (i) to remain unchanged.

- (2) *Recycling center.* A recycling center may be permitted on property not accessory to a principal use, and which may have a permanent building. Such facility may be a permitted use in industrial districts and in local business and commercial districts ~~with a conditional use permit~~; provided the facility meets the following standards:

SECTION XXIV: Section 111-13 is hereby amended to read as follows:

Signs shall be allowed in accordance with Table 111-13(2), Allowed Sign Types.

- (1) *Signs allowed without sign permits.* An "A" indicates that a sign type is allowed in the respective zoning district without a sign permit. Signs allowed without sign permits are subject to all other applicable regulations of this chapter.
- (2) *Signs requiring sign permits.* An "SP" indicates that a sign type is allowed in the respective zoning district only after a sign permit for the subject sign has been obtained in accordance with section 111-36. Such signs shall be subject to all other applicable regulations of this chapter.
- (3) *Signs not allowed.* An "N" indicates that a sign type is not allowed in the respective district.
- ~~(4) *Signs requiring a conditional use permit (CUP).* A "CUP" indicates that a sign type is only allowed upon issuance of a conditional use permit.~~
- ~~(5)~~(4) *Signs requiring a Board of Public Works street privilege permit (SPP).* An "SPP" indicates that a Board of Public Works permit is required for signs placed on the public right-of-way.
- ~~(6)~~(5) *Signs that require a temporary sign permit.* A "TP" indicates that a temporary sign permit is required.
- ~~(7)~~(6) *Not applicable.* An "N/A" indicates that such sign type is not applicable in the respective zoning district.

Residential = All "AG" and "R" districts

¹ less than two square feet

KEY

A = Allowed without a sign permit

~~CUP~~ — Conditional use permit required

N = Not allowed

N/A = Not applicable in respective zoning district

SP = Sign permit required

SPP = Board of Public Works street privilege permit required

TP = Temporary use/special event sign permit required

SECTION XXV: Section 111-36(h) is hereby repealed.

SECTION XXVI: Section 111-84(1) and (2) are hereby amended as follows:

- (1) ~~There shall be a commercial interstate highway zone defined as the centerline of I-90 on the north, the Black River on the west, North George Street on the east, south along George Street extended through to Liberty Street then to Avon and to Livingston Street. A monument sign in this zone shall require a conditional use permit for any sign that deviates from the standard for height and square footage contained herein for non-EMU signs and all other standards in this chapter apply.~~
- ~~(2)~~(1) A fuel pricing monument sign is a form of a monument sign and shall not exceed 18 feet in height. An additional 24 square feet of digital display is permitted for the fuel prices which fuel price portion of the digital display shall not change more than once per 24-hour period. A sign may therefore be 60 square feet with a maximum of 35 percent or 22 square feet of digital display plus an additional 24 square feet of digital display for the fuel prices.

SECTION XVII: Section 111-89(b)(3) is hereby amended as follows:

- (3) ~~Only static off-premises signs in compliance with this chapter may be converted to an EMU or digital displays and must conform in all manner to these regulations. No conversions from static to digital EMUs are permitted, on the Great River Road, national or state scenic byways, community entry corridors, National Register of Historic Places historic districts, downtown La Crosse, residential zoning districts, TND Districts, and Residential PDD districts. A conditional use permit is required prior to a conversion of a static billboard to an EMU off-premises sign. A public hearing is required by the City Plan Commission and Judiciary and Administration Committee and the notice of the hearings shall be provided to all property owners within 2,500 feet of the proposed conversion location and to the Common Council and the media.~~

The following table specifies prohibited locations of static to digital off-premises signs:

Table 111-89(b)1. Prohibited locations of conversions of static billboards to digital displays or electronic message unit off-premises signs

Land Use Character Districts	Geographic Location	Zoning Districts
<i>Downtown La Crosse</i> Downtown National Register of Historic Places District	Area bounded on west by the Mississippi River, on the north by the La Crosse River, on the south by Cameron Avenue and on the east by the N/S Alley between 7th and 8th Streets	C1, C2, C3, P- SP
	From the north on Wis. Highway 35 from north City Limits to Clinton Street and Wis. Highway 53 from I-90 to downtown, On the north on Wis. Highway 16 from Wis. Highway 157 to La Crosse Street/Campbell Road/Losey Boulevard, From the west U.S. 14/61 from the West Channel Bridge to the west bank of the Mississippi River, From the south, U.S. 14/61 from City Limits to Zion Road and Wis. Highway 35 from City Limits to Zion Road). From the east (Wis. Highway 33 from City Limits to 23/22nd Street (one block west of Losey Boulevard)	Various
<i>Residential</i> <i>Neighborhoods/Areas</i> National Register of Historic Places Districts	All Residential Zoning Districts, Residential TND, Washburn Residential, PDD (Residential)	R1-R6, WR, TND, PDD Residential

- ~~a. After submission of a complete application, the City shall cause a traffic safety study and an environmental impact assessment to be completed, which shall consider, in the minimum, the City's community value statements, existing conditions, purpose of this chapter, and planned future development of the surrounding area and any mitigation measures the applicant is proposing. The parameters and standards for the traffic safety study and the environmental impact assessment shall be established by City staff on September 13, 2012. Each applicant shall pay a traffic safety study and environmental impact assessment fee in the amount established by resolution to the City as part of the application to offset the City's costs related to this subsection.~~
- ~~b. The Common Council shall consider the community value statements, the traffic safety study, the environmental impact assessment, the proximity to residential uses, schools, parks, cemeteries, scenic corridors, assessed values of surrounding properties, the purpose of this chapter and other relevant considerations in rendering its written decision to grant or deny the conditional use permit application.~~
- ~~c. Conversions shall not be permitted within 350 feet in radius from the public right-of-way in the areas designated as scenic corridors, national or state scenic byways and the City Vision 2020 Historic Central Business District.~~
- ~~d. No off-premises sign shall be permitted closer than 350 feet in radius to any cemetery, park, library, church and/or school property line without a conditional use permit. The definition of a school shall be a formal institution of learning, grades K through 12.~~
- ~~e. The maximum size of an off-premises sign shall be 672 square feet per side of sign structure.~~
- ~~f. Spacing from directional and official signs, on-premises signs, or any other sign which does not constitute an off-premises sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with size and spacing requirements. The minimum distance between off-premises signs shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along the same side of the street or highway and shall apply to structures located on the same street or highway. Such digital off-premises signs must be a minimum of 1,000 linear feet from another digital off-premises sign facing the same street or highway.~~

- ~~g. If a conditional use permit is granted it shall not be granted for a period longer than ten years and the owner of the sign shall apply for a renewal of the conditional use permit at least one calendar year prior to the expiration of the conditional use permit.~~
- ~~h. Must be a minimum of five feet from the right-of-way and property line.~~
- ~~i. Must be erected in a freestanding design -- no back bracing, guy wires, or roof-mounted signs are allowed.~~
- ~~j. Must meet all federal, state, and local requirements prior to issuance of annual permit.~~
- ~~k. Must meet all other requirements of this chapter applicable to off-premises signs.~~
- ~~l. No off-premises sign shall exceed 30 feet in height measured from the top of the sign structure to the natural grade at the base of the structure.~~

Table 111-89(b)2. Conversions of Static to Digital Display EMUs

Category	Standard
Height	30 feet (above natural grade)
Overall Maximum Size	672 square feet (sign cabinet space)
Illumination Standards Nits shall be measured from the computer control system of the sign or directly from the sign's face, or the most current Illuminating Engineering Society of North America (IESNA) standards for measuring trespass or nuisance brightness from the appropriate size and type of LED sign. Footcandles shall be measured at a height of 5 feet (which is approximately eye height) and viewing the display head-on (directly at a 90-degree angle) from nearest adjacent property line or 100 feet for on-premises signs or 250 feet for off-premises signs,	A maximum of 5,000 Nits during the day, 100 Nits between sunset and sunrise and at no time more than 100 Nits above ambient light levels and must be equipped with an automatic dimmer and a letter from the manufacturer or UL listed is required. Nits shall be measured from the computer control of the sign or directly from the sign's face or using the most current Illuminating Engineering Society of North America (IESNA) standards for measuring light trespass or nuisance brightness from the appropriate size and type of LED sign.

whichever is closest to the sign, or the most current	
Illuminating Engineering Society of North America (IESNA) standards for measuring trespass or nuisance brightness for illuminated signs. Signs found to be too bright shall be adjusted to meet these standards after notification by the City.	
-Conversion/Removal Formula	Each conversion shall require that five square feet of static billboard sign face shall be eliminated for every one square foot of new digital EMU sign face (cabinet size) with the sign company providing the list of sign faces and square footage to be removed and the list shall be approved by the City Plan Commission. For example, if a 672 square foot static billboard is converted to a digital display a total of 3,360 square feet of static off-premises sign face shall be removed. In addition, the entire support structure and sign shall be removed prior to the issuance of any permit for the newly converted off-premises EMU.
Distance from Residential Zoning District	1,200 feet from a residential zoning district line and shall not be visible from a residential property line and radius)
Dwell Time	60 seconds
Operating Modes for Transitions	Level 1 maximum
Spacing between Digital Billboards	1,000 feet from another digital EMU and one EMU per parcel
Setbacks from Property Lines	Five feet from property line or sidewalk along a street

Portable (commander board, delivery trucks, semi trailers, cabinet on vehicles or trailers)	Prohibited
Interactivity/WI-FI	Prohibited
Light Trespass	0.5 lumens at the property line where sign is located

SECTION XXIII: Sections 111-95(b)(2), 111-95(b)(4), and 111-95(b)(5) are hereby repealed. 111-95(b)(3) is hereby renumbered as (b)(2).

SECTION XXIX: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION XXX: This ordinance shall take effect and be in force from and after its passage and publication.

Mitch Reynolds, Mayor

Nikki Elsen, City Clerk

Passed:
Approved:
Published: