



CITY OF MERRILL
CITY PLAN COMMISSION
AGENDA • TUESDAY FEBRUARY 4, 2020

Regular Meeting

City Hall Council Chambers

6:00 PM

- I. Call to Order
- II. Public Hearing:
 1. Public Hearing on proposed revisions to City of Merrill Code of Ordinances, Zoning Sections 113-38,40,41,138,139,140,166,168,317.
- III. Minutes of previous meeting(s):
 1. Minutes of October 1, 2019 meeting
- IV. Agenda items for consideration:
 1. Consider resolution petitioning the Secretary of Transportation for Airport Improvement Aid.
 2. Oral report from Building Inspector/Zoning Administrator Pagel on Certified Survey Maps
- V. Establish date, time and location of next meeting
- VI. Public Comment Period
- VII. Adjournment

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452

NOTICE OF PUBLIC HEARING

All persons interested will be given an opportunity to be heard at a public hearing to be held by and before the City Plan Commission of the City of Merrill, Wisconsin, commencing at **6:00 p.m., on Tuesday, February 4, 2020**, in the City Hall Council Chambers, 1004 East First Street, Merrill, Wisconsin, on the following proposed matter, to wit;

- 1.) Revisions to the City of Merrill Code of Ordinances Zoning Sections 113-38, 40,41,138,139,140,166,168,317.

Anyone having any questions regarding the hearing should contact Zoning Administrator, Darin Pagel at 536-4880.

Dated: January 7, 2020

CITY OF MERRILL, WISCONSIN

By: 

William N. Heideman
City Clerk

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By City Plan
Re: Amending Chapter 113, Article II, Section 113-38(h), (j), (k)

ORDINANCE NO. 2020-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article II, Section 113-38 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 113-38. - Residential district regulations—R-I through R-V.

(a) Principal permitted uses.

- (1) *Low density residential district (R-I)*. Single-family detached dwellings.
- (2) *Medium density residential district (R-II)*. Single-family detached dwellings.
- (3) *High density residential district (R-III)*. Single-family detached dwelling and two-family attached dwellings.
- (4) *Very high density residential district (R-IV)*. Single-family detached dwellings; two-family attached dwelling and multiple-family dwellings.
- (5) *Highest density residential district (R-V)*. Single-family detached dwellings; multiple-family dwellings.

(b) Accessory uses.

- (1) *Lodgers*. The keeping of not more than two boarders or lodgers not members of the family.

~~(c) Conditional uses.~~

~~(1) Low density residential district (R-I). The following conditional uses will be permitted in this district:~~

- ~~a. Essential public utility services.~~
- ~~b. Planned residential development groups.~~

Attachment: 2020 Sec 113_38 Residential_district_regulations_R_I_through_R_V doc (4772 : Public Hearing on proposed revisions to the

~~c. Educational and religious uses.~~

~~(2) Medium density residential district (R-II). The following conditional uses will be permitted in this district:~~

~~a. Essential public utility services.~~

~~b. Planned residential development groups.~~

~~c. Educational and religious uses.~~

~~(3) High density residential district (R-III). The following conditional uses will be permitted in this district:~~

~~a. R-I and R-II conditional uses.~~

~~b. Community buildings, social halls, fraternal organizations and similar uses.~~

~~c. Commercial parking areas.~~

~~d. Planned residential development groups.~~

~~(4) Very high density residential district (R-IV). The following conditional uses will be permitted in this district:~~

~~a. R-I, R-II and R-III conditional uses.~~

~~b. Community buildings, social halls, lodges, fraternal organizations and similar uses.~~

~~c. Commercial parking areas, boardinghouses, lodging houses, and efficiency units.~~

~~d. Planned residential development groups.~~

~~(5) Highest density residential district (R-V). The following conditional uses will be permitted in this district:~~

~~a. R-I, R-II, R-III and R-IV conditional uses.~~

~~b. Community buildings, social halls, lodges, fraternal organizations and similar uses.~~

~~c. Commercial parking areas, boarding houses, lodging houses, and efficiency units.~~

~~d. Planned residential development groups.~~

(c) Maximum building heights.

(1) *Low density residential district (R-I).* For low density residential districts, the maximum building height shall be 2½ stories, but not over 35 feet.

(2) *Medium density residential district (R-II).* For medium density residential districts, the maximum building height shall be 2½ stories, but not over 35 feet.

(3) *High density residential district (R-III)*. For one- and two-family dwellings, the maximum building height shall be as permitted in the R-1 district.

(4) *Very high density residential district (R-IV)*. For one- and two-family dwellings, the maximum building height shall be as permitted in the R-1 district; for three or more family dwellings, none.

(5) *Highest density residential district (R-V)*. For one- and two-family dwellings, the maximum building height shall be as permitted in the R-1 district; for three or more family dwellings, none.

(d) Minimum front yard.

(1) *Low density residential district (R-I)*. For low density residential districts, the minimum front yard shall be 30 feet.

(2) *Medium density residential district (R-II)*. For medium density residential districts, the minimum front yard shall be 30 feet.

(3) High density residential district (R-III, R-IV, R-V).

a. Unless otherwise provided, there shall be a setback of not less than 20 feet; provided that on any corner lot less than 70 feet wide and of record on April 6, 1967, where reversed frontage exists, the setback on the side street shall be the setback required on the lot in the rear less than one foot for each foot by which the width of the corner lot is less than 70 feet, but in no case less than 50 percent of the setback required on the lot in the rear; provided further that in no case shall the buildable width of such corner lot be reduced to less than 30 feet. No accessory building shall project beyond the setback line of the lot in the rear.

b. A setback less than the required setback as established in subsection (e)(3)a. of this section may be permitted where there are 50 percent of the existing main buildings within a block and fronting on the same street which fail to meet the required setbacks. In such a case, the setback shall be the average of the nearest main building on each side of the proposed site, or if there is no building on one side, the average of the setback for the main building on one side and the required setback.

(e) *Minimum rear yard*. On every lot in the residential district, there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot, provided that such rear yard need not exceed 30 feet in depth and shall not in any case be less than 15 feet in depth.

(f) *Side yard*. For buildings not over 1½ stories high, the sum of the widths of the required side yards shall not be less than 20 feet, and no single side yard shall be less than eight feet in width. For buildings from 1½ to 2½ stories high, the sum of the widths of the required side yards shall not be less than 25 feet, and no single side yard shall be less than ten feet in width. Provided, however, that on a single lot having a width of less than 60 feet and of record on April 6, 1967, the sum of the widths of the side yards shall be not less than the equivalent of four inches per foot of lot width for buildings not over 1½ stories high and of five inches per foot of lot width for buildings from 1½ to 2½ stories high; provided further that the buildable width of any such lot in no case shall be reduced to less than 30 feet, nor shall the width of any single side yard be less than 40 percent of the total required side yard width, except in regard to corner lots as noted in subsection 113-12(d).

- (g) Lot coverage (maximum principal building).
- (1) *Low density residential district (R-I)*. For low density residential districts, lot coverage shall be 30 percent.
 - (2) *Medium density residential district (R-II)*. For medium density residential districts, lot coverage shall be 30 percent.
 - (3) *High density residential district (R-III)*. For high density residential districts, lot coverage shall be ~~30~~ 40 percent.
 - (4) *Very high density residential district (R-IV)*. For very high density residential districts, lot coverage shall be 40 percent.
 - (5) *Highest density residential district (R-V)*. For highest density residential districts, lot coverage shall be ~~30~~ 40 percent.
- (h) *Accessory buildings and structures*. Accessory buildings and structures customarily incidental to any of the permitted uses in subsection (a), above, shall be permitted, provided they meet the requirements of Article XI of this Chapter.
- (i) *Lot area*. Each districts' minimum lot areas are as follows:
- (1) *Low density residential district (R-I)*. Lot area for single-family shall be 10,000 square feet.
 - (2) *Medium density residential district (R-II)*. Lot area for single-family shall be 7,000 square feet.
 - (3) *High density residential district (R-III)*. Lot area for single-family shall be 7,000 square feet; for two-family, the lot area shall be 10,500 square feet.
 - (4) *Very high density residential district (R-IV)*. Lot areas for single family shall be 6,500 square feet- and for two-family dwellings the lot areas shall be 8,400 square feet; for three- and four-family dwellings, the lot areas are 2,100 square feet for each additional family dwelling over two.
 - (5) *Highest density residential district (R-V)*. Lot areas for single-family dwellings shall be 6,000 square feet; for two-family dwellings, the lot area shall be 8,000 square feet; for three-family or more dwellings, the number of lot area stories per dwelling shall be as follows:
 - a. 1 story—2,100 square feet per dwelling unit over two;
 - b. 2 story—2,100 square feet per dwelling unit over two;
 - c. 3 story—1,500 square feet per dwelling unit over two;
 - d. 4 story or more—1,200 square feet per dwelling unit over two.
 - (6) *Previously platted lots*. **Previously platted lots shall be considered conforming with this code and construction will be allowed thereon.**
- (j) *Minimum lot frontage*. The district's have the following minimum lot frontage:
- (1) *Low density residential district (R-I)*. For low density residential districts, the minimum lot frontage shall be 80 feet.

(2) *Medium density residential district (R-II)*. For medium density residential districts, the minimum lot frontage shall be 70 feet.

(3) *High density residential district (R-III)*. Minimum lot frontage for single-family shall be 70 feet; for two-family, the minimum lot frontage shall be 104 feet.

(4) *Very high density residential district (R-IV)*. For very high density residential districts, the minimum lot frontage for interior lots is 66 feet; for corner lots, the minimum lot frontage is 70 feet.

(5) *Highest density residential district (R-V)*. For highest density residential districts, the minimum lot frontage for interior lots is 66 feet; for corner lots, the minimum lot frontage is 70 feet.

(k) *Off-street parking and loading*. Requirements are included in article VI, Traffic Visibility, Loading, Parking and Access, Section 113-166.

(l) Single-family detached- and two-family attached dwelling—Minimum standards.

(1) *Size*. All single family detached- and two-family attached dwellings constructed in the R-I through R-V districts shall be at least 22 feet wide, measured from the outside walls, and have a minimum finished single floor area, excluding basement, of 900 square feet or a minimum total finished floor area on all floors, excluding basement, of 1,400 square feet.

(2) *Other requirements*. In addition to the requirements listed in this subsection, all single family detached- and two-family attached dwellings constructed in the R-I through R-V districts shall conform to the following requirements:

a. Roofs shall have a minimum of 3/12 pitch.

b. Roof overhangs shall be a minimum of 16 inches as measured from the face of the building to the outer edge of the fascia board.

c. All areas of a dwelling not specifically designed for full year occupancy, without a permanently installed heating and electrical system, such as a screened porch may not be included in calculating minimum floor area calculations under this subsection.

d. To the extent that single family detached- and two-family attached dwellings are permitted in zoning districts other than the R-I through R-V districts, the minimum standards contained in this subsection shall apply as if fully set forth in the district regulations of the other zoning districts.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
Adopted: _____
Approved: _____
Published: _____

Approved: _____
Derek Woellner, Mayor
Attest: _____
William N. Heideman, City Clerk

Attachment: 2020 Sec _113_38___Residential_district_regulations_R_I_through_R_V doc (4772 : Public Hearing on proposed revisions to the

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By City Plan
Re: Amending Chapter 113, Article II, Section 113-40

ORDINANCE NO. 2020-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article II, Section 113-40 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 113-40. - Thoroughfare commercial district.

(a) *Purpose.* The purpose of this district is to provide for retail commercial, amusement, transient residential and light industry uses which are appropriate to thoroughfare location and dependent upon thoroughfare travel. Thoroughfare commercial districts shall be established in zones of two acres or larger, and shall be located only in the vicinity of thoroughfares, or the service drives thereof.

(b) *Permitted uses.* Principal permitted uses are:

- (1) Hotels, motor hotels, inns.
- (2) Restaurants, refreshment stands, fast food.
- (3) Commercial recreation facilities, such as swimming pools, bowling alleys, skating rinks and dance halls.
- (4) Planned unit developments, subject to the provisions of article III of this chapter, large scale developments.
- (5) Any use permitted in the residential districts ~~must meet residential requirements. of R-II, R-III and R-IV are deemed conforming provided the existing residential use meets the regulations of that district prior to September 13, 2011. New residences (1 and 2 family dwellings) are not permitted after September 13, 2011.~~
- (6) Animal hospitals and veterinary clinics.
- (7) Bakery, laundry, cleaning and dyeing establishments.

Attachment: 2020 Sec _113_40 Thoroughfare commercial district (4772 : Public Hearing on proposed revisions to the zoning code)

- (8) Carpenter shop, electrical, plumbing, and heating shop, printing and publishing or lithographic shop, mortuary, furniture upholstery shop.
 - (9) Professional offices or clinics.
 - (10) Warehousing and wholesale establishments.
 - (11) Theatre.
 - (12) Building material sales and storage.
 - (13) Cartage and express facilities.
 - (14) New and used car lots, automobile service stations.
 - (15) Farm equipment and service establishments.
 - (16) Greenhouses; retail and wholesale.
 - (17) Tavern and nightclub.
 - (18) Financial institutions, banks.
 - (19) House trailer or camping trailer sales and rental.
- (c) *Accessory uses.* Accessory uses and buildings customarily appurtenant to a permitted use.
- (d) *Conditional uses.*

~~(1) The common council may authorize the location of any of the following buildings or uses, including any improvement determined necessarily incidental thereto, in any thoroughfare commercial district; provided, that each such building or use shall comply with other applicable provisions of this chapter and the sections referred to therein, and the common council first submits the proposed conditional use to the plan commission for recommendation and report after publishing a Class 2 notice under Wis. Stats. ch. 985, of the proposed conditional use and public hearings thereon to be held before the plan commission. In authorizing the location of such buildings or uses, the common council may impose any reasonable limitation in connection therewith as will further protect the general purposes and intent of these zoning regulations. Anyone wishing to apply for a conditional use shall file a written petition for such conditional use along with the required fee plus the costs of publication to the city with the city clerk's office. If a request for a conditional use is combined with a request for a change only one deposit for a change shall be required. The city clerk upon determining that such petition is sufficient shall forward it to the common council.~~

~~(2) Acceptable conditional uses are:~~

- ~~a. Public or quasi-public uses appropriate to the thoroughfare commercial district as determined by the plan commission.~~
- ~~b. Creameries and soft drink bottling plants.~~
- ~~c. Drive-in theater.~~
- ~~d. Billboards and outdoor advertising structures.~~

- ~~e. Public institutions such as treatment of drugs and alcohol.~~
- ~~f. Wearing apparel manufacturer.~~
- ~~g. Radio and television stations and towers.~~
- ~~h. House trailer or camping trailer sales and rental.~~
- ~~(3) Shopping centers which meet the conditions outlined in subsection (e) of this section.~~

(e) *Shopping centers—Size.* Shopping centers for retail establishments shall be permitted only as a conditional use in the thoroughfare commercial district. A development shall be considered a shopping center if the proposed use of the land is primarily retail and meets one or more of the following conditions:

- (1) The shopping center will be constructed on two or more acres;
- (2) The shopping center contains at least one store of 20,000 square feet or more; or
- (3) The shopping center contains two or more retail stores with 10,000 square feet total.

(f) *Shopping centers—Approval.* After a shopping center layout is approved, any retail establishment permitted in the business district may be allowed in the shopping center. Notwithstanding the foregoing, the common council, in addition to the authority granted by article IV of this chapter, may impose additional use restrictions on the proposed shopping center development as may be consistent with the standards outlined in article IV of this chapter. Any amendment to the original site plan, building complex or approved uses, if any, shall require an application for an amendment to the conditional use permit in accordance with the procedures outlined by article IV of this chapter.

(g) Off-street parking.

- (1) Off-street parking and loading facilities requirements for all uses are as provided in article VI of this chapter.
- (2) In any thoroughfare commercial district directly across a street or thoroughfare from any residential district designated for future residential use in the general plan, the parking and loading facilities shall be at a distance at least 25 feet from the street, and the buildings and structures at least 50 feet from the street; provided, however, that this requirement does not apply when the street or thoroughfare is provided on one or both sides with a service road developed in accordance with this Code.

(h) *Lot area.* 10,000 square feet.

(i) *Lot coverage.* 25 percent maximum.

(j) Yards in feet.

- (1) *Front:* 25 feet.
- (2) *Side:* Ten feet, except when abutting a residential district, then not less than 25 feet.

(3) *Rear*: Ten feet, except when abutting a residential district, then not less than 25 feet.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
Adopted: _____
Approved: _____
Published: _____

Approved: _____
Derek Woellner, Mayor
Attest: _____
William N. Heideman, City Clerk

Attachment: 2020 Sec _113_40 Thoroughfare commercial district (4772 : Public Hearing on proposed revisions to the zoning code)

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By City Plan
Re: Amending Chapter 113, Article II, Section 113-41

ORDINANCE NO. 2020-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article II, Section 113-41 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 113-41. - Business district.

(a) *Purpose.* The business district is the established center of distribution of goods and services in the city, and is intended to be used principally by the retail trades.

(b) *Permitted uses.* In the business district, no building or premises shall hereafter be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in these zoning regulations, except for one or more of the following uses:

Any use permitted in the residential districts. ~~of R-II, R-III and R-IV are deemed conforming provided the existing residential use meets the regulations of that district prior to September 13, 2011. New residences (1 and 2-family dwellings) are not permitted after September 13, 2011.~~ Any alterations to street-facing portion of the structure shall retain storefront façade appearance compatible with surrounding buildings. Housing shall be an acceptable use so long as that façade appearance is maintained.

- (1) Animal hospital, pet shop, veterinary office, hospital or clinic.
- (2) Art shop, antique shop, gift shop.
- (3) Bakery.
- (4) Bank, financial institution.
- (5) Barbershop, beauty parlor.
- (6) Book and stationery store, newsstand.
- (7) Bowling alley, pool and billiard room.

Attachment: 2020 Sec _113_41 ___ Business District (4772 : Public Hearing on proposed revisions to the zoning code)

- (8) Business and professional offices, public utility offices.
- (9) Candy store, confectionery store.
- (10) Carpenter shop, plumbing and heating and electrical shop, printing, publishing and lithographic shop, furniture upholstery shop, provided 40 percent or more of building is devoted to retail sales outlet.
- (11) Clinic.
- (12) Clothing store, department store, dress shop, hosiery shop, millinery shop, shoe store, shoe repair shop.
- (13) Drug store, ice cream shop, pharmacy, soda fountain, soft drink stand.
- (14) Florist, flower and garden shops.
- (15) Food and dairy products establishments (retail), delicatessen, fruit and vegetable market, grocery store, meat and fish market.
- (16) Funeral home.
- (17) Furniture store, office equipment store, upholsterer's shop.
- (18) Hardware store, home appliance store, paint store, plumbing, heating and electrical supplies, sporting goods store.
- (19) Hotel.
- (20) Jewelry store, watch repair shop.
- (21) Laundry or cleaning and dyeing establishment.
- (22) Microwave radio relay structures.
- (23) Music store, radio and television store.
- (24) Optical store.
- (25) Photographer and photographer's supplies.
- (26) Police and fire station, post office, municipal garage, except public shops and storage yards.
- (27) Restaurant, barbecue stand, cafe, cafeteria, caterer, lunchroom, tavern.
- (28) Tailor shop, clothes pressing shop.
- (29) Telephone and telegraph office.
- (30) Temporary structures, including signs, billboards, and other outdoor advertising structures.
- (31) Theaters and places of amusement, except drive-in theaters.
- (32) Tobacco store.
- (33) Undertaking establishment.

- (34) Variety store, notion shop.
- (35) Wholesale business.
- (36) Any other uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
- (37) Such accessory uses, or indoor storage as are customary in connection with the foregoing uses and are incidental thereto.

~~(c) — Acceptable conditional uses.~~

- (38) Automobile sales and service establishments, public garage, used car lot, parking lots and repair garages.
 - (39) Building materials sales yard.
 - (40) Bus depot.
 - (41) Truck, trailer, and farm implement establishments including major repair.
 - (42) Service stations, low density housing, motels and hotels, car-oriented food franchises, large plot outdoor recreation areas, and outdoor storage activities associated with the principal use.
- (c) *Height, yards and area generally.* In the business district, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as set out in this subsection and subsections (e) through (i) of this section.
- (d) *Height.* Buildings hereafter erected, moved or structurally altered shall not exceed 45 feet, nor three stories in height.
- (e) *Side yard.* For buildings or parts of buildings hereafter erected or structurally altered for residential use, the side yard regulations for the residence district shall apply; otherwise a side yard, if provided, shall not be less than six feet in width.
- (f) *Setback.* Where parts of a frontage are designated on the district map as residence district and business district, the setback regulations of the residence district shall apply to the business district; otherwise no setback shall be required.
- (g) *Rear yard.* There shall be a rear yard having a minimum depth of 15 feet for a building two stories or less in height; provided that part of an alley which is on the premises may be considered as part of the rear yard. For each additional story or fractional story in height, the depth of such rear yard shall be increased five feet.
- (h) *Vision clearance.* No building located at the intersection of two or more streets, where a setback of less than ten feet exists or is provided, shall hereafter be erected or structurally altered for any purposes, unless a vision clearance triangle is provided at the corner nearest such intersection in conformance with section 113-164.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that

this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
Adopted: _____
Approved: _____
Published: _____

Approved: _____
Derek Woellner, Mayor
Attest: _____
William N. Heideman, City Clerk

Attachment: 2020 Sec _113_41 ___ Business District (4772 : Public Hearing on proposed revisions to the zoning code)

CITY OF MERRILL

1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: City Plan
Re: Amending Chapter 113, Article V, Section 113-138, 139, 140

ORDINANCE NO. 2020-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article V, Section 113-138, 139, 140 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 113-138. - Existing nonconforming uses.

(a) The lawful ~~nonconforming~~ use of a structure or land including, but not limited to, fences, parking and zoning setbacks existing at the time of the adoption on April 6, 1967, or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter. ~~However, only that portion of the land or structure in actual use may be so continued and the use may not be extended, enlarged, substituted, moved or altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.~~

(b) If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same use district as that in which the use existing is permitted according to the provisions of this chapter, provided when a use district is changed, any existing, nonconforming use in such changed district may be continued or changed to a use permitted in the same use district as that in which the existing use is permitted; provided all other regulations governing the new use are complied with.

~~(c) Substitution of new equipment may be permitted by the zoning board of appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.~~

(d) Discontinuance. If the nonconforming use of a building or premises is discontinued for 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. A reasonable interim between tenants or occupants shall not be construed to mean discontinuance.

(e) Extensive repair must be in conformance. When a building containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy, to the extent of 50 percent or more of its current market value, it shall not be restored, except in conformity with the regulations of the district in which it is located. The cumulative total

Attachment: 2020 ch 113_art V_sec113-138 139 140 (2) (4772 : Public Hearing on proposed revisions to the zoning code)

of all structural repairs in any nonconforming use shall not during its life exceed 50 percent of the fair market value of the building at the time of its becoming a nonconforming use, unless permanently changed to a nonconforming use.

~~Sec. 113-139. — Abolishment or replacement.~~

~~(a) — Permitted structural alterations. If the structure complies with the use regulations of the zoning district but is nonconforming, such structure may be modified as follows:~~

~~(1) — A structural alteration or improvement to either the interior or exterior is permitted where such alteration or improvement does not include an extension or addition to the structure, its overhangs or the appurtenant parts thereof;~~

~~(2) — May be structurally altered and improved to include an extension or addition to the structure, its overhangs or appurtenant parts thereof, provided such addition or an extension meets all existing zoning code requirements;~~

~~(3) — Where the structure does not conform to the lot area or lot width requirement, such structure may be extended or added to, provided the structure and proposed addition or extension shall be in compliance with all other zoning code requirements;~~

~~(4) — An accessory building erected in conjunction with such a structure may be constructed provided such accessory building meets all other zoning code requirements;~~

~~(5) — In all other cases subject to the approval of the zoning board of appeals.~~

~~Sec. 113-140. — Changes and substitutions.~~

~~Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the zoning board of appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the zoning district, or as determined by the zoning board of appeals.~~

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
Adopted: _____
Approved: _____
Published: _____

Approved:

Derek Woellner, Mayor

Attest:

William N. Heideman, City Clerk

Attachment: 2020 ch 113_art V_sec113-138 139 140 (2) (4772 : Public Hearing on proposed revisions to the zoning code)

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By City Plan
Re: Amending Chapter 113, Article VI, Section 113-166

ORDINANCE NO. 2020-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article VI, Section 113-166 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 113-166. - Parking requirements.

The off-street parking provisions of this chapter shall apply to all buildings and structures erected after the effective date of the ordinance from which this chapter is derived. Accessory parking shall be according to the provisions of this article; where an intensity of use of any building or premises shall be increased, additional parking to match the increased intensity shall be provided; or wherever an existing use within an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the review and approval by the zoning administrator and engineering department prior approval. Detailed plans shall be required and include existing and proposed topography, improvements, grading, drainage, landscaping, and if appropriate, lighting. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- (1) **Access.** Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (2) **Design standards.**
 - a. Each parking space shall not be less than 18 feet in length and nine feet in width, exclusive of aisles and access drives. No parking area of more than two spaces shall be designed to require any vehicle to back into a public street.

Attachment: 2020 Sec _113_166 parking requirements (4772 : Public Hearing on proposed revisions to the zoning code)

b. Adequate parking spaces shall be provided in accordance with Americans with Disabilities Act recommendations. Sufficient number of designated spaces shall be included with each proposed, enlarged, or extended parking lot plan. The provisions contained in Wis. Stats. §§ 101.13, 346.503, and 346.56, and any state administrative code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

(3) Location.

a. All parking spaces required herein shall be located on the same lot or parcel with the building or use served, except in cases where off-street parking facilities are located on land other than the same lot as the principal use. Such facilities shall be in the same control or possession as the lot or parcel occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed, lease or easement, whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the county register of deeds requiring such owner, his heirs or assigns to maintain the required facilities for the duration of the use served. Such agreements shall be approved by the city attorney.

~~b.—Off-street parking lots are permitted in all zoning districts, except in the nondrivable front yards of single-family and two-family residential zoning districts. Parking spaces or aisles shall not be closer than five feet to a nonresidential side or rear lot line or closer than ten feet to a right-of-way. No parking space, aisle, or driveway, except those in residential districts, shall be closer than 25 feet to a residential district lot line.~~

~~c.—Off-street parking in the front yards of the single-family and two-family residential districts shall conform to the requirements in sections 113-168 and 32-54 of the Municipal Code.~~

(4) Surfacing and marking.

a. All off-street parking areas, or parking lots in the front or side yards of multi-family and commercial zoning districts and within 100 feet of a street right-of-way or the front yards of an industrial zoning district shall be surfaced with an all weather surface, such as bituminous or asphaltic mixtures, or concrete, or paving brick or blocks to reduce fugitive dust, aggregate, or particulate emissions.

b. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.

(5) *Drainage.* All parking lots 3,000 square feet or larger shall have a storm water drainage plan and be drained internally with a combination of storm water collection structures, and storm sewers connected to a municipal storm sewer as approved by the engineering department. Alternate draining methods, such as porous pavements or rain gardens may be utilized but require prior approval by the zoning administrator and engineering department.

(6) Landscaping.

- a. *Accessory landscape area.* All public and private off-street parking areas which serve ten vehicles or more, and created, redesigned or rebuilt shall provide accessory landscape areas totaling not less than five percent of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet or as may be approved by the engineering department.
- b. *Location.* Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the engineering department. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area and requirements as determined by the zoning administrator.
- c. *Special residential requirements.* Non-residential parking areas for five or more vehicles if adjoining a residential zoning district shall be screened from such use by a wall, hedge, or fence. Evergreen planting of equivalent visual density or other effective means may be installed and maintained at a minimum height of four feet and maximum height of eight feet as an alternative.
- d. *Repair and service.* No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities.
- e. *Lighting.* Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and public streets in such a way as not to create a nuisance. However, in no case, shall such lighting exceed three footcandles measured at the lot line within a business, commercial, or industrial district: One footcandle in a residential district.

(7) *Curbs.* Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

(8) *Temporary off-street parking.* Temporary off-street parking shall be allowed in public and park and recreation zoning districts on a limited basis from time to time for special events such as concerts, fairs, carnivals, picnics and festivals when the expected attendance would exceed designated off-street and on-street parking areas and lots in the neighborhood and within reasonable walking distance of the event. Temporary off-street parking is permitted within all yards of the public or park and recreation zoning districts provided:

- a. Temporary parking in excess of four continuous days shall not be allowed except by condition use permit.
- b. Overnight parking or camping shall not be permitted except by issuance of a permit issued by the Merrill Police Department.

Nothing in this subsection (8) shall extend to any lands owned, leased or controlled by Lincoln County, Wisconsin or City of Merrill, Wisconsin.

(9) *Number of spaces.* The number of parking spaces required are shown in the following table. Unless specifically noted in this or other chapters, a parking plan shall be submitted which gives a rationale for the number of spaces to be provided. No parking spaces provided on public properties or rights-of-way shall be included as part of the minimum off-street parking required.

Use	Minimum Parking Required
Single-family dwellings, two-family dwellings and manufactured home dwellings	2 spaces for each dwelling unit (not including the interior of garages or accessory buildings)
Multifamily dwellings	1.5 spaces for each dwelling unit + 10%
Hotels, motels, bed and breakfast	1 space for each guestroom
Hospitals, clubs, lodges, lodging houses and boardinghouses	1 space for each 2 beds
Sanitariums, institutions, rest and nursing homes	1 space for each 5 beds
Medical and dental clinics	3 spaces for each practitioner on the staff
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 space for each 4 seats
Colleges, secondary and elementary schools	1 space for each 2 employees, plus 1 stall for each 5 students of 16 years of age or more
Restaurants, bars, places of entertainment and clubs	1 space for each 150 square feet of floor area accessible to customers or patrons and 1 space for each employee per shift

Manufacturing and processing plants, laboratories and warehouses	1 space for each 2 employees, per shift plus sufficient stalls to accommodate all trucks and other vehicles used in connection with the business
Financial institutions; governmental and professional offices	1 space for each 300 square feet of net floor area
Funeral homes	The number of spaces shall equal 25% of the funeral home's maximum capacity
Bowling facilities (does not include attached lounges, restaurants, bars or clubs)	5 spaces for each bowling alley
Retail stores and shops	1 space for each 250 square feet of retail floor area
Shopping centers	1 space for each 300 square feet of gross floor area; or 25% may be determined based upon an approved traffic or parking study.

(10) *Employee parking.* In addition to the requirements in subsection (9) of this section, in all districts, except industrial, there shall be employee off-street parking provided at the ratio of one off-street parking space for each fulltime employee. A fulltime employee shall be one working 40 hours per week. Required parking spaces for part-time employees shall be arrived at by finding the equivalent hours of number of parking spaces needed for fulltime employees based on hours worked. The number of employee parking spaces shall be based on employment at the time the building is erected, enlarged, structurally altered or changed to a higher classification use.

(11) *Uses not listed.* In the case of structures or uses not mentioned, the provision for a use which is similar shall apply, as determined by the zoning administrator.

(12) *Computing requirements.* In computing the number of spaces required, the following rules shall govern:

- a. Floor space shall mean the gross floor area of the specific use.
- b. For structures containing more than one use, the required number of spaces shall be computed by adding the space required for each use.
- c. Where parking spaces are calculated according to the use of the parcel.

(13) *Combined uses.* Combinations of any of the uses mentioned in this section shall provide the total of the number of spaces required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:

- a. The proposed joint parking space is within 500 feet of the use it will serve.
- b. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- c. A properly drawn legal instrument approved by the common council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the city clerk-treasurer. Said instrument may be a three party agreement, including the city and all private parties involved. Such instrument shall first be approved by the city attorney.

(14) *Changes in buildings or use.* Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of 20 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

(15) Off-lot parking.

- a. Off-lot parking spaces for multi-family residential uses shall be within 250 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved, while the farthest portions of a parking lot for all other uses shall be within 500 feet of the entrance of the establishment.
- b. Accessory parking for business, commercial, or industrial may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
- c. All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

(16) *Signs.* Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this chapter.

(17) *Off-street parking.* Off-street parking and loading requirements for all uses in the business district shall be as provided in article VI of this chapter, unless specifically altered as follows:

- a. No parking or loading space shall be required for a commercial building erected, structurally altered, enlarged or changed to a higher classification if the floor area is less than 12,000 square feet, except as provided in this subsection.
- b. Any building containing one or more residential dwelling units shall provide one parking space per dwelling unit regardless of the floor area of the building. If a building is occupied with another classification, the residential floor area shall not be computed as part of the floor area requirements for the building.
- c. Off-street parking space shall be provided for each employee employed at the time of erection, enlargement, structural alteration or change of a building to higher classification.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____
 Adopted: _____
 Approved: _____
 Published: _____

Approved: _____
 Derek Woellner, Mayor
 Attest: _____
 William N. Heideman, City Clerk

Attachment: 2020 Sec _113_166 parking requirements (4772 : Public Hearing on proposed revisions to the zoning code)

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By City Plan
Re: Amending Chapter 113, Article VI, Section 168

ORDINANCE NO. 2020-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article VI, Section 168 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 113-168. - Off-street parking restrictions in residential areas.

~~(a) — Where permitted. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in a residential district or any district where residential is the primary use in the following location:~~

~~(1) — An improved driveway of asphalt, concrete, gravel, or rotten granite not to exceed 30 feet in width extending from the right-of-way to an attached or detached accessory building with vehicles parked not nearer than five feet to a front property line or three feet to a side lot line.~~

~~(2) — An improved pad adjacent to an accessory building not to exceed 12 feet in width and a length not to exceed that of the accessory building.~~

~~(3) — In no case shall the improved parking or driveway area exceed ten percent of the total lot area. Improved parking and driveway areas in existence as of the date of this ordinance are considered existing nonconforming.~~

~~(b) — Where overall housing plan and design substantially improved. Regardless of the provisions of subsection (a) of this section, the common council may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the common council, is substantially improved thereby, as compared to where off-street parking is limited by subsection (a) of this section, and where sole access from such development is to local and collector streets. In this subsection, the term "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after a conditional use proceeding under article IV of this chapter. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences, unless sufficient and suitable screening is provided so~~

Attachment: 2020 Sec _113_168 Off street parking restrictions in residential areas (4772 : Public Hearing on proposed revisions to the zoning

~~as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.~~

(a) Vehicle limitations.

(1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of motor vehicles of patrons, occupants or employees.

(2) All vehicles parked on a residential lot shall be in a condition for safe and effective performance of the function for which they are designed.

(3) All motor vehicles parked on a residential lot shall display current license plates.

(4) Any trailer, camper, motorhome, boat or other recreational vehicles may not be parked on any street or right-of-way for more than three consecutive days in any district.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

Derek Woellner, Mayor

Attest:

William N. Heideman, City Clerk

Attachment: 2020 Sec _113_168 Off street parking restrictions in residential areas (4772 : Public Hearing on proposed revisions to the zoning

CITY OF MERRILL
1004 EAST FIRST STREET
MERRILL, WI 54452-2586

AN ORDINANCE: By City Plan
Re: Amending Chapter 113, Article XI, Section 113-317

ORDINANCE NO. 2020-
Introduced: _____
1st Reading: _____
2nd Reading: _____
3rd Reading: _____
Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Merrill, Wisconsin, does ordain as follows:

Section 1. Chapter 113, Article XI, Section 113-317 of the Code of Ordinances for the City of Merrill is amended as follows:

Sec. 113-317. - Accessory uses or structures.

(a) *Principal use to be present.* An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.

(b) *Placement restrictions in residential district.* An accessory use or structure in a residential district may be established subject to the following regulations:

(1) *Accessory building number limits.* In any residential district, in addition to the principal building, a limit of two additional accessory buildings or structures may be placed on a lot.

(2) *Attached accessory buildings.* All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.

(3) Detached accessory buildings.

a. No detached accessory building shall occupy any portion of the required front yard, and the total area of all detached accessory buildings shall not occupy more than ten percent of the lot or parcel area.

b. Any accessory building, use or structure shall conform to the applicable height and other regulations of the district in which it is located, except as specifically otherwise provided herein, except that when an accessory building is located forward of the rear building line of the principal building it shall satisfy the same side yard requirements as the principal building.

Attachment: 2020 Sec _113_317 accessory uses or structures (4772 : Public Hearing on proposed revisions to the zoning code)

c. No accessory building other than a garage in a residential district shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than three feet from all lot lines and from any other building or structure on the same lot; except as provided in subsection (h) of this section. An accessory building shall be set back at least five feet from the rear corner of the main building; provided, alternatively, an accessory building in a residential zone must maintain a 30-foot setback from the front property line with an eight-foot setback from the side yard.

d. Existing accessory buildings may be rebuilt in their current location, with increased footprint or alternative design at the discretion of the Building Inspector. Property line determination is the sole responsibility of the homeowner. A Certified Survey Map (CSM) may be requested, at the discretion of the Building Inspector. In no event shall the footprint of the structure be more than 15% greater than the existing structure.

(c) *Use restrictions in residential district.* Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry, except for home occupations as defined herein and shall not be occupied as a dwelling unit.

(d) *Placement restrictions in nonresidential districts.* An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than ten feet to any side or rear lot line.

(e) *Reversed corner lots.* When an accessory structure is located on the rear of a reversed frontage lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three feet to the side line of the adjacent structure.

(f) *Landscaping and decorative uses.* Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs, flowers and gardens.

(g) Permanent accessory buildings.

(1) *Lot area and height.* Accessory buildings which are not part of the main building shall not occupy more than ten percent of the lot area, shall not be more than 15 feet high, and shall not be nearer than three feet to any lot line. In the R-IV and R-V districts, accessory buildings which are not a part of the main building shall be limited to ten percent of the lot area.

(2) *Setback.* An accessory building shall be set back at least five feet from the rear corner of the main building; provided that such setback need not exceed 60 feet from the front lot line. Accessory buildings on corner lots shall not be nearer than ten feet behind the main building line, extended on the side of the lot abutting the other or side street. Where an accessory building has an entranceway fronting an alley, such entrances shall be located not less than ten feet from the nearest alley line, except an accessory building may be located not less than five feet from the nearest alley line provided no entranceway shall front an alley. The above height and area restrictions shall not apply to accessory buildings on farms of ten feet or more acres in area, but such accessory buildings shall not be closer than 100 feet to any lot line. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main building shall be applied to the accessory building.

(3) *Front yard setback.* An accessory building in residential zones must maintain a 60-foot setback from the front property line with a three-foot setback from the side yard or as a permissible alternative, an accessory building in a residential zone must maintain a 30-foot setback from the front property line with an eight-foot setback from the side yard.

(h) *Temporary accessory buildings.* Temporary accessory buildings such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the zoning administrator. There shall be an annual fee, as established by the common council from time to time and as indicated on the schedule of licenses and fees appearing in chapter 16 of this Code.

(i) *Garages in embankments in front yards.* Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided as follows that:

(1) Such private garage shall be located not less than five feet from the front lot line;

(2) The floor level of such private garage shall be not more than one foot above the curb level; and

(3) At least one-half the height of such private garage shall be below the mean grade of the front yard.

(j) *Outdoor lighting.* Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(k) *Lawn accessories.* Paved terraces, patios, walks and purely decorative garden accessories such as pools, fountains, statuary, flagpoles, etc., shall be permitted in setback areas, but not closer than three feet to an abutting property line other than a street line.

(l) *Retaining walls.* Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed five feet in height, and a terrace of at least three feet in width shall be provided between any series of such parallel walls and provided further that along a street frontage no such wall shall be closer than three feet to the property line.

(m) *Temporary Structures—Storage use and maintenance.* Any accessory structure used for storage, which does not meet the requirements of the uniform dwelling code, shall be deemed to be a temporary structure. Such temporary structures are not permitted to remain on any lot within the city for longer than 180 days in any 12-month period. Such temporary structures shall otherwise be safe, sanitary and fit for human use and not be so dilapidated or unsightly as to negatively affect surrounding properties. Any person desiring to erect a temporary structure shall first register the plans for the structure with the zoning administrator. There shall be an annual fee, as established by the common council from time to time and as indicated on the schedule of licenses and fees appearing in chapter 16 of this Code, for such structure. Such structure must be registered with the zoning department and the applicable fee paid to the city.

(n) Solid fuel-fired outdoor heating devices.

(1) *Public purpose.* The purpose of this subsection is to promote the health and well-being of the residents of the city.

(2) *Definitions.* The following words, terms and phrases, when used in this subsection (n), shall have the meanings ascribed to them in this subsection (n)(2), except where the context clearly indicates a different meaning:

Solid fuel-fired outdoor heating devices means an outdoor device designed or constructed for solid fuel combustion so that the usable heat derived is for the interior of buildings.

(3) *Prohibition.* The construction or use of solid fuel-fired outdoor heating devices within the city limits is prohibited.

Section 2 Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3 Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

Derek Woellner, Mayor

Attest:

William N. Heideman, City Clerk

Attachment: 2020 Sec _113_317 accessory uses or structures (4772 : Public Hearing on proposed revisions to the zoning code)



CITY OF MERRILL
CITY PLAN COMMISSION
MINUTES • TUESDAY OCTOBER 1, 2019

Regular Meeting City Hall Basement Conference Room 6:00 PM

I. Call to Order

Mayor Woellner called the meeting to order at 6:03 P.M.

Table with 4 columns: Attendee Name, Title, Status, Arrived. Rows include Ralph Sturm, Melissa Schroeder, Ken Maule, Robert Reimann, Derek Woellner (Mayor), Steve Hass (Aldersperson - Second District), and Kyle Gulke.

Others in attendance: City Administrator Dave Johnson, City Attorney Tom Hayden, Public Works Director/City Engineer Rod Akey, Building Inspector/Zoning Administrator Darin Pagel and City Clerk Bill Heideman. A representative from Merrill Productions was present to videotape the meeting.

II. Minutes of previous meeting(s):

1. Minutes of July 2, 2019 meeting

Motion (Hass/Schroeder) to approve.

RESULT: APPROVED

III. Public Comment Period

None.

IV. Agenda items for consideration:

1. Oral report from Building Inspector/Zoning Administrator Pagel on Certified Survey Maps

Building Inspector/Zoning Administrator Pagel reported that, since the last City Plan Commission meeting, he has approved one Certified Survey Map.

V. Public Hearing:

1. Conditional Use Permit application from Downtown Mission Church Inc., to establish a church at 805 East Main Street.

City Attorney Hayden read the public hearing notice.

Motion (Hass/Schroeder) to open the public hearing. Carried.

No one spoke for or against the permit application.

Motion (Hass/Schroeder) to close the public hearing. Carried.

Attachment: 2019-10-01 City Plan Commission Minutes (4774 : Minutes of October 1, 2019 meeting)

Motion (Hass/Schroeder) to approve the application.

Kyle Gulke raised concerns with the lack of information that was submitted with the permit application.

The question arose as to whether and conditions should be added to the permit if it is approved. After discussion, no conditions were added.

If approved by the City Plan Commission, the permit application will be considered by resolution at the October 8th, 2019 Common Council meeting.

RESULT:	APPROVED & SENT TO COUNCIL	Next: 10/8/2019 7:00 PM
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VI. Establish date, time and location of next meeting

The next meeting will be held at the call of the Chairperson.

VII. Adjournment

Motion (Hass/Maule) to adjourn. Carried. Adjourned at 6:13 P.M.

RESOLUTION NO. _____**A RESOLUTION PETITIONING THE SECRETARY OF TRANSPORTATION
FOR AIRPORT IMPROVEMENT AID**

WHEREAS, the City of Merrill, Lincoln County, Wisconsin hereinafter referred to as the sponsor, being a municipal body corporate of the State of Wisconsin, is authorized by Wis. Stat. §114.11, to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the sponsor desires to develop or improve the Merrill Municipal Airport, Lincoln County, Wisconsin,

"PETITION FOR AIRPORT PROJECT"

WHEREAS, the foregoing proposal for airport improvements has been referred to the city plan commission for its consideration and report prior to council action as required by Wis. Stat. §62.23(5), and

WHEREAS, airport users have been consulted in formulation of the improvements included in this resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Wis. Stat. §114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and that the airport, which it is desired to develop, should generally conform to the requirements for a Local General Aviation type airport as defined by the Federal Aviation Administration.

NOW THEREFORE, BE IT RESOLVED, by the sponsor that a petition for federal and (or) state aid in the following form is hereby approved:

1. Replace dated nonfunctioning components of the Merrill Municipal Airport Automated Weather Observation System (AWOS) as needed. Erect FAA required associated monument calibrated to true north and verify/certify that the system is calibrated correctly.
2. Pavement repair, including crack filling with appropriate materials including mastic, and spraying of a FAA approved pavement preservation system. This work will be performed on all airport owned pavement surfaces.
3. Install three sets of aircraft tie downs at the new Terminal site, each set containing three separate tie downs. Aircraft tie downs will be constructed of poured concrete with central steel loops for tie downs points.
4. Repair existing T Hangar set to eliminate internal flooding of water, and ice by repair to the internal drains and to install an external trench drain system

- to carry water to the north to prevent pooling and flooding of the interior of the hangars under the doors.
5. Construct eight-unit T-Hangar to be built on the existing and designated/mapped site. Each unit will be separated within the building and will include an aviation style door access for aircraft. Construction will include blacktop pavements to allow access to and from existing taxi ways, and may also include installation of utilities such as gas, electric, water and sewer, and internet.
 6. Extend current aircraft ramp at Champagne Street new Terminal area from the existing ramp to the west to allow for aircraft parking, which does not exist at this time.
 7. Runway approach surveying to determine potential areas in need of clearing to protect the approaches to runways 7, 16, 25, and 34. Also to include the actual clearing of trees under the avigation rights held by the airport.
 8. Purchase of a rotary broom attachment for our bi-directional tractor to be used in clearing snow from airport paved surfaces

The petitioner, desiring to sponsor an airport development project with Federal and State aid or State aid only, in accordance with the applicable State and Federal laws, respectfully represents and states:

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the sponsor by the Secretary; the sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the sponsor does not provide the same; in the event the sponsor unilaterally terminates the project, all reasonable Federal and State expenditures related to the project shall be paid by the sponsor; and

WHEREAS, the sponsor is required by Wis. Stat. §114.32(5) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the Federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

"DESIGNATION OF SECRETARY OF TRANSPORTATION AS SPONSOR'S AGENT"

NOW THEREFORE, BE IT RESOLVED, by the sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such, in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse Federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under Wis. Stat. §32.02; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all Federal and State laws, rules, and regulations relating to airport development projects.

FURTHER, the sponsor requests that the Secretary provide, per Wis. Stat. §114.33(8)(a), that the sponsor may acquire certain parts of the required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

"AIRPORT OWNER ASSURANCES"

BE IT FURTHER RESOLVED that the sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Wis. Admin. Code Trans §55, or in accordance with sponsor assurances enumerated in a Federal grant agreement.

BE IT FURTHER RESOLVED THAT THE Airport Commission Chairman be authorized to sign and execute the agency agreement and federal block grant owner assurances authorized by this resolution.

Recommended by: Common Council

CITY OF MERRILL, WISCONSIN

Moved: _____

Derek Woellner
Mayor

Passed: _____

William N. Heideman
City Clerk

Attachment: Resolution to Petition for Airport Aid (4775 : Resolution to apply for Airport Aid)

AGENCY AGREEMENT AND FEDERAL BLOCK GRANT OWNER ASSURANCES

Department of Transportation Bureau of Aeronautics Madison, Wisconsin

WHEREAS, the City of Merrill, Lincoln County, Wisconsin, hereinafter referred to as the sponsor, desires to sponsor an airport development project to be constructed with federal aid and/or state aid, specifically, the Merrill Municipal Airport project to:

- 1) Replace dated nonfunctioning components of the Automated Weather Observation System (AWOS) as needed, Erect required associated monument calibrated to true North and verify/certify that the system is calibrated correctly;
- 2) Pavement repair, including crack filling with appropriate materials including mastic, and spraying of a FAA-approved pavement preservation system, This work will be performed on all airport owned pavement surfaces;
- 3) Install three sets of aircraft tie downs at the new terminal site, each set containing three separate tie downs;
- 4) Repair existing T hangar set to eliminate internal flooding of water and ice by repair to the internal drains and to install an external trench drain system to carry water to the North to prevent pooling and flooding of the interior of the hangars under the doors;
- 5) Construct eight-unit T-hangar to be built on the existing and designated/mapped site, Each unit will be separated within the building and will include an aviation style door access for aircraft, Construction will include blacktop pavements to allow access to and from existing tax ways, and may also include installation of utilities such as gas, electric, water and sewer, and internet;
- 6) Extend current aircraft ramp at Champagne Street new terminal area from the existing ramp to the West to allow for aircraft parking which does not exist at this time;
- 7) Runway approach surveying to determine potential areas in need of clearing to protect the approaches to runways 7, 16, 25 & 34, Also to include the actual clearing of tress under the avigation rights held by the airport;
- 8) Purchase of a rotary broom attachment for our bi-directional tractor to be used in clearing snow from airport paved surfaces; and any necessary related work.

WHEREAS, the sponsor adopted a resolution on _____, 20____, a copy of which is attached and the prescribed terms and conditions of which are fully incorporated into this agreement, designating the Secretary as its agent and requesting the Secretary to act as such as set forth in the resolution, and agreeing to maintain and operate the airport in accordance with certain conditions; and

AGENCY AGREEMENT.....

WHEREAS, upon such request, the Secretary is authorized by law to act as agent for the sponsor until financial closing of this project;

NOW THEREFORE, the sponsor and the Secretary do mutually agree that the Secretary shall act as the sponsor's agent in the matter of the airport development as provided by law and as set forth in the referenced resolution; provided, however, that the Secretary is not required to provide legal services to the sponsor.

By: SECRETARY OF TRANSPORTATION

David M. Greene, Director (Date)
Bureau of Aeronautics

FEDERAL BLOCK GRANT OWNER ASSURANCES.....

WHEREAS, the sponsor does agree to the conditions established in Wis. Admin. Code Trans §55, and for projects receiving federal aid, to the attached federal sponsor assurances, which are a condition of a federal grant of funds.

The federal block grant owner assurances shall remain in full force and effect throughout the useful life of the facilities developed under this project, but in any event not to exceed twenty (20) years from the date of the finding (except for land projects, which shall run in perpetuity);

Attachment: Background Information on Airport Resolution (4775 : Resolution to apply for Airport Aid)

Acceptance: The sponsor does hereby accept the agency agreement and the federal block grant owner assurances.

Sponsor: The City of Merrill, Lincoln County, Wisconsin

Name

Name

Title

Title

Date

Date

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Attachment: Background Information on Airport Resolution (4775 : Resolution to apply for Airport Aid)