

UNIFIED DEVELOPMENT ORDINANCE

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PART 1

GENERAL PROVISIONS

Part 1: General Provisions references the primary sections of the Wisconsin Statutes that grant the City of Ashland the authority to adopt the provisions of this Ordinance. Additional references may be provided in other parts of this Ordinance. Part 1 also describes the overarching purpose and intent of this Ordinance including the intent to integrate principles of sustainability into the use of land in the City of Ashland. General provisions relating to interpretation of the provisions of this Ordinance and a description of other applicable codes are also provided in this Part.

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Section 1.1 Title, Authority, and Effective Date

A. Title

This Ordinance is hereby officially known and cited as the Unified Development Ordinance of the City of Ashland, Wisconsin. References to “this Ordinance” or “this UDO” shall be interpreted as references to this Unified Development Ordinance.

B. Authority

The provisions of this Ordinance are adopted under the authority granted by the following sections of the Wisconsin Statutes and amendments thereto:

1. [Section 62.23\(7\)](#) relating to general land use zoning;
2. [Section 62.231](#) relating to the zoning of wetlands;
3. [Section 62.234](#) relating to construction site erosion control and storm water management zoning;
4. [Section 66.1027](#) relating to traditional neighborhood designs and conservation subdivisions;
5. [Section 87.30](#) relating to floodplain zoning;
6. [Section 114.135](#) and [Section 114.136](#) relating to airport approach protection;
7. [Section 236.45](#) relating to subdivisions of land;
8. [Section 281.3](#) relating to water quality and quantity; and
9. Other Wisconsin Statutes that may be referenced in other parts of this Ordinance.

C. Effective Date

This Ordinance shall take effect and be in force from and after its passage and publication.

Section 1.2 Purpose and Intent

A. Purpose

The provisions of this Ordinance shall be held to be minimum requirements adopted for the purpose of the following:

1. Implementing the goals, objectives, policies, and plans of the City of Ashland’s Comprehensive Plan;
2. Promoting the health, safety, morals, and general welfare;
3. Securing adequate light, pure air, and safety from fire and other dangers;
4. Conserving the taxable value of land and buildings;
5. Preserving and enhancing the aesthetic values, generally, throughout the City of Ashland; and
6. Regulating and controlling the division of land to promote the health, safety, morals, and general welfare.

B. Intent

This Ordinance is intended to establish and accomplish certain standards and objectives by doing the following:

1. Integrating principles of sustainability into the development and use of land in the City of Ashland;
2. Dividing the City of Ashland into districts and regulating therein the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, business, manufacturing, or other specified uses;
3. Avoiding or lessening congestion in the public streets by adequate requirements for off-street parking and loading facilities;
4. Preventing the overcrowding of land by regulating and limiting the height and bulk of buildings hereafter erected;
5. Establishing, regulating, and limiting the building or setback lines on or along streets, alleys, or parcel lines;
6. Regulating and limiting the intensity of the use of parcel areas, and regulating and determining the area of open spaces within and surrounding such buildings;
7. Permitting in each of the zoning districts only those uses, buildings, and structures that are compatible with the character of each district;
8. Providing controls over additions to and alterations and remodeling of existing buildings and structures;
9. Providing controls governing the continuation of those uses, buildings, and structures that are incompatible with the character of the districts in which they are located;
10. Providing controls governing the size and location of signs and other forms of outdoor advertising;
11. Defining the powers and duties of the administrative officers and bodies of the administration and enforcement of this Ordinance; and
12. Prescribing penalties for the violation of the provisions of this Ordinance or of any amendment thereto.

Section 1.3 Organization and Use of this Ordinance

A. Intent

This Section is intended to guide the reader in the use of this Ordinance. This Section is not intended to be a substitute for the standards, criteria, and procedures specified in this Ordinance.

B. General Organization

This Ordinance includes twelve (12) parts as well as several appendices. Each part is further subdivided into sections, subsections, paragraphs, subparagraphs, and clauses. A consistent numbering and formatting convention is used throughout this Ordinance to identify these divisions and to help orient the reader to the organization of information. The following illustrates the formatting and numbering convention:

Section 1.1 Section Heading

A. Subsection Heading

1. Paragraph heading.

a. Subparagraph heading.

(1) Clause.

C. Commentary

Commentary is provided throughout this Ordinance in the form of “helpful notes” and “sustainability tips”. The helpful notes are intended to help explain complex provisions or to direct the reader to related areas in this Ordinance or elsewhere. The sustainability tips are intended to provide general information on how certain provisions relate to the City’s sustainability goals. If the commentary is in conflict with the provisions of this Ordinance, the text associated with the actual provisions shall prevail.

D. Graphics

Graphics are provided throughout this Ordinance to help the reader visualize and understand complex provisions that have physical or dimensional qualities associated with them. If the graphics are in conflict with the provisions of this Ordinance, the text associated with the actual provisions shall prevail.

E. Hyperlinks

Hyperlinks are provided throughout this Ordinance for those readers who are viewing this Ordinance on a computer. Hyperlinks are identified with *italicized* text. Placing the cursor over the hyperlink and clicking on the hyperlink will open another electronic document that can help the reader further understand the provisions of this Ordinance. For example, all of the Wisconsin Statutes referenced in this Ordinance are hyperlinked. Clicking on the hyperlink opens a window that displays the linked Wisconsin Statute. Broken, misdirected, or conflicting hyperlinks shall not invalidate the meaning of the provision.

Section 1.4 Integration of Principles of Sustainability**A. Intent**

Pursuant to the goals, objectives, policies, and plans of the City of Ashland’s Comprehensive Plan and pursuant to the City of Ashland’s Adopted Eco-Municipality Designation Resolution (see *Appendix A: Ashland Eco-municipality Resolution*), it is the intent of the City of Ashland to promote and apply principles of sustainability to the development and use of land in the City of Ashland.

B. Principles of Sustainability

To the extent possible, property owners and their designated agents, as well as review and approval authorities, should consider the following principles of sustainability in the development and use of land in the City of Ashland:

1. Reduce dependence upon fossil fuels and extracted underground metals and minerals. In the development and use of land, opportunities to reduce dependence upon fossil fuels and extracted underground metals and minerals may include, but shall not be limited to, the following:

- a. Promote a sensitive mixture of uses and compact development in appropriate areas that reduce the need to drive fossil fuel vehicles;
- b. Promote energy efficient building and site design;
- c. Promote the use of wind, solar, and other forms of renewable or regenerative energy where feasible;

Sustainability Tip.

An eco-municipality strives to be an ecologically, economically, and socially healthy community using the Natural Step framework as a guide, and a democratic, highly participatory process as the method. For more information on the Natural Step framework, visit: www.naturalstep.org

- d. Allow appropriate opportunities for home occupations that reduce commuting needs; and
 - e. Allow opportunities to produce and sell foods locally and reduce, reuse, and recycle materials locally thereby reducing transportation.
2. **Reduce dependence on chemicals and other manufactured substances that can accumulate in nature.** In the development and use of land, opportunities to reduce dependence on chemicals and other manufactured substances that can accumulate in nature may include, but shall not be limited to, the following:
- a. Encourage the use of building materials that are chemical and toxic-free;
 - b. Encourage the use of landscaping materials and practices that reduce the need for pesticides and herbicides; and
 - c. Promote areas and standards to reduce, reuse, and recycle materials.
3. **Reduce dependence on activities that harm life-sustaining eco-systems.** In the development and use of land, opportunities to reduce dependence on activities that harm life-sustaining eco-systems may include, but shall not be limited to, the following:
- a. Encourage infill development and redevelopment at appropriate densities and locations to help reduce sprawl and encroachment on nature;
 - b. Promote responsible storm water management and erosion control measures;
 - c. Protect trees, wetlands, floodplains, the waterfront, and other significant natural resources from adverse development; and
 - d. Promote development patterns that respect natural systems.
4. **Meet the hierarchy of present and future human needs fairly and effectively.** In the development and use of land, opportunities to meet the hierarchy of present and future human needs fairly and effectively may include, but shall not be limited to, the following:
- a. Provide ample opportunities for public participation in significant development and land use decisions;
 - b. Promote the local economy and community needs without adversely affecting the natural environment;
 - c. Promote financial and social equity in the local economy;
 - d. Integrate opportunities for public and private community services throughout the community, such as parks, emergency residential facilities, religious institutions, and senior center; and
 - e. Provide a range of affordable housing that meets the diverse needs of the community.

Section 1.5 Interpretation and Separability

A. Interpretation

- 1. **Minimum requirements.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion and protection of the public health, safety, morals, and general welfare.
- 2. **Supremacy of conflicting provisions.** Where the conditions imposed by any provisions of this Ordinance are either more or less restrictive than comparable standards imposed by any

other provisions of this Ordinance or of any other applicable law, ordinance, resolution, rule, or regulation of any kind, the regulation that is more restrictive or that imposes higher standards or requirements shall govern.

3. **Abrogation of existing regulations or agreement.** This Ordinance is not intended to abrogate any easement, covenant, or other private agreement, provided that, where regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Ordinance shall govern.
4. **Unlawful structures and uses on the effective date of this Ordinance.** No building, structure, or use not lawfully existing at the time of the adoption of this Ordinance shall become or shall be made lawful solely by reason of adoption of this Ordinance. To the extent that said unlawful building, structure, or use is in conflict with the requirements of this Ordinance, said building, structure, or use remains unlawful hereunder.
5. **Ordinance language.** The language of this Ordinance shall be interpreted in accordance with the following rules of construction. Words in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure,” the word “used” shall include “arranged, designed, constructed, altered, converted, rented, leased” or “intended to be used.” The word “may” is permissive, but not mandatory. The word “should” is encouraged and discretionary, but not mandatory. The word “shall” is mandatory, but not discretionary.
6. **Distances.** All distances shall be measured horizontally except height, which shall be measured vertically.
7. **Undefined land uses.** With respect to the classification of land uses that are not defined or specifically listed within this Ordinance, the Zoning Administrator or Designated Authorized Agent shall make interpretations based on the most recent edition of the “[North American Industry Classification System](#)” (NAICS) published by the United States Office of Management and Budget.

B. Separability

It is hereby declared to be the intention of the Common Council of the City of Ashland that the several provisions of this Ordinance are separable, in accordance with the following:

1. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provision of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular parcel, building, or structure, such judgment shall not affect the application of said provision to any other parcel, building, or structure not specifically included in said judgment.

Section 1.6 Transitional Provisions

A. Approvals Prior to the Effective Date of this Ordinance

1. **General applicability.** All work, structures, and uses authorized by permits issued prior to the effective date of this Ordinance or any amendment thereto shall not be affected by this Ordinance. Except as provided in the following Paragraphs below, no development permit or building permit shall be issued following the effective date of this Ordinance or any amendment thereto, unless the work, structure, or use for which the development permit or

building permit is sought is made to fully comply with the applicable provisions of this Ordinance or any such amendment thereto.

2. **Right to complete approved development in progress.** Nothing in this Ordinance, or any amendment thereto, shall be deemed to require any change in the plans, construction, or designated use of a structure if a development permit, building permit, and/or certificate of occupancy for such structure was lawfully and properly issued prior to the effective date of this Ordinance, or any such amendment thereto, and such development permit, building permit, and/or certificate of occupancy has not by its own term expired prior to the effective date of this Ordinance, and construction pursuant to such permit is commenced prior to the expiration date of such permit.
 3. **Development permits and building permits.** Where a development permit and building permit for a building or structure have been issued in accordance with law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and the exterior of building or structure is completed within one (1) year of such effective date, said building or structure may be completed in accordance with the approved plans on the basis of which the development permit and building permit were issued; and further, may, upon completion, be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the nonconforming provisions of this Ordinance.
 4. **Right to occupy as a nonconformity.** Upon completion of the work described in Paragraphs 2 and 3 of this Subsection, such building or structure may be occupied by, and a certificate of occupancy shall be issued for, by the use designated on the certificate of occupancy, subject thereafter, to the extent applicable, to the nonconforming provisions of this Ordinance.
 5. **Preliminary plats.** Any preliminary plat filed prior to the effective date of this Ordinance shall vest such approval rights as are afforded any subsequent final plat as authorized under [Section 236.11\(1\)\(b\) of the Wisconsin Statutes](#), and the provisions of this Ordinance.
- B. Pending Applications Submitted Prior to the Effective Date of this Ordinance**
1. **General applicability.** Any complete application submitted to the City shall be processed pursuant to the ordinances in effect on the date of the application submittal.
 2. **Withdrawal of original application and submittal of new application.** If a complete application submitted to the City has not received final action by the approval authority before the effective date of this Ordinance, or amendments thereto, then the applicant shall have the option, if so desired, to officially withdraw the original application and submit a new application (within sixty (60) days of the submittal of the original application) without payment of additional fees.

Section 1.7 Applicable Codes Pertaining to Development

A. General Applicability

The City of Ashland has adopted various codes pertaining to development in the City.

B. Wisconsin Uniform Dwelling, Commercial, Plumbing and Electrical Codes

Refer to City of Ashland [Ordinance 748](#).

C. Historic Building Code

A certain document, a copy of which is on file in the office of the Building Inspector, marked and designated as the “Buildings constructed prior to 1914, *SPS Chapters 375 – 379*, Wisconsin Administrative Code” is hereby adopted as the Historic Building Code for the City of Ashland.

PART 2

**REVIEW AND APPROVAL
AUTHORITIES**

Part 2: Review and Approval Authorities describes the primary review and approval authorities in the City of Ashland. Certain approvals for development and land use in the City of Ashland may require review and approval from other authorities, such as the Wisconsin Department of Natural Resources and the United States Army Corps of Engineers, not specifically described herein. Contact the Zoning Administrator or Designated Authorized Agent for additional information.

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Section 2.1 General Provisions

A. Intent

This part establishes review and approval authority under this Ordinance. Specific requirements for each type of application or permit are described in *Part 3: Application, Review, and Approval Procedures*.

B. Summary of Primary Review and Approval Authority

Table 2.1.A summarizes the primary review and approval authorities of the primary departments, commissions, boards, and elected officials of the City of Ashland as they relate to this Ordinance. If there is a conflict between the review and approval authorities presented in Table 2.1.A and the provisions in *Part 3: Application, Review, and Approval Procedures* of this Ordinance, the provisions in Part 3 of this Ordinance shall prevail.

Helpful Note.

Contact information for the review and approval authorities as well as other helpful planning and development information can be found on the City's website:

www.ci.ashland.wi.us/

C. Conformity with Development Regulations

Every official and employee with the City of Ashland vested with the duty or authority to issue a permit, certificate, or license under this Ordinance shall not issue such for any use, building, or purpose that conflicts with any provision of this Ordinance. Any permit, certificate, or license issued in conflict with the provisions of this Ordinance shall be null and void.

D. Other Review and Approval Authorities and Powers and Duties

This Ordinance may reference various review and approval authorities that are not specifically described in this Part. Such lack of description shall not invalidate such review and approval authorities. Furthermore, the review and approval authorities may have additional powers and duties beyond those specified in this Ordinance.

Table 2.1.A: Summary of Primary Review and Approval Authority						
Application or Permit	Zoning Administrator*	Building Inspector*	Public Works Director*	Plan Commission	Zoning Board of Appeals	Common Council
Common Council Final Action						
Comprehensive Plan Amendment	RA			RA		FA
Zoning Map or Ordinance Amendment	RA			RA		FA
Floodplain/Wetland Overlay Amendment	RA			RA		FA
PUD General or Specific Develop. Plan	RA	RA		RA		FA
Conditional Use Permit	RA	RA		RA		FA
Discontinuance of a Public Way	RA		RA	RA		FA
Final Plat	RA		RA	RA		FA
Plan Commission Final Action						
Site Plan Approval	RA	RA		FA		
Preliminary Plat	RA	RA	RA	FA		
Zoning Board of Appeals Final Action						
Variance	RA				FA	
Appeal of Administrative Decision					FA	
Floodplain/Wetland Variances/Appeals	RA				FA	
Administrative Final Action						
Development Permit	FA	RA	RA	RA		
Sign Permit	FA	RA		RA		
Sidewalk Sign Permit	FA		RA			
Airport Overlay Certificate of Compliance	FA					
Wildlife Hazard Management Plan	FA	RA				
Bed and Breakfast Establishment Permit	FA	RA		RA		
Floodplain Certificate of Compliance	FA	RA	RA			
Certified Survey Map w/o Public Dedication	FA	RA				
Building Permit		FA				
Demolition Permit		FA	RA			
Permit to Move a Building or Structure		FA	RA			
Certificate of Occupancy	RA	FA				
Fence Permit	RA	FA		RA		
Public Art Permit	FA	RA	RA	RA		
Erosion and Sediment Control Plan	RA	RA	FA			
Storm Water Management Plan	RA	RA	FA			
R.O.W. Permit		RA	FA			

RA: Recommend Action; FA: Final Action

* or Designated Authorized Agent

Section 2.2 Zoning Administrator

A. Establishment of Office

There is hereby established the Office of Zoning Administrator.

B. Powers and Duties of the Zoning Administrator or Designated Authorized Agent

The Zoning Administrator or Designated Authorized Agent shall properly administer and enforce this Ordinance. In addition and in furtherance of such authority, the powers and duties of the Zoning Administrator or Designated Authorized Agent shall include, but not be limited to, the following:

1. Receive, review, analyze, and develop written reports on all applications for development permits, certificates of occupancy, appeals, variances, amendments, or other development matters;
2. Serve as staff to the Plan Commission, the Zoning Board of Appeals, and other appropriate boards and commissions;
3. Issue development permits, sign permits and similar permits when the requirements of this Ordinance have been met; and make and maintain records thereof;
4. Coordinate official development review processes with other governmental offices to the maximum extent practical;
5. Conduct inspections to determine compliance with the terms of this Ordinance and to take remedial action when required; and
6. Conduct other similar planning and zoning related activities as directed by the City Administrator or Common Council.

Section 2.3 Building Inspector

A. Establishment of Office

There is hereby established the Office of the Building Inspector to include the positions of Building Inspector and such other inspectors as the Common Council may from time to time provide to supervise the construction of buildings and permanent equipment of buildings, including utilities from buildings to the public right-of-way.

B. Powers and Duties

The Building Inspector shall have power and it shall be his or her duty to enforce the provisions of this Ordinance, City of Ashland [Ordinance 748](#) and of all other laws and lawful orders of the State of Wisconsin and of all ordinances of the City of Ashland relating to buildings. The Building Inspector may appoint Designated Authorized Agents who shall have the power and duty to enforce all, or specific portions of, said ordinances and laws. In addition and in furtherance of such authority, the powers and duties of the Building Inspector or Designated Authorized Agent shall include, but not be limited to, the following:

1. Assist with the enforcement of zoning, health, and safety codes;
2. Inspect buildings, grounds, construction, maintenance, and repair activities to ensure compliance with this Ordinance and Wisconsin Statutes;
3. Enter upon any private or public property during any reasonable hours to make inspections thereof;

4. Review job specifications and plans;
5. Issue permits and citations and keep the following permit records in his or her office:
 - a. Applications for building permits numbered consecutively;
 - b. The number, description, and size of all buildings erected during his or her term of office indicating the type of material used and the cost of each building;
 - c. All inspections made;
 - d. All removal and condemnations of buildings; and
 - e. All fees collected by him or her showing date of their receipt and delivery to the City Treasurer;
6. Make a monthly report and an annual report to the Common Council regarding activities of the Office of the Building Inspector; and
7. Perform other functions as required by the City Administrator or the Common Council.

Section 2.4 Director of Public Works

A. Establishment of Office

A Public Works Department is hereby established.

B. Powers and Duties

The Public Works Director shall have power and it shall be his or her duty to enforce the provisions of this Ordinance and of all other laws and lawful orders of the State of Wisconsin and of all ordinances of the City of Ashland as specified in this Ordinance. The Public Works Director may appoint Designated Authorized Agents who shall have the power and duty to enforce all, or specific portions of, said ordinances and laws.

Section 2.5 Plan Commission

A. Creation and Membership

A Plan Commission is hereby established pursuant to City of Ashland [Ordinance 38](#).

B. Meetings

Meetings of the Plan Commission shall be held at least once a month, unless there is nothing to come before it. There shall be a fixed place of meeting and all meetings shall be open to the public. The Plan Commission shall adopt its own rules of procedure and keep a record of its proceedings, showing the action of the Plan Commission and vote of each member upon each question considered. The presence of four (4) members shall be necessary to constitute a quorum. Special meetings may be requested by applicants with payment of fees per the City fee schedule and shall be called by the Chairperson of the Plan Commission.

C. Powers and Duties

The Plan Commission shall have the following powers:

1. To review requests and hold public hearings on Comprehensive Plan Amendments, official maps, and other long range planning studies, and make recommendations to the Common Council on these items;

2. To review capital improvement programs for their coordination with the City's Comprehensive Plan and make recommendations to the Common Council;
3. To review and hold public hearings on applications for conditional use permits, zoning amendments, and planned unit developments, and make recommendations to the Common Council on these items;
4. To review and decide on applications for site plan approval for major development and site plan approval for moderate development; and
5. Perform other functions as identified in [Section 62.23 of the Wisconsin Statutes](#) and as directed by the Common Council.

D. Actions Limited

The Plan Commission shall publish notices of meetings and follow procedures as established by the Wisconsin Open Meeting Law.

Section 2.6 Common Council

A. Powers

The Common Council shall be constituted, have the powers, and conduct all activities in accordance with Wisconsin law.

B. Duties

The duties of the Common Council as they relate to the administration of this Ordinance shall be to exercise the legislative power of the City, to determine all matters of policy, to act on recommendations of the Plan Commission and other commissions and boards, and to enforce the provisions of this Ordinance as specified in this Ordinance and other applicable ordinances of the City.

Section 2.7 Zoning Board of Appeals

A. Creation and Membership

A Zoning Board of Appeals is hereby established pursuant to [Chapter 62.23 \(7\) \(e\) of the Wisconsin Statutes](#).

B. Meetings

Meetings of the Zoning Board of Appeals shall be held at least once a month, unless there is nothing to come before it. There shall be a fixed place of meeting and all meetings shall be open to the public. Special meetings may be requested by applicants with payment of fees per the City Fee Schedule and shall be called by the Chairperson of the Zoning Board of Appeals.

C. Actions Limited

The Zoning Board of Appeals shall only make decisions during a public meeting or after a public hearing conducted by the Zoning Board of Appeals. Nothing herein contained shall be construed to give or grant to the Zoning Board of Appeals the powers or authority to alter or change the provisions of this Ordinance or the Zoning Map or to permit the establishment of a nonconforming use.

PART 3

Application, Review, and Approval Procedures

Part 3: Application, Review, and Approval Procedures describes the required applications, review, and approval procedures associated with development in the City of Ashland. Information, such as applications, submittal requirements and application deadlines are available from the Office of the Zoning Administrator or may also be available for downloading from the City's official website: www.ci.ashland.wi.us/. Some development may not have official application forms. In those cases, the applicant should check with the Zoning Administrator or Designated Authorized Agent for application and submittal requirements.

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Section 3.1 General Provisions

A. Intent

The intent of this Part of the Unified Development Ordinance is to establish application procedures, internal review procedures, public notice and hearing procedures, and approval criteria for the processing of applications and actions that affect the development and use of property subject to the jurisdictions of the City of Ashland.

B. General Types of Development

1. **Development defined.** Except where the context otherwise requires, and in absence of a more limiting provision in this Ordinance, development means the performance of any building or mining operation, or the making of any material change in the use or appearance of any structure or land. All development within the City of Ashland, except as hereinafter specified, shall be undertaken in accordance with the provisions of this Ordinance and only after a development permit is issued, if required by this Ordinance. All development shall be categorized as one of the following types of development:
 - a. General Development. Development for which a development permit or building permit will be granted as a right on compliance with the terms of this Ordinance, hereinafter called General Development.
 - b. Conditional Development. Development for which a development permit will be granted only after exercise of discretion in accordance with the criteria of this Ordinance, hereinafter called Conditional Development or Conditional Use.
 - c. Exempt Development. Development that is exempt from the regulations of this Ordinance, as specified in [Section 3.1, B., 3.: Exempt Activities](#).
2. **Permits required.** The following activities or uses shall be taken to involve development and shall require a development, building, sign and/or other applicable permit, unless expressly excluded by this Ordinance:
 - a. A change in type of use of a structure or land, a change from one use to a more intense use, or a change from one use sector to a use in another sector as designated by the North American Industry Classification System (NAICS);
 - b. A reconstruction, or alteration of the size, or material change in the external appearance, of a structure on land;
 - c. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure on land;
 - d. Commencement of mining or excavation on a parcel of land;
 - e. Demolition or moving of a structure;
 - f. Deposit of refuse, solid or liquid waste, junk, or fill on a parcel of land;
 - g. In the connection with the use of land, the making of any material change in noise levels, thermal conditions, emissions of waste material, or other objectionable element;
 - h. Commencement or change in the location of street graphics or use of land, and the commencement or change in the location of advertising on the external part of a structure;

- i. Alteration of a shore, bank, floodplain of a stream, lake, pond, or artificial body of water;
- j. Reestablishment of a nonconforming or conditional use that has not been used for one (1) year;
- k. Departure from the normal use for which development permission has been granted, or failure to comply with the conditions of this Ordinance granting the development permission under which the development was commenced or is continued; or
- l. Earth grading, filling, and/or excavation activities for the purpose of altering the parcel or site for future development.

3. Exempt activities. The following operations or uses do not constitute development for the purposes of this Ordinance:

- a. The maintenance or improvement of a public road or railroad track not involving substantial engineering redesign if the work is carried out on land within the boundaries of the right-of-way;
- b. Work by any utility not involving substantial engineering redesign for the purpose of inspection, repair, renewal, or construction on an established right-of-way of any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like;
- c. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior where the costs of such work (including labor) is less than five-thousand dollars (\$5,000), or affects only the color of the structure or decoration of the exterior of the structure, but does not otherwise materially affect the external appearance of the structure;
- d. The use of any structure or land devoted to dwelling uses for any purposes customarily incidental to enjoyment of the dwelling;
- e. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products or for other agricultural purposes, except the growing or storage of livestock;
- f. A change in the use of land or structure from a use within a use group specified in this Ordinance to another use in the same use group; or
- g. Official public information street graphics installed by or at the discretion of the City of Ashland, Ashland County, or the State of Wisconsin.

C. General Types of Development Reviews and Approvals

There shall be the following three (3) general types of reviews and approvals associated with development in the City of Ashland:

- 1. Public hearing.** Development or actions that require special opportunities for broad public input require a public hearing pursuant to Public Hearing and Noticing Requirements.
- 2. Public informational meeting.** Development that requires action by an elected or appointed body, but does not require a public hearing, may cause a public informational meeting pursuant to [Section 3.1, G.: General Procedures Associated with Public Informational Meetings](#).

3. **Administrative review and approval.** Development or action that requires administrative review and approval in lieu of review and approval by an elected or appointed body. Refer to [Section 3.1, H.: General Procedures Associated with Administrative Reviews and Approvals](#) for additional information.

D. General Development Review Elements and Procedures

1. **Pre-application meeting.** Prior to the submission of an application as required by this Ordinance, a pre-application meeting may be required by this Ordinance or encouraged by the Zoning Administrator or Designated Authorized Agent as follows:
- a. Purpose of the meeting. A pre-application meeting is a meeting between a potential applicant and the Zoning Administrator and/or other City Staff. The meeting provides an opportunity for an applicant to describe the proposed development and for the Zoning Administrator and/or other City Staff to indicate which application is appropriate and what criteria will be used to determine whether the application should be approved.
 - b. Meeting format. Unless otherwise specified in this Ordinance, there is no required format for a pre-application meeting.
 - c. Combined meetings. Pre-application meetings may be combined when an applicant anticipates making simultaneous applications for the same project.
 - d. No approval action. Participation in a pre-application meeting does not imply or assume subsequent approval, approval with conditions, or denial of an application.

2. **Application forms and fees.** The following provisions shall apply to all required applications pursuant to this Ordinance:

- a. Forms. Applications shall be submitted on forms, with any requested information and attachments, and in such numbers, as required by the City, including any checklists for submittals. The Zoning Administrator or Designated Authorized Agent shall have the authority to request any other pertinent information required to ensure compliance with this Ordinance. The Zoning Administrator or Designated Authorized Agent shall make the required forms available to all applicants. The forms may be available for downloading from the [City's official website](#).
- b. Application fees. Fees for those applications required by this Ordinance shall be in accordance with the City's current fee schedule, which the Common Council may update from time to time. The fees are intended to cover the City's actual costs in processing the application. Such costs may include, but are not limited to, filing the application, publishing notices, and mailing notices regarding the application.
- c. Review costs. In addition to the costs incurred by the City in processing an application, the City may incur costs to review an application. The cost for all such reviews shall be borne by the applicant. The City reserves the right to require an escrow account be established to provide funds for anticipated review costs.
- d. Refundability of fees. Planning, zoning, and building permit/license fees are refundable if a permit is not issued. Application review fees, fees for permits requiring Plan Commission approval, publication fees and issued permit/license fees are non-refundable.

Helpful Note.

Contact the Zoning Administrator to discuss review procedures in more detail. See the City's official website: www.ci.ashland.wi.us/ for contact information. Some application forms may also be available for download from the City's website.

3. **Application deadline.** All applications shall be completed and submitted to the Zoning Administrator or Designated Authorized Agent in accordance with a schedule established annually by the City. An application shall not be considered officially submitted until it has been determined to be complete pursuant to the provisions of this Section.
4. **Application completeness.**
 - a. Completeness requirements. An application shall be considered submitted only after the Zoning Administrator or Designated Authorized Agent has determined it is complete, it is in the required form, it includes all mandatory information (including all exhibits), and it is accompanied by the applicable fee.
 - b. Completeness review period. A determination of application completeness shall be made by the Zoning Administrator or Designated Authorized Agent within fifteen (15) working days of the City's receipt of the application.
 - c. Incomplete application. If the application is determined to be incomplete, the Zoning Administrator or Designated Authorized Agent shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of the application shall occur until the deficiencies are corrected.
5. **Limit of time relating to final action.** Upon receipt of a complete application, the City and the applicable review authorities shall review the application and take final action on the application in a timely manner consistent with Wisconsin Statutes. The allowable time to take final action on an application is specified in the review procedures of the application. However, the allowable time to take final action may be extended in writing by mutual acceptance of the approval authority and the applicant and consistent with Wisconsin Statutes.
6. **Limit of time to commence work after approvals.** Approvals made by the applicable approval authorities, unless otherwise stated in this ordinance or the approval, shall be void after twelve (12) months from the date of such approval if work on the related project has not commenced, unless an extension is granted by the Zoning Administrator, other Approval Authority, or Designated Authorized Agent.
7. **Limit on reapplication.** If any application is denied by the approval authority as specified in this Ordinance, another application or petition for the same permit, approval, or amendment for the same property (or any portion thereof) may not be filed within a period of ninety (90) days from the date of final denial, unless allowed by the appropriate approval body and based on the demonstration of any of the following conditions:
 - a. Change in circumstances. There is substantial change in circumstances relevant to the issues and/or facts considered during the review of the application that might reasonably affect the approval body's application of the relevant review standards to the development proposed in the application; or
 - b. New information. New or additional information is available that was not available at the time of the review that might reasonably affect the approval body's application of the relevant review standards to the development proposed; or
 - c. Significant difference. A new application is proposed to be submitted that is significantly different from the prior application; or
 - d. Mistake made. The final decision on the application was based on a mistake of fact.

E. General Review and Approval Criteria

1. **Required review and approval criteria.** In reviewing and taking final action on an application or permit request, the review and approval authorities shall consider all approval criteria as specified in this Ordinance and shall consider all pertinent facts, public comments, and consistency with all applicable laws.
2. **Conditions that may be attached to approval.** Conditions may be attached to approval of permits to address any of the following conditions or other applicable conditions not herein listed:
 - a. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
 - b. Control the sequence of development, including when it must be commenced and completed;
 - c. Control the duration of use of development and the time within which any structures must be removed;
 - d. Ensure that development, open spaces, private roads and utilities are maintained properly in the future;
 - e. Designate the exact location and nature of development; and
 - f. Establish more detailed records by submission of drawings, maps, plats, or specifications.
3. **Consideration of principles of sustainability in the review and approval process.** Pursuant to the City of Ashland's commitment to sustainability as described in [Section 1.4: Integration of Principles of Sustainability](#), the review and approval process shall consider, to the extent reasonable, how an application or permit relates to the principles of sustainability as adopted by the City of Ashland and as specified in [Section 1.4: Integration of Principals of Sustainability](#). Except as specified otherwise in this Ordinance, it is not the intent of this Ordinance to deny an application based exclusively on how the application relates to principles of sustainability. Instead, it is the intent of this Ordinance to assist in clarifying principles of sustainability that can help strengthen the proposed development and move the City towards sustainability.

Sustainability Tip.

Consideration of principles of sustainability in the development review and approval process acknowledges the City's commitment to sustainability and helps move the City and property owners towards integrating sustainability in all development and land use decisions.

F. Public Hearing and Noticing Requirements

1. **Intent of a public hearing.** A public hearing is a special type of public meeting that is intended to provide the public with a formal opportunity to express their views and concerns on certain matters before the Plan Commission, the Common Council, or other elected or appointed bodies.
2. **Required public hearing.** Wherever Wisconsin Statutes or this Ordinance requires that a public hearing be held, the public hearing shall be conducted in accordance with Wisconsin Statutes and the provisions of this Ordinance. *Table 3.1.A, Summary of Responsibility to Conduct a Public Hearing*, identifies the types of applications that require a public hearing and the elected or

Helpful Note.

Wisconsin statutes require that a public hearing be held before certain types of decisions are made. A public hearing helps to ensure that all who may be affected by a decision have an opportunity to express their opinions to the approval authorities before the final decisions are made.

appointed body responsible for conducting the public hearing. If the information in *Table 3.1.A* conflicts with the information specified in Sections 3.2 through 3.19 of this Ordinance, the information in Sections 3.2 through 3.19 shall take precedence.

Table 3.1.A: Summary of Responsibility to Conduct a Public Hearing			
Application Procedure	Plan Commission	Zoning Board of Appeals	Common Council
Comprehensive Plan Amendment	Required	No	Optional
Zoning Map Amendment (Rezoning)	Required	No	Optional
Ordinance Text Amendment	Required	No	Optional
Floodplain Overlay Map or Text Amendment	Required	No	Optional
Wetland Overlay Map or Text Amendment	Required	No	Optional
PUD General Development Plan	Required	No	Optional
PUD Specific Implementation Plan	Optional	No	Optional
Conditional Use Permit	Required	No	Optional
Variance	No	Required	No
Appeal of a Administrative Decision	No	Required	No
Appeals, Variances, and Boundary Dispute Resolution relating to the Floodplain Overlay	No	Required	No
Appeals, Variances, and Conditional Use Permits relating to the Wetland Overlay	No	Required	No
Discontinuance/Vacation of a Public Way	No	No	Required

3. General public hearing noticing requirements.

- a. Summary of notice required. Public hearing notice shall be made as shown below in Table 3.1.B.: Summary of Public Hearing Notice Requirements.

Table 3.1.B: Summary of Public Hearing Notice Requirements				
Application Procedure	Published	Mailed	Posted on Property	Posted in Public Place
Comprehensive Plan Amendment	Class 2	Discretionary	Discretionary	Discretionary
Zoning Map Amendment (Rezoning)	Class 2	Discretionary	Discretionary	Discretionary
Ordinance Text Amendment	Class 2	Discretionary	Discretionary	Discretionary
Floodplain Overlay Map or Text Amendment	Class 2	Discretionary	Discretionary	Discretionary
Wetland Overlay Map or Text Amendment	Class 2	Discretionary	Discretionary	Discretionary
PUD General Development Plan	Class 2	Discretionary	Discretionary	Discretionary
PUD Specific Implementation Plan (public hearing only if required)	Class 2	Discretionary	Discretionary	Discretionary
Conditional Use Permit	Class 2	Discretionary	Discretionary	Discretionary
Variance	Class 1	Discretionary	Discretionary	Discretionary
Appeal of a Administrative Decision	Class 1	Discretionary	Discretionary	Discretionary
Appeals, Variances, and Boundary Dispute Resolution relating to the Floodplain Overlay	Class 2	Discretionary	Discretionary	Discretionary
Appeals, Variances, and Conditional Use Permits relating to the Wetland Overlay	Class 2	Discretionary	Discretionary	Discretionary
Discontinuance or Vacation of a Public Way	Class 3	Required	Discretionary	Discretionary

- b. Published notice. At least seven (7) days prior to the date set for the public hearing, a Notice of Public Hearing shall be published in the local newspaper designated by the Common Council. In the case of a Comprehensive Plan Amendment, a Notice of Public Hearing shall be published at least thirty (30) days prior to the date set for the public hearing. There shall be three (3) classes of legal notices pursuant to [Chapter 985 of the Wisconsin Statutes](#), as follows. The class of notice required for the application procedure shall be as specified in Table 3.1.A.: Summary of Public Hearing and Notice Requirements.
- (1) Class 1 Notice: Requires one (1) insertion in the local newspaper designated by the Common Council.
 - (2) Class 2 Notice: Requires two (2) insertions in the local newspaper designated by the Common Council.
 - (3) Class 3 Notice: Requires three (3) insertions in the local newspaper designated by the Common Council.
- c. Mailed notice. A mailed Notice of Public Hearing shall not be required (except where otherwise specified in this Ordinance). However, when deemed feasible and appropriate by the Zoning Administrator or Designated Authorized Agent, the City may mail such notices by U.S. mail to the owners of record of real property within two hundred (200) feet of the property under consideration as. Such notice may be served by its deposit in the municipality, properly addressed with postage paid, in

U.S. mail, preferably at least ten (10) days prior to the date set for the public hearing. Additional mailed notices may also be mailed pursuant to provisions of the specific application and development review procedures specified elsewhere in this Ordinance.

- d. Posted notice on property. A Notice of Public Hearing shall not be required to be posted on the property under consideration, but when deemed feasible and appropriate by the Zoning Administrator or Designated Authorized Agent, the City may post such notice or cause such notice to be posted. Such posting shall be in a format approved by the Zoning Administrator or Designated Authorized Agent and shall occur on a date specified by the Zoning Administrator or Designated Authorized Agent, preferably at least seven (7) days prior to the date set for the public hearing.
- e. Posted notice in public place. A Notice of Public Hearing shall not be required to be posted in a public place, but when deemed feasible and appropriate by the Zoning Administrator or Designated Authorized Agent, the City may post such notices, preferably at least seven (7) days prior to the date set for the public hearing and preferably in three (3) public places in the City of Ashland as determined by the Common Council.
- f. Content of notice. Published or mailed notices shall contain at least the following information:
 - (1) The legal description or street address of the property that is the subject of the application;
 - (2) The substance of the application, including the type of proposed development and the current zoning district (if applicable);
 - (3) The time, date, and location of the public hearing with a statement that interested parties may appear at the public hearing; and
 - (4) A phone number to contact the City.
- g. Constructive notice. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

4. Conduct of public hearing.

- a. Public comment. Any party may appear and be heard in person or through an agent or attorney at the public hearing. Written comments may be submitted to the applicable review and approval authorities prior to or during the hearing.
- b. Modification of an application at a public hearing.
 - (1) The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the public hearing or to suggestions or recommendations by the recommending or approval body holding the public hearing.
 - (2) Unless such modifications are so substantial that the recommending or approval body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, or unless such modifications are so substantial that a new public hearing must be noticed and held, then the approval body may approve the application with the

stipulation that the final approval will not be effective until materials reflecting the agreed upon changes are submitted to the Zoning Administrator or Designated Authorized Agent.

- (3) Where deemed appropriate by the approval body, modifications may be referred back to the recommending body for review, prior to further consideration. The approval body shall either continue the hearing at a certain new date and time or close the hearing and republish notice of any future public hearing.
- c. Continuing the hearing. A public hearing may be continued without additional mailed or published notice, provided that the motion to continue the public hearing is made in open session, specifies the date and time when the public hearing will continue, and notice is provided consistent with [Sections 19.81-19.98 of the Wisconsin Statutes](#), dealing with Wisconsin open meeting law.
- d. Findings and conclusions. All findings and conclusions shall be based on reliable evidence as reasonably available.
- e. Record. A record shall be made of all public hearings. All documentary evidence presented at public hearings shall be made part of the record.

G. General Procedures Associated with Public Informational Meetings and Notices

1. **Intent of a public informational meeting.** A public informational meeting is a meeting held by the Plan Commission, the Common Council, or other elected or appointed bodies. The public can attend the meetings and may be encouraged to express their views and concerns on certain matters before the elected or appointed bodies. However, unlike a public hearing, a public informational meeting does not require a formal opportunity for the public to provide input, but generally does allow for comment.
2. **Required public informational meetings.** *Table 3.1.C* below summarizes the types of applications that may cause a public informational meeting and the body responsible for conducting the public informational meeting. The public informational meeting may occur at a regularly scheduled meeting of the public body.

Helpful Note.

A public informational meeting is similar to a public hearing, except that it is not required by Wisconsin Statutes and it has slightly different noticing requirements. Although an opportunity for formal public input is not required, the elected or appointed body may solicit public input before making its decision.

Table 3.1.C: Summary of Responsibility to Conduct a Public Informational Meeting			
Application Procedure	Plan Commission	Zoning Board of Appeals	Common Council
Site Plan Approval	Encouraged for developments of 75,000 sq. ft. or larger	No	No
PUD - Site Specific Plan	Required - or public hearing in lieu of	No	Required – or public hearing in lieu of
Preliminary Plat	Required – or public hearing in lieu of	No	No
Final Plat	Required – or public hearing in lieu of	No	Required – or public hearing in lieu of

3. **General noticing requirements.** Wherever this Ordinance requires that a public informational meeting be held, the meeting shall be conducted in accordance with the Wisconsin open meeting law as specified in [Sections 19.81-19.98 of the Wisconsin Statutes](#) and as follows:
- Published notice.** Published notice of a public informational meeting shall be consistent with the Wisconsin open meeting law. The notice shall be published in the local newspaper designated by the Common Council (and other news media per their request) at least twenty-four (24) hours, but preferably at least seven (7) days, in advance of the public informational meeting.
 - Mailed notice.** A mailed notice of a public informational meeting shall not be required, but when deemed feasible and appropriate by the Zoning Administrator or Designated Authorized Agent, the City may mail such notices by U.S. mail to the owners of record of real property within two hundred (200) feet of the property under consideration as. Such notice may be served by its deposit in the municipality, properly addressed with postage paid, in U.S. mail, preferably at least ten (10) days prior to the date set for the public informational meeting. Additional mailed notices may also be mailed pursuant to provisions of the specific application and development review procedures specified elsewhere in this Ordinance.
 - Posted notice on property.** A notice of a public informational meeting shall not be required to be posted on the property under consideration, but when deemed feasible and appropriate by the Zoning Administrator or Designated Authorized Agent, the City may post such notice or cause such notice to be posted. Such posting shall be in a format approved by the Zoning Administrator or Designated Authorized Agent and shall occur on a date specified by the Zoning Administrator or Designated Authorized Agent, preferably at least seven (7) days prior to the date set for the public informational meeting.
 - Posted notice in public place.** A notice of a public informational meeting shall not be required to be posted in a public place, but when deemed feasible and appropriate by the Zoning Administrator or Designated Authorized Agent, the City may post such

notices, preferably at least seven (7) days prior to the date set for the public informational meeting and preferably in three (3) public places in the City of Ashland as determined by the Common Council.

- e. Content of notice. Published or mailed notices shall contain at least the following information:
 - (1) The legal description or street address of the property that is the subject of the application;
 - (2) The substance of the application, including the type of proposed development and the current zoning district (if applicable);
 - (3) The time, date, and location of the public informational meeting with a statement that interested parties may appear at the public informational meeting; and
 - (4) A phone number to contact the City.
- f. Constructive notice. Minor defects in notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements.

4. Conduct of public informational meetings.

- a. Modification of an application at a public informational meeting.
 - (1) The applicant may agree to modify the application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the public informational meeting or to suggestions or recommendations by the body holding the public informational meeting.
 - (2) Unless such modifications are so substantial that the approval body cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised application materials before it, or unless such modifications are so substantial that a new public informational meeting must be noticed and held, the approval body may approve the application with the stipulation that the final approval will not be effective until materials reflecting the agreed upon changes are submitted to the Zoning Administrator or Designated Authorized Agent.
- b. Continuing the public informational meeting. A public informational meeting may be continued without additional mailed or published notice, provided that the motion to continue the meeting is made in open session, specifies the date and time when the public informational meeting will continue, and notice is provided consistent with [Sections 19.81-19.98 of the Wisconsin Statutes](#), dealing with Wisconsin open meeting law.
- c. Findings and conclusions. All findings and conclusions shall be based on reliable evidence as reasonably available.
- d. Record. A record shall be made of all public informational meetings. All documentary evidence presented at the meetings shall be made part of the record.

H. General Procedures associated with Administrative Review and Approval

- 1. Intent of administrative review and approval.** Administrative review and approval is intended to allow a quicker and less costly review and approval process for development

and land use matters that are not expected to have an adverse impact on neighboring properties or the broader community.

2. **Required administrative review and approval.** Wherever this Ordinance requires administrative review and approval, the review and approval process shall be conducted in accordance with the provisions of this Ordinance. *Table 2.1.A in Section 2.1: General Provisions* summarizes the types of applications that require administrative review and the administrative staff that has the primary responsibility for reviewing and approving the application. However, administrative review and approval may be conducted by a Designated Authorized Agent. Consequently, *Table 2.1.A in Section 2.1: General Provisions* should be referred to a general guide and the responsibilities listed may be modified based on the unique characteristics of the applications.
3. **General noticing requirements.** There shall be no required noticing associated with administrative review and approval. However, at their discretion, administrative staff may notify adjacent property owners of pending development.
4. **Conduct of administrative review and approval.** Administrative staff shall have the opportunity to consult with other staff and government agencies in reviewing and processing an application. The applicant shall have the opportunity to refine the application submittal as necessary to ensure that the application is consistent with this Ordinance.

Helpful Note.

Relatively minor development and land use matters that are consistent with this Ordinance and that are not expected to have a major impact on the public interest may be processed administratively.

APPLICATIONS REQUIRING A PUBLIC HEARING

Sections 3.2. through 3.19. describe the applications and development review procedures that require a public hearing. Public review and comment on these applications is strongly encouraged.

Section 3.2 Comprehensive Plan Amendment

A. Applicability

Amendments to the City's Comprehensive Plan may be made from time to time to help guide the City in establishing and maintaining sound, sustainable, and desirable development within the city. Amendments may also be made to correct errors in the text or maps of the Comprehensive Plan or to address changed or changing conditions in a specific area or in the city generally.

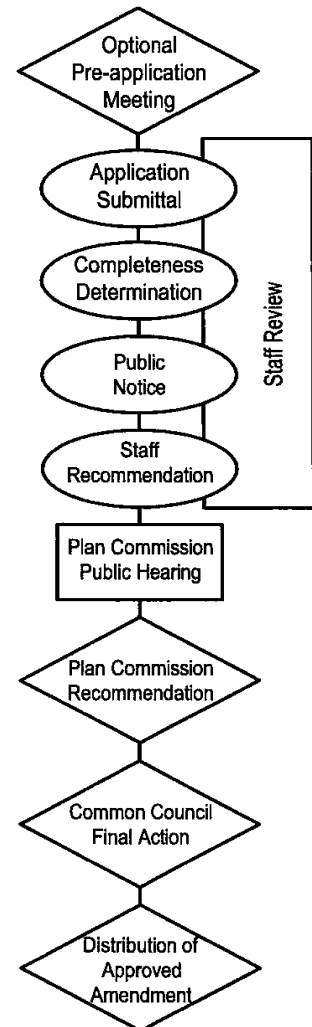
B. Review Process

The review process shall be consistent with *Chapter 66 of the Wisconsin Statutes*, Comprehensive Planning and as follows:

Helpful Note.

This Ordinance is intended to reflect the vision and policies of the Comprehensive Plan. Consequently, no significant changes should be made to this Ordinance that are not consistent with the Comprehensive Plan. Likewise changes to the Comprehensive Plan may require changes to this Ordinance or the Zoning Map.

1. **Pre-application meeting.** If a proposed development requires a Comprehensive Plan Amendment, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
2. **Initiation.** A Comprehensive Plan Amendment may be initiated by any of the following:
 - a. The Plan Commission;
 - b. The Common Council;
 - c. The Zoning Administrator or Designated Authorized Agent; or
 - d. The property owner or their designated agent
3. **Application submittal.** A complete application shall be submitted to Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following review tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - b. Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - c. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
5. **Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
 - a. Hold a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - b. Considering the approval criteria, deny the request or approve the request (by majority vote of the entire Plan Commission) recommending that the Common Council enact an ordinance approving the Comprehensive Plan Amendment.
6. **Common Council action.**
 - a. After reviewing the recommendation of the Plan Commission, the Common Council may order a second public hearing before the Common Council pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
 - b. Within ninety (90) days of the City's receipt of a complete application and considering the Plan Commission recommendation and the approval criteria, the Common Council shall deny the request or adopt an ordinance that amends the Comprehensive Plan unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).
 - c. Adoption of an ordinance shall require a majority vote of the entire Common Council.



7. **Distribution of approved amendment.** One copy of the adopted Comprehensive Plan Amendment shall be sent to all of the following:
 - a. Every governmental body that is located in whole or part within the boundaries of the City;
 - b. The clerk of every local governmental unit that is adjacent to the City;
 - c. The Wisconsin Department of Administration;
 - d. The Northwest Regional Planning Commission; and
 - e. The Vaughn Public Library.

C. Approval Criteria

In determining whether to approve, approve with conditions, or deny a Comprehensive Plan Amendment, the following approval criteria shall be considered:

1. The Comprehensive Plan Amendment helps guide and accomplish coordinated development that is harmonious with existing development in the City of Ashland, which will, in accordance with existing and future needs, best promote public health, safety, morals, and the general welfare, as well as the efficiency and economy in the process of development;
2. The Comprehensive Plan Amendment is consistent with the requirements and elements of *Chapter 66 of the Wisconsin Statutes*;
3. The Comprehensive Plan Amendment review process has provided adequate opportunity for public review and comment;
4. The Comprehensive Plan Amendment is generally consistent with the principles of sustainability as specified in *Section 1.4: Integration of Principles of Sustainability*.

Section 3.3 Zoning Map Amendment (Rezoning)

A. Applicability

1. **General applicability.** The Zoning Map may be amended whenever the public necessity, convenience, general welfare, or good zoning practice require. Amendments may also be made to correct errors in the Zoning Map or to address changed or changing conditions in a specific area or within the city generally. All Zoning Map Amendments must be consistent with the Comprehensive Plan and the provisions of this Section, except as modified by the special Zoning Map Amendment procedures specified in this Section.
2. **Special Zoning Map amendment procedures.** Due to the special requirements of specific zoning districts, Zoning Map Amendments relating to the following shall comply with the provisions specified below:
 - a. Floodplain Overlay. An amendment to the Floodplain Overlay shall be pursuant to *Section 3.6: Map and/or Text Amendment to the Floodplain Overlay*.

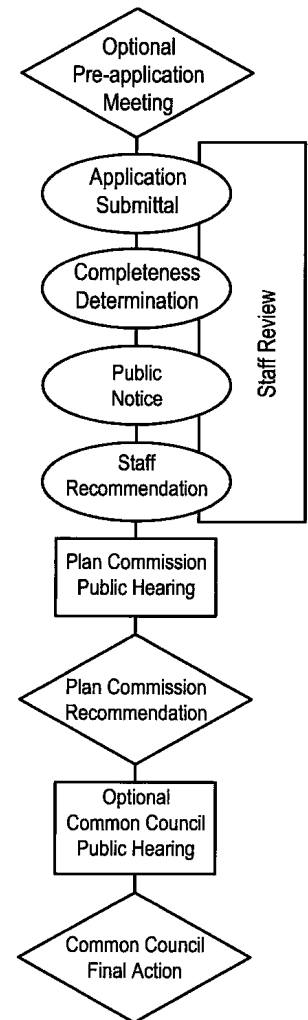
Helpful Note.

The City's Zoning Map must be consistent with the City's Comprehensive Plan. Any rezoning request that is not consistent with the Comprehensive Plan shall also include a request to amend the Comprehensive Plan. The requests can be processed together, but action on the Comprehensive Plan must occur before action on the rezoning.

- b. Wetland Overlay. An amendment to the Wetland Overlay shall be pursuant to [Section 3.7: Map and/or Text Amendment to the Wetland Overlay](#).
- c. Planned Unit Development (PUD) Overlay District. The creation of a Planned Unit Development (PUD) Overlay District shall be pursuant to [Section 3.8: Creation of a Planned Unit Development Overlay District](#).

B. Review Process

1. **Pre-application meeting.** If a proposed development requires a Zoning Map Amendment (rezoning), the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
2. **Initiation.** A Zoning Map Amendment may be initiated by any of the following:
 - a. The property owner or their designated agent;
 - b. The Plan Commission;
 - c. The Common Council; or
 - d. The Zoning Administrator or Designated Authorized Agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following review tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - b. Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - c. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
5. **Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
 - a. The Plan Commission shall hold a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - b. Within sixty (60) days after referral to the Plan Commission, the Plan Commission (considering the approval criteria) shall recommend such action to the Common Council as the Plan Commission deems proper.
6. **Common Council final action.**



- a. After reviewing the recommendation of the Plan Commission, the Common Council may order a second public hearing before the Common Council pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
- b. Within ninety (90) days of the City's receipt of a complete application, the Common Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).
- c. Approval, or approval with conditions, shall require a majority vote of the entire Common Council.

C. Approval Criteria for a Zoning Map Amendment

In determining whether to approve, approve with conditions, or deny an application for a Zoning Map Amendment (rezoning), the following criteria shall be considered:

1. The Zoning Map Amendment is consistent with the Comprehensive Plan;
2. The Zoning Map Amendment promotes public health, safety, morals, and the general welfare, as well as the efficiency and economy in the process of development;
3. The Zoning Map Amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
4. The property to be amended (rezoned) is suitable for the uses permitted by the Zoning District that would be applied by the proposed Zoning Map Amendment; and
5. The Zoning Map Amendment is generally consistent with the principles of sustainability specified in [Section 1.4: Integration of Principles of Sustainability](#).

Section 3.4 Unified Development Ordinance Text Amendment

A. Applicability

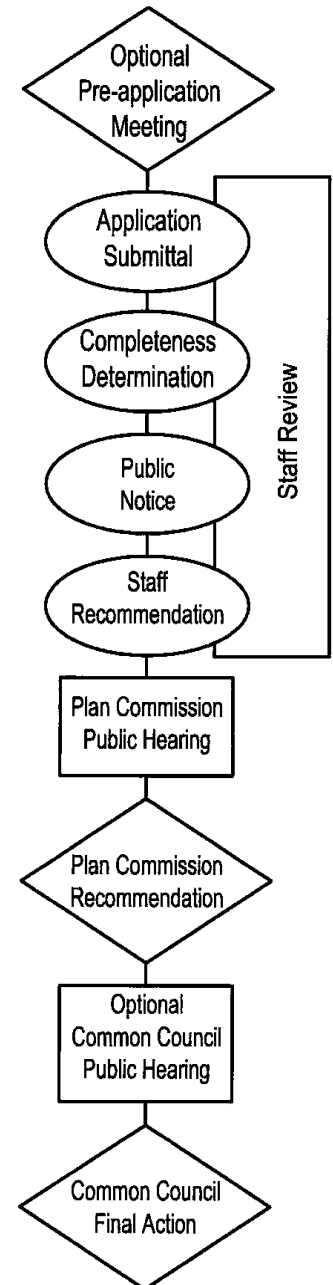
1. **General applicability.** The text of the Unified Development Ordinance may be amended whenever the public necessity, convenience, general welfare, or good zoning practice require. Amendments may also be made to correct errors in the text of the Unified Development Ordinance or to address changed or changing conditions affecting the City. All text amendments must be consistent with the Comprehensive Plan.
2. **Special Unified Development Ordinance text amendment procedures.** Due to the special requirements of specific zoning districts, text amendments relating to the following shall comply with the provisions specified below:
 - a. Floodplain Overlay District. An amendment to the Floodplain Overlay District shall be pursuant to [Section 3.6: Map and/or Text Amendment to the Floodplain Overlay District](#).
 - b. Wetland Overlay District. An amendment to the Wetland Overlay District shall be pursuant to [Section 3.7: Map and/or Text Amendment to the Wetland Overlay District](#).

Helpful Note.

If a development application is inconsistent with the Unified Development Ordinance, an application to amend the Ordinance can be made simultaneously with an application for the proposed development. However, the development would not be able to be approved until the Ordinance amendment is first approved.

B. Review Process

1. **Pre-application meeting.** If a proposed development requires a text amendment to the Unified Development Ordinance, the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
2. **Initiation.** A text amendment may be initiated by any of the following:
 - a. The Plan Commission;
 - b. The Common Council;
 - c. The Zoning Administrator or Designated Authorized Agent; or
 - d. The property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following review tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - b. Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - c. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
5. **Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
 - a. The Plan Commission shall hold a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - b. Within sixty (60) days after referral to the Plan Commission, the Plan Commission (considering the approval criteria) shall recommend such action to the Common Council as the Plan Commission deems proper.
6. **Common Council final action.**
 - a. After reviewing the recommendation of the Plan Commission, the Common Council may order a second public hearing before the Common Council pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).



- b. Within ninety (90) days of the City's receipt of a complete application, the Common Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested Ordinance Amendment.
- c. Approval, or approval with conditions, shall require a majority vote of the entire Common Council.

C. Approval Criteria

In determining whether to approve, approve with conditions, or deny an application for a text amendment to the Unified Development Ordinance, the following criteria shall be considered:

1. The text amendment is consistent with the Comprehensive Plan;
2. The text amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
3. The text amendment is compatible with the present zoning and conforming uses of property and the character of neighborhoods; and
4. The text amendment is generally consistent with the principles of sustainability specified in *Section 1.4: Integration of Principles of Sustainability*.

Section 3.5 (Reserved)

Section 3.6 Map and/or Text Amendment to the Floodplain Overlay

A. Applicability

The Common Council may change or supplement the Floodplain Overlay boundaries and the provisions of the Floodplain Overlay in accordance with this Ordinance and all applicable state and federal laws. Actions that require an amendment include, but are not limited to, the following:

1. Any change to the Official Floodplain Zoning Map, including the floodway line or boundary of any floodplain area;
2. Correction of discrepancies between the water surface profiles and floodplain zoning maps;
3. Any fill in the floodplain that raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
4. Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more;
5. Any amendment to the floodplain text of this Ordinance as required by *NR 116.05, Wisconsin Administrative Code*, or otherwise required by law, or as required by this Ordinance;
6. All channel relocations and any change to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a Flood Insurance Rate Map requires prior approval of the *Federal Emergency Management Agency (FEMA)*.

Helpful Note.

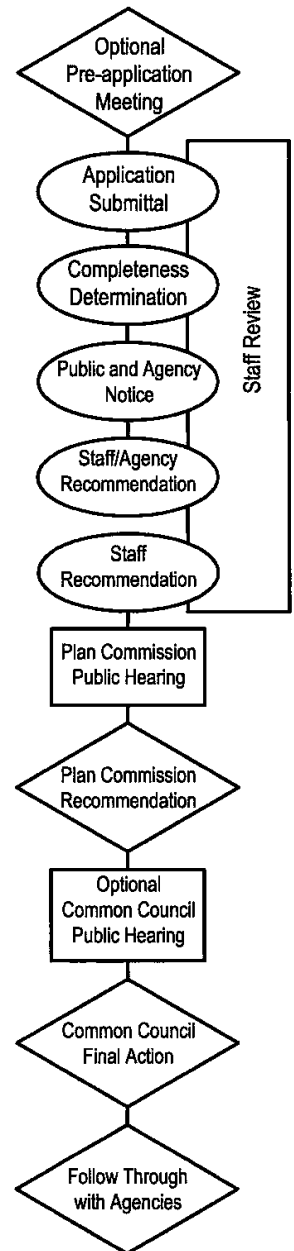
For more information on FEMA and the Flood Insurance Rate Maps, visit their website at: www.fema.gov, and for more information on WI DNR requirements visit: www.dnr.state.wi.us.

B. Review Process

1. **Pre-application meeting.** The property owner of a proposed

development that may involve a proposed amendment to the boundaries and/or the provisions of the Floodplain Overlay is encouraged to request a pre-application meeting with the Zoning Administrator and other applicable Designated Authorized Agents of the City, pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#). The pre-application meeting may also involve pertinent representatives from the Regional Office of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA).

2. **Initiation.** A Map Amendment to the Overlay Map relating to the Floodplain Overlay may be initiated by any of the following:
 - a. The property owner or their designated agent;
 - b. The Plan Commission;
 - c. The Common Council; or
 - d. The Zoning Administrator or Designated Authorized Agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - b. Within seven (7) days of the City having received a complete application, submit a copy of the proposed map and/or text amendment to the Regional Office of the Wisconsin Department of Natural Resources and to the Federal Emergency Management Agency (FEMA);
 - c. Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - d. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
5. **FEMA review.** Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map (FIRM), the Federal Emergency Management Agency (FEMA) must also review and approve any map amendment.
6. **Wisconsin Department of Natural Resources review and action.** The Regional Office of the Wisconsin Department of Natural Resources shall review the requested amendment and provide comments to the City of Ashland at or prior to the public hearing as appropriate.



7. **Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
 - a. The Plan Commission shall hold a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - b. Within sixty (60) days after referral to the Plan Commission, the Plan Commission (considering the approval criteria) shall recommend such action to the Common Council as the Plan Commission deems proper.
8. **Common Council final action.**
 - a. After reviewing the recommendation of the Plan Commission, the Common Council may hold a second public hearing before the Common Council pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
 - b. Within ninety (90) days of the City's receipt of a complete application, the Common Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested amendment unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).
 - c. Approval, or approval with conditions, shall require a majority vote of the entire Common Council and shall be contingent on all required approvals from the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA).
9. **Follow through on Common Council action.** Within thirty (30) days following final action by the Common Council, the Zoning Administrator or Designated Authorized Agent shall submit a copy of the final action to the Regional Office of the Wisconsin Department of Natural Resources and to the Federal Emergency Management Agency (FEMA). No amendment shall become effective until reviewed and approved by the Regional Office of the Wisconsin Department of Natural Resources.

C. Approval Criteria

In determining whether to approve, approve with conditions, or deny an application for an amendment to the Floodplain Overlay, the following criteria shall be considered:

1. The amendment is consistent with the Comprehensive Plan;
2. The amendment promotes public health, safety, morals, and the general welfare, as well as efficiency and economy in the process of development;
3. The amendment is compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
4. The amendment does not adversely affect the waters of Lake Superior and its tributaries;
5. The amendment is consistent with all applicable state and federal laws relating to the floodplain; and
6. The amendment is generally consistent with the principles of sustainability specified in [Section 1.4: Integration of Principles of Sustainability](#).

Section 3.7 Map and/or Text Amendment to the Wetland Overlay

A. Applicability

The Common Council may change or supplement the Wetland Overlay boundaries and the provisions of the Wetland Overlay in accordance with this Ordinance and all applicable state and federal laws.

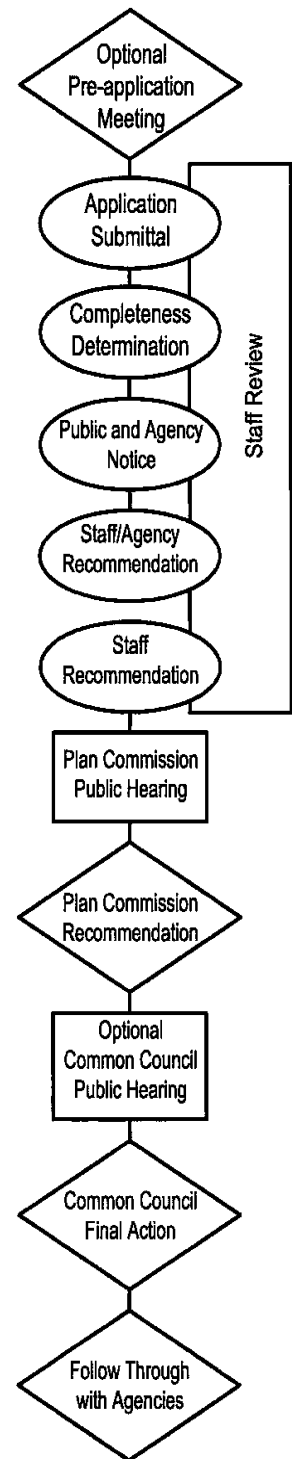
Helpful Note.

The provisions and boundaries of the Wetland Overlay are described in [Section 4.51: WET-O Wetland Overlay](#).

B. Review Process

1. **Pre-application meeting.** The property owner of a proposed development that may involve a proposed amendment to the boundaries and/or the provisions of the Wetland Overlay is encouraged to request a pre-application meeting with the Zoning Administrator and other applicable Designated Authorized Agents, pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#). The pre-application meeting may also involve pertinent representatives from the Regional Office of the Wisconsin Department of Natural Resources.
2. **Initiation.** A Map Amendment to the Overlay Map relating to the Wetland Overlay may be initiated by any of the following:
 - a. The property owner or their designated agent;
 - b. The Plan Commission;
 - c. The Common Council; or
 - d. The Zoning Administrator or Designated Authorized Agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - b. Submit a copy of the proposed map and/or text amendment to the Regional Office of the Wisconsin Department of Natural Resource within seven (7) days of the City having received a complete application;
 - c. Notice the public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#);
 - d. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action; and
 - e. At least ten (10) days prior to the public hearing, provide the Regional Office of the Wisconsin Department of Natural Resources with written notice of the public hearing and a copy of the staff report to the Plan Commission.
5. **Wisconsin Department of Natural Resources review.** The Regional Office of the Wisconsin Department of Natural Resources shall review the proposed map and/or text amendment. Where the Regional Office determines that the proposed rezoning may have a significant adverse impact upon any of the approval criteria specified in this Section, the Regional Office shall so notify the City of Ashland of its determination either prior to or during the public hearing held on the proposed amendment.

- 6. Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
- The Plan Commission shall hold a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#);
 - Within sixty (60) days after referral to the Plan Commission, the Plan Commission (considering the approval criteria) shall recommend such action to the Common Council as the Plan Commission deems proper.
- 7. Common Council final action.**
- After reviewing the recommendation of the Plan Commission, the Common Council may hold a second public hearing before the Common Council pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
 - Within ninety (90) days of the City's receipt of a complete application, the Common Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested amendment unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).
 - Approval, or approval with conditions, shall require a majority vote of the entire Common Council and shall be contingent on all required approvals from the Wisconsin Department of Natural Resources.
- 8. Follow Through on Common Council final action.**
- Within thirty (30) days following final action of the Common Council, the Zoning Administrator or Designated Authorized Agent shall submit a copy of the final action to the Regional Office of the Wisconsin Department of Natural Resources.
 - If the Common Council approved the amendment and the amendment is inconsistent with the Department of Natural Resources recommendation regarding the amendment, then the amendment shall not become effective until more than thirty (30) days have elapsed following receipt of notification of the final action to the Department of Natural Resources.
 - If within the thirty (30) days, the Department of Natural Resources notifies the City of Ashland that the Department of Natural Resources intends to adopt a superseding wetland overlay ordinance for the City of Ashland as provided by [Section 62.231\(6\) of the Wisconsin Statutes](#), then the proposed amendment shall not become effective until the ordinance



adoption procedure under [Section 62.231\(6\) of the Wisconsin Statutes](#) is completed or otherwise terminated.

C. Approval Criteria

In determining whether to approve, approve with conditions, or deny a map and/or text amendment to the Wetland Overlay, the Plan Commission and Common Council shall consider the approval criteria specified in [Section 3.3: Zoning Map Amendment](#). In addition, in order to ensure that this Ordinance will remain consistent with the shoreland protection objectives of [Section 281.31 of the Wisconsin Statutes](#), the Common Council shall not rezone a wetland in the Wetland Overlay, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against erosion;
5. Fish spawning, breeding, nursery, or feeding grounds;
6. Wildlife habitat; or
7. Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.

Section 3.8 Creation of a Planned Unit Development (PUD) Overlay District

A. Applicability

1. A tract of land proposed to be developed as a Planned Unit Development (PUD) shall be under the control of a single owner, partnership, or corporation, where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easements, and other provisions with the County.
2. The provisions of this Section are generally intended for application to larger and/or unique sites where a flexible approach to zoning regulations would facilitate more efficient use of the site and protection of natural resources achieved through clustering development and other innovative site planning and design techniques.

B. General Review Process

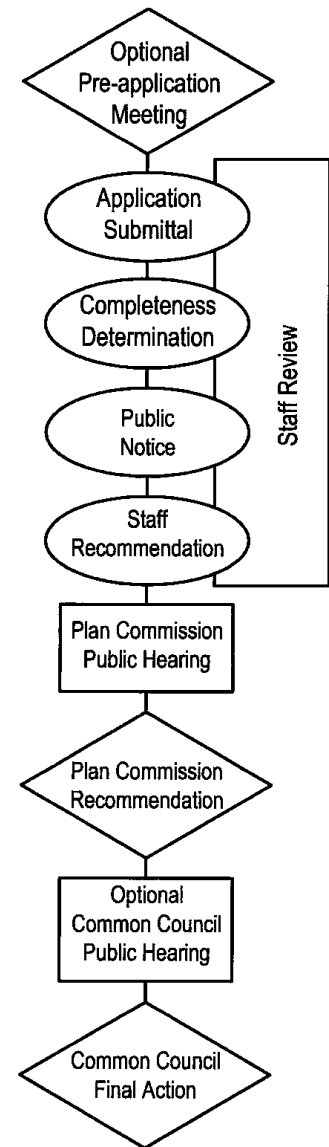
The review process for the creation of a PUD Overlay District involves two phases: review of a PUD – General Development Plan (PUD-GDP) and review of a PUD – Specific Implementation Plan (PUD-SIP). The following describes each review phase. An applicant has the option to submit an application for a PUD – Specific Implementation Plan at the same time as an application for a PUD – General Development Plan. Upon approval of the PUD-SIP, the Overlay District Map shall be amended to reflect the new PUD.

C. PUD – General Development Plan Review Process

Section 3.8: Creation of a Planned Unit Development Overlay District

1. **Pre-application meeting.** The property owner of a proposed development that is intended to proceed as a PUD is encouraged to request a pre-application meeting pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
2. **Initiation.** Application for a PUD-General Development Plan (PUD-GDP) shall be initiated by the property owner or their designated agent. The applicant shall have control of all property in the proposed PUD.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent for approval of a PUD-General Development Plan pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#). The application shall contain the following information:

- a. **Context map.** A map of the project including its relationship to the surrounding properties, topography, or other prominent site features;
- b. **Statement.** A statement as to why the planned unit development (PUD) zoning is proposed. The statement shall identify reasons why planned unit development (PUD) zoning is preferable to development under standard zoning districts.
- c. **Site plan.** A site plan of the planned unit development (PUD) at a scale of not less than one inch equals one hundred feet (1" = 100') showing the following:
 - (1) Land uses and development densities;
 - (2) The size, arrangement, and location of parcels;
 - (3) The proposed general location of buildings or groups of buildings;
 - (4) The location, design, and construction of public and private streets;
 - (5) The location of recreational areas and open space and a description of who will own and maintain the spaces;
 - (6) A general landscaping plan;
 - (7) A general grading plan, indicating onsite storm water management facilities and indicating the amount and location of off-site drainage;
 - (8) Identification of mature vegetation on the site and a proposal to preserve such vegetation worthy of protection;
 - (9) Identification and/or delineation of wetlands and floodplains within the site and a proposal to protect such areas from encroachment or degradation;



- (10) Statistical data on the size of the development, density/intensity of various sub-areas, and expected phasing or staging.
 - (11) A description of the intended organizational structure for a property owner's association, if any; and
 - (12) A description of the deed restrictions or restrictive covenants, if any.
 - d. Additional plans. The Plan Commission or Common Council may require other special studies, plans, or additional information that would aid in consideration of the proposed development.
- 4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - b. Notice the public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - c. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
- 5. **Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
 - a. The Plan Commission shall hold a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - b. Within sixty (60) days after the City has received a complete application and within forty (40) days after the public hearing, the Plan Commission (considering the approval criteria) shall recommend to the Common Council approval, approval with conditions, or denial of the request.
- 6. **Common Council final action.**
 - a. After reviewing the recommendation of the Plan Commission, the Common Council may hold a second public hearing before the Common Council pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
 - b. Within ninety (90) days of the City's receipt of a complete application, the Common Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and approving the PUD – General Development Plan unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#). The ordinance associated with the PUD – General Development Plan is an interim zoning classification that does not enable any development until the PUD – Specific Implementation Plan is approved.
 - c. Approval, or approval with conditions of the PUD – General Development Plan shall require a majority vote of the entire Common Council.

D. PUD – Specific Implementation Plan Review Process

- 1. **Initiation.** Application for a PUD-Specific Implementation Plan (PUD-SIP) shall be initiated by a property owner or their designated agent. The Applicant shall have control of all property in the proposed PUD.

2. Application submittal.

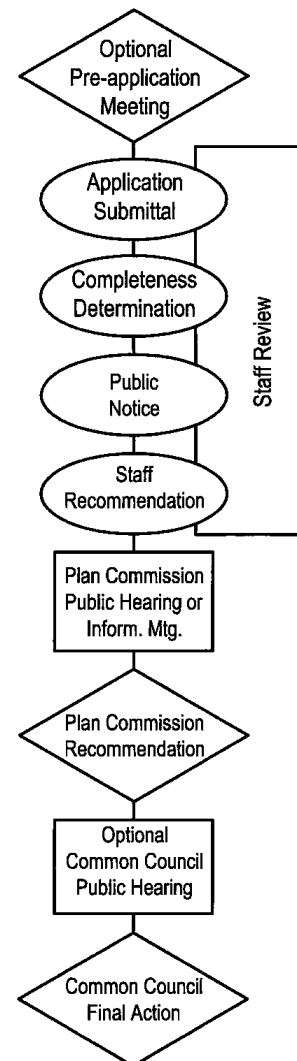
- a. A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent for approval of a PUD-Specific Implementation Plan pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#). The application shall contain all the information required for the General Development Plan review specified in this Section, except that the information shall be in final and detailed form. In addition, the applicant shall submit all other required plans for review and action.
- b. The application shall be submitted within twelve (12) months of approval of the PUD – General Development Plan. Failure to provide the PUD – Specific Implementation Plan within twelve (12) months of approval of the PUD – General Development Plan shall result in the automatic repeal of the previously approved PUD – General Development Plan.
- c. If required, a final plat, or a final plat of that segment to be developed, in compliance with this Ordinance, shall be submitted prior to issuance of the PUD – Specific Implementation Plan.

3. Staff review. The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:

- a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
- b. Review the PUD – Specific Implementation Plan for substantial consistency with the approved PUD – General Development Plan. If the PUD – Specific Implementation Plan is consistent with the PUD – General Development Plan, then the Zoning Administrator or Designated Authorized Agent shall prepare a report and a recommendation to the Plan Commission that directs the Plan Commission to hold a public informational meeting or a public hearing to take their final action on the plan.
- c. If the PUD – Specific Implementation Plan is not consistent with the PUD – General Development Plan, then the Zoning Administrator or Designated Authorized Agent shall prepare a report to the Plan Commission that identifies the discrepancies and directs the Plan Commission to hold a public hearing pursuant to the public hearing requirements for the PUD – General Development Plan.

4. Plan Commission recommendation. The Plan Commission shall complete the following tasks:

- a. If the Zoning Administrator or Designated Authorized Agent's report identifies that the PUD – Specific Implementation Plan is substantially consistent with the approved PUD – General Development Plan, then the Plan Commission (considering the



approval criteria) shall hold a public informational meeting or a public hearing and make a recommendation to the Common Council to approve, approve with conditions, or deny the PUD – Specific Implementation Plan.

- b. If the Zoning Administrator or Designated Authorized Agent's report identifies that the PUD – Specific Implementation Plan is substantially inconsistent with the approved PUD – General Development Plan, then the Plan Commission shall hold a public hearing pursuant to the public hearing requirements for the PUD – General Development Plan. Following the public hearing, the Plan Commission (considering the approval criteria) shall make a recommendation to the Common Council to approve, approve with conditions, or deny the PUD – Specific Implementation Plan.

5. Common Council final action.

- a. After reviewing the recommendation of the Plan Commission, the Common Council may order another public hearing before the Common Council pursuant to [Section 3.1, F., 2.: Public Hearing and Noticing Requirements](#).
- b. Within ninety (90) days of the City's receipt of a complete application, the Common Council (considering the approval criteria) shall approve, approve with conditions, or deny the requested ordinance amending the Zoning Map and approving the PUD – Specific Implementation Plan unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#). The ordinance associated with the PUD – Specific Implementation Plan shall incorporate the Specific Implementation Plan, including any conditions or restrictions that may be imposed by the Common Council.
- c. Approval, or approval with conditions, shall require a majority vote of the entire Common Council.

E. Approval Criteria

In determining whether to approve, approve with conditions, or deny a PUD – General Development Plan or a PUD – Specific Implementation Plan, the Plan Commission and Common Council shall consider the approval criteria for a Zoning Map Amendment as specified in [Section 3.3: Zoning Map Amendment \(Rezoning\)](#) as well as the following approval criteria with special consideration given to whether the plan would or would not be in the public interest:

- 1. Comprehensive Plan.** Consistency with the City of Ashland Comprehensive Plan.
- 2. Consistency with this Ordinance.** The extent to which the plan departs from the provisions of this Ordinance otherwise applicable to the subject property, including, but not limited to, density, bulk, and use, and the reasons why such departures are or are not deemed to be in the public interest.
- 3. Provisions for services.** The manner in which the plan does or does not make adequate provisions for public services and utilities, drainage, traffic and multiple modes of transportations, and recreational amenities.
- 4. Open space.** The nature and extent of open space, the reliability and sufficiency of the proposal for maintenance and conservation of the common open space, and the adequacy of the amount and function of the open space in terms of the densities proposed in the plan.
- 5. Effect on the neighborhood.** The relationship, beneficial or adverse, of the planned development project upon the neighborhood in which it is proposed to be established.

6. **Phasing.** In the case of a plan that proposes development over a period of years, the sufficiency of the terms and conditions proposed to protect and maintain the integrity of the plan.
7. **Relationship to existing structures.** In developed areas, the suitability of the proposed structures in relation to existing structures to remain and anticipated future development of the area.

F. Conditions that may be Attached to a PUD

The Common Council may attach any conditions to the approval of a PUD – General Development Plan and/or the approval of a PUD – Specific Implementation Plan that it deems necessary to address any of the following conditions or other applicable conditions not herein listed:

1. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
2. Control the sequence of development, including when it must be commenced and completed;
3. Control the duration of use of development and the time within which any structures must be removed;
4. Ensure that development, open spaces, private roads and utilities are maintained properly in the future;
5. Designate the exact location and nature of development; and
6. Establish more detailed records by submission of drawings, maps, plats, or specifications.

G. Effect of the PUD – Specific Implementation Plan Approval

The approved PUD – Specific Implementation Plan, together with the conditions and restrictions imposed by the Common Council, shall constitute the final zoning for the subject property. The zoning provisions applicable to the underlying zoning district shall continue to be applicable where consistent with the approved PUD – Specific Implementation Plan.

H. Building Permit Restrictions

Development permits and building permits for a Planned Unit Development shall not be issued until the PUD – Specific Implementation Plan is approved by the Common Council. No building permit shall be issued for any structure within the PUD – Specific Implementation Plan District until the Zoning Administrator or Designated Authorized Agent certifies that it conforms to the provisions of the PUD – Specific Implementation Plan and all other applicable provisions of this Ordinance.

I. Changes or Alterations to an Approved PUD – Specific Implementation Plan

Any change of the PUD – General Development Plan or the PUD – Specific Implementation Plan prior to approval of the PUD – Specific Implementation Plan shall be submitted to the Zoning Administrator or Designated Authorized Agent. If the Zoning Administrator or Designated Authorized Agent determines that the change constitutes a substantial modification, the applicant or developer will be required to amend the PUD – Specific Implementation Plan, and if necessary, the PUD – General Development Plan, following the review procedures set forth in this Section. If in the opinion of the Zoning Administrator or Designated Authorized Agent, such changes do not constitute a substantial alteration of either the PUD – General Development Plan or the PUD – Specific Implementation Plan, the change may be accomplished by approval of the

Zoning Administrator or Designated Authorized Agent. Such approved changes or modifications shall be documented and recorded in the official file of the City on the Planned Unit Development.

J. Expiration

Unless specified otherwise in an approved PUD agreement, if substantial development progress has not occurred within twelve (12) months of a PUD – Specific Implementation Plan approval, the PUD – General Development Plan and PUD – Specific Implementation Plan approval shall be void and the site zoning will revert to its previous zoning district classification. An extension may be granted by the Common Council.

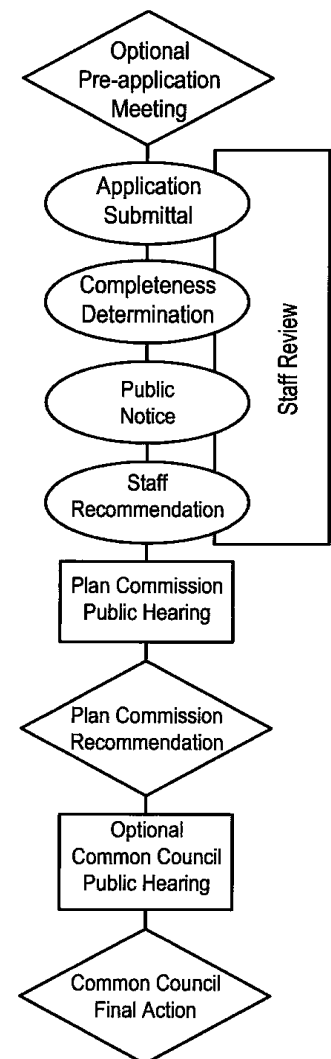
Section 3.9 Conditional Use Permit

A. Applicability

- General applicability.** A conditional use permit is required for development that would generally not be appropriate within a district, but might be allowed within certain locations within the district if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before development or occupancy is permitted. The intent is to allow a reasonable degree of discretion in determining the suitability of a particular development at a specific location.

B. Review Process

- Pre-application meeting.** If a proposed development requires the issuance of a conditional use permit, then the property owner or their designated agent is encouraged to request a pre-application meeting pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
- Initiation.** Initiation of a conditional use permit may be made upon application of the property owner or their designated agent.
- Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
- Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.



5. **Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
 - a. Conduct a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
 - b. Within sixty (60) days after referral to the Plan Commission, the Plan Commission (considering the approval criteria) shall recommend such action to the Common Council as the Plan Commission deems proper.
6. **Common Council final action.**
 - a. After reviewing the recommendation of the Plan Commission, the Common Council may hold a second public hearing before the Common Council pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
 - b. Within ninety (90) days of the City's receipt of a complete application, the Common Council shall review the request, the Plan Commission's recommendation, and the approval criteria and take action to approve, approve with conditions, or deny the request unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).
 - c. A conditional use permit may be approved by an affirmative vote of a simple majority of the Common Council.
7. **Effective date of conditional use permit.**
 - a. The Planning and Development office shall provide notice to the applicant within five business days of the approval of an application by the Common Council. The applicant shall be required to sign a copy of the resolution approving the conditional use permit, indicating the applicant's understanding and acceptance of the conditions contained therein. The conditional use permit shall be effective upon the applicant's signature.
 - b. In this section, "provide notice" means to inform the applicant in person, by telephone, by email, or to place in the United States mail, with adequate first-class postage affixed, using the phone number, email address, or mailing address provided by the applicant on the application.

C. Approval Criteria

In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Plan Commission and the Common Council shall consider all relevant factors specified in other sections of this Ordinance, including standards for specific requirements for certain land uses and activities. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or imposed by the city, the city shall grant the conditional use permit. The applicant must demonstrate by substantial evidence that the application and all requirements and conditions established by the city are or shall be satisfied. The decision to approve or deny the permit must be based on substantial evidence. In addition, the following approval criteria shall apply:

1. **Consistency with the Comprehensive Plan.** The relationship of the proposed use to the goals, objectives, and policies of the City of Ashland Comprehensive Plan.
2. **Compatibility.** The compatibility of the proposed use with existing development within two hundred (200) feet of the proposed use and within five hundred (500) feet along the

same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible.

3. **Importance of services to the community.** The importance of the services provided by the proposed facility to the community, if any, and the requirements of the facility for certain locations, if any, and without undue inconvenience to the developer, and the availability of alternative locations equally suitable.
4. **Neighborhood protections.** The sufficiency of terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood.
5. **Conformance with other requirements of this Ordinance.** The conformance of the proposed development with all provisions of this Ordinance.
6. **Other factors.** Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Plan Commission or the Common Council feels are necessary for review in order to make an informed and just decision.

D. Conditions that may be Attached to Conditional Use Permit

The Common Council may attach any conditions to the approval of a conditional use permit that it deems necessary to address any of the following conditions or other applicable conditions not herein listed. Conditions as to the permit's duration, transfer, or renewal may also be included. All conditions must be reasonable and, to the extent practicable, measurable. Any condition imposed must be related to the purpose of the evidence and be based on substantial evidence.

1. Minimize any adverse impact of the development upon other land, including the hours of use and operation and the type and intensity of activities that may be conducted;
2. Control the sequence of development, including when it must be commenced and completed;
3. Control the duration of use of development and the time within which any structures must be removed;
4. Ensure that development is maintained properly in the future;
5. Designate the exact location and nature of development; and
6. Establish more detailed records by submission of drawings, maps, plats, or specifications.

E. Conditional Use Permit Void

1. In any case where the holder of a conditional use permit issued under this ordinance has not instituted the use or begun construction within one year of the date of approval, the permit shall be null and void.
2. Any use, for which a conditional use permit has been issued, upon its cessation or abandonment for a period of one year, will be deemed to have been terminated and any future use shall be in conformity with this ordinance.

F. Revisions to an Approved Conditional Use Permit

Revisions to an approved conditional use permit shall follow the same procedure stated in [Section 3.9 Conditional Use Permit, Subsections A. – D.](#)

G. Definition.

“Substantial evidence” as used in this Section means facts and information, other than mere 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.

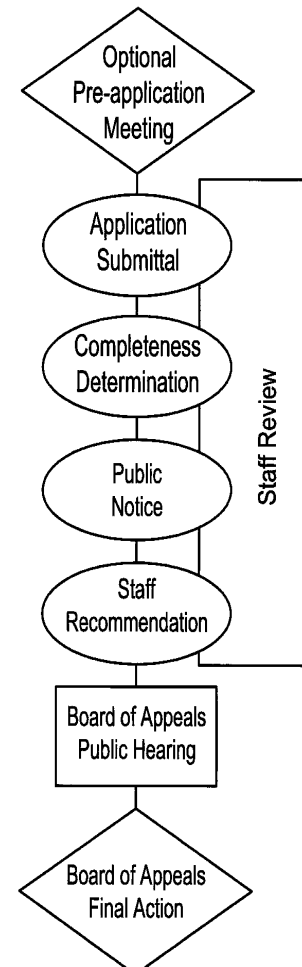
Section 3.10 Variance

A. Applicability

The Zoning Board of Appeals shall have the authority to hear and grant requests for area variances and use variances from the provisions of this Ordinance, except as otherwise specified in this Ordinance.

B. Review Process

1. **Pre-application meeting.** If a proposed development requires the approval of a variance, then the property owner or their designated agent is encouraged to request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
2. **Initiation.** Initiation of a variance may be made upon application of the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following review tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
5. Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
6. Review the application, considering the approval criteria, and prepare a report to the Zoning Board of Appeals with a recommendation for final action.
7. **Zoning Board of Appeals final action.** The Zoning Board of Appeals shall complete the following tasks:
 - a. Conduct a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#); and
8. Within ninety (90) days of the City's receipt of a complete application, the Zoning Board of Appeals shall take action to approve, approve with conditions, or deny the variance request based on the approval criteria specified in this Section unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#). In granting any provision under this Section, the Zoning Board of Appeals shall designate such conditions that will secure substantially the objectives of the regulations or provisions in the application of which the variance is granted as to light, access to direct sunlight for



solar energy systems, air, character of the neighborhood, conformity to the Comprehensive Plan, and, generally, the public health, safety, comfort, convenience, and general welfare.

9. Approval or approval with conditions shall require an affirmative vote of four (4) or more of the members of the Zoning Board of Appeals.

C. Approval Criteria

1. **Area variance.** No area variance from the provisions of this Ordinance shall be authorized unless all of the following facts and conditions exist:
 - a. Exceptional circumstances. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
2. Natural causes. That the alleged difficulty or hardship has not resulted from the actions of the applicant.
3. Preservation of property rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, including, but not limited to, the use of solar energy systems. .
4. Absence of detriment. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance or the public interest.
5. General nature. No variance shall be authorized unless the Zoning Board of Appeals specifically finds that the condition, situation, or intended use of the subject property is not so general or recurrent in a nature as to make reasonably practicable the formulation of a general regulation to cover such cases.
6. Minimum variance required. The Zoning Board of Appeals shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Zoning Board of Appeals shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.
7. Unnecessary hardship. No variance shall be granted unless the property owner can show that compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restriction unnecessarily burdensome. Furthermore, no variance shall be granted unless the property owner can show that the condition causing such unnecessary hardship is

Helpful Note.

An "area variance" allows a property owner an exception from a physical requirement such as parcel area, setbacks, height, frontage, and similar requirements. A "use variance" allows a property owner to put a property to an otherwise prohibited use.

Granting a "use variance" requires a finding that there can be no reasonable use of the property without the requested variance. This is typically difficult to find in favor of. Consequently, a property owner could consider requesting a Comprehensive Plan amendment and rezoning in lieu of a use variance.

An "area variance" allows the Zoning Board of Appeal greater flexibility and discretion in granting the variance request in that the Board does not have to conclude that no reasonable use of the property exists without the variance, rather the Board has to find that regulation unnecessarily burdens or unreasonably prevents the proposed activity. In addition, the Board must find that variance request relates to a unique property condition and that granting the variance will cause no harm to the public interest.

Refer to the League of Wisconsin Municipalities for additional information: www.lwm-info.org/

unique to the property for which a variance has been applied. The unique condition is one that is not a condition in common with neighboring properties and relates not to the owner, but to the physical characteristics of the property, such as slope, soil type, or wetlands.

8. **Use Variance.** No use variance from the provisions of this Ordinance shall be authorized unless all of the conditions and facts exist:
 - a. Exceptional circumstances. That there are exceptional or extraordinary circumstances or conditions applying to the property in question or to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district.
9. Natural causes. That the alleged difficulty or hardship has not resulted from the actions of the applicant.
10. Preservation of property rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity, including, but not limited to, the use of solar energy systems.
11. Absence of detriment. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance or the public interest.
12. General nature. No variance shall be authorized unless the Zoning Board of Appeals specifically finds that the condition, situation, or intended use of the subject property is not so general or recurrent in a nature as to make reasonably practicable the formulation of a general regulation to cover such cases.
13. Minimum variance required. The Zoning Board of Appeals shall find that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The Zoning Board of Appeals shall be satisfied by the evidence heard before it that the granting of such variance will alleviate a hardship approaching confiscation as distinguished from a special privilege sought by the owner.
14. Unnecessary hardship. No variance shall be granted unless the property owner can show that without the requested variance, the property has no reasonable use of the property. No variance shall be granted unless can show that the condition preventing any reasonable use of the property is unique to the property for which the variance has been applied. The unique condition is one that is not a condition in common with neighboring properties and relates not to the owner, but to the physical characteristics of the property, such as slope, soil type, or wetlands.

D. Variance Granted Void.

If the action authorized by a granted variance is not commenced or completed by the specified date in the Zoning Board of Appeals' decision, the variance shall be null and void.

Section 3.11 Appeal of an Administrative Decision

A. Applicability

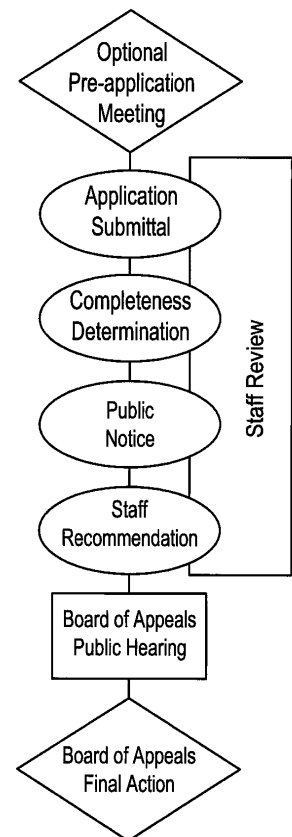
1. **General applicability.** The Zoning Board of Appeals shall hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance. In exercising its authority under this Section, the Zoning Board of Appeals may reverse or affirm, in whole or in part, or modify the

administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Zoning Board of Appeals has the same authority as the administrative official.

2. **Special procedures for appeal of certain administrative decisions.** Due to the special requirements of specific zoning districts, appeals of administrative decisions relating to the following shall comply with the provisions specified below:
 - a. Floodplain Overlay District. An appeal of an administrative decision relating to the Floodplain Overlay District shall be pursuant to [Section 3.12: Appeals, Variances, and Boundary Disputes relating to the Floodplain Overlay District](#); and
 3. Wetland Overlay District. An appeal of an administrative decision relating to the Wetland Overlay District shall be pursuant to [Section 3.13: Appeals, Variances, and Conditional Use Permits relating to the Wetland Overlay District](#).

B. Review Process

1. **Initiation.** Within thirty (30) days after the date of the administrative decision (unless specified otherwise elsewhere in this Ordinance), appeal of an administrative decision may be initiated by any person aggrieved by the administrative decision, or any officer, department, commission, or board of the City affected by the decision.
2. **Pre-application meeting.** The aggrieved person may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
3. **Application submittal.** A request for an appeal of an administrative decision shall be made in writing to the Zoning Administrator or Designated Authorized Agent. The request shall provide sufficient information for the Zoning Board of Appeals to make an informed and just decision.
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
 - b. After receipt of a request for an appeal of an administrative decision, the Zoning Administrator or Designated Authorized Agent shall review the evidence and make a report of the facts to the Zoning Board of Appeals; and
5. Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
6. **Zoning Board of Appeals final action.** The Zoning Board of Appeals shall complete the following tasks:
 - a. Conduct a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).



Section 3.11. Appeal of an Administrative Decision

7. Within ninety (90) days of the City's receipt of a complete application, the Zoning Board of Appeals shall consider the evidence and with an affirmative vote of four (4) or more members, may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Zoning Board of Appeals has the same authority as the administrative official. The deadline for action may be extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).

C. Approval Criteria

In determining whether an administrative official's actions were appropriate, the Zoning Board of Appeals shall consider the details of the case presented by the Applicant and the administrative officials, and the Board shall consider the requirements of this Ordinance. All findings of fact and conclusions shall be based on reliable evidence.

Section 3.12 Appeals, Variances, and Boundary Disputes in the Floodplain Overlay

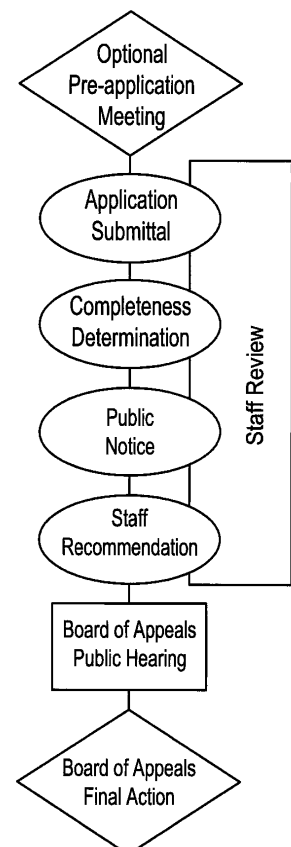
A. Applicability

The Zoning Board of Appeals shall hear and decide the following as they relate to the Floodplain Overlay:

1. **Appeal.** An appeal of an administrative decision that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the provisions of the Floodplain Overlay.
2. **Variance.** Variance requests from the provisions of the Floodplain Overlay.
3. **Boundary dispute.** Resolution of floodplain boundary disputes.

B. Review Procedures

1. **Initiation.** Initiation of an appeal of administrative decision (within thirty (30) days after the date of the administrative decision), variance, or boundary dispute resolution may be made upon application of the property owner or their designated agent.
2. **Pre-application meeting.** The property owner or their designated agent may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
5. **Notice a public hearing** pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#). In addition to the noticing requirements specified in [Section 3.1, F.](#), a notice of



the request shall be sent to the Regional Office of the Wisconsin Department of Natural Resources at least ten (10) days in advance of the public hearing; and

6. Review the application, considering the approval for criteria, and prepare a report to the Zoning Board of Appeals with a recommendation for final action.
7. **Zoning Board of Appeals final action.** The Zoning Board of Appeals shall complete the following tasks:
 - a. Conduct a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
8. Within ninety (90) days of the City's receipt of a complete application (unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#)) the Zoning Board of Appeals, with an affirmative vote of four (4) or more members, shall take action on any of the following as applicable:
 - (1) Appeal of an administrative decision. The Zoning Board of Appeals shall reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Zoning Board of Appeals has the same authority as the administrative official.
 - (2) Variance. The Zoning Board of Appeals may make a finding of fact and shall take action to approve, approve with conditions, or deny the variance request based on the approval criteria specified in this Section. When a floodplain variance is granted, the Zoning Board of Appeals or Designated Authorized Agent shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy of the notice shall be maintained with the variance record.
 - (3) Boundary Dispute. The Zoning Board of Appeals shall affirm the validity of the boundaries of the official floodplain map or may direct the Plan Commission and Common Council to amend the boundaries of the floodplain pursuant to [Section 3.6: Map and/or Text Amendment to the Floodplain Overlay District](#).

C. Approval Criteria

1. **Appeal.** In determining whether an administrative official's actions were appropriate, the Zoning Board of Appeals shall consider the details of the case presented by the Applicant and the administrative officials, and the Board shall consider the requirements of this Ordinance. All findings of fact and conclusions shall be based on reliable evidence.
2. **Variance.**
 - a. The Zoning Board of Appeals may grant of variance from the provisions of the Floodplain Overlay pursuant to [Section 3.10, C.: Variance- Approval Criteria](#). In addition, in order to approve a variance, an applicant must convincingly demonstrates the following:
 - (1) Literal enforcement of the provisions of the Floodplain Overlay will cause unnecessary hardship;
 - (2) The hardship is due to the adoption of the provisions of the Floodplain Overlay and unique property conditions, not common to the adjacent parcels or

Section 3.12: Appeals, Variances, and Boundary Disputes relating to the Floodplain Overlay District

property. In such case the Ordinance and/or map must be amended pursuant to the procedures of this Ordinance;

- (3) The variance is not contrary to the public interest; and
 - (4) The variance is consistent with the intent of the Floodplain Overlay.
3. In addition to the criteria above, to qualify for a variance under the Federal Emergency Management Agency (FEMA) regulations, the following criteria must be met:
- (1) The variance may not cause any increase in the regional flood elevation;
 - (2) Variances can only be granted for parcels that are less than one-half acre and are contiguous to existing structures constructed below the regional flood elevation; and
 - (3) Variances shall only be granted upon showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risk to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the intent of the Floodplain Overlay.
4. A variance shall not:
- (1) Grant, extend, or increase any use prohibited in the zoning district;
 - (2) Be granted for a hardship based solely on an economic gain or loss;
 - (3) Be granted for a hardship that is self-created;
 - (4) Damage the rights or property values of other persons in the area;
 - (5) Allow actions without the amendments to this Ordinance or map(s) pursuant to the provisions of the Floodplain Overlay; and
 - (6) Allow any alteration of a historic structure, including its use, which would preclude its continued designation as an historic structure.
5. **Boundary dispute.**
- a. If a floodplain boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
6. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.

Section 3.13 Appeals and Variances in the Wetland Overlay

A. Applicability

The Zoning Board of Appeals shall hear and decide the following as they relate to the Wetland Overlay:

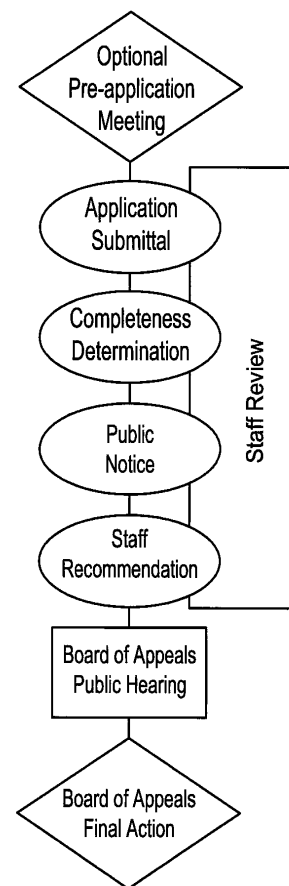
1. **Appeal.** An appeal of an administrative decision that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of the provisions of the Wetland Overlay. In exercising its authority under this Section, the Zoning Board of Appeals may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or

determination, and for that purpose the Zoning Board of Appeals has the same authority as the administrative official.

2. **Variance.** Any variance from the provisions of the Wetland Overlay shall be permitted only after the approval of the Zoning Board of Appeals.

B. Review Procedures

1. **Initiation.** Initiation of an appeal of administrative decision, or a request for a variance relating to the Wetland Overlay may be made upon application of the property owner or their designated agent.
2. **Pre-application meeting.** The property owner or their designated agent may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#).
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
5. Notice a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#). In addition to the noticing requirements specified in [Section 3.1, F.: Public Hearing and Noticing Requirements](#), a notice of the request shall be sent to the Regional Office of the Wisconsin Department of Natural Resources at least ten (10) days in advance of the public hearing; and
6. Review the application, considering the approval for criteria, and prepare a report to the Zoning Board of Appeals with a recommendation for final action.
7. **Zoning Board of Appeals final action.** The Zoning Board of Appeals shall complete the following tasks:
 - a. Conduct a public hearing pursuant to [Section 3.1, F.: Public Hearing and Noticing Requirements](#).
8. Within ninety (90) days of the City's receipt of a complete application (unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#)) the Zoning Board of Appeals, with an affirmative vote of four (4) or more members, shall take action on any of the following as applicable:
 - (1) Appeal of an administrative decision. The Zoning Board of Appeals shall reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the Zoning Board of Appeals has the same authority as the administrative official.



- (2) **Variance.** The Zoning Board of Appeals shall take action to approve, approve with conditions, or deny the variance request based on the approval criteria specified in this Section.

C. Approval Criteria

1. **Appeal.** In determining whether an administrative official's actions were appropriate, the Zoning Board of Appeals shall consider the details of the case presented by the Applicant and the administrative officials, and the Board shall consider the requirements of this Ordinance. All findings of fact and conclusions shall be based on reliable evidence.
2. **Variance.** The Zoning Board of Appeals may approve in specific cases, such variances from the terms of this Ordinance as shall not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship. The approval criteria shall be as specified in [Section 3.10, C.: Variance - Approval Criteria](#).

Section 3.14 Discontinuance or Vacation of a Public Way

A. Applicability

By property owner petition or by a Common Council resolution, a public right-of-way may be discontinued or vacated in its entirety or in part pursuant to the provisions City of Ashland [Ordinance 618](#) and [Section 66.1003 of the Wisconsin Statutes](#).

Sections 3.15 –3.19 (Reserved for future applications requiring a public hearing.)

APPLICATIONS NOT REQUIRING A PUBLIC HEARING OR A PUBLIC INFORMATIONAL MEETING

Sections 3.20. through 3.30. describe applications and review procedures that do not require a public hearing, but require review and approval by an elected or appointed body and public input, either through a public hearing or a public informational meeting. The public is encouraged to attend public informational and committee meetings and provide comments as may be appropriate.

Section 3.20 Site Plan Approval

A. Intent and Applicability

1. **Intent.** The provisions of this Section are intended to establish appropriate procedure for development that has the potential to create moderate to significant impacts on areas surrounding the site or in the community. More specifically, site plan approval is required for the following reasons:
 - a. Provide the Plan Commission with a clear understanding of the proposed development before construction is started;
2. Determine how the project relates to nearby land uses;
3. Ensure that the provisions of this Ordinance are fully complied with;
4. Ensure that the development can be adequately served by public utilities as may be required;

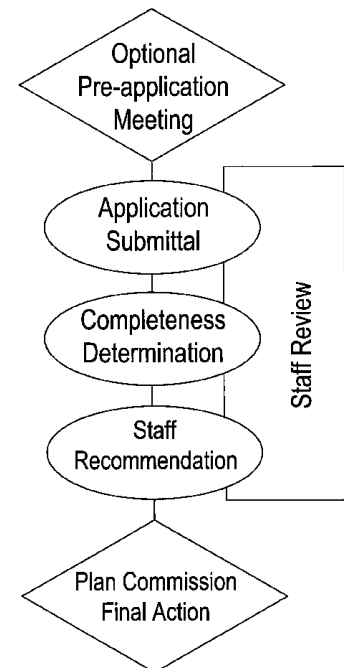
5. Determine the impact of the project on public facilities, such as streets, utilities, parks, schools, drainage, and other public services; and
6. Identify adverse environmental issues and develop appropriate plans to avoid, reduce or offset environmental impacts.
7. **Applicability.** Site plan approval is required for all development, except that the following shall not require site plan approval, but may require a development permit, building permit, and/or other applicable approvals as specified in this Ordinance. The Zoning Administrator or Designated Authorized Agent may require submittal of a site plan for approval by the Plan Commission if the proposed development activity has the potential of having a major impact on the property, neighboring parcels or the community.
 - a. The development activities described in [Section 3.1, B., 3.: General Types of Development – Exempt Activities](#).
 - b. New, remodeled, or additions for single or two-family residential uses and accessory structures.
 - c. Minor nonresidential development including but not limited to:
 - (1) Construction, reconstruction, or addition of a fence regulated under Section 6.5: Fences which is one hundred (100) linear feet in length feet or less and is eight feet or less in overall height.
 - (2) Construction of detached accessory structures one thousand (1000) square feet or less, or principal structure expansions 15% or less of the principal structure's total area before the expansion.
 - (3) Handicap access/ramp.
 - (4) Grading, filling, or paving pursuant to [Section 6.1, H.: Grading, Filling, and/or Excavation](#).
 - (5) Landscaping structures, raised beds and related enhancements added to existing lawful uses.
 - (6) Changes in the use of land and structures meeting other applicable criteria of this sub-paragraph and this ordinance.
 - d. Other development activities that, in the judgment of the Zoning Administrator or Designated Authorized Agent, would have minimal impact on the site, its surroundings, and the broader community, and for which the City would not significantly benefit by having public review of the proposed development. Such development activities may include, but shall not be limited to a vestibule addition to an existing building, minor changes to the exterior of the building (for example, roofing, siding, additional doors, windows, or dormers), minor changes to parking and circulation, and similar types of development.
8. **Further actions on the subject property.** No person shall commence any use, erect any structure, obtain a development permit, or file a condominium plat with the Ashland County Register of Deeds without first obtaining site plan approval as set forth in this Section. No use shall be carried on and no structure erected or enlarged, except as shown upon an approved site plan.

B. Review Process

1. **Pre-application meeting.** The property owner or their designated agent is encouraged to request a pre-application meeting pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#) for any proposed development that is expected to have significant impact on areas surrounding the site or in the community.
2. **Initiation.** Initiation of site plan approval may be made upon application of the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#). The application for Site Plan Approval for sites with more than five thousand (5,000) square feet of proposed impervious surface shall be submitted with a digital copy of the full site plan set. The application shall include the following information as applicable or as directed by the Zoning Administrator or Designated Authorized Agent:

a. Site plan. A site plan drawn to a scale not smaller than one inch equals one hundred feet (1" = 100'). The site plan shall be certified by a registered land surveyor, professional engineer, planner, or architect and shall show the following:

- (1) The name, address, and telephone number of the owner, developer, and designer;
- (2) A legal description of the site;
- (3) The location and dimension of the site parcel lines. Adjacent parcel lines within one hundred (100) feet shall also be shown;
- (4) All required setbacks. Indicate with a dashed line and label the required and proposed setback dimensions;
- (5) All existing and proposed right-of-ways and public easements adjacent to and within the site. Label the widths of all right-of-ways and easements;
- (6) All existing and proposed street improvements including streets, alleys, curbs, sidewalks, and trails. Identify connections to existing and proposed sidewalks and trails for pedestrian and bicycle circulation. Label proposed bicycle facilities and the widths of pedestrian facilities and other improvements;
- (7) Existing and proposed driveways, parking spaces, and loading spaces. Indicate the direction of travel for one-way drives and inside radii for all curves. The dimensions of driveways and parking spaces shall be noted. The total number of parking spaces required and provided shall be listed. Identify areas for snow stacking and storage;
- (8) The shape, size, location, height, and floor area of all structures, and the main and basement floor grades;



- (9) Existing and proposed grades, drainage systems, and structures with topographic contours at intervals not exceeding two (2) feet;
 - (10) Natural features such as mature vegetation, wooded areas, drainage ways, wetlands, floodplains, streams, lakes, and ponds with indication as to which are to be retained and which removed or altered;
 - (11) All existing and proposed signage on the site;
 - (12) Existing or proposed septic systems, drain fields, tanks, and wells, if applicable; and
 - (13) Any additional information as required by the Zoning Administrator or Designated Authorized Agent, or the Plan Commission.
4. Vicinity plan. A vicinity plan showing the location of the site in relation to the street system and neighborhoods. Label the land uses and ownerships of adjacent properties.
5. Utilities plan.
 - (1) The size and location of all existing and proposed public and private utilities. Note which utilities are above ground and below ground.
 - (2) The anticipated resident population contained within the project or the number of employees anticipated to be generated by the project. The estimated daily volumes or use of public utilities by the project shall be identified.
 - (3) Provide calculations to determine the projected demand for water including the requested water meter size. Describe how new or existing mains will meet this projected demand.
 - (4) If new impervious surfaces will be added, provide storm water calculations to document that the existing storm sewer can properly dispose of the increased flows. Show any onsite retention systems that will be utilized to control the influx into the storm sewer. Describe how any onsite retention systems will be maintained following project completion.
 - (5) Fire protection strategies showing a knox box, fire alarm system, standpipes, and other fire protection systems. For the Fire Department's pre-fire planning of the site and structure's layout, the applicant shall provide a digital copy (in a .dxf or .dwg format) of the following plans:
 - Building Floor Plan Layout, including: exterior dimensions of the building; floor plan with room names & numbers identified (if applicable); doors; windows; stairways; location of hazardous materials storage areas; location of water utility service connection to the building; location of fire department connection, knox box, alarm panel, and annunciator panel.
 - Building Elevations.
 - Site Plan, including: adjacent streets; property boundaries; building footprints; parking areas; driveways/internal streets; location of natural gas and electric connections to the building; location of hazardous materials storage areas; location of water utility service line & connection to building; locations of fire department connection, knox box, alarm panel, and annunciator panel.

6. Landscaping, buffers, and screening. A landscape plan, illustrating the existing and proposed landscaping, shall be provided as specified in [Section 6.4: Landscaping, Buffers, and Screening](#).
7. Architectural plans. These drawings and plans should show sufficient detail to indicate the architectural design of the proposed buildings, but all design and construction details are not required at this stage.
 - (1) Architectural renderings and general floor plans shall be provided for all new buildings.
 - (2) Show all existing and proposed exterior building lighting and signs.
 - (3) Indicate existing and proposed materials and colors.
8. Lighting plan. A lighting plan showing the lighting of parking areas, walkways, driveways, and onsite security lighting shall be provided. If the project is adjacent to residential uses, the method of shielding light from the residential properties and the intensity of light levels around the site and at the parcel lines shall be provided.
9. Additional information. Provide an erosion control plan, phasing plan, economic impact statement, and all other information as determined by the Plan Commission, Zoning Administrator, or Designated Authorized Agent necessary to accomplish compliance with this Ordinance and other applicable laws and regulations.
10. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following review tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
11. Notice a public informational meeting pursuant to [Section 3.1, G.: General Procedures associated with Public Informational Meetings and Notices](#); and
12. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
13. **Plan Commission final action.** The Plan Commission shall complete the following tasks:
 - a. Conduct a public informational meeting pursuant to [Section 3.1, G.: General Procedures associated with Public Informational Meetings and Notices](#).
14. Within ninety (90) days of the City's receipt of a complete application, the Plan Commission shall take action to approve, approve with conditions, or deny the request for site plan approval unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).
15. Approval or approval with conditions of a site plan shall require an affirmative vote of the majority of the entire Plan Commission.

C. Approval Criteria

In determining whether to approve, approve with conditions, or deny a request for site plan approval, the Plan Commission shall consider all relevant factors specified in all applicable sections of this Ordinance, including standards for specific requirements for certain land uses and activities. In addition, the following approval criteria shall apply:

1. **Consistency with the Comprehensive Plan.** The relationship of the proposed use to the goals, objectives, and policies of the City of Ashland Comprehensive Plan.

2. **Project compatibility.** The compatibility of the proposed use with existing development within two hundred (200) feet of the proposed use and within five hundred (500) feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions that would make the use more compatible.
3. **Site design.**
 - a. Site organization. The organization of buildings, driveways, parking areas, open spaces, pedestrian facilities, landscaping, fences, lights, signs, and other structures should achieve a functional, safe, and harmonious site relationship. At the same time, the site organization should be compatible with existing positive characteristics of the site.
 4. Location of buildings. The setback of buildings from streets, the spacing between buildings, and arrangement of buildings shall be considered in relation to the prevailing development in the area.
 5. Drives, parking, and circulation. Special attention shall be given to limiting the number of vehicular access points and their location, general onsite vehicular circulation, separation of pedestrian and vehicular traffic flows, and the arrangement of parking areas that are safe and convenient. The screening and landscaping of parking lots shall be addressed to minimize the visual impacts. Provisions for adequately addressing pedestrian access, handicapped accessibility, bicycles, and transit shall be considered as appropriate.
 6. Grading and drainage. The existing and proposed grades and drainage patterns are to be reviewed to ensure that proper storm water drainage can occur.
 7. Utility service. The installation of underground electric, telephone, and other utilities is encouraged wherever feasible. Remaining above ground utilities should be designed to have a harmonious relationship to neighboring properties and the site.
 8. Views. Important views within the site and the immediate area as well as more distant scenic vistas shall be protected and enhanced with the new development.
 9. Environmental issues. Issues pertaining to floodplains, wetlands, mature vegetation, and other sensitive environmental issues shall be thoroughly investigated as part of the site design.
 10. Landscaping. The landscape shall be preserved in a natural state insofar as practicable be minimizing tree and soil removal. Grade changes shall be in keeping with the general appearance of the neighborhood area. Plant species and composition should be consistent with the City's goals of urban forest management including preferred and prohibited species, and be compatible to the buildings on the site.
 11. Signs. The size, location, design, color, texture, lighting, and materials of all signage shall be complimentary to the buildings on the site.
 12. Lighting. All lighting shall be designed to avoid excessive illumination onto adjacent properties and public rights-of-way.
13. **Building design.** All buildings shall be designed to be compatible with existing adjacent structures. Factors to be reviewed include, but shall not be limited to, building heights, exterior materials, and building forms including roof shapes and pitches. Refer to [Section 6.2: General Building and Site Design Guidelines](#).

14. **Principles of sustainability.** The building and site are generally consistent with the principles of sustainability specified in [Section 1.4: Integration of Principles of Sustainability](#), when considered as a whole.
15. **Failure to perform.** No applicant or applicant related to said applicant shall be permitted to apply for, or be granted a building permit or site plan approval, so long as the applicant is in non-compliance with a previously issued building permit or previously approved site plan, whether or not the parcel, which is the subject of the new application, is the same or different from the site where the violations exist. The City may waive the provisions of this paragraph upon mutual written agreement between the applicant and the City.
16. **Other factors.** Other factors pertinent to the proposed use, site conditions, or surrounding area considerations that the Plan Commission feels are necessary for review in order to make an informed and just decision.

Section 3.21 (Reserved)

Section 3.22 Historic Preservation Certificate of Appropriateness

A. Applicability

The issuance of a historic preservation certificate of appropriateness is intended to ensure that the City of Ashland adequately safeguards its historic and cultural heritage as embodied and reflected in its designated historic structures, sites, and districts.

City of Ashland [Ordinance 826](#) identified the process for the issuance of a historic preservation certificate of appropriateness.

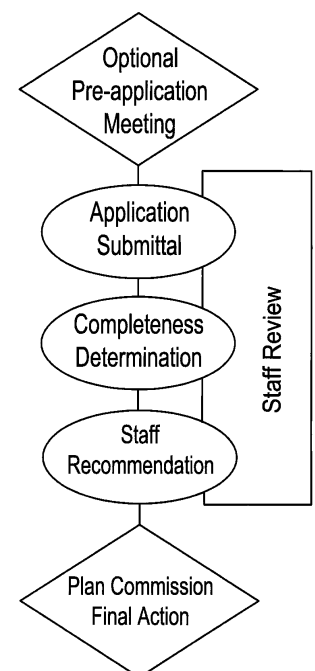
Section 3.23 Preliminary Plat

A. Applicability

Preliminary plat approval shall be required for any division of land or platting activity as described in [Section 9.1: General Provisions of Land Divisions](#).

B. Review Process

1. **Optional pre-application meeting.** The property owner (or owner's agent) of a project requiring the approval of a preliminary plat is encouraged to request a pre-application meeting with the Zoning Administrator, Public Works Director, or Designated Authorized Agent (and the Plan Commission, if beneficial) pursuant to the procedures described in [Section 3.1, D., 1.: Pre-application Meeting](#). The pre-application meeting allows the owner to receive general feedback as to how the proposed preliminary plat is (or is not) in compliance with this Ordinance. The meeting also allows the owner to receive general information about the types and details of improvements that are required to be installed by and at the owner's expense. Refer to [Section 9.2, B.: Pre-application Meeting for Land Divisions](#), for submittal requirements.
2. **Initiation.** Initiation of a preliminary plat may be made upon application of the property owner or their designated agent.



3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#). The application shall include all the required information specified in [Section 9.2, C.: Preliminary Plat](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
5. Pursuant to [Section 236.12 of the Wisconsin Statutes](#), submit the application to the required state agencies and the City Water and Wastewater Superintendent, the Fire Chief, the Police Chief, the Public Works Director, and the City Engineer for their review and comment;
6. Notice a public informational meeting pursuant to [Section 3.1, G.: General Procedures Associated with Public Informational Meetings and Notices](#); and
7. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
8. **Plan Commission final action.** The Plan Commission shall complete the following tasks:
 - a. Conduct a public informational meeting pursuant to [Section 3.1, G.: General Procedures Associated with Public Informational Meetings and Notices](#); and
9. Within ninety (90) days of the City's receipt of a complete application, the Plan Commission shall take action to approve, approve with conditions, or deny the request for preliminary plat approval unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#).
10. Approval or approval with conditions of a preliminary plat shall require an affirmative vote of the majority of the entire Plan Commission.
11. Approval of the preliminary plat is acceptance of the general layout and indicates to the applicant that he or she may proceed with fulfilling the necessary steps for approval of the final plat in accordance with the terms of approval. Such approval does not constitute approval of the final plat.

C. Approval Criteria

A preliminary plat shall be approved if it meets all of the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient to allow adequate review and final action;
2. The preliminary plat is consistent with all applicable provisions of this Ordinance and state law;
3. The preliminary plat is consistent with the City's Comprehensive Plan and any other adopted plans and standards as they relate to the following:
 - a. The City's current and future streets, sidewalks, bike lanes, alleys, parks, and public utility facilities; and
4. The extension, improvement, or widening of City roads, taking into account access to and extension of sewer, water and storm water mains and the instrumentality of public utilities;

5. The preliminary plat promotes public health, safety, and general welfare; furthers the orderly layout and use of land; provides a balanced density of land, provides beneficial street layout and traffic flows; provides for adequate light and air; facilitates adequate provisions for water, sewerage, storm water management, and other public requirements; provides for proper ingress and egress; and promotes proper monumenting of land subdivided and conveyancing by accurate legal descriptions;
6. The tract of land subject to the application is adequately served by public improvements and infrastructure (as required by this Ordinance), or will be adequately served upon completion by the applicant of required improvements; and
7. Where applicable, each preliminary plat shall include a schedule for phasing of improvements.

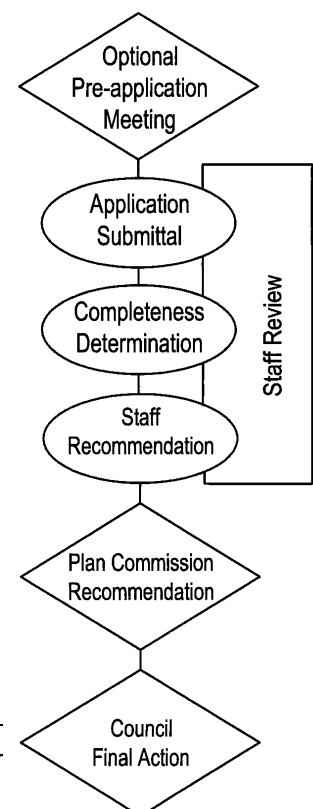
Section 3.24 Final Plat

A. Applicability

Final plat approval shall be required within six (6) months of the last required approval of the preliminary plat. The final plat is essentially a complete version of the previously approved preliminary plat incorporating all the required changes and the final engineering diagrams and descriptions.

B. Review Process

1. **Optional pre-application meeting.** The property owner or their designated agent may meet with the Zoning Administrator or Designated Authorized Agent to review the final plat requirements prior to submitting an application.
2. **Initiation.** Initiation of a final plat may be made upon application of the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#). The application shall include all the required information specified in [Section 9.2, D.: Final Plat](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
5. Pursuant to [Section 236.12 of the Wisconsin Statutes](#), submit the application to the required state agencies and the City Water and Wastewater Superintendent, the Fire Chief, the Police Chief, the Public Works Director, and the City Engineer for their review and comment;
6. Notice a public informational meeting pursuant to [Section 3.1, G.: General Procedures Associated with Public Informational Meetings and Notices](#); and



7. Review the application, considering the approval criteria, and prepare a report to the Plan Commission with a recommendation for final action.
8. **Plan Commission recommendation.** The Plan Commission shall complete the following tasks:
 - a. Conduct a public informational meeting pursuant to [Section 3.1, G.: General Procedures Associated with Public Informational Meetings and Notices](#); and
9. Following the public informational meeting, take action to recommend that the Common Council approve, approve with conditions, or deny the request for final plat approval based on the approval criteria specified in this Section.
10. **Common Council final action.** The Common Council shall complete the following tasks:
 - a. Within sixty (60) days of the City's receipt of a complete application (unless the deadline for action is extended pursuant to [Section 3.1, D., 5.: Limit of Time Relating to Final Action](#)), the Common Council shall review the recommendations of the Plan Commission and others, and considering the approval criteria, approve or deny the final plat.
11. Approval of the final plat shall require an affirmative vote of the majority of the entire Common Council.

C. Approval Criteria

A final plat shall be approved if it meets all of the following criteria:

1. The application is complete and the information contained within the application is correct and sufficient to allow adequate review and final action; and
2. The final plat must be consistent with the approved preliminary plat and all of the approval criteria of the preliminary plat.

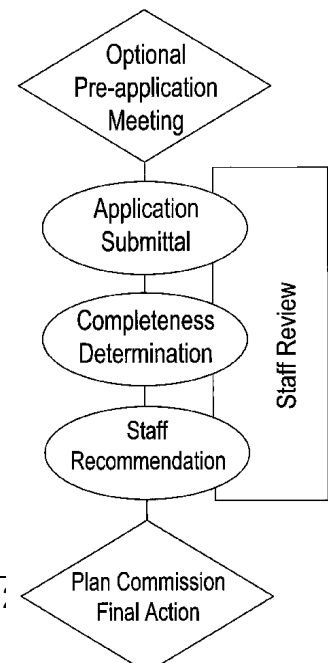
Section 3.25 Public Art Permit

A. Applicability

It shall be unlawful for any person to erect, construct, enlarge, relocate, or structurally modify public art or cause the same to be done in the City of Ashland without first obtaining a public art permit pursuant to this Section and [Section 5.6 I.: Public Art](#).

B. Review Process

1. **Optional pre-application meeting.** The property owner, or their designated agent, requiring a public art permit may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent to review the proposed work and clarify the requirements for obtaining a public art permit.
2. **Initiation.** Initiation of a public art permit may be made upon application of the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.:](#)



Application Forms and Fees. The application shall contain the following information:

- a. The name, address, and telephone number of the public art owner, the property owner where the public art is or shall be located, and the artist or contractor of the proposed public art.
4. Clear and legible scale drawings showing the construction, size, dimensions, materials to be used, and the location of the proposed public art and any existing public art on the parcel.
5. Calculations or evidence showing that the structure and design comply with the provisions of *Section 5.6 I.: Public Art*.
6. Evidence of liability insurance policy or bond as required herein.
7. A Historic Preservation Certificate of Appropriateness and/or approval from the Mural Art Walk Committee, if required.
8. Such other information as the Zoning Administrator or Designated Authorized Agent may require showing full compliance with the provisions of this Ordinance.
9. Signature of the applicant.
10. Payment of all required fees.
11. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to *Section 3.1, D., 4.: Application Completeness*; and
12. Review the application, considering the criteria for approval, and submit the application to other City Staff for their review and comment as necessary or desired.
13. **Plan Commission final action.** The Plan Commission shall complete the following tasks:
 - a. Conduct a public informational meeting pursuant to *Section 3.1, G.: General Procedures associated with Public Informational Meetings and Notices*.
14. Within ninety (90) days of the City's receipt of a complete application, the Plan Commission shall take action to approve, approve with conditions, or deny the request for public art approval unless the deadline for action is extended pursuant to *Section 3.1, D., 5.: Limit of Time Relating to Final Action*.

C. Approval Criteria

The Zoning Administrator or Designated Authorized Agent shall issue a public art permit when the permit application is properly made, all appropriate fees have been paid, approval has been granted by the Plan Commission and the public art complies with the applicable provisions of this Ordinance.

Sections 3.26 - 3.29 (Reserved for future applications requiring a public informational meeting.)

APPLICATIONS REQUIRING ADMINISTRATIVE APPROVAL

Sections 3.30. through 3.59. describe applications and review procedures that required administrative approval in lieu of a public hearing or a public informational meeting. Administrative approval is intended to simplify and expedite the review and approvals procedures associated with development that is expected to have minimal impact on the site, its surroundings, and within the community.

Section 3.30 Reserved

Section 3.31 Development Permit

A. Applicability

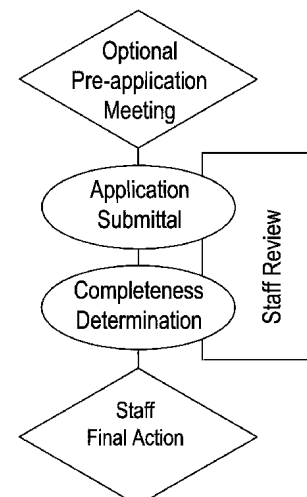
All development activities within the City of Ashland, as defined pursuant to [Section 3.1, B., 2.: Development Defined](#), shall be conducted in accordance with the provisions of this Ordinance and only after a development permit is issued pursuant to the provisions of this Section.

B. General Provisions

- 1. Effect of a development permit.** The issuance of a development permit authorizes the applicant to commence development immediately upon the giving of notice by the City, but subject to any lawful conditions attached by the Common Council, the Plan Commission, the Zoning Board of Appeals, or Authorized Agents of the City. A development permit does not authorize occupancy.
- 2. Expiration of a development permit.** If the work described in any development permit has not begun within six (6) months from the date of issuance, such permit shall expire. If the work had begun, but the work lied idle for a period of six (6) months or more the permit shall be void. An extension may be granted in writing by the Zoning Administrator or Designated Authorized Agent, if the work has not been substantially completed, as determined by the Zoning Administrator or Designated Authorized Agent, within one (1) year of the date of the permit issuance. A development permit may be extended for an additional six (6) months by the Zoning Administrator or Designated Authorized Agent due to weather related factors. No further work shall proceed where a development permit has expired or is void unless an extension is given or a new development permit has been issued.
- 3. Demolition.** In the event that the work described in the development permit has begun, but has not been substantially completed within one (1) year of the date of issuance of a development permit, or if work has begun without a permit, then the Zoning Administrator or Designated Authorized Agent may order demolition of partially completed work.
- 4. Development permits must conform to be valid.** All officials and employees of the City vested with the duty or authority to issue permits or licenses shall comply with the provisions of this Ordinance and shall not issue a permit or license for any uses, building, or purpose in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void and of no effect whatever.

C. Review Process

- 1. Pre-application meeting.** The property owner or their designated agent may meet with the Zoning Administrator or Designated Authorized Agent prior to submitting an application for a development permit to review the permitting procedures and the Ordinances.
- 2. Initiation.** An application for a development permit may be initiated by a property owner or their designated agent.
- 3. Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated



Authorized Agent, pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#).

4. **Staff review and final action.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#);
5. Within thirty (30) days of the date that a complete application is filed, considering the approval criteria, the Zoning Administrator or Designated Authorized Agent shall issue the development permit (with or without conditions) or notify the applicant in writing of his or her refusal to issue the development permit and the reasons thereof.
6. The Zoning Administrator or Designated Authorized Agent may attach to the development permit conditions relating to the following:
 - (1) Compliance with the plans and specifications submitted by the developer to the Zoning Administrator or Designated Authorized Agent;
 - (2) Time within which the development must be commenced or completed; and
 - (3) Protective measures that a developer must undertake for the benefit of neighboring property, such as the construction of fencing or the establishment of buffer areas.
7. One copy of the plans submitted with the application shall be returned to the applicant when such plans have been approved, together with any conditions of such approval, the signature of the Zoning Administrator or Designated Authorized Agent, and any development permit as may be granted. One copy of the plans, similarly marked, shall be retained by the Zoning Administrator or Designated Authorized Agent as a permanent record or until such time as the development no longer occupies the subject parcel.

D. Approval Criteria

The Zoning Administrator or Designated Authorized Agent shall issue a development permit if he or she finds that the development for which the development permit is sought constitutes a general development permitted by this Ordinance and consistent with the provisions of this Ordinance or a conditional development that was approved by the applicable approval body.

Section 3.32 Building Permit

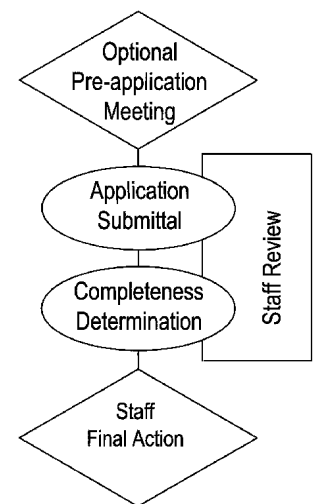
A. Applicability

1. No building or structure or any part thereof shall hereafter be built, enlarged, altered, moved, or demolished, or any plumbing or electrical work commenced within the City of Ashland, except as exempted in [Section 3.1, B., 3.: Exempt Activities](#) or as exempted in this Section unless a building permit is first obtained from the Building Inspector or Designated Authorized Agent.
2. To the extent feasible, all police officers or other Authorized Agents of the City shall report at once to the Building Inspector or Designated Authorized Agent any building that they have been made aware of that is being erected, altered, moved, or wrecked without a building permit as required by this Ordinance.
3. It shall be unlawful to commence work on any building before a building permit has been issued as required by this Ordinance.

4. A building permit may not be required for exterior repairs or minor alterations that do not change the area, structural strength, or level of occupancy, fire protection, light, or ventilation, or the number of exits, or where the cost of repairs does not exceed the amount identified in the City of Ashland's Comprehensive Fee Schedule.
5. Interior repair projects not exceeding the amount identified in the City of Ashland Comprehensive Fee Schedule shall not require a building permit. The cost of furniture and removable equipment/fixture shall not be included in the project cost.

B. Review Process

1. **Optional pre-application meeting.** The property owner (or owner's agent) of a project requiring a building permit may request a pre-application meeting with the Building Inspector or Designated Authorized Agent to review the proposed work and clarify the requirements for obtaining a building permit.
2. **Initiation.** Initiation of a building permit may be made upon application of the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Building Inspector or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#).
4. **Staff review.** The Building Inspector or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
5. Review the application, considering the criteria for approval, and submit the application to other City Staff and government agencies for their review and comment as necessary or desired.
6. **Staff final action.** Within thirty (30) days of the City's receipt of a complete application and upon satisfactory review of the application, the Building Inspector or Designated Authorized Agent shall approve, approve with conditions, or deny the request for issuance of a building permit.



C. Approval Criteria

If the Building Inspector or Designated Authorized Agent finds that the proposed development complies with all applicable provisions of this Ordinance and all applicable laws and lawful orders of the State of Wisconsin, he or she shall approve and shall issue a building permit, which shall be posted at the building site in a manner visible from the street.

D. Applicant's Responsibilities

1. No work for which a building permit is required shall be commenced until the building permit and all other applicable permits are issued.
2. Permit fees shall be doubled for all work commenced prior to the issuance of a permit.
3. New commercial projects may require periodic inspections by a State certified commercial building inspector.
4. The applicant shall request the required inspections associated with the building permit at the appropriate times. Failure to call for the inspections at the appropriate times may

require full or partial disassembly of the work to reveal covered work. Construction shall not proceed beyond the point of inspection until the inspection has been completed.

5. Before the building can be occupied, the applicant shall request the final inspection and the issuance of a certificate of occupancy as required.

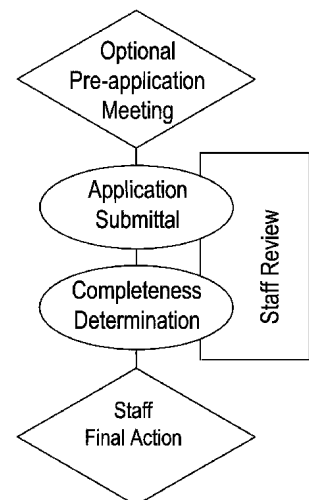
Section 3.33 Demolition Permit

A. Applicability

No building, structure, or part thereof (as determined by the Building Inspector or Designated Authorized Agent), shall be removed, razed or demolished without prior approval and/or a demolition permit. Any building or structure, or part thereof, to be moved to a new location shall require a permit pursuant to [Section 3.34: Permit to Move a Building or Structure](#).

B. Review Process

1. **Optional pre-application meeting.** The property owner (or owner's agent) of a project requiring a demolition permit may request a pre-application meeting with the Building Inspector or Designated Authorized Agent to review the proposed work and clarify the requirements for obtaining a demolition permit.
2. **Initiation.** Initiation of a demolition permit may be made upon application by the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Building Inspector or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#).
4. **Review.** The Building Inspector or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to Section 3.1, D., 4.: Application Completeness; and
5. Review the application, considering the criteria for approval, and submit the application to the Zoning Administrator, Public Works Director, Fire Chief, Police Chief and other Designated Authorized Agents, and other government agencies for their review and comment as necessary or desired.
6. The Building Inspector or Designated Authorized Agent may require an application for demolition be reviewed and approved by the Plan Commission, if the proposed demolition will impact or has the potential to impact neighboring properties or City infrastructure.
7. **Staff final action.** Within thirty (30) days of the City's receipt of a complete application and upon satisfactory review of the application, the Building Inspector or Designated Authorized Agent shall approve, approve with conditions, or deny the request for issuance of a demolition permit.



C. Approval Criteria

If the Building Inspector or Designated Authorized Agent finds that the proposed demolition complies with all applicable provisions of this Ordinance, including all applicable standards in [Section 6.1, J.: Demolition and Moving of a Structure](#), and all applicable laws and lawful orders

of the State of Wisconsin, he or she shall approve and issue a demolition permit, which shall be posted at the building site in a manner visible from the street. A copy of the approved demolition permit shall be provided to the Police, Fire, Public Works and Planning & Development Departments. A copy of the permit may be provided to other governmental agencies or departments if applicable.

D. Applicants Responsibilities

1. No work for which a demolition permit is required shall be commenced until the demolition permit and all other applicable permits are issued. If approvals or permits are required by other governmental agencies or departments, a letter of approval or a copy of the permits shall be provided to the Building Inspector or Designated Authorized Agent prior to issuance of a demolition permit.
2. Permit fees shall be doubled for any work commenced prior to the issuance of a permit.
3. The applicant shall request the required inspections associated with the demolition permit at the appropriate times, including inspections for properly abandoning utilities. Failure to call for the inspections at the appropriate times may require full or partial disassembly of the work to reveal covered work. Demolition shall not proceed beyond the point of inspection until the inspection has been completed.

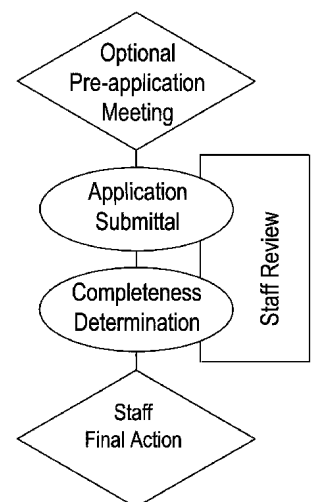
Section 3.34 Permit to Move a Building or Structure

A. Applicability

No building, structure, or part thereof (as determined by the Building Inspector or Designated Authorized Agent), shall be moved without prior approval and/or a permit to move a building or structure. Any building or structure, or part thereof, to be removed, razed or demolished shall require a demolition permit pursuant to [Section 3.33: Demolition Permit](#).

B. Review Process

1. **Optional pre-application meeting.** The property owner (or owner's agent) of a project requiring a permit to move a building or structure may request a pre-application meeting with the Building Inspector or Designated Authorized Agent to review the proposed work and clarify the requirements for obtaining the permit.
2. **Initiation.** Initiation of a permit to move a building or structure may be made upon application by the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Building Inspector or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#).
4. **Review.** The Building Inspector or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
5. Review the application, considering the criteria for approval, and submit the application to the Zoning Administrator, Public Works Director, Fire Chief, Police Chief or Designated



Authorized Agents, and other government agencies for their review and comment as necessary or desired.

6. The Building Inspector or Designated Authorized Agent may require the application to move a building or structure be reviewed and approved by the Plan Commission, if the proposed relocation will impact or has the potential to impact neighboring properties or City infrastructure at the existing site or the proposed new location.
7. **Staff final action.** Within thirty (30) days of the City's receipt of a complete application and upon satisfactory review of the application, the Building Inspector or Designated Authorized Agent shall approve, approve with conditions, or deny the request for issuance of a permit to move a building or structure.

C. Approval Criteria

1. If the Building Inspector or Designated Authorized Agent finds that the proposed development complies with all applicable provisions of this Ordinance, including all applicable standards in [Section 6.1, J.: Demolition and Moving of a Structure](#), and all applicable laws and lawful orders of the State of Wisconsin, he or she shall approve and shall issue a permit to move a building or structure, which shall be posted in a manner visible from the street in the following locations:
 - a. At the existing site of the building or structure to be moved;
2. On the building or structure, or in a location accessible for viewing by local or state officials while in transit; and
3. At the proposed final location, if the building or structure is to be located within the City of Ashland.

A copy of the approved permit to move a building or structure shall be provided to the Police, Fire, Public Works and Planning & Development Departments. A copy of the permit may be provided to other governmental agencies or departments if applicable.

D. Applicants Responsibilities

1. No work for which a permit is required shall be commenced until the permit to move a building or structure and all other applicable permits are issued. If approvals or permits are required by other governmental agencies or departments, a letter of approval or a copy of the permits shall be provided to the Building Inspector or Designated Authorized Agent.
2. Permit fees shall be double for any work commenced prior to the issuance of a permit.
3. The applicant shall request the required inspections associated with the permit at the appropriate times, including inspection for properly abandoning utilities. Failure to call for the inspections at the appropriate times may require full or partial disassembly of the work to reveal covered work. Construction shall not proceed beyond the point of inspection until the inspection has been completed.
4. Before any building or structure to be located in the City of Ashland can be occupied, the applicant shall request the final inspection and the issuance of a certificate of occupancy as required.

Section 3.35 Certificate of Occupancy

A. Intent

The issuance of a certificate of occupancy is intended to ensure that new or expanded uses of a structure or site, as well as alterations of an existing structure or site, comply with all applicable provisions of this Ordinance and other applicable regulations of the City. A certificate of occupancy is also intended to provide the City with a record of each new or expanded use of a structure or site in Ashland.

B. Applicability

It shall be unlawful to use, occupy, or permit the occupancy of any new or expanded uses of a structure and/or site, as well as alterations of an existing structure or site, until the Building Inspector or Designated Authorized Agent of the City issues a certificate of occupancy for the use. Permanent connection of any building to any City of Ashland utility shall be prohibited without the issuance of a certificate of occupancy.

C. Review Process

1. **Application.** Every application for a building permit shall be deemed an application for a certificate of occupancy. Every application for a certificate of occupancy for a new use or change in use of land or building shall be made directly to Building Inspector or Designated Authorized Agent. When a certificate of occupancy is required pursuant to this Ordinance, the property owner or their designated agent shall request issuance of a certificate of occupancy from the Building Inspector, or Designated Authorized Agent when the subject work is complete (or substantially complete) and ready for occupancy or use.
2. **Approval criteria.** The Building Inspector, or Designated Authorized Agent shall review the work and issue a certificate of occupancy if the work complies with the applicable provisions of this Ordinance and all other applicable City ordinances, all City building, housing, and health laws, and any applicable conditions of approval that may have been required pursuant to the development and approval process. Any lawful conditions of occupancy shall be attached to or referred to on the certificate of occupancy.
3. **Record keeping.** The Building Inspector, or Designated Authorized Agent shall maintain records of all certificates of occupancy and a copy shall be furnished upon request to any person upon payment of a reasonable fee to cover the City's cost related to the request.

D. Temporary Certificate of Occupancy

1. **Approval criteria.** The Building Inspector or Designated Authorized Agent may issue a temporary certificate of occupancy for a period not to exceed six (6) months during alteration or partial occupancy of a building, or pending its completion. Such temporary certificate of occupancy shall not be construed as in any way altering the respective rights, duties, or obligations of the property owner or the City, and shall not be issued except under such restrictions as needed to adequately ensure the safety of the occupants. The temporary certificate of occupancy shall only be issued for weather delays or other circumstances beyond the control of the property owner as determined by the Building Inspector, or Designated Authorized Agent.
2. **Acceptance.** Acceptance of a temporary certificate of occupancy implies consent to application of the financial guarantee to make completion of any required improvements not completed prior to the expiration date of the temporary certificate of occupancy and forfeiture of any portion thereof not so applied, but no action or inaction by the City in respect to any required improvement shall serve to extend the time of validity of any temporary certificate of occupancy, or excuse any violation of this Ordinance. Any utility connection existing during the time of the temporary certificate of compliance shall terminate with the temporary certificate of occupancy.

3. **Extension.** The Building Inspector or Designated Authorized Agent may extend the time of a temporary certificate of occupancy for good cause. Such extension shall extend for the same period, the time for completion under the terms of any required bond.

E. Applicant's Responsibilities

It shall be the applicant's responsibility to request a final inspection and issuance of a certificate of occupancy.

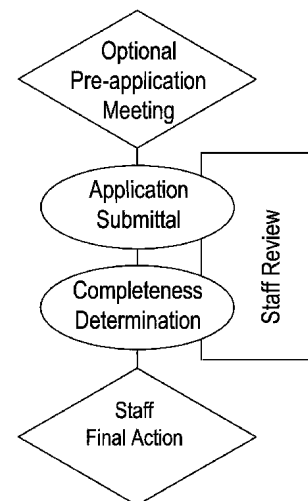
Section 3.36 Sign Permit

A. Applicability

It shall be unlawful for any person to erect, construct, enlarge, relocate, or structurally modify a sign or cause the same to be done in the City of Ashland without first obtaining a sign permit for each such sign pursuant to this Section and [Section 6.6: Signs](#).

B. Review Process

1. **Optional pre-application meeting.** The property owner, or their designated agent, requiring a sign permit may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent to review the proposed work and clarify the requirements for obtaining a sign permit.
2. **Initiation.** Initiation of a sign permit may be made upon application of the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#). The application shall contain the following information:
 - a. The name, address, and telephone number of the sign owner, the property owner where the sign is or shall be located, and the sign contractor of the proposed sign.
4. Clear and legible scale drawings showing the construction, size, dimensions, materials to be used, and the location of the proposed sign and any existing signs on the parcel.
5. Calculations or evidence showing that the structure and design comply with the provisions of Section 6.6: Signs.
6. Evidence of liability insurance policy or bond as required herein.
7. Such other information as the Zoning Administrator or Designated Authorized Agent may require to show full compliance with the provisions of this Ordinance.
8. Signature of the applicant.
9. Payment of all required fees.
10. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and



11. Review the application, considering the criteria for approval, and submit the application to other City Staff for their review and comment as necessary or desired.
12. **Staff final action.** Within fifteen (15) working days of the City's receipt of a complete application and upon satisfactory review of the application, the Zoning Administrator or Designated Authorized Agent shall approve, approve with conditions, or deny the request for issuance of a sign permit. If a sign permit is denied, within fifteen (15) working days of the denial, the Zoning Administrator or Designated Authorized Agent shall set forth in writing the reasons for the denial.

C. Approval Criteria

The Zoning Administrator or Designated Authorized Agent shall issue a sign permit when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the applicable provisions of this Ordinance.

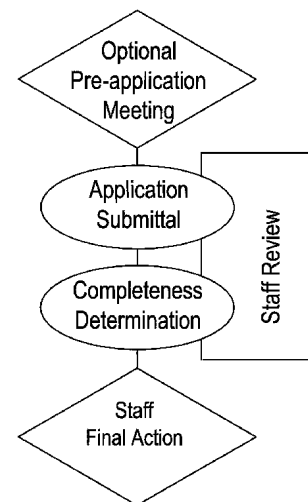
Section 3.37 Bed and Breakfast Establishment Permit

A. Applicability

The development, operation, or management of a bed and breakfast establishment requires the issuance of a bed and breakfast establishment permit pursuant to this Section and may require a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#).

B. Review Process

1. **Optional pre-application meeting.** The property owner, or their designated agent, considering developing a bed and breakfast establishment is encouraged to request a pre-application meeting with the Zoning Administrator and other applicable City Staff and government agencies, pursuant to the procedures described in [Section 3.1, D., 1.: Pre-application Meeting](#).
2. **Initiation.** Initiation of a request for a bed and breakfast establishment permit may be made upon application of the property owner or their designated agent and may be made simultaneously with the required application for a conditional use permit.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and [Section 3.1, D., 3.: Application Deadline](#).
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
5. Review the application, considering the criteria for approval, and submit the application to other City Staff and government agencies for their review and comment as necessary or desired.
6. **Staff final action.** Upon satisfactory review of the application and, if required, upon approval of a conditional use permit for the bed and breakfast establishment, the Zoning



Administrator or Designated Authorized Agent shall approve, approve with conditions, or deny the request for approval of bed and breakfast establishment permit.

C. Approval Criteria

A bed and breakfast establishment permit shall be approved if it meets all of the following criteria:

1. A conditional use permit, if required, has been approved;
2. The bed and breakfast establishment is consistent with all conditions of the approved conditional use permit, if required; and
3. The bed and breakfast establishment meets all applicable provisions of this Ordinance and applicable provisions set forth in *Chapter DHS 195 of the Wisconsin Administrative Code* or *Chapter DHS 197 of the Wisconsin Administrative Code*.

D. Termination of Permit

A bed and breakfast establishment permit shall be void upon the sale or transfer of the property ownership. A permit issued in accordance with this Section shall be valid until terminated by action of the Zoning Administrator or Designated Authorized Agent for violation of the provisions of this Ordinance or violations of the provisions set forth in *Chapter DHS 195 of the Wisconsin Administrative Code* or *Chapter DHS 197 of the Wisconsin Administrative Code*.

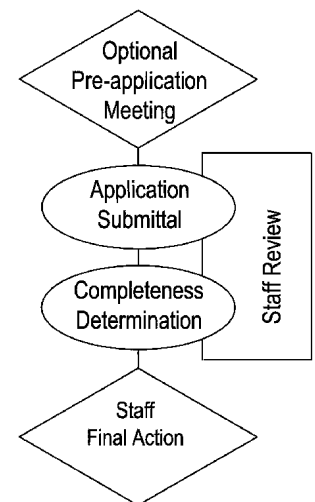
Section 3.38 Floodplain Certificate of Compliance

A. Applicability

No land in the Floodplain Overlay District as specified in *Section 4.50: F-O Floodplain Overlay District*, shall be occupied or used, and no building that is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a Floodplain Certificate of Compliance is issued by the Zoning Administrator or Designated Authorized Agent, except where no development permit or building permit is required by this Ordinance.

B. Review Process

1. **Initiation.** An application for a Floodplain Certificate of Compliance may be initiated by a property owner or their designated agent, concurrently with an application of a development permit.
2. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent, pursuant to *Section 3.1, D., 2.: Application Forms and Fees*.
3. **Staff review and final action.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to *Section 3.1, D., 4.: Application Completeness*; and
4. Review the application, considering the approval criteria, and if all of the provisions of the Floodplain Overlay District are met, the Floodplain Certificate of Compliance shall be



issued within thirty (30) days after written notification from the applicant that the permitted work is completed.

C. Approval Criteria

Approval of a Floodplain Certificate of Compliance shall be in accordance with the provisions specified in [Section 4.50: F-O Floodplain Overlay District](#).

D. Additional Approvals

Approval of a Floodplain Certificate of Compliance signifies the application's compliance with the provisions of the Floodplain Overlay District. Such approval shall not relieve the applicant from obtaining any other approvals that may be necessary for the proposed development including, but not limited to, those required by the United States Army Corp of Engineers under [Section 404 of the Federal Water Pollution Control Act \(Clean Water Act\)](#).

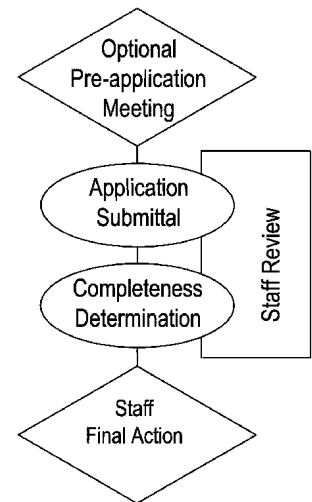
Section 3.39 Certified Survey Map without Public Dedication

A. Applicability

Whenever a division of land is proposed, but an insufficient number of parcels or parcels of size such that a platted subdivision is not required by [Section 9.1, C.: Types of Land Division](#), in lieu of a platted subdivision, such division of land shall be accomplished by a certified survey map in compliance with the provisions of [Section 236.34 of the Wisconsin Statutes](#) and this Ordinance. If the proposed certified survey map does not involve dedications to the public, the certified survey map may, at the discretion of the Zoning Administrator or Designated Authorized Agent, be reviewed and approved administratively pursuant to this Section. If the proposed certified survey map involves dedication to the public, it shall be reviewed by the Plan Commission and approved by the Common Council following the general procedures relating to plat review and approval.

B. Review Process

- 1. Optional pre-application meeting.** The property owner, or their designated agent, of a proposed division of land that is intended to be accomplished by a certified survey map may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent and other applicable City Staff, to review the proposed division of land and clarify the requirements for obtaining approval of a certified survey map.
- 2. Initiation.** Initiation of a certified survey map may be made upon application of the property owner or their designated agent.
- 3. Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#) and the required information specified in [Section 9.2, E.: Certified Survey Map](#).
- 4. Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:



- a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
5. Review the application, considering the criteria for approval, and submit the application to other City Staff and government agencies for their review and comment as necessary or desired.
6. **Staff final action.** Within thirty (30) days of the City's receipt of a complete application and upon satisfactory review of the application, the Zoning Administrator or Designated Authorized Agent shall approve, approve with conditions, or deny the request for approval of a certified survey map.

C. Approval Criteria

The Zoning Administrator or Designated Authorized Agent shall approve a certified survey map when the application is properly made, all appropriate fees have been paid, and the certified survey map complies with the applicable provisions of this Ordinance and state law.

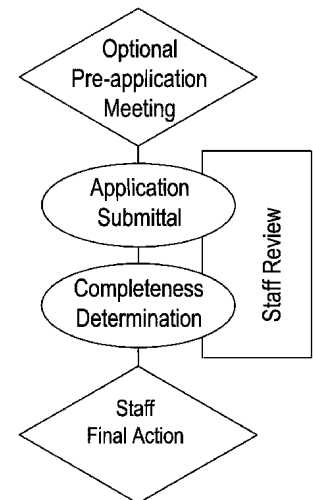
Section 3.40 Erosion and Sediment Control Plan

A. Applicability

No land disturbing construction activity as specified in [Section 8.2, A., 4: Applicability](#) shall commence without receiving prior approval of an erosion and sediment control plan for the site and all other applicable approvals and permits.

B. Review Process

1. **Optional pre-application meeting.** The property owner, or their designated agent, on any site on which land disturbing construction activity is proposed to occur is encouraged to request a pre-application meeting with the Public Works Director or Designated Authorized Agent to review the proposed land disturbing construction activity and clarify the requirements for receiving the necessary approvals.
2. **Initiation.** Initiation of an erosion and sediment control plan may be made upon application by the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Public Works Director or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#). The application shall include all the required information specified in [Section 8.2, D.: Erosion and Sediment Control Plan and Permitting Requirements](#).
4. **Staff review.** The Public Works Director or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
 5. Review the application, considering the approval criteria, and submit the application to other City Staff and government agencies as may be necessary for their review.



6. **Staff final action.** Within thirty (30) days of the City's receipt of a complete application, the Public Works Director or Designated Authorized Agent shall approve, approve with conditions, or deny the request for approval of the erosion and sediment control plan.

C. Approval Criteria

The Public Works Director or Designated Authorized Agent shall approve an erosion and sediment control plan when the application is properly made, all appropriate fees have been paid, and the erosion and sediment control plan complies with the applicable provisions as specified in [Section 8.2: Construction Site Erosion Control](#) (and elsewhere in this Ordinance) and state law.

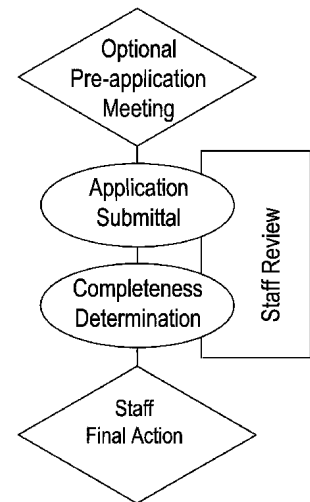
Section 3.41 Storm Water Management Plan

A. Applicability

No land disturbing construction activity as specified in [Section 8.3, A., 4: Applicability](#) shall commence without receiving prior approval of a storm water management plan for the site and all other applicable approvals and permits.

B. Review Process

1. **Optional pre-application meeting.** The property owner, or their designated agent, on any site on which land disturbing construction activity is proposed to occur is encouraged to request a pre-application meeting with the Public Works Director or Designated Authorized Agent to review the proposed land disturbing construction activity and clarify the requirements for receiving the necessary approvals.
2. **Initiation.** Initiation of a storm water management plan may be made upon application by the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Public Works Director or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#). The application shall include all the required information specified in [Section 8.3, D.: Storm Water Management Plan and Permitting Requirements](#).
4. **Staff review.** The Public Works Director or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
5. Review the application, considering the approval criteria, and submit the application to other City Staff and government agencies as may be necessary for their review.
6. **Staff final action.** Within thirty (30) days of the City's receipt of a complete application, the Public Works Director or Designated Authorized Agent shall approve, approve with conditions, or deny the request for approval of the storm water management plan.



C. Approval Criteria

The Public Works Director or Designated Authorized Agent shall approve a storm water management plan when the application is properly made, all appropriate fees have been paid, and

the storm water management plan complies with the applicable provisions as specified in [Section 8.3: Post Construction Storm Water Management](#) (and elsewhere in this Ordinance) and state law.

Section 3.42 Right-of-Way Permit

A. Applicability

All private utilities, private contractors and property owners shall obtain a right-of-way permit from the Public Works Director or Designated Authorized Agent prior to digging, excavating, trenching, augering, jacking, or other work requiring a right-of-way permit, within any street or alley right-of-way. Refer to City of Ashland [Ordinance 501](#) for more information.

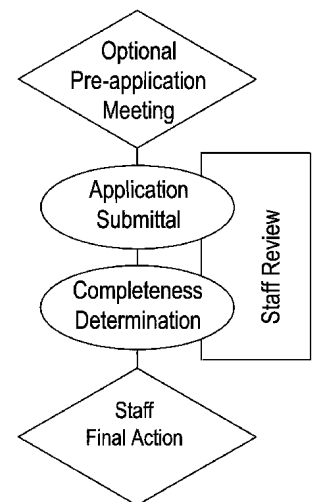
Section 3.43 Fence Permit

A. Applicability

No fence, gate, or wall (except those specifically exempted by [Section 6.5: Fences](#)) shall be constructed without first having obtained an approved fence permit from the Building Inspector or Designated Authorized Agent.

B. Review Process

1. **Pre-application meeting.** Any person or entity wishing to construct a fence, gate, or wall may request a pre-application meeting with the Building Inspector or Designated Authorized Agent to review the proposed work and discuss the requirements for receiving the necessary approvals.
2. **Initiation.** Initiation of a fence permit may be made upon application by the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Building Inspector or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#). The application shall include the following supporting information:
 - a. A plan at a scale of one inch equals twenty feet (1" = 20') or greater, showing the location of any fences and landscaped areas in relation to structures and parcel lines;
 - b. A description of the types of fencing materials to be used; and
 - c. A drawing showing the height, footings, and design of the fences.
4. **Staff review.** The Building Inspector or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
5. Review the application, considering the approval criteria, and submit the application to other City Staff and government agencies as may be necessary for their review.



6. Staff final action. Within fifteen (15) days of the City's receipt of a complete application, the Building Inspector or Designated Authorized Agent shall approve, approve with conditions, or deny the request for a fence permit.

C. Approval Criteria

The Building Inspector or Designated Authorized Agent shall approve a fence permit when the application is properly made, all appropriate fees have been paid, and the proposed work complies with the applicable provisions as specified in [Section 6.5: Fences](#).

D. Fence Permit Appealed

In the event that the Building Inspector or Designated Authorized Agent denies a fence permit application, the applicant may choose to appeal the denial decision to the Zoning Board of Appeals. Such appeal must be made in writing to the Zoning Administrator or Designated Authorized Agent within ten (10) working days of the denial.

Section 3.44 Approval to Temporarily Place Items on Sidewalks

A. Applicability

No sales racks, tables, chairs, or other items shall be placed on City sidewalks without the permission of the City. Items that are intended to be placed on a sidewalk shall require approval from the Public Works Director or Designated Authorized Agent. Refer to City of Ashland [Ordinance 501](#) for more information. This Section does not apply to newspaper racks, which are governed by City of Ashland [Ordinance 934](#), or sidewalk signs, which are governed by [Section 6.6, F., 8.: Sidewalk Signs](#).

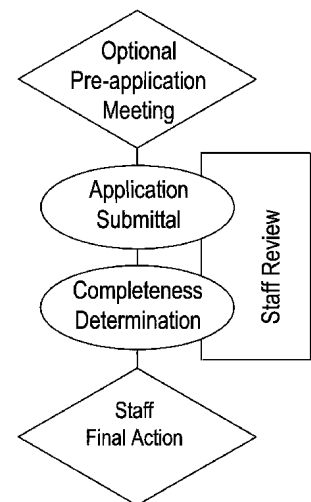
Section 3.45 Sign Permit for a Sidewalk Sign

A. Applicability

Pursuant to [Section 6.6, F., 8.: Sidewalk Sign](#), no sidewalk sign shall be allowed without the issuance of a sign permit pursuant to this Section.

B. Review Process

1. **Optional pre-application meeting.** The property owner, or their designated agent, requiring a sign permit for a sidewalk sign adjacent to their property may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent to review the proposed sign and clarify the requirements for obtaining a sign permit.
2. **Initiation.** Initiation of a sign permit may be made upon application of the property owner or their designated agent.
3. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to [Section 3.1, D., 2.: Application Forms and Fees](#). The application shall contain the following information:
 - a. The name, address, and telephone number of the sign owner, the property owner, and the sign contractor of the proposed sign.



7. Clear and legible scale drawings showing the construction, size, dimensions, materials to be used, colors, and the location of the proposed sign and any existing signs on the parcel.
8. Site sketch showing the location of the proposed sidewalk sign in relation to parcel lines, buildings, and the sidewalk and street.
9. Such other information as the Zoning Administrator or Designated Authorized Agent may require showing full compliance with the provisions of this Ordinance.
10. Signature of the applicant on the sign permit.
11. Signature of the applicant on a hold harmless agreement.
12. Payment of all required fees.
4. **Staff review.** The Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to [Section 3.1, D., 4.: Application Completeness](#); and
13. Review the application, considering the criteria for approval, and submit the application to the Public Works Director and Police Chief or Designated Authorized Agent for their review and approval as necessary or desired.
5. **Staff final action.** Within fifteen (15) working days of the City's receipt of a complete application and upon satisfactory review of the application, the Zoning Administrator or Designated Authorized Agent (and where applicable, the Public Works Director and Police Chief or Designated Authorized Agent) shall approve, approve with conditions, or deny the request for issuance of a sign permit for a sidewalk sign. If a sign permit for a sidewalk sign is denied, within fifteen (15) working days of the denial, the Zoning Administrator or Designated Authorized Agent shall set forth in writing the reasons for the denial.

C. Approval Criteria

1. The Zoning Administrator or Designated Authorized Agent shall issue a sign permit for a sidewalk sign when the permit application is properly made, all appropriate fees have been paid, and the sign complies the provisions of [Section 6.6, F., 8., Sidewalk Sign](#).
2. The Zoning Administrator or Designated Authorized Agent shall deny an application for a sign permit for a sidewalk sign if it is inconsistent with the provisions of this Ordinance. Reasons for denial may include, but shall not be limited to, the following:
 - a. The sign material does not comply with the allowable material types;
14. The sign design or construction is not compatible with its surroundings;
15. The sign does not encourage a positive business atmosphere; and/or
16. The sign exceeds the allowable size.

D. Revocation of Sidewalk Sign Permit

1. The Zoning Administrator or Designated Authorized Agent may elect to revoke a permit for a sidewalk sign that is in violation of this Ordinance. Reasons for a revocation may include, but shall not be limited to, the following:
 - a. The location, installation, or construction of the sign presents a safety hazard or is different than what was indicated on the application;

- b. The sign is being displayed outside the allowable hours for display; and/or
 - c. The sign is not appropriately stabilized or weighted to prevent unintentional movement.
- 2. Process for revocation of a sign permit. The process for the revocation of a sign permit associated with a sidewalk sign shall be as follows:
 - a. The Zoning Administrator or Designated Authorized Agent shall issue a written warning specifying the violation and the allowable time to bring the violation into compliance.
 - b. If the violation is not brought into compliance by the time allowed by the Zoning Administrator or Designated Authorized Agent, the permit shall be revoked and may not be renewed until the next calendar year.
 - c. Under circumstances in which, a sidewalk sign presents an immediate public safety hazard, as determined by the Zoning Administrator or Designated Authorized Agent, the immediate removal of the sign may be ordered. If the owner fails to remove the sign, the Zoning Administrator or Designated Authorized Agent may physically remove the sign. Upon removal of the illegal sign, the owner of the sign shall be given thirty (30) days in which to salvage the sign upon payment of a ten dollar (\$10.00) removal fee and a five dollar (\$5.00) fee per day for storage. If not salvaged, the sign may be disposed of as deemed appropriate.

Section 3.46 Keeping of Animals Permit

A. Applicability

It shall be unlawful to keep, on any property located in the City of Ashland, family farm animals identified in *Section 5.6, C.: Keeping of Animals* (excluding those specifically exempted) without first having obtained an approved Keeping of Animals permit from the Zoning Administrator and Animal Control Officer or Designated Authorized Agent.

B. Review Process

- 1. **Pre-application meeting.** Any person or entity wishing to request the keeping of family farm animals may request a pre-application meeting with the Zoning Administrator or Designated Authorized Agent to review the proposed request and discuss the requirements for receiving the necessary approvals.
 - d. **Initiation.** Initiation of a keeping of animals permit may be made upon application by the property owner or their designated agent.
 - e. **Application submittal.** A complete application shall be submitted to the Zoning Administrator or Designated Authorized Agent pursuant to *Section 3.1, D., 2.: Application Forms and Fees*. The application shall include the following supporting information:
 - a. A site sketch showing:
 - (1) Parcel lines and dimensions;
 - (2) Location of all existing buildings, structures and setbacks from parcel lines;
 - (3) Location of all occupied principal buildings on neighboring parcels within one hundred (100) feet;

- (4) All streets avenues, alleys and other rights-of-way;
 - (5) Location of proposed shelters, coops, hives, fencing or other structures proposed to be used; and
 - (6) Location of flyway barriers (for beekeeping).
- b. A description, drawing and/or photos of the building and/or fencing materials to be used;
 - c. **Staff review.** The Zoning Administrator and Animal Control Officer or Designated Authorized Agent shall complete the following tasks:
 - a. Determine if the application is complete pursuant to *Section 3.1, D., 4.: Application Completeness*; and
 - b. Review the application, considering the approval criteria, and submit the application to other City Staff and government agencies as may be necessary for their review.
 - c. **Staff final action.** Within thirty (30) days of the City's receipt of a complete application, the Zoning Administrator and Animal Control Officer or Designated Authorized Agent shall approve, approve with conditions, or deny the request for a keeping of animals permit.

C. Approval Criteria

The Zoning Administrator or Designated Authorized Agent shall approve a keeping of animals permit when the application is properly made, all appropriate fees have been paid, and the proposed work complies with the applicable provisions as specified in *Section 5.6, C.: Keeping of Animals*.

D. Permit Expiration and Fees

A keeping of animals permit shall be valid from the date of issuance to December 31 of the 3rd calendar year in which the permit was issued. A keeping of animals permit must be renewed each 3rd calendar year, prior to December 31 regardless of the date of issuance. Permit fees shall be identified in the City of Ashland Comprehensive Fee Schedule and shall be doubled for failure to obtain a permit. Permits for the keeping of animals shall be subject to review and renewal upon transfer of ownership of parcel or animals.

E. Revocation of a Keeping of Animals Permit

1. **Reasons for revocation.** The Zoning Administrator and/or Animal Control Officer or Designated Authorized Agent may elect to revoke a permit for the keeping of animals that is in violation of this Ordinance. Reasons for a revocation may include, but shall not be limited to, the following:
 - a. The location or installation of the animals and associated structures presents a safety hazard or is different than what was indicated on the application;
 - b. The keeping of animals is creating a nuisance to occupants of nearby properties;
 - c. The animals are not provided with adequate shelter, a secure enclosure, food or water;
 - d. The shelter and/or enclosures are unsanitary or unsafe; and
 - e. Other reasons not specifically stated that endanger the safety, health and welfare of the animals and/or citizens of the City.

- f. **Process for revocation of a keeping of animals permit.** The process for the revocation of a keeping of animals permit shall be as follows:
 - a. The Zoning Administrator, Animal Control Office or Designated Authorized Agent shall issue a written warning specifying the violation and the allowable time to bring the violation into compliance;
 - b. If the violation is not brought into compliance by the time allowed, the permit shall be revoked and may not be renewed until the next calendar year or for three (3) months, whichever is later; and
 - c. Under circumstances in which, the keeping of animals presents an immediate public safety hazard, as determined by the Zoning Administrator, Animal Control Officer or Designated Authorized Agent, the immediate removal of the animals may be ordered. If the owner fails to remove the animals, the Animal Control Officer or Designated Authorized Agent may physically remove the animals.

Section 3.46–3.54 (Reserved for future applications requiring administrative approval.)

Section 3.55 Other Required Permits and Approvals

In the event that this Ordinance references permits or approvals that are not specified in Part 3: Applications, Reviews, and Approvals, the applicant shall submit an application on a form as directed by the Zoning Administrator or Designated Authorized Agent.

Part 4

ZONING DISTRICTS

Part 4: Zoning Districts describe requirements for each zoning district in the city. Zoning districts are organized by the primary use in each district, including residential, commercial, industrial, waterfront, and other major uses. The requirements for each zoning district include the types of land uses that are permitted and those uses that require a conditional use permit. Dimensional standards are also included for each zoning district such as minimum parcel sizes and setback, height, and parcel coverage requirements. In some cases, the district also specifies design standards or other special requirements that relate to the district.

Refer to the Zoning Map for the locations of the zoning districts. Some overlay zoning district locations may be illustrated within this Part of the Unified Development Ordinance, rather than on the Zoning Map. Refer to the official Unified Development Ordinance and the official Zoning Map on file with the Zoning Administrator for current information.

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Section 4.1 Zoning District Regulations

A. Intent

The intent of Part 4: Zoning Districts is to establish zoning districts within the City of Ashland that correspond with the Land Use Plan and the City's vision, goals, objectives, and policies for sustainable growth and development as described in the City's Comprehensive Plan.

B. Relationship of Zoning Districts to the Comprehensive Plan

The zoning district requirements and the delineation of zoning district boundaries on the Zoning Map shall be consistent with the goals, objectives, and policies of the City of Ashland Comprehensive Plan. The zoning district boundaries and rezoning requests shall also relate to the Land Use Plan Map and the Staged Growth plans of the Comprehensive Plan. The official Comprehensive Plan is on file in the office of the Zoning Administrator.

Helpful Note.

Any rezoning request that is not consistent with the Comprehensive Plan shall also include a request for a Comprehensive Plan amendment pursuant to the procedures specified in [Part 3: Review, Application, and Approval Procedures](#).

C. Establishment of Zoning Districts

The City of Ashland is divided into the following base (underlying) zoning districts as regulated in this Ordinance and as shown on the Zoning Map.

1. R-E Residential Estate District
2. R-1 Single-Family Residential District
3. R-2 Single and Two-Family Residential District
4. R-3 Medium Density Residential District
5. R-4 High Density Residential District
6. MHC Manufactured Home Community (Mobile Home Park) District
7. MRC Mixed Residential/Commercial District
8. PRI Planned Residential/Institutional District
9. NC Neighborhood Convenience District
10. RC Regional Commercial District
11. CC City Center District
12. MCI Mixed Commercial/Industrial District
13. LI Light Industrial District
14. HI Heavy Industrial District
15. W-SFR Waterfront Single-Family Residential District
16. W-MRC Waterfront Mixed Residential/Commercial District
17. W-CRM Waterfront Conference/Residential Mix District
18. W-C Waterfront Commercial District
19. W-CC Waterfront City Center District

Helpful Note.

*A copy of the Comprehensive Plan may be downloaded from the City's website:
<http://www.ci.ashland.wi.us/>
Contact the Office of the Zoning Administrator to verify if amendments have been made to the Plan*

20. W-I Waterfront Industrial District
21. W-PI Waterfront Public/Institutional District
22. PI Public/Institutional District
23. PP Public Parks District
24. FD Future Development District
25. AIR Airport District

The City of Ashland is divided into the following overlay zoning districts as regulated by this Ordinance and as may be shown on the Zoning Map or illustrated or described within this Ordinance.

26. W-O Waterfront Overlay District
27. GTWY-O Gateway Overlay District
28. BCC-O Bay City Creek Overlay District
29. F-O Floodplain Overlay
30. WET-O Wetland Overlay
31. PUD Planned Unit Development Overlay District
32. Conservation Subdivision Overlay District
33. Traditional Neighborhood Design Overlay District

D. Zoning Map

1. **Location and boundaries of zoning districts.** The location and boundaries of the zoning districts established by this Ordinance are set forth on the Zoning Map, which is hereby incorporated as part of this Ordinance, or are set forth in the pertinent sections of this Ordinance.
2. **Official Zoning Map and copies.** An official Zoning Map shall be created and kept on file in the office of the Zoning Administrator. Paper or electronic copies of the official Zoning Map may be created for ease of access. Copies shall not be considered the official Zoning Map and shall contain a disclaimer stating that the information may not be current and directing the user to the office of the Zoning Administrator for the official Zoning Map.
3. **Map format.** The Zoning Map may be in hard copy or electronic format or both.
4. **Changes to district boundaries.** Changes to zoning district boundaries must be approved by the Common Council pursuant to [Section 3.3: Zoning Map Amendments \(Rezoning\)](#). The Zoning Administrator or Designated Authorized Agent shall record any approved change on the official Zoning Map after approval by the Common Council.

Helpful Note.

Copies of the Zoning Map are included in [Appendix B: Zoning Maps](#). Copies are also available at the Office of the Zoning Administrator. These copies are for general reference only. Contact the Office of the Zoning Administrator to verify zoning based on the Official Zoning Map.

5. **Interpretation of district boundaries.** Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning Map, the following rules shall apply:
- a. Parcel lines. Boundaries indicated as approximately following parcel lines shall be construed as following such parcel lines.
 - b. Street centerlines. Boundaries indicated as approximately following centerlines of streets or highways, street lines, or highway right-of-way lines shall be construed as following such lines.
 - c. Centerlines extended. Boundaries indicated as approximately parallel to or extensions of the centerlines or right-of-way lines of streets, or the centerlines or right-of-way lines of highways, shall be construed as being parallel to or extensions of and at such distance there from as indicated on the Zoning Map. If no distance is given, the distance shall be determined using the Zoning Map scale.
 - d. Water bodies. Boundaries shown following a water body shall be deemed to be located along the shores of the water body unless designated otherwise in this Ordinance.
 - e. Railroad right-of-way. Boundaries shown following a railroad line shall be deemed to be located midway between the main tracks of the railroad line.
 - f. Parcel divisions. Where a district boundary divides a single parcel:
 - (1) Except where required under 4.1, D., 5., f., (2), the Zoning Administrator or Designated Authorized Agent shall extend to the entire lot all provisions of the one (1) district on said parcel which is:
 - Most similar to and compatible with the prevailing uses established on all lands within three-hundred (300) feet of said parcel, and
 - Consistent with the adopted Comprehensive Plan.
 - (2) Where the Zoning Administrator or Designated Agent finds the above criteria not conducive to a determination of the prevailing zoning district, the Zoning Administrator or Designated Authorized Agent shall refer the matter to the Plan Commission for consultation.
 - (3) In no case shall a parcel split by zoning boundaries have more than one principal structure on the parcel.
 - (4) A principal use may not be established on any portion of a parcel if the minimum parcel size requirements of the applicable district cannot be met by the available area of the entire parcel.
 - g. Vacations or discontinuances. If a street, alley, or other public way is vacated or discontinued by official action, then the zoning district adjoining such public way shall be extended automatically to include all land attached by reversion to the centerline of such public way. Such vacated or discontinued land shall be subject to all regulations of the extended district.
 - h. Administrative interpretations. Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or where due to scale, lack of detail, or illegibility there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, or in other circumstances not covered

above, the Zoning Administrator or Designated Authorized Agent shall interpret the district boundaries.

E. Zoning for Newly Annexed Land

All land annexed to the City shall automatically be designated FD Future Development District unless otherwise directed by the Common Council as part of the annexation process. Such designation shall remain until definite boundaries and regulations for such land are adopted by the Common Council.

F. Land Use Table & Dimensional Requirements Table

Appendix C-1: Land Use Table presents a land use table that is intended to help aid the reader in comparing allowable land uses across the various base or (underlying) districts. This table is intended for general reference only. *Appendix C-2: Dimensional Requirements Table* presents a table that is intended to help aid in understanding dimensional requirements in each district. If a conflict exists between the information presented in the land use table and the information specified in the text of the districts described in this Part of this Ordinance, the text of the districts shall take precedence.

Predominantly Residential Districts

Sections 4.2 – 4.14 describe the zoning districts in the City of Ashland that are predominantly residential. However, these districts may also allow for a mixture of other uses including commercial, industrial, and public institutional uses. Likewise residential uses may also be allowed in other zoning districts that are predominantly commercial or industrial.

Section 4.2 R-E Residential Estate District

A. Intent

The intent of the R-E Residential Estate District is to provide areas, as guided by the Comprehensive Plan, for single-family detached dwellings (and other compatible uses) on relatively large parcels. Uses in the R-E Residential Estate District may or may not be served by municipal water and/or sanitary sewer service.

B. Uses

1. **Permitted uses.** The following are permitted uses in the R-E Residential Estate District, pursuant to all applicable specific uses standards.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to *Section 5.1, C.: Community Living Arrangement* and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: single-family detached
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services

- d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and ten thousand (10,000) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the R-E Residential Estate District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - (6) Dwelling: two-family or duplex
 - (7) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (8) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (9) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (10) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Cemetery

- (2) Government or community service use
 - (3) Religious institution
 - (4) School: primary or secondary
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross developable area of five (5) acres or more
 - (2) Forestry, provided that the subject parcel has a gross developable area of five (5) acres or more
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than ten thousand (10,000) square feet of land disturbance, and as a separate activity that is not associated with a building permit or other development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - g. Other uses.
 - (1) Accessory building, if the building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the R-E Residential Estate District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, or donkeys, pursuant to [Section 5.6, C.: Animals: Keeping of](#)

- (4) Animals: raising family farm animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (7) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (8) Fence, pursuant to [Section 6.5: Fences](#)
- (9) Foster care: family home
- (10) Greenhouse: local
- (11) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (12) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Signs, pursuant to [Section 6.6: Signs](#)
- (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-E Residential Estate District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One half (1/2) acre.
 - b. Minimum parcel width. One hundred (100) feet.

- c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Forty (40) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows.
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the minimum principal building setback from the interior side parcel line as specified in this section shall be increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The maximum building coverage shall be as follows:
 - a. All residential uses. Twenty-five (25) percent.
 - b. Other uses. Fifty (50) percent.
6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Thirty (30) percent impervious coverage.
 - b. Other uses. Seventy (70) percent impervious coverage.

Section 4.3 R-1 Single-Family Residential District

A. Intent

The intent of the R-1 Single-Family Residential District is to provide areas, as guided by the Comprehensive Plan, for low-density single-family residential uses and other uses compatible with single-family residential uses.

B. Uses

1. **Permitted uses.** The following are permitted uses in the R-1 Single-Family Residential District, pursuant to all applicable specific uses standards.
 - a. Residential uses.

- (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: single-family detached
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.
- 2. **Conditional uses.** The following are conditional uses in the R-1 Single-Family Residential District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - (6) Dwelling: two-family or duplex
 - (7) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (8) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (9) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)

- (10) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Cemetery
 - (2) Government or community services
 - (3) Religious institution
 - (4) School: primary or secondary
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - (1) Accessory building, if the building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as the principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the R-1 Single-Family Residential District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

- 1. **Parcel requirements.** The minimum parcel requirements in the R-1 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: single-family detached. Seven thousand (7,000) square feet.
 - (2) Other residential use. Ten thousand five hundred (10, 500) square feet.
 - (3) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: single-family detached. Fifty (50) feet.

- (2) Other residential use. Seventy-five (75) feet.
 - (3) Other principal use. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line.
 - (1) All residential use. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.
 - (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
 - d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Thirty (30) percent.
 - b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum allowable impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Forty (40) percent.

- b. Other use. Seventy (70) percent.

Section 4.4 R-2 Single and Two-Family Residential District

A. Intent

The intent of the R-2 Single and Two-Family Residential District is to provide areas, as guided by the Comprehensive Plan, for low-density residential uses allowing both single-family and two-family dwellings and to allow for other uses compatible with single and two-family residences.

B. Uses

1. **Permitted uses.** The following are permitted uses in the R-2 Single and Two-Family Residential District, pursuant to all applicable specific uses standards.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: single-family attached, not to exceed two (2) dwelling units per building
 - (3) Dwelling: single-family detached
 - (4) Dwelling: two-family or duplex
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the R-2 Single and Two-Family Residential District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)

Section 4.4: R-2 Single and Two-Family Residential District

- (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Long term housing, pursuant to [Section 5.2, F.: Social Services](#)
 - (9) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (10) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
- b. Commercial uses.
- (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
- (1) Cemetery
 - (2) Clinic and Medical Office
 - (3) Government or community services
 - (4) Religious institution
 - (5) School: primary or secondary
- d. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as the principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the R-2 Single and Two-Family Residential District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)

- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5 B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-2 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).

- a. Minimum parcel area.

- (1) Dwelling: single-family attached. Seven thousand (7,000) square feet per dwelling unit.
- (2) Dwelling: single-family detached. Seven thousand (7,000) square feet.
- (3) Dwelling: two-family or duplex. Ten thousand five hundred (10,500) square feet.
- (4) Other residential use. Ten thousand five hundred (10,500) square feet.
- (5) Other principal use. Fourteen thousand (14,000) square feet.

- b. Minimum parcel width.

- (1) Dwelling: single-family attached. Fifty (50) feet per unit.
- (2) Dwelling: single-family detached: Fifty (50) feet.
- (3) Dwelling: two-family or duplex. Seventy-five (75) feet.
- (4) Other residential use. Seventy-five (75) feet.
- (5) Other principal use. One hundred (100) feet.

- c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this Section.

2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).

- a. Minimum principal building setback from front parcel line.

- (1) All residential uses. Twenty-five (25) feet.
- (2) Other principal use. Thirty-five (35) feet.

- b. Minimum principal building setback from corner street side parcel line.

- (1) All residential uses. Twenty (20) feet.
- (2) Other principal use. Thirty (30) feet.

- c. Minimum principal building setback from interior side parcel line.

- (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
- d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Thirty-five (35) percent.
 - b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum impervious coverage shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Forty (40) percent.
 - b. Other use. Seventy (70) percent.

Section 4.5 R-3 Medium Density Residential District

A. Intent

The intent of the R-3 Medium Density Residential District is to provide areas for medium density residential uses in Ashland. The R-3 District is also intended to allow for other uses compatible with medium density residential uses. Areas of medium density residential development may also occur within other districts, including, but not limited to, the MRC Mixed Residential/Commercial, W-MRC Waterfront Mixed Residential/Commercial, PRI Planned Residential/Institutional, CC City Center, and W-CC Waterfront City Center Districts.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the R-3 Medium Density Residential District.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: multi-family, three (3) or four (4) dwelling units per building

- (3) Dwelling: single-family attached not to exceed six (6) dwelling units per building
 - (4) Dwelling: two-family or duplex
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.
- 2. **Conditional uses.** The following conditional uses are allowed in the R-3 Medium Density Residential District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: single-family detached
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Long term housing, pursuant to [Section 5.2, F.: Social Services](#)
 - (9) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (10) Short term housing, pursuant to [Section 5.2, F.: Social Services](#)

- b. Commercial uses.
 - (1) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
 - c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Government or community services
 - (3) Nursing home
 - (4) Religious institution
 - (5) School: primary or secondary
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as the principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the R-3 Medium Density Residential District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R3 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).

- a. Minimum parcel area.

- (1) Dwelling: multi-family. Five thousand (5,000) square feet per dwelling unit.
- (2) Dwelling: single-family attached. Five thousand (5,000) square feet per dwelling unit.
- (3) Dwelling: two-family or duplex. Ten thousand five hundred (10,500) square feet.
- (4) Other residential use. Ten thousand five hundred (10,500) square feet.

- (5) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: multi-family. One hundred (100) feet.
 - (2) Dwelling: single-family attached. Thirty-five (35) feet per dwelling unit.
 - (3) Dwelling: two-family or duplex. Seventy-five (75) feet.
 - (4) Other residential use. Seventy-five (75) feet.
 - (5) Other principal use. One (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line.
 - (1) All residential uses. Twenty-five (25) feet.
 - (2) Other principal use. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line.
 - (1) All residential uses. Twenty (20) feet.
 - (2) Other principal use. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line.
 - (1) All residential uses. Eight (8) feet.
 - (2) Other principal use. Fifteen (15) feet.
 - d. Minimum principal building setback from rear parcel line.
 - (1) All residential uses. Thirty-five (35) feet.
 - (2) Other principal use. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** The maximum allowable height of principal buildings, as measured pursuant to [Section 6.1, C.: Building Height](#), shall be as follows:
 - a. All uses. Thirty-five (35) feet.
 - b. Exception for public, civic, and institutional uses. The maximum allowable height of a principal building for public, civic, or institutional use shall not exceed forty-five (45) feet, provided that the setback requirement from the interior side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Forty (40) percent.

- b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Forty-five (45) percent.
 - b. Other use. Seventy (70) percent.

Section 4.6 R-4 High Density Residential District

A. Intent

The intent of the R-4 High Density Residential District is to provide areas for high-density residential uses in Ashland. The R-4 District is also intended to allow for other uses compatible with high-density residential uses. Other areas of high density residential development may occur within other districts, including, but not limited to, the MRC Mixed Residential/Commercial, W-MRC Waterfront Mixed Residential/Commercial, PRI Planned Residential/Institutional, CC City Center, W-CC Waterfront City Center, and PI Public/Institutional Districts.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the R-4 High Density Residential District, pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: multi-family, three (3) to eight (8) dwelling units per building
 - (3) Dwelling: single-family attached three (3) to six (6) dwelling units per building
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
 - f. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.

2. **Conditional uses.** The following conditional uses are allowed in the R-4 High Density Residential District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
- (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dormitory
 - (6) Dwelling: multi-family, if more than eight (8) dwelling units per building
 - (7) Emergency residential facility
 - (8) Fraternity or sorority house
 - (9) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (10) Long term housing pursuant to [Section 5.2, F.: Social Services](#)
 - (11) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (12) Short term housing pursuant to [Section 5.2, F.: Social Services](#)
- b. Commercial uses.
- (1) Day care center: commercial, provided that it is an accessory use to a religious institution, a primary or secondary school, or the common facilities of a multi-family dwelling complex and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (3) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Government or community service
 - (3) Nursing home
 - (4) Religious institution
 - (5) School: primary or secondary
- d. Utility and communication uses.

- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as the principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
- 3. Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the R-4 High Density Residential District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)

- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the R-4 District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area.
 - (1) Dwelling: multi-family. Two thousand five hundred (2,500) square feet per dwelling unit.
 - (2) Dwelling: single-family attached. Four thousand (4,000) square feet per dwelling unit.
 - (3) Other residential use. Ten thousand five hundred (10,500) square feet.
 - (4) Other principal use. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width.
 - (1) Dwelling: multi-family. One hundred (100) feet.
 - (2) Dwelling: single-family attached. Thirty-five (35) feet per dwelling unit.
 - (3) Other residential use. Seventy-five (75) feet.
 - (4) Other principal use. One (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty-five (35) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.

- c. Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
- d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.
- 3. **Maximum height of principal building.** Forty-five (45) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.**
 - a. All residential uses. Forty (40) percent.
 - b. Other use. Fifty (50) percent.
- 6. **Maximum impervious coverage.** The maximum impervious coverage of a parcel shall be as follows except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - a. All residential uses. Sixty (60) percent.
 - b. Other use. Seventy (70) percent.
- 7. **Minimum floor area per unit in multi-family uses.**
 - a. Efficiency unit. Five hundred (500) square feet.
 - b. One bedroom unit. Six hundred (600) square feet.
 - c. Two bedroom unit. Seven hundred fifty (750) square feet.
 - d. Three or more bedroom units. Seven hundred fifty (750) plus one hundred fifty (150) square feet for each additional bedroom beyond two (2).
- 8. **Minimum floor area per unit for multi-unit senior housing.**
 - a. Efficiency unit. Four hundred fifty (450) square feet.
 - b. One bedroom unit. Five hundred fifty (550) square feet.
 - c. Two bedroom unit. Seven hundred (700) square feet.
 - d. Three or more bedroom units. Seven hundred (700) plus one hundred (100) square feet for each additional bedroom beyond two (2).

Section 4.7 MHC Manufactured Home Community (Mobile Home Park) District

A. Intent

The intent of the MHC Manufactured Home Community (Mobile Home Park) District is to preserve and provide safe and attractive areas in Ashland for manufactured homes (mobile homes) in a manufactured home community (mobile home park) setting.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the MHC Manufactured Home Community (Mobile Home Park) District, pursuant to all applicable specific use standards:

Sustainability Tip.

A sustainable community provides housing that meets the needs of all residents. Manufactured home communities provide an affordable housing option for many of Ashland's residents.

- a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: single-family detached for use by the owner or caretaker of the associated manufactured home community
 - (3) Manufactured home, mobile home, and manufactured home community, pursuant to [Section 5.1, G.: Mobile Homes and Mobile/Manufactured Home Communities](#)
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Common facilities for use by residents and guests of a manufactured home community such as a laundromat, indoor and outdoor recreation facilities, and a storm shelter.
 - (2) Parking lot as a principal use, provided that it provides parking for the exclusive use of the residents of the mobile home community and their guests.
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the MHC Manufactured Home Community (Mobile Home Park) District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#).
- a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (3) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)

- (4) Emergency residential, facility provided that not more than fifteen (15) persons are served
 - (5) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (6) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- b. Commercial uses.
 - (1) Day care center: commercial provided that is an accessory use to a religious institution, primary or secondary school, or the common facilities of the manufactured home community and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (2) Recreation facility: commercial outdoor
- c. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Religious institution
 - (3) School: primary or secondary
- d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, provided that it is located on a parcel for which the principal use is a government or community service use, a religious institution, a primary or secondary school, or the common facilities of a manufactured home community, and pursuant to [Section 5.4, D. Wind Energy Facility](#)
- e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- f. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as the principal use

- (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the MHC Manufactured Home Community District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Required area for a manufactured home community.** A manufactured home community shall have a minimum area of ten (10) acres.

2. **Lot requirements for manufactured homes.**
 - a. Minimum lot width. Thirty-two (32) feet.
 - b. Minimum lot length. Seventy-five (75) feet.
 3. **Required setbacks at the periphery of a manufactured home community.** All principal and accessory buildings shall be set back a minimum of twenty-five (25) feet from parcel or lot lines at the periphery of a manufactured home community.
 4. **Required setbacks internal to the manufactured home community.**
 - a. Minimum principal and accessory building setback from all internal street right-of-ways. Ten (10) feet.
 - b. Minimum distance between all principal buildings. Twenty (20) feet.
 - c. Minimum distance between an accessory building and a principal building. Six (6) feet.
 - d. Minimum accessory building setback from an interior parcel line. Three (3) feet.
 5. **Maximum allowable principal building height.** No principal building shall exceed one (1) story, nor twenty-five (25) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#).
 6. **Height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
 7. **Maximum building coverage of a manufactured home lot.**
 - a. Manufactured home. Thirty-five (35) percent.
 - b. Manufactured home and accessory buildings combined. Fifty (50) percent.
- D. Special Requirements**
1. **Manufactured home community created after January 1, 1996.** A manufactured home community created after January 1, 1996 (or the addition of new lots to an existing manufactured home community) shall be approved through the planned unit development (PUD) process, pursuant to [Section 4.55: PUD Planned Unit Development Overlay District](#).
 2. **Licensing, inspection, enforcement, and special design standards.** Licensing, inspection, enforcement, and special design standards of a manufactured home community shall be pursuant to [Section 5.1, G.: Mobile Homes and Mobile/Manufactured Home Communities](#).

Sustainability Tip.

Mixed use districts allow residents the opportunity to live, work, shop, and recreate within walking distance of each other.

Section 4.8 MRC Mixed Residential/Commercial District

A. Intent

The MRC Mixed Residential/Commercial District encompasses areas that have predominantly existing residential uses, but that may also have existing commercial and/or industrial uses, some of which may be incompatible with residential uses and/or the vision for the area as expressed in the City's Comprehensive Plan. The intent of the district is as follows:

1. Encourage the preservation and enhancement of existing residential uses in the district;

2. Encourage a sensitive mixture and integration of new residential uses in the district, including single and two-family dwellings, single-family attached dwellings, and multi-family dwellings;
3. Allow the preservation and enhancement of existing commercial uses that are compatible with the predominantly residential character of the area and the vision for the area as expressed in the City's Comprehensive Plan;
4. Encourage existing commercial and industrial uses that are incompatible with residential uses and/or the vision of the area, as expressed in the Comprehensive Plan, to relocate to other appropriate districts in the city;
5. Encourage redevelopment of sites that have existing incompatible uses by providing flexibility to redevelop those sites with mixed residential uses, compatible commercial uses, and potentially compatible light industrial uses;
6. Encourage redevelopment in the district to occur through the planned unit development (PUD) process at a neighborhood or block scale. If the City of Ashland has adopted a plan for an area in the MRC District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

B. Uses

1. **Permitted uses.** The following are permitted uses in the MRC Mixed Residential/Commercial District.
 - a. Residential uses.
 - (1) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#), and provided that is associated with a permitted residential use or a residential use in existence prior to the adoption of this ordinance
 - (2) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (3) Dwelling: single-family attached, not to exceed two (2) dwelling units per building
 - (4) Dwelling: single-family detached
 - (5) Dwelling: two-family or duplex
 - (6) Any residential use in the district that was in existence prior to the adoption of this ordinance (and was a conforming use at that time) shall be a permitted use on the subject parcel.
 - b. Commercial uses.
 - (1) Any commercial use in the district that was in existence prior to the adoption of this ordinance (and was a conforming use at that time) shall be a permitted use on the subject parcel.
 - c. Public, institutional, and civic uses.
 - (1) Public park
 - d. Utility and communication uses.

- (1) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary and seasonal uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of the permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the MRC Mixed Residential/Commercial District subject to the special requirements of this section and to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or rooming home
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - (6) Dwelling combined with a conditional use
 - (7) Dwelling: single-family attached, three to six units per building
 - (8) Dwelling: multi-family, three (3) or more dwelling units
 - (9) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (10) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (11) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#) and provided that the facility does not serve more than fifteen (15) persons at one time
 - (12) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)

b. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
- (2) Artist studio
- (3) Assembly hall
- (4) Bank or financial institution
- (5) Business service
- (6) Car wash
- (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (8) Dry cleaning and laundry drop off and pick up, but excluding processing
- (9) Filling station with or without a convenience store
- (10) Funeral home
- (11) Garden supply or landscaping center
- (12) Household maintenance and repair establishment
- (13) Laundromat
- (14) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (15) Lodging establishment, short stay or extended stay
- (16) Office
- (17) Personal service
- (18) Recreation facility: commercial indoor or outdoor
- (19) Restaurant: carry-out, fast food, drive-in, or sit-down
- (20) Retail establishment: convenience
- (21) Retail establishment: general
- (22) Social services
- (23) Tavern
- (24) Theater
- (25) Tool and equipment rental facility
- (26) Vehicle repair and service
- (27) Veterinary clinic: small animal

c. Industrial uses.

- (1) Contractor's yard, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section

- (2) Freight terminal, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (3) Manufacturing: heavy, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (4) Manufacturing: light, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) or provided that the use is replacing a more intense existing use, and pursuant to the special requirements of this section
 - (5) Public works yard, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) and pursuant to the special requirements of this section
 - (6) Research and development use, provided that the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive months) or provided that the use is replacing a more intense existing use, and pursuant to the special requirements of this section.
- d. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - (4) Nursing home
 - (5) Religious institution
 - (6) School: primary or secondary, or specialty or personal instruction
- e. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Outdoor wood-fired furnace associated with a single-family detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
 - (4) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (5) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
- f. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- g. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Drive-through window associated with a permitted or conditional use
 - (3) Parking lot as a principal use
 - (4) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the MRC Mixed Residential/Commercial District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, licensed or unlicensed, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)

- (14) Solar equipment, pursuant to *Section 5.6, J.: Solar Equipment and Solar Rights*
- (15) Sport court for private recreation use, pursuant to *Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses*
- (16) Swimming pool, pursuant to *Section 5.6, L.: Swimming Pool*
- (17) Temporary construction building, pursuant to *Section 5.5, B.: Temporary Construction Building*
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent. Outdoor merchandise sales, pursuant to *Section 5.6 M.: Outdoor Merchandise Sales.*

C. Dimensional Requirements

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be identical to the dimensional requirements of the zoning district in this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a single-family detached dwelling shall meet the dimensional requirements for a single-family detached dwelling in the R-1 Single Family Residential District; the dimensional requirements for a high density residential use shall meet the dimensional requirements for a high density residential use in the R-4 High Density Residential District; and the dimensional requirements for a commercial uses shall meet the dimensional requirements for a commercial use in the NC Neighborhood Convenience District.
2. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the MRC Mixed Residential/Commercial District abuts a less intense existing use (as determined by the Zoning Administrator or Designated Authorized Agent of the City), the more intense use shall provide a landscaped buffer pursuant to *Section 6.4: Landscaping, Buffering, and Screening.*

D. Special Requirements for Commercial and Industrial Uses

1. **Standards for commercial and industrial uses.**
 - a. Standards for commercial uses in the district. The Common Council of the City of Ashland recognizes that a variety of commercial uses exist in the MRC District. Standards for continuation and/or expansion of commercial uses in the district are as follows:
 - (1) Existing commercial uses (listed as conditional uses in the district) shall be allowed to continue (and potentially expand) in a manner that is compatible with adjacent residential uses.
 - (2) Commercial uses shall not replace existing residential uses, except in unique situations, the Common Council may find that it is in the best interest of the overall community to allow this to occur,

Helpful Note.

Applicants considering development in the MRC District should contact the Zoning Administrator early in the process to learn which dimensional requirements apply to the proposed development.

especially along arterial roads where the dominant existing land use relates to commercial uses.

- (3) Commercial uses shall serve the local and neighborhood population; however, commercial uses adjacent to US Highway 2 may also serve the needs of the traveling public. Commercial uses over twenty thousand (20,000) square feet shall be directed to the RC Regional Commercial District.
 - (4) To the extent possible, commercial uses shall be integrated with each other to allow for shared parking and enhanced vehicular and pedestrian access.
 - (5) Commercial uses shall be limited to arterial and collector streets.
- b. Standards for industrial uses in the district. The Common Council of the City of Ashland recognizes that a variety of industrial uses exist in the MRC District, especially along arterial and collector streets. Standards for continuation and/or expansion of industrial uses in the district are as follows:
- (1) Existing contractor yards, freight terminals, heavy manufacturing, public work yards, and similar industrial uses are encouraged to relocate to an appropriate industrial district in the city. However, these uses shall be allowed to continue on the parcels on which they exist. Expansion and/or renovation of the uses may be considered pursuant to the conditional use procedures of this Ordinance, with special consideration given to the impact of the uses on the neighborhood and the overarching vision of the City as expressed in the Comprehensive Plan.
 - (2) New industrial uses in the district are not anticipated. However, in unique situations the Common Council may find that it is in the best interest of the neighborhood and the overall community to allow the replacement of existing, more intense industrial uses with appropriate light manufacturing or research and development uses.
 - (3) Where feasible, appropriate industrial uses in the district shall be clustered and have appropriate screening to reduce possible adverse impacts on the neighborhood and to promote possible synergy between industrial uses.
 - (4) Industrial uses shall be limited to arterial or collector streets, or to areas where there is a distinct cluster of appropriate industrial uses.

2. Decision criteria and potential conditions of approval.

- a. Decision criteria. Required approvals associated with commercial and industrial uses in the MRC District shall meet the intent of this district and shall be consistent with all of the conditional use requirements specified in [Section 3.9: Conditional Use Permit](#). Approval or denial of a conditional use permit shall place special emphasis on how the use addresses neighborhood compatibility and protection issues.
- b. Possible conditions of approval. The Common Council may attach appropriate conditions to any approvals associated with a conditional use in the district. Conditions may include, but are not limited to, the following:
 - (1) Limited hours of operation;
 - (2) Limited number, types, and hours of deliveries;
 - (3) Limited or no outdoor storage;

- (4) Limited or no drive through window;
 - (5) Special building and site design standards that ensure compatibility with the neighborhood; and/or
 - (6) Increased screening and/or buffers.
3. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
 4. **Gateway Overlay District requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.9 PRI Planned Residential/Institutional District

A. Intent

The PRI Planned Residential/Institutional District encompasses areas near major institutions in Ashland, including Northland College, Wisconsin Indianhead Technical College, and Memorial Medical Center. Existing uses in the district may include agriculture, open space, and relatively scattered single-family detached dwellings and commercial uses. The intent of the district is as follows:

1. Promote development and/or redevelopment of the district based on traditional neighborhood design principles as described in [Section 4.57: Traditional Neighborhood Design Overlay District](#). Where applicable, development and/or redevelopment shall be consistent with the goals, objectives, and policies of the Binsfield Road/Ellis Avenue Neighborhood Plan described in the City's Comprehensive Plan and/or other subsequent and related plans approved by the City;
2. Encourage development and redevelopment in the district to occur through the planned unit development (PUD) process at a neighborhood or block scale;
3. Promote a mix of residential uses that provide a variety of residential styles, types, and sizes to accommodate households of various ages, sizes, and incomes;
4. Encourage the development and/or redevelopment of public, civic, and institutional uses that will have a synergistic relationship with existing nearby institutions. Examples of such uses may include, but are not limited to, the following: government offices, research institutions, not-for-profit organizations, schools, parks, religious institutions, residential care facilities, clinics, and similar uses;
5. Allow for the development and/or redevelopment of "green" or light industrial uses that have a synergistic relationship with existing nearby institutions. These uses shall not create excessive pollution, congestion, noise, or other adverse conditions that are inconsistent with the mixed-use character of the district. Examples of acceptable uses may include, but are not limited to, the following: light industries that develop and produce sustainable building products, medical industries, research and development uses, and clean, high-tech industries. Where feasible, it is the intent of this district to encourage the clustering of light industries in the district to enhance the environmental, social, and economic performance of individual industries through collaboration with other industries and institutions in the district;

Sustainability Tip.

The PRI District provides a unique opportunity to create a development that incorporates principles of sustainability. Refer to the Comprehensive Plan for additional information on this area.

6. Encourage the limited development of neighborhood convenience uses that provide the district with convenient, pedestrian access to commercial uses that serve the frequent commercial needs of the local area. Direct large-scale commercial development to the RC Regional Commercial District;
7. Incorporate a transportation system that offers public transit opportunities and multiple routes for motorists, bicyclists, and pedestrians;
8. Protect and enhance significant natural features in the district, including, but not limited to, the Bay City Creek Corridor, wetlands, and woodlands.

B. Uses

1. **Uses that are not part of an approved planned unit development (PUD).**
 - a. Uses in existence prior to the adoption of this ordinance. Any use in the district that was in existence prior to the adoption of this ordinance (and was a conforming use at that time) shall be a permitted use on the subject parcel.
 - b. New residential development in established residential neighborhoods. A single-family detached dwelling shall be a permitted use in established residential neighborhoods (as determined by the Zoning Administrator or Designated Authorized Agent), provided that the dwelling is served by public sanitary sewer and water. Single-family dwellings in established residential neighborhoods shall be consistent with the provisions of the R-1 Single-Family Residential District.
 - c. Other uses. All uses that are not part of an approved planned unit development, were not in existence prior to the adoption of this ordinance, and are not a single-family detached dwelling served by public sanitary sewer and water, shall be consistent with the FD Future Development District provisions of this Ordinance, except that all permitted uses in the FD District shall be conditional uses in the PRI District. The Zoning Administrator or Designated Authorized Agent of the City shall have the option of waiving the requirement for conditional use permit approval for minor or accessory uses that do not have a major impact on the district, including fences, signs, minor renovations, and similar uses.
2. **Uses that are part of an approved planned unit development (PUD).** Uses that are part of a planned unit development (PUD) in the PRI District shall be established in the planned unit development (PUD) ordinance. The uses shall relate to the intent of this district and (where applicable) the goals, objectives, and policies, of the Binsfield Road/Ellis Avenue Neighborhood Plan described in the City's Comprehensive Plan and/or other subsequent plans approved by the City.

C. Dimensional Requirements

1. **Basic dimensional requirements for permitted, conditional, and accessory uses that are not part of an approved planned unit development (PUD).** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be identical to the dimensional requirements of the FD Future Development District.

2. **Basic dimensional requirements for permitted, conditional, and accessory uses that are part of an approved planned unit development (PUD).** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent dimensional requirements shall be established in an approved planned unit development (PUD) ordinance and shall be consistent with generally accepted traditional neighborhood design principles.

D. Special Requirements

1. **Planned unit development (PUD) area requirement.** The minimum area for a planned unit development in the PRI District is twenty (20) acres. However, the Common Council can waive this requirement if it finds that the PUD encompasses a clearly defined area that will not preclude logical development of adjacent properties in a manner consistent with the intent of this section.
2. **Planned unit development (PUD) procedures and approval.** A planned unit development (PUD) in the PRI District shall follow the procedures and approval requirements specified in [Section 4.55: PUD Planned Unit Development Overlay](#), except as modified in this section. Approval or denial of a planned unit development (PUD) application shall clearly state how the planned unit development (PUD) application meets or fails to meet the intent of the PRI District.

Sustainability Tip.

The NC District allows convenient and pedestrian oriented access to local businesses that help meet the needs of the surrounding neighborhood. This helps promote economic development while reducing the need for automobile transportation.

Section 4.10 – 4.14 (Reserved for potential additional residential districts.)

Predominantly Commercial Districts

Sections 4.15. – 4.19. describe the zoning districts in the City of Ashland that are predominantly commercial. However, these districts may also allow for a mixture of other uses including residential, industrial, and public institutional uses. Likewise commercial uses may also be allowed in other zoning districts that are predominantly residential or industrial.

Section 4.15 NC Neighborhood Convenience District

A. Intent

The intent of the NC Neighborhood Convenience District is to provide areas of neighborhood convenience retail sales and services that serve the local or neighborhood population, rather than the regional population. Uses in this district are intended to be compatible with the surrounding residential neighborhood. Neighborhood convenience uses may also occur within other pertinent districts in Ashland, including, but not limited to, the MRC Mixed Residential/Commercial, the PRI Planned Residential/Institutional Districts, and the W-MRC Waterfront Mixed Residential/Commercial District.

B. Uses

1. **Permitted uses.** The following uses are permitted in the NC Neighborhood Convenience District pursuant to all specific use standards.

a. Residential uses.

Dwelling, provided that the dwelling is combined with a permitted or conditional use

b. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
- (2) Artist studio
- (3) Bank or financial institution
- (4) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#), and provided that is associated with a permitted residential use or a residential use in existence prior to the adoption of this ordinance
- (5) Business service
- (6) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (7) Dry cleaning and laundry, drop off and pick up, but excluding processing
- (8) Household maintenance and repair establishment
- (9) Laundromat
- (10) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (11) Office
- (12) Personal service
- (13) Retail: convenience or general, not to exceed two thousand five hundred (2,500) square feet
- (14) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed

c. Public, civic, and institutional uses.

- (1) Clinic
- (2) Club or association
- (3) Government or community service use
- (4) Public park
- (5) Religious institution
- (6) School: primary, secondary, specialty, or personal instruction

d. Utility and communication uses.

- (1) Essential services

e. Agriculture, forestry, and open space uses.

- (1) Open space: public or private

f. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in a NC Neighborhood Convenience District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and all applicable specific use standards.
 - a. Residential uses
 - (1) Adult family home pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or rooming house
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that fifteen (15) or fewer persons are served by the facility
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Emergency residential shelter, provided that not more than fifteen (15) persons are served
 - (6) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (7) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - b. Commercial uses.
 - (1) Assembly hall
 - (2) Car wash
 - (3) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (4) Filling station with or without a retail convenience use
 - (5) Funeral home
 - (6) Garden supply or landscaping center
 - (7) Lodging establishment: short stay or extended stay
 - (8) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)

- (9) Recreation facility: commercial indoor or outdoor
 - (10) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (11) Restaurant: carry-out or fast food, drive-in, or sit-down
 - (12) Retail: convenience or general, exceeding two thousand five hundred (2,500) square feet
 - (13) Social Services, pursuant to [Section 5.2 F.: Social Services](#)
 - (14) Theater
 - (15) Tool and equipment rental facility
 - (16) Vehicle repair and/or service
 - c. Public, civic, and institutional uses.
 - (1) Nursing home
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, or institutional use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Drive-through window associated with a permitted or conditional use.
 - (3) Parking lot as a principal use
 - (4) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the NC Neighborhood Convenience District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. Parcel requirements. The minimum parcel requirements in the NC Neighborhood Convenience District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels.](#)
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) square feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.

2. Setback requirements for principal building. The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Ten (10) feet.
 - b. Minimum principal building setback from corner street side parcel line. Ten (10) feet.
 - c. Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - d. Minimum principal building setback from rear parcel line. Twenty-five (25) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
7. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the NC Neighborhood Convenience District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

Section 4.16 RC Regional Commercial District

A. Intent

The intent of the RC Regional Commercial District is to provide areas for commercial uses along major streets and highways in the city for the convenience of travelers, tourists, and the residents of Ashland. The district is intended to provide for a full range of commercial uses to be located on sites with immediate access to arterial or collector streets. It is also the intent of the district to allow the continuation of existing residential uses in the district, while allowing the sensitive conversion of residential parcels to appropriate commercial uses that can benefit from the district's proximity to arterial or collector streets. Commercial uses in the RC District are not intended to weaken the commercial vitality of the CC City Center District. It is also the intent of the RC Regional Commercial District to conditionally allow the continuation of existing industrial uses in the district, while encouraging the industrial uses to relocate to an appropriate industrial district in the city.

B. Uses

1. **Permitted uses.** The following uses are permitted in the RC Regional Commercial District pursuant to all specific use standards.
 - a. Residential uses.
 - (1) Residential uses in existence prior to the adoption of this ordinance.
 - (2) Dwelling combined with a permitted use
 - b. Commercial uses.

- (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution
 - (5) Business service
 - (6) Car wash
 - (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (8) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (9) Funeral home
 - (10) Garden supply or landscaping center
 - (11) Home improvement center
 - (12) Household maintenance and repair establishment
 - (13) Laundromat
 - (14) Lodging establishment: short stay
 - (15) Lodging establishment: extended stay
 - (16) Office
 - (17) Personal service
 - (18) Recreation facility: commercial indoor
 - (19) Recreation facility: commercial outdoor
 - (20) Restaurant: carry-out, fast food, or sit-down.
 - (21) Retail: convenience
 - (22) Retail: general
 - (23) Tavern
 - (24) Theater
 - (25) Tool and equipment rental facility
 - (26) Vehicle repair and/or service
 - (27) Vehicle sales and/or rental
 - (28) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Clubs and associations
 - (3) Government or community service use

- (4) Museum
 - (5) Public park
 - (6) Religious institution
 - (7) School: primary or secondary, specialty or personal instruction
 - d. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - (3) Seasonal market, pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) Drive-through window associated with a permitted or conditional use
 - (2) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in a RC Regional Commercial District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and all applicable specific use standards.
- a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#), and provided that is associated with a permitted residential use or a residential use in existence prior to the adoption of this ordinance
 - (3) Boarding or rooming house
 - (4) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that fifteen (15) or fewer persons are served
 - (5) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (6) Dwelling combined with a conditional use
 - (7) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#), and provided that it is associated with a detached single-family residence that was in existence prior to the adoption of this ordinance
 - (8) Emergency residential facility

- (9) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- (10) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- (11) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#), and provided that it is associated with a detached single-family residence that was in existence prior to the adoption of this ordinance
- b. Commercial uses.
 - (1) Adult entertainment establishment, pursuant to [Section 5.2, A.: Adult Entertainment Establishment](#)
 - (2) Adult retail establishment
 - (3) Agricultural services
 - (4) Animal boarding, animal training, or animal grooming, with an outdoor kennel and/or outdoor run
 - (5) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (6) Dry cleaning and/or laundry: onsite processing
 - (7) Filling station
 - (8) Freight terminal: local
 - (9) Manufactured home dealer, sales and display, pursuant to [Section 5.2, E.: Manufactured Home Dealer, Sales and Display](#)
 - (10) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (11) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (12) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (13) Veterinary clinic: large animal
 - (14) Warehouse: self-storage
- c. Industrial uses.
 - (1) Any industrial use (as determined by the Zoning Administrator or Designated Authorized Agent of the City) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming use at that time) shall be a conditional use on the subject parcel provided that the use has not lapsed for more than twelve (12) consecutive months
- d. Public, civic, and institutional uses.
 - (1) Nursing home

- e. Agricultural uses.
 - (1) Agricultural services
 - f. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - g. Temporary, seasonal, or land filling/excavation uses.
 - h. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
- 3. Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the RC Regional Commercial District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)

- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the RC Regional Commercial District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. **Minimum parcel area.** Twenty thousand (20,000) square feet.
 - b. **Minimum parcel width.** One hundred fifty (150) square feet.
 - c. **Exceptions to parcel requirements.** Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. **Minimum principal building setback from front parcel line.** Thirty (30) feet.
 - b. **Minimum principal building setback from corner street side parcel line.** Thirty (30) feet.
 - c. **Minimum principal building setback from interior side parcel line.** Fifteen (15) feet.
 - d. **Minimum principal building setback from rear parcel line.** Thirty (30) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
7. **Buffer requirement between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the RC Regional Commercial District abuts a

less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. **Gateway Overlay District requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the gateway overlay requirements specified in [Section 4.47 GTWY-O Gateway Overlay District](#).
2. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).

Section 4.17 CC City Center District

A. Intent

The intent of the CC City Center District is to encourage and foster the further development and enhancement of the downtown (city center) area. The district requirements recognize the unique characteristics of the city center area as the heart of the city. The city center provides a mix of traditional downtown uses that are consistent with the vision for the area as expressed in the Comprehensive Plan, including retail, entertainment, offices, services, government facilities, and a mixture of residential uses. However, the district also includes a variety of industrial uses, some of which may not be compatible with the City's vision for the district. Should an existing industrial use in this district cease to exist, it is the intent of this district to encourage the parcel to transition to a use consistent with the vision of the area as expressed in the Comprehensive Plan.

B. Uses

1. **Permitted uses.** The following are permitted uses in the CC City Center District.
 - a. Residential uses.
 - (1) Residential use, provided that the use was in existence prior to the adoption of this ordinance and provided that the use has not lapsed for more than twelve (12) consecutive months since the date of adoption of this ordinance.
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Dwelling combined with a permitted use
 - b. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution
 - (5) Business service
 - (6) Conference center
 - (7) Day care center: commercial, pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (8) Dry cleaning and laundry, drop off and pick up, but excluding processing

- (9) Funeral home
- (10) Household maintenance and repair establishment
- (11) Laundromat
- (12) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
- (13) Office
- (14) Personal service
- (15) Recreation facility: commercial indoor
- (16) Restaurant: carry-out, fast food, or sit-down
- (17) Retail: convenience or general
- (18) Tavern
- (19) Theater
- (20) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - (4) Museum
 - (5) Public park
 - (6) School: primary, secondary, or specialty or personal instruction
 - (7) Religious institution
- d. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
- e. Open space uses.
 - (1) Open space: public or private
- f. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of the permitted uses in this district.

2. **Conditional uses.** The following are conditional uses in the CC City Center District subject to the special requirements of this section and to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
- (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or rooming home
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that a maximum of fifteen (15) persons are served
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#), and provided that it is associated with a detached single-family residence that was in existence prior to the adoption of this ordinance
 - (6) Dwelling combined with conditional use
 - (7) Dwelling: multi-family, three (3) or more units per building
 - (8) Dwelling: single-family attached, no more than six (6) units per building
 - (9) Dwelling: single-family detached
 - (10) Dwelling: two-family or duplex
 - (11) Emergency residential facility
 - (12) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (13) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (14) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#), and provided that it is associated with a detached single-family residence that was in existence prior to the adoption of this ordinance
- b. Commercial uses.
- (1) Adult retail establishment
 - (2) Car wash
 - (3) Currency exchange, payday loan establishment, or title loan agency, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (4) Filling station
 - (5) Freight terminal: local
 - (6) Garden supply and landscaping center
 - (7) Home improvement center

- (8) Lodging establishment: short stay or extended stay
 - (9) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (10) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (11) Restaurant: drive-in
 - (12) Recreation facility: commercial outdoor
 - (13) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (14) Tool and equipment rental facility
 - (15) Vehicle repair and/or service
 - (16) Vehicle sales and/or rental
 - (17) Warehouse: self-storage, provided the use was a conforming use in existence on the subject parcel prior to the adoption of this ordinance (and that the use has not lapsed for more than twelve (12) consecutive
- c. Industrial uses.
- (1) Any industrial use (as determined by the Zoning Administrator or Designated Authorized Agent of the City) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming use at that time) shall be a conditional use on the subject parcel provided that the use has not lapsed for more than twelve (12) consecutive months since the date of the adoption of this ordinance.
- d. Public, civic, and institutional uses.
- (1) Nursing home
- e. Utility and communication uses.
- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
- f. Temporary, seasonal, or land filling/excavation uses.
- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)

g. Other uses.

- (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
- (2) Drive-through window associated with a permitted or conditional use
- (3) Parking lot as a principal use
- (4) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.

3. Accessory uses. The following are permitted as an accessory use to a permitted or conditional use in the CC City Center District, pursuant to all applicable specific use standards.

- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#).
- (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator.

- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the CC City Center District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Three thousand five hundred (3,500) square feet.
 - b. Minimum parcel area for properties located in the GTWY-O Gateway Overlay District. Twenty thousand (20,000) square feet, except that a smaller parcel area may be allowed with the approval of a conditional use permit.
 - c. Minimum parcel width. Twenty-five (25) feet.
 - d. Minimum parcel width for properties located in the GTWY-O Gateway Overlay District. One-hundred forty (140) feet, except that a smaller parcel width may be allowed with approval of a conditional use permit.
2. **Setback requirements of a principal building from all parcel lines.** None, except that all parcels in the GTWY-O Gateway Overlay District shall meet the requirements specified in Section 4.47: GTWY-O Gateway Overlay District. Setbacks may be reduced with the approval of a conditional use permit.
3. **Maximum parcel coverage.** One hundred (100) percent, except that all parcels in the GTWY-O Gateway Overlay District shall meet the following:
 - a. Maximum building coverage of the parcel. Fifty percent (50%).
 - b. Maximum impervious coverage. Seventy percent (70%), except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
4. **Maximum height of principal building.** The maximum height of a principal building as measured pursuant to [Section 6.1, C.: Building Height](#) shall be forty-five (45) feet, except that parcels in the GTWY-O Gateway Overlay District shall be thirty-five (35) feet. A principal building may be allowed to exceed the height requirement with the approval of a conditional use permit.
5. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings in the district shall be as specified in [Section 5.6, A.: Accessory Building](#).
6. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the CC City Center District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. **Standards for industrial uses in the district.** The Common Council of the City of Ashland recognizes that a variety of industrial uses exist in the CC District. Standards for continuation and/or expansion of industrial uses in the district are as follows:
 - a. Existing industrial uses shall be allowed to continue on the parcels on which they exist. Expansion or improvements to existing industrial uses may be considered pursuant to the conditional use procedures of this Ordinance, with special

consideration given to the impact of the uses on the neighborhood and the overarching vision of the City as expressed in the Comprehensive Plan.

- b. New industrial uses in the district are not anticipated. However, in unique situations the Common Council may find that it is in the best interest of the neighborhood and the overall community to allow the replacement of existing, more intense industrial uses, with appropriate light manufacturing, research and development, or similar industrial uses, that have less of an adverse impact on the surrounding area.
2. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#).
3. **Gateway Overlay District requirements.** Parcels within the Gateway Overlay District shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Sections 4.18 – 4.19 (Reserved for potential additional commercial districts.)

Predominantly Industrial Districts

Sections 4.20 – 4.24 describe the zoning districts in the City of Ashland that are predominantly industrial. However, these districts may also allow for a mixture of other uses including residential, commercial, and public institutional uses. Likewise industrial uses may also be allowed in other zoning districts that are predominantly commercial.

Section 4.20 MCI Mixed Commercial/Industrial District

A. Intent

The MCI Mixed Commercial/Industrial District encompasses an area that has been historically industrial, but is currently composed of a mixture of commercial and industrial uses. The intent of this district is to allow continued use of commercial and industrial uses in the district in a manner that is compatible with surrounding residential uses.

B. Uses

1. **Permitted uses.** The following uses are permitted in the MCI Mixed Commercial/Industrial District pursuant to all applicable specific use standards.
 - a. Commercial uses.
 - (1) Artist studio
 - (2) Assembly hall
 - (3) Bank or financial institution
 - (4) Business service
 - (5) Car wash
 - (6) Dry cleaning and laundry drop off and pick up, but excluding processing
 - (7) Freight terminal: local
 - (8) Filling station with or without a convenience store
 - (9) Household maintenance and repair establishment
 - (10) Laundromat

- (11) Office
 - (12) Personal service
 - (13) Recreation facility: commercial indoor or outdoor
 - (14) Restaurant: carry-out, fast food, drive-in, or sit down
 - (15) Retail establishment: convenience or general
 - (16) Theater
 - (17) Tool and equipment rental facility
 - (18) Vehicle repair and service
 - (19) Veterinary clinic: small animal
 - b. Industrial uses.
 - (1) Contractor's shop
 - (2) Dry cleaning and/or laundry: onsite commercial processing
 - (3) Manufacturing: light
 - (4) Public works yard
 - (5) Research and development
 - c. Public, institutional, and civic uses.
 - (1) Public park
 - d. Utility and communication uses.
 - (1) Essential services
 - e. Open space uses.
 - (1) Open space: public or private
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of the permitted uses in this district.
2. **Conditional uses.** The following conditional uses are allowed in the MCI Mixed Commercial/Industrial District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, with an outdoor kennel and/or outdoor run

- (2) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (3) Vehicle sales and/or rental
 - b. Industrial uses.
 - (1) Composting facility: community or indoor pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (2) Contractor's yard
 - (3) Freight terminal: commercial
 - (4) Power generation plant
 - (5) Recycling facility: community, pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - (6) Warehouse: general
 - (7) Wholesale and distribution center
 - c. Public, civic, and institutional uses.
 - (1) Clinic
 - (2) Club or association
 - (3) Government or community service use
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - f. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Drive-through window associated with a permitted or conditional use
 - (3) Parking lot as a principal use
 - (4) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of this District.
- 3. **Accessory uses.** The following uses are allowed as an accessory use to a permitted or conditional use in the MCI Mixed Commercial/Industrial District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)

- (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (4) Fence, pursuant to [Section 6.5: Fences](#)
- (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (9) Signs, pursuant to [Section 6.6: Signs](#)
- (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (11) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (12) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (13) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels.](#)
 - a. Minimum parcel area. One-half (1/2) acre.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public park, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this Section.
2. **Setback requirements for principal buildings.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks.](#)
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building.](#)
4. **Maximum building height.**

- a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) feet may be allowed pursuant to the approval of a conditional use permit.
 - b. Accessory building. The height of an accessory building shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** Fifty (50) percent.
 - 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 - 7. **Buffer requirement between different uses.** Wherever a more intense proposed use (or an expansion of a more intense existing use) in the MCI Mixed Commercial/Industrial District abuts a less intense existing use (as determined by the Zoning Administrator or Designated Authorized Agent), the more intense use shall provide a buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

- 1. **Gateway overlay district requirements.** Parcels that have frontage on a U.S. or State Highway shall meet the requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.21 LI Light Industrial District

A. Intent

The intent of the LI Light Industrial District is to provide an area for storage, warehousing, wholesaling, light manufacturing, and similar uses that do not create excessive pollution, congestion, noise, or other adverse conditions that are inconsistent with the surrounding area. Properties in the LI Light Industrial District can serve as a transitional land use between the more intensive heavy industrial sites and other residential and business uses. It is also the intent of this district to allow existing uses, including residential and agricultural uses, to continue in the district until they can logically and sensitively transition to an industrial use.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the LI Light Industrial District pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Dwelling: single-family detached, provided that the dwelling was in existence prior to the adoption of this ordinance and provided that the use has not lapsed for more than twelve (12) consecutive months since the date of the adoption of this ordinance
 - b. Commercial uses.
 - (1) Freight terminal: local
 - (2) Tool and equipment rental facility
 - (3) Vehicle repair and/or service
 - (4) Warehouse: self-storage

- c. Industrial uses.
 - (1) Contractor's shop
 - (2) Dry cleaning and/or laundry: onsite commercial processing
 - (3) Manufacturing: light
 - (4) Public works yard
 - (5) Research and development
 - (6) Warehouse: general
 - (7) Wholesale and distribution center
 - d. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - e. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - f. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross area of five (5) acres or more
 - (2) Agricultural research facility
 - (3) Agricultural services
 - (4) Forestry, provided that the subject parcel has a gross area of five (5) acres or more
 - (5) Open space: private or public
 - g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - h. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district
2. **Conditional uses.** The following conditional uses are allowed in the LI Light Industrial District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
 - (1) Bed and breakfast establishment associated with a permitted dwelling, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)

- (2) Dwelling that serves as a caretaker's residence for a permitted or conditional use
- (3) Home occupation associated with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- b. Commercial uses.
 - (1) Adult entertainment establishment, pursuant to [Section 5.2, A.: Adult Entertainment Establishment](#)
 - (2) Animal boarding, animal grooming, or animal training, with or without outdoor kennels and/or outdoor runs
 - (3) Artist studio
 - (4) Business service
 - (5) Car or truck wash
 - (6) Day care center: commercial, provided that it is an accessory use to a permitted or conditional use and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (7) Garden supply or landscaping center
 - (8) Home improvement center
 - (9) Household maintenance and repair establishment
 - (10) Manufactured home dealer, sales and display, pursuant to [Section 5.2, E.: Manufactured Home Dealer, Sales and Display](#)
 - (11) Office as a principal use
 - (12) Pawn shop, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (13) Recreation facility: commercial indoor or outdoor
 - (14) Rent-to-own establishment, pursuant to [Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use](#)
 - (15) Retail: convenience or general as a principal use
 - (16) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - (17) Vehicle sales and/or rental
 - (18) Veterinary clinic: large or small animal, with or without outdoor kennels or runs
- c. Industrial uses.
 - (1) Composting facility: community or indoor, pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (2) Contractor's yard
 - (3) Freight terminal: commercial

- (4) Power generation plant
 - (5) Recycling facility pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - d. Public, civic, and institutional uses.
 - (1) School, specialty or special instruction
 - e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - f. Temporary, seasonal, or land filling/excavation uses.
 - g. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the LI Light Industrial District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, and donkeys, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fence, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)

- (11) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (12) Office, provided that it is accessory to a permitted or conditional use.
- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Signs, pursuant to [Section 6.6: Signs](#)
- (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent
- (23) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

- 1. **Parcel requirements.** Parcel requirements shall be as follows except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre
 - b. Minimum parcel width. One hundred (100) feet
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- 2. **Setback requirements for principal building.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.

- d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
- 3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#).
- 4. **Maximum building height.**
 - a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) feet may be allowed pursuant to the approval of a conditional use permit.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
- 5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
- 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

Section 4.22 HI Heavy Industrial District

A. Intent

The intent of the HI Heavy Industrial District is to provide areas in the City for intense industrial uses. The HI District is intended to be separated from residential development and it is intended to be limited to areas where adequate transportation and pertinent utilities and services exist. It is also the intent of this district to allow existing uses, including residential and agricultural uses, to continue in the district until they can logically and sensitively transition to an industrial use.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the HI Heavy Industrial District pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Dwelling: single-family detached, provided that the dwelling was in existence prior to the adoption of this ordinance and provided that the use has not lapsed for more than twelve (12) consecutive months since the date of the adoption of this ordinance
 - b. Commercial uses.
 - (1) Freight terminal: local
 - (2) Tool and equipment rental facility
 - (3) Vehicle repair and/or service
 - (4) Warehouse: self-storage
 - c. Industrial uses.
 - (1) Contractor's shop
 - (2) Contractor's yard
 - (3) Dry cleaning and/or laundry: onsite commercial processing

- (4) Freight terminal: commercial
 - (5) Manufacturing: light
 - (6) Manufacturing: heavy
 - (7) Public works yard
 - (8) Research and development
 - (9) Warehouse: general
 - (10) Warehouse: self-storage
 - (11) Wholesale and distribution center
 - d. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - e. Utility and communication uses.
 - (1) Communication service
 - (2) Essential services
 - f. Agriculture, forestry, and open space uses.
 - (1) Agriculture, provided that the subject parcel has a gross area of five (5) acres or more
 - (2) Agricultural research facility
 - (3) Forestry, provided that the subject parcel has a gross area of five (5) acres or more
 - (4) Agricultural services
 - (5) Open space: private or public
 - g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - h. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district
2. **Conditional uses.** The following conditional uses are allowed in the HI Heavy Industrial District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
 - (1) Bed and breakfast associated with a permitted dwelling, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)

- (2) Dwelling that serves as a caretaker's residence for a permitted or conditional use
- (3) Home occupation permitted with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- b. Commercial uses.
 - (1) Adult entertainment establishment, pursuant to [Section 5.2, A.: Adult Entertainment Establishment](#)
 - (2) Animal boarding, animal grooming, or animal training, with or without outdoor kennels and/or outdoor runs
 - (3) Artist studio
 - (4) Business service
 - (5) Car or truck wash
 - (6) Day care center: commercial, provided that it is an accessory use to a permitted or conditional use and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (7) Garden supply or landscaping center
 - (8) Home improvement center
 - (9) Household maintenance and repair establishment
 - (10) Manufactured home dealer, sales and display, pursuant to [Section 5.2, E.: Manufactured Home Dealer, Sales and Display](#)
 - (11) Office as a principal use
 - (12) Recreation facility: commercial indoor or outdoor
 - (13) Vehicle sales and/or rental
 - (14) Veterinary clinic: large or small animal, with or without outdoor kennels or runs
- c. Industrial uses.
 - (1) Batch plant: concrete or asphalt
 - (2) Composting facility: community or indoor, pursuant to [Section 5.3, C. Community Composting Facilities](#)
 - (3) Grain elevator
 - (4) Landfill: construction debris
 - (5) Mined materials: processing and/or recycling
 - (6) Power generation plant
 - (7) Recycling facility, pursuant to [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#)
 - (8) Salvage operation: indoor and/or outdoor
- d. Public, civic, and institutional uses.

- (1) School, specialty or special instruction
 - e. Utility and communication uses.
 - (1) Communication equipment: major pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Mining, consistent with [Chapter NR 135 of the Wisconsin Administrative Code](#) and all other applicable regulations
 - g. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the HI Heavy Industrial District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#).
 - (2) Animals: keeping domestic animals, provided that the animals are accessory to a permitted residential use, and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, and donkeys provided that the animals are accessory to a permitted residential use, and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, provided that the animals are accessory to a permitted residential use and pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#).
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fences, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (11) Landscaping and/or gardening
 - (12) Office, accessory to a permitted or conditional use.

- (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (14) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#).
- (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (17) Solar equipment
- (18) Swimming pool for private recreation use, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (19) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (20) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (21) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (22) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Two (2) acres
 - b. Minimum parcel width. One hundred (100) feet
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback Requirements.** Setback requirements shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Fifty (50) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#).
4. **Maximum building height.**

- a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#) except that buildings over thirty-five (35) may be allowed pursuant to the approval of a conditional use permit.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
- D. Special Requirements for Parcels in the Ashland Industrial Park**

Those parcels zoned HI Heavy Industrial District in the Ashland Industrial Park shall comply with the provisions of [Section 5.3, A.: Ashland Industrial Park](#) and City of Ashland [Ordinance 469](#).

Sections 4.23 – 4.24 (Reserved for potential additional industrial districts.)

Waterfront Districts

Sections 4.25 – 4.34 describe the waterfront zoning districts. The waterfront zoning districts promote a variety of uses that are intended to have a strong relationship with the waterfront.

Section 4.25 W-SFR Waterfront Single-Family Residential District

A. Intent

The intent of the W-SFR Waterfront Single-Family Residential District is to recognize existing single-family dwellings within the waterfront area and to permit redevelopment and continued use of the dwellings in a manner that enhances their relationship with the waterfront.

B. Uses

1. **Permitted uses.** The following are permitted uses in the W-SFR Waterfront Single-Family Residential District, pursuant to all applicable specific uses standards.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: single-family detached
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Open space uses.
 - (1) Open space: private or public

- e. Temporary or seasonal uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.
2. **Conditional uses.** The following are conditional uses in the W-SFR Waterfront Single-Family Residential District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - (5) Dwelling: two-family or duplex
 - (6) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Public, civic, and institutional uses.
 - (1) Government or community service use
 - c. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility system, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - d. Temporary or seasonal uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - e. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-SFR Waterfront Single-Family Residential District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fences, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home
 - (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (9) Landscaping and/or gardening
 - (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (13) Signs, pursuant to [Section 6.6: Signs](#)
 - (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)

- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. Parcel requirements.

- a. Minimum parcel area.
 - (1) A parcel that has a single-family detached dwelling as its principal use shall have a minimum area of seven thousand (7,000) square feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - (2) A parcel that has a principal use other than a single-family detached dwelling shall have a minimum area of fourteen thousand (14,000) square feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- b. Minimum parcel width.
 - (1) A parcel that has a single-family detached dwelling as its principal use shall have a minimum width of fifty (50) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - (2) A parcel that has a principal use other than a single-family detached dwelling shall have a minimum width of one hundred (100) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this Section.

2. Setback requirements for principal building.

- a. Minimum principal building setback from the road right-of-way.
 - (1) A single-family detached dwelling shall be set back a minimum of twenty-five (25) feet from the road right-of-way, except as may be modified based on the average setback from the front parcel line calculation pursuant to [Section 6.1, B.: Setbacks](#).
 - (2) A principal use, other than a single-family detached dwelling, shall be set back a minimum of thirty-five (35) feet from the road right-of-way.
- b. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
- c. Minimum principal building setback from corner street side parcel line.
 - (1) A single-family detached dwelling shall be set back a minimum of twenty (20) feet from the corner street side parcel line, except as may be modified based on

the average setback from the corner street side parcel line calculation pursuant to [Section 6.1, B.: Setbacks](#).

- (2) A principal building, other than a single-family detached dwelling, shall be set back a minimum of thirty (30) feet from the corner street side parcel line.
- d. Minimum principal setback from interior side parcel line.
 - (1) A single-family detached dwelling shall be setback a minimum of ten (10) feet from an interior side parcel line, except as modified pursuant to [Section 6.1, B.: Setbacks](#).
 - (2) A principal building, other than a single-family detached dwelling, shall be set back a minimum of fifteen (15) feet from an interior side parcel line.
- e. Minimum principal building setback from rear parcel line. All principal buildings shall be set back a minimum of thirty-five (35) feet from the rear parcel line.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be set back from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).
4. **Maximum building height.**
 - a. Principal building. No building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building associated with a government or community service, a religious institution, or a primary or secondary school may exceed thirty-five (35) feet in height provided the setback requirements from the side parcel lines are increased one (1) foot for every additional foot that the building is over thirty-five (35) feet in height.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed twenty-five (25) percent of the parcel area.
6. **Maximum impervious coverage of the parcel:** Forty (40) percent

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront Overlay District requirements.** All uses shall meet the requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).

Section 4.26 W-MRC Waterfront Mixed Residential/Commercial District

A. Intent

The W-MRC Waterfront Mixed Residential/Commercial District encompasses an area between US Highway 2 and Lake Superior that may have existing industrial, commercial, and residential uses that do not have a strong relationship to the waterfront, nor do they provide public views or access to the waterfront. The primary intent of the district is to encourage existing industrial uses in the district to relocate to appropriate industrial districts in the city. Also, where feasible, the intent of the district is to encourage redevelopment of existing commercial and residential uses in a manner that enhances the relationship of these uses to the waterfront and, to the maximum

extent possible, provides public views and access to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage existing industrial uses in the district to relocate to appropriate industrial districts in the city;
2. Encourage the development and redevelopment of residential and/or commercial uses in a manner that promotes public views and access to the waterfront, where feasible;
3. Allow a mixture of residential uses, but encourage housing that includes public open space that promotes views and access to the waterfront;
4. Encourage development of commercial uses that cater to people using the waterfront and to the traveling public. Examples of such uses may include tourist-oriented retail, indoor and outdoor recreation facilities, lodging establishments, and restaurants. This district is not intended to accommodate large-scale regional commercial development;
5. Where feasible, encourage waterfront public/institutional uses in the district;
6. Encourage development in the district to occur through the planned unit development (PUD) process at a neighborhood or district scale to help ensure coordination between uses. Where feasible, encourage shared parking and pedestrian and vehicular access between uses. If the City of Ashland has adopted a plan for an area in the W-MRC District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

B. Uses

1. **Allowable uses that are part of an approved planned unit development (PUD).**
Allowable uses that are part of an approved planned unit development (PUD) in the W-MRC Waterfront Mixed Residential/Commercial District shall be established in accordance with the Planned Unit Development (PUD) District. The uses shall be consistent with the intent of this district and the goals, objectives, and policies of the City's Comprehensive Plan as well as all other applicable plans approved by the City.
2. **Permitted uses that are not part of an approved planned unit development (PUD).**
 - a. Uses in existence prior to the adoption of this ordinance. Any residential or commercial use (as determined by the Zoning Administrator or Designated Authorized Agent) that was in existence on the subject parcel prior to the adoption of this ordinance (and was a conforming permitted or conditional use at that time) shall be a permitted use.
 - b. Residential.
 - (1) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#), and provided that is associated with a permitted residential use or a residential use in existence prior to the adoption of this ordinance
 - (2) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that not more than four (4) persons are served by the facility
 - (3) Dwelling: multi-family, three (3) to eight (8) units per building
 - (4) Dwelling: single-family attached, two (2) to six (6) units per building

- (5) Dwelling: single-family detached
 - (6) Dwelling: two-family or duplex
 - (7) Dwelling combined with a permitted commercial use
 - c. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public park
 - d. Utility and communication uses.
 - (1) Essential services
 - e. Open space uses.
 - (1) Open space: private or public
 - f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - g. Other uses.
 - (1) Minor or accessory uses that do not have a major impact on the district, including fences, signs, minor renovations, and other similar uses incidental and customary to permitted and conditional uses.
- 3. **Conditional uses.** The following are conditional uses in the W-MRC Waterfront Mixed Residential/Commercial District and are subject to the special requirements of this section and to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
 - a. Residential.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or Rooming House
 - (3) Emergency residential facility, provided that not more than fifteen (15) persons are served
 - (4) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (5) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living](#)
 - (6) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial.
 - (1) Animal boarding

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- (2) Animal grooming or training facility
 - (3) Artist studio
 - (4) Assembly hall
 - (5) Bank or other financial institution
 - (6) Business service
 - (7) Car wash
 - (8) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (9) Dry cleaning and laundry drop off and pick up, excluding processing
 - (10) Food center
 - (11) Funeral home
 - (12) Garden supply or landscaping center
 - (13) Household maintenance and repair
 - (14) Individual/family social services
 - (15) Laundromat
 - (16) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (17) Lodging establishment: short and extended stay
 - (18) Manufactured home dealer
 - (19) Office as a principal use
 - (20) Personal care/drop-in center
 - (21) Personal service
 - (22) Recreation facility: commercial indoor/outdoor
 - (23) Restaurant: sit-down, fast food or carry-out
 - (24) Retail establishment: convenience or general
 - (25) Tavern
- c. Public, civic, and institutional.
- (1) Boat landing
 - (2) Clinic
 - (3) Club or association
 - (4) Museum
 - (5) Nursing home
 - (6) Religious Institution
 - (7) School: primary, secondary, specialty, or personal instruction
- d. Utility and communication uses.

- (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a public, civic, institutional, or communication service use, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Communication service
 - (3) Outdoor wood-fired furnace associated with a single-family detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750 B., 17.: Outdoor Wood-fired Furnace](#)
 - (4) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (5) Wind energy facility
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, landfilling, and/or excavation](#)
 - (2) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - f. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Drive-through window associated with a permitted or conditional use
 - (3) Parking lot as a principal use
 - (4) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of this district may be considered and processed as per the conditional use permit provisions of this Ordinance.
4. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-MRC Waterfront Mixed Residential Commercial District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fences, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home

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- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court or play equipment for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

5. **Prohibited uses.** Industrial uses (as determined by the Zoning Administrator or the Common Council) shall be prohibited uses in the W-MRC Waterfront Mixed Residential/Commercial District. Any existing industrial use that was a conforming use prior to the date of this ordinance shall be considered a nonconforming use and shall comply with the nonconforming provisions of this Ordinance.

C. Dimensional Requirements

1. **Basic dimensional requirements for uses associated with a planned unit development (PUD).** Basic dimensional requirements (including parcel area and width, principal building setback, allowable height, maximum building coverage, maximum impervious coverage, and other pertinent dimensional requirements) for uses associated with a planned unit development (PUD) shall be determined through the planned unit development (PUD) ordinance and shall be consistent with the Waterfront Overlay District requirements and the Gateway Overlay District requirements of this Ordinance, where applicable.
2. **Basic dimensional requirements for uses that are not part of an approved planned unit development.** Basic dimensional requirements (including parcel area and width, principal building setback, allowable height, maximum building coverage, maximum impervious coverage, and other pertinent dimensional requirements) for uses that are not part of an approved planned unit development (PUD) shall be identical to the dimensional requirements of the zoning district in this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a single-family detached dwelling

shall meet the dimensional requirements for a single-family detached dwelling in the W-SFR Waterfront-Single Family Residential District. All uses shall be consistent with the Waterfront Overlay District and the Gateway Overlay District requirements of this Ordinance, where applicable.

3. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-MRC District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Special Requirements

1. Design standards. All uses shall meet the applicable design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. Waterfront overlay district requirements. All uses shall be consistent with the provisions of the Waterfront Overlay District as specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. Gateway Overlay District requirements. All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.27 W-CRM Waterfront Conference/Residential Mix District

A. Intent

The W-CRM Waterfront Conference/Residential Mix District is intended to provide a unique area in the city where a mixture of conference, lodging, and compatible residential and commercial uses are coordinated in a planned setting to produce a vibrant and relatively self-contained area that caters to conferences, special events, and tourist activities. More specifically, the intent of the district is as follows:

1. Encourage the development and/or redevelopment of uses in the district that will have a synergistic relationship with the existing lodging establishment/conference facility in the district. Examples of such uses may include tourist-oriented retail, indoor and outdoor recreation facilities, additional lodging establishments, and restaurants. This district is not intended to accommodate large-scale regional commercial development;
2. Allow the continuation, enhancement, and expansion of existing detached single-family dwellings in the district, but also allow parcels with detached single-family dwellings to sensitively transition to higher density housing or commercial uses that relate to the mixed conference/residential intent of this district;
3. Encourage development in the district to occur through the planned unit development (PUD) process at the neighborhood or district scale to help ensure coordination between uses. Where feasible, encourage shared parking and pedestrian and vehicular access between uses;
4. Where feasible, encourage development of uses that relate to the waterfront and that provide strong visual and pedestrian connections to the waterfront.

B. Uses

1. Permitted uses. The following uses are permitted in the W-CRM Waterfront Conference/Residential Mix District pursuant to all specific use standards.

- a. Residential.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that not more than four (4) persons are served by the facility
 - (2) Dwelling: multi-family, three (3) to eight (8) units per building
 - (3) Dwelling: single-family attached, two (2) to six (6) units per building
 - (4) Dwelling: single-family detached
 - (5) Dwelling: two-family or duplex
 - (6) Dwelling combined with a permitted commercial use
- b. Commercial uses.
 - (1) Assembly hall
 - (2) Business service
 - (3) Conference center
 - (4) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (5) Lodging establishment: short stay or extended stay
 - (6) Personal service
 - (7) Retail: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet
 - (8) Restaurant: carry-out, fast food, or sit-down
- c. Public, civic, and institutional uses.
 - (1) Festival grounds
 - (2) Government or community service use
 - (3) Public park
- d. Utility and communication uses.
 - (1) Essential services
- e. Open space uses.
 - (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with intent of the permitted uses in this district.

2. **Conditional uses.** The following conditional uses are allowed in the W-CRM Waterfront Conference/Residential Mix District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.

a. Residential uses.

- (1) Adult family home pursuant to [Section 5.1, A.: Adult Family Home](#)
- (2) Bed and breakfast, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
- (3) Boarding or rooming house
- (4) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
- (5) Dwelling: accessory, provided that it is associated with a single-family detached dwelling, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
- (6) Dwelling combined with a conditional use
- (7) Dwelling: multi-family, more than eight (8) units per building
- (8) Emergency residential facility
- (9) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
- (10) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- (11) Tourist home, provided that it is associated with a single-family detached dwelling, and pursuant to [Section 5.1, K.: Tourist Home](#)

b. Commercial uses.

- (1) Artist studio
- (2) Bank or financial institution
- (3) Car wash associated with a filling station
- (4) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- (5) Dry cleaning and laundry drop off and pick up, but excluding processing
- (6) Filling station with or without a convenience store
- (7) Laundromat
- (8) Office as a principal use
- (9) Recreation facility: commercial indoor or outdoor
- (10) Restaurant: drive-in
- (11) Retail: convenience or general, exceeding two thousand five hundred (2,500) gross square feet
- (12) Tavern

- (13) Theater
 - c. Public, civic, and institutional uses.
 - (1) Boat landing
 - (2) Campground, pursuant to City of Ashland [Ordinance 871](#)
 - (3) Club or association
 - (4) Museum
 - (5) School: specialty or personal instruction
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood-fired furnace associated with a single-family-detached dwelling, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - f. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Drive-through window associated with a permitted or conditional use
 - (3) Parking lot as a principal use
 - (4) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-CRM Waterfront Conference/Residential Mix District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)

- (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
- (6) Fence, pursuant to [Section 6.5: Fences](#)
- (7) Foster care: family home
- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (13) Signs, pursuant to [Section 6.6: Signs](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (19) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales.](#)

C. Dimensional Requirements

- 1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other pertinent requirements shall be identical to the dimensional requirements of the zoning district that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent of the City. For example, the dimensional requirements for a commercial use shall relate to the dimensional requirements for a commercial use in the W-C Waterfront Commercial District.
- 2. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-CRM District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).

D. Special Requirements

1. **Gateway Overlay District requirements.** Parcels that have frontage on a US Highway 2 shall meet the Gateway Overlay requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).
2. **Waterfront overlay district requirements.** Development in the W-CRM District shall be consistent with the requirements of the waterfront overlay district specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Design standards.** All uses shall meet the pertinent design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).

Section 4.28 W-C Waterfront Commercial District

A. Intent

The W-C Waterfront Commercial District encompasses an area between US Highway 2 and Lake Superior. Existing uses in the district consist primarily of regional (highway) commercial uses, but may also include existing residential and existing industrial uses. The intent of the district is to allow the existing commercial uses and structures to continue while encouraging all uses and structures to transition to commercial uses that have a strong relationship to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage the development and redevelopment of commercial properties in a manner that enhances their relationship with the waterfront. Encourage uses to provide public views and access to the waterfront, where feasible;
2. Encourage uses that cater to people using the waterfront and to the traveling public. This district is not intended to accommodate large-scale regional commercial development;
3. Encourage existing residential and industrial uses to relocate to other appropriate districts in Ashland;
4. Encourage development and redevelopment in the district to occur through the planned unit development (PUD) process that includes at least several parcels. Encourage connections between commercial uses that allow for shared parking and shared access from US Highway 2;
5. If the City of Ashland has adopted a plan for the W-C Waterfront Commercial District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan;
6. Where commercial development or redevelopment on a parcel in this district cannot occur in a manner that is reasonably consistent with the provisions of this Ordinance (due to the dimensional characteristics of the parcel or other reasons), it is the intent of this district to encourage said parcel to transition to a waterfront oriented public, civic, or institutional use (such as a public park) that will be consistent with the Comprehensive Plan and the provisions of this Ordinance.

B. Uses

1. **Permitted uses.** Due to the dimensional constraints of the existing parcels in the district and the intent of the district to enhance the relationship of structures and uses to the waterfront, outright permitted uses in the W-C Waterfront Commercial District shall be limited to the following.
 - a. Public, civic, and institutional uses.

- (1) Festival grounds
 - (2) Government or community service use
 - (3) Public park
 - b. Utility, communication, and public service uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: private or public
 - d. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent of the City has determined that the use is consistent with the intent of permitted uses in this district.
- 2. **Conditional uses.** The following are conditional uses in the W-C District subject to the special requirements of this section and to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Adult family home pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that not more than fifteen (15) persons are served by the facility
 - (3) Dwelling combined with a permitted or conditional commercial use
 - (4) Emergency residential facility
 - (5) Home occupation associated with a permitted dwelling, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (6) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - b. Commercial uses.
 - (1) Animal boarding, animal training, or animal grooming, except that no outdoor kennels nor outdoor runs shall be allowed
 - (2) Artist studio
 - (3) Assembly hall
 - (4) Bank or financial institution

- (5) Business service
 - (6) Car wash
 - (7) Conference center
 - (8) Currency exchange, payday loan establishment, or title loan agency, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
 - (9) Day care center: commercial and pursuant to *Section 5.2, C.: Day Care Center: Commercial*
 - (10) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (11) Filling station
 - (12) Funeral home
 - (13) Garden supply or landscaping center
 - (14) Household maintenance and repair establishment
 - (15) Laundromat
 - (16) Local food store, pursuant to *Section 5.2, D.: Local Food Store*
 - (17) Lodging establishment: short stay or extended stay
 - (18) Office
 - (19) Pawn shop, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
 - (20) Personal service
 - (21) Recreation facility: commercial indoor or outdoor
 - (22) Rent-to-own, pursuant to *Section 5.2, B.: Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use*
 - (23) Restaurant: carry-out, fast food, or sit-down
 - (24) Retail establishment: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet per building
 - (25) Tavern
 - (26) Theater
 - (27) Veterinary clinic: small animal, except that no outdoor kennels nor outdoor runs shall be allowed
- c. Public, civic, and institutional uses.
- (1) Clinic
 - (2) Club or association
 - (3) Museum

- (4) School: specialty or personal instruction
 - (5) Religious institution
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Accessory building, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Drive-through window associated with a permitted or conditional use
 - (3) Parking lot as a principal use
 - (4) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
- 3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-C Waterfront Commercial District, pursuant to all applicable specific use standards.
 - (1) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (4) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (5) Fence, pursuant to [Section 6.5: Fences](#)
 - (6) Foster care: family home
 - (7) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (8) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (9) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (10) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)

- (11) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (14) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (15) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (16) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (17) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.
- (18) Outdoor merchandise sales, pursuant to [Section 5.6 M.: Outdoor Merchandise Sales](#).

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the W-C District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way. Thirty (30) feet.
 - b. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - c. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - d. Minimum principal building setback from interior side parcel line. Fifteen (15) feet.
 - e. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building may exceed thirty-five (35) feet subject to the issuance of a conditional use permit.
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).

5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on U.S. Highway 2 shall meet the Gateway Overlay District requirements specified in GTWY-O Gateway Overlay District.
4. **Additional requirements.** Additional requirements (including, but not limited to setbacks from a bluff) may apply to parcels and uses in this district. Refer to the pertinent provisions of this Ordinance for specific requirements.

Section 4.29 W-CC Waterfront City Center District

A. Intent

The W-CC Waterfront City Center District includes a mixture of existing residential, commercial, and industrial uses that are located near the heart of the city, between US Highway 2 and Lake Superior. The intent of the district is to allow the continuation of single-family residential uses in the district while also allowing the district to sensitively transition to commercial and public/institutional uses that have a strong relationship to the waterfront. More specifically, the intent of the district is as follows:

1. Encourage existing industrial uses in the district to relocate to other appropriate districts in the city;
2. Allow the continuation, enhancement, and expansion of existing residential uses in the district, but also allow the sensitive conversion of parcels with existing single-family dwellings to transition to appropriate “city center” uses that have a strong relationship to the waterfront;
3. Ensure that development and redevelopment in the district occurs in a manner that reasonably protects the integrity of the surrounding existing single-family dwellings in the district; and
4. Encourage the transition to waterfront city center uses to occur through the planned unit development (PUD) process at a neighborhood scale or block scale. If the City of Ashland has adopted a plan for the W-CC Waterfront City Center District, the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan.

B. Uses

1. **Permitted uses.** The following uses are permitted in the W-CC Waterfront City Center District, pursuant to all applicable specific use standards.
 - a. Residential uses.

- (1) Residential use, provided that the use was in existence prior to the adoption of this ordinance and provided that the use has not lapsed for more than twelve (12) consecutive months since the adoption of this ordinance.
- (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
- (3) Dwelling combined with permitted use
- (4) Dwelling: single-family detached
- b. Commercial uses.
 - (1) Artist studio
 - (2) Assembly hall
 - (3) Conference center
 - (4) Local food store, pursuant to [Section 5.2, D.: Local Food Store](#)
 - (5) Lodging establishment: short stay or extended stay
 - (6) Personal service
 - (7) Retail: convenience or general, not to exceed two thousand five hundred (2,500) gross square feet
 - (8) Restaurant: carry-out, fast food, or sit-down
- c. Public, civic, and institutional uses.
 - (1) Festival grounds
 - (2) Government or community service use
 - (3) Museum
 - (4) Public park
- d. Utility, communication, and public service uses.
 - (1) Essential services
- e. Open space uses.
 - (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
- g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of the permitted uses in this district.

2. **Conditional uses.** The following are conditional uses in the W-CC District subject to the special requirements of this section and to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
- (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Boarding or rooming home
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that not more than fifteen (15) persons are served by the facility
 - (4) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)
 - (5) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - (6) Dwelling combined with a conditional use
 - (7) Dwelling: single-family attached, two (2) to six (6) units per building
 - (8) Dwelling: multi-family, three (3) or more units per building
 - (9) Dwelling: two-family or duplex
 - (10) Emergency residential facility
 - (11) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (12) Rehabilitation center/transitional facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (13) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
- b. Commercial uses.
- (1) Bank or financial institution
 - (2) Business service
 - (3) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (4) Dry cleaning and laundry, drop off and pick up, but excluding processing
 - (5) Laundromat
 - (6) Office
 - (7) Recreation facility: commercial indoor or outdoor
 - (8) Retail establishment: convenience or general, exceeding two thousand five hundred (2,500) gross square feet
 - (9) Tavern
 - (10) Theater
- c. Public, civic, and institutional uses.

- (1) Clinic
 - (2) Club or association
 - (3) Nursing home
 - (4) School: primary, secondary, specialty, or personal instruction
 - (5) Religious institution
 - d. Utility and communication uses.
 - (1) Communication equipment: major, provided that it is located on a parcel for which the principal use is a government or community service use, a religious institution, or a primary or secondary school, and pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavating (excluding mining) involving fifty (50) or more cubic yards of material, and as a separate activity not associated with a building permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Temporary real estate sales office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
 - f. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Drive-through window associated with a permitted or conditional use
 - (3) Parking lot as a principal use
 - (4) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-CC Waterfront City Center District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (5) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (6) Fence, pursuant to [Section 6.5: Fences](#)
 - (7) Foster care: family home

- (8) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
- (9) Landscaping and/or gardening
- (10) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (11) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (14) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (15) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (16) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (17) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (18) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel area in the W-CC District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Three thousand five hundred (3,500) square feet.
 - b. Minimum parcel area for properties located in the GTWY-O Gateway Overlay District. Twenty thousand (20,000) square feet, except that a smaller parcel area may be allowed with the approval of a conditional use permit.
 - c. Minimum parcel width. Twenty-five (25) feet.
 - d. Minimum parcel width for properties located in the GTWY-O Gateway Overlay District. One-hundred forty (140) feet, except that a smaller parcel width may be allowed with approval of a conditional use permit.
2. **Setback requirements of a principal building from all parcel lines.** Uses shall meet the setback requirements specified in the zoning district of this Ordinance that best resembles the use of the said parcel, as determined by the Zoning Administrator or Designated Authorized Agent. For example, the requirements for a single family use shall relate to the setback requirements for the R-1 Single Family District. All parcels in the GTWY-O Gateway Overlay District shall be required to follow the setbacks established in the RC Regional Commercial District. Setbacks may be reduced with the approval of a conditional use permit.
3. **Maximum parcel coverage.** Uses shall meet the requirements for maximum parcel coverage specified in the zoning district of this ordinance that best resembles the use of said parcel, except that all non-residential development shall meet the following:

- a. Maximum building coverage of the parcel. Fifty percent (50%).
 - b. Maximum impervious coverage. Seventy percent (70%), except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).
 4. **Maximum height of principal building.** Forty-five (45) feet, as measured pursuant to [Section 6.1, C.: Building Height](#) except that the City may allow a principal building to exceed a height of forty-five (45) feet subject to the approval of a conditional use permit.
 5. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings in the district shall be as specified in [Section 5.6, A.: Accessory Building](#).
 6. **Buffer requirements between different uses.** Wherever a more intense proposed use (or expansion of a more intense existing use) in the W-CC Waterfront City Center District abuts a less intense existing use, the more intense use shall provide a landscaped buffer pursuant to [Section 6.4: Landscaping, Buffering, and Screening](#).
- D. Special Requirements**
1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
 2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
 3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.30 W-I Waterfront Industrial District

A. Intent

The intent of the W-I Waterfront Industrial District is to recognize areas of existing industrial uses adjacent to Lake Superior that the City has determined are essential or otherwise acceptable industrial uses in the area. These existing industrial uses may continue subject to the provisions of this section. Should an existing industrial use in the district cease, it is the intent of this district to encourage the use to transition to a “waterfront oriented” public, civic, and institutional use pursuant to this section. Additions to the W-I Waterfront Industrial District are not anticipated. New industrial uses shall be directed to a LI Light Industrial District or HI Heavy Industrial District outside of the waterfront area.

B. Uses

1. **Permitted uses.** The following uses are permitted in the W-I Waterfront Industrial District pursuant to all applicable specific use standards and the special requirements of this district.
 - a. Public, civic, and institutional uses.
 - (1) Public park
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: private or public

- d. Temporary, seasonal use, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in the district.
2. **Conditional uses.** The following are conditional uses in the W-I Waterfront Industrial District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards and the special requirements of this district.
- a. Industrial uses.
 - (1) Light manufacturing use provided that the use was in existence prior to the date of adoption of this ordinance and provided that the use did not cease to exist for a period of twelve (12) or more consecutive months since the date of adoption of this ordinance.
 - (2) Power generation plant provided that the use was in existence prior to the date of adoption of this ordinance and provided that the use did not cease to exist for a period of twelve (12) or more consecutive months since the date of adoption of this ordinance.
 - b. Public, civic, and institutional uses.
 - (1) Campground, pursuant to City of Ashland [Ordinance 871](#)
 - (2) College
 - (3) Festival grounds
 - (4) Government and community services
 - (5) Marina
 - (6) Nursing home
 - (7) School: primary, secondary, or specialty
 - (8) Religious institution
 - (9) Water oriented research facility
 - c. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - d. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
- e. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other use not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in the district.
3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-I Waterfront Industrial District, pursuant to all applicable specific use standards and the special requirements of this district.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (9) Signs, pursuant to [Section 6.6: Signs](#)
 - (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (11) Sport court for private recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (12) Swimming pool for private recreation use, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (13) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent of the City.

C. Dimensional Requirements

1. **Parcel requirements.** Parcel requirements shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre.
 - b. Minimum parcel width. One hundred (100) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** Setback requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - d. Minimum principal building setback from interior side parcel line. Twenty (20) feet.
 - e. Minimum principal building setback from rear parcel line. Thirty (30) feet.
3. **Setback requirements for accessory buildings.** Accessory buildings shall be setback from parcel lines and principal buildings pursuant to [Section 5.6, A.: Accessory Building](#) and as specified in [Section 4.46: Waterfront Overlay District](#).
4. **Maximum building height.**
 - a. Principal building. No principal building shall exceed thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#), except that height of a principal building can be increased with the approval of a conditional use permit.
 - b. Accessory building. The height of accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** The combined footprint of all principal and accessory buildings on a parcel shall not exceed forty (40) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).

3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on U.S. Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Section 4.31 W-PI Waterfront Public/Institutional District

A. Intent

The intent of the W-PI Waterfront Public/Institutional District is to facilitate the development of public and institutional uses that have a strong relationship with the waterfront.

B. Uses

1. **Permitted uses.** The following uses are permitted in the W-PI Waterfront Public District.
 - a. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Festival grounds
 - (3) Government or community service use
 - (4) Marina
 - (5) Museum
 - (6) Public park with or without a campground, pursuant to City of Ashland [Ordinance 871](#)
 - (7) Water oriented research facilities
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open spaces.
 - (1) Open spaces: public or private
 - d. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Seasonal market pursuant to [Section 5.5, D.: Seasonal Market](#)
 - e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of the permitted uses in this district.
2. **Conditional uses.** The following uses are conditional uses in the W-PI Waterfront Public District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards and the special requirements of this district.
 - a. Commercial uses.

- (1) Terminal: passenger ship, including, but not limited to a cruise or sightseeing boat
 - (2) Water-oriented commercial use that is incidental or accessory to a public, civic, or institutional uses. An individual water-oriented commercial use shall not exceed a gross area of two thousand five hundred (2,500) square feet.
 - b. Industrial uses.
 - (1) Terminal: ship, in accordance with applicable state or federal agreements for use of said ship terminal and provided that the use was in existence and a conforming use prior to adoption of this ordinance
 - c. Public, civic, and institutional uses.
 - (1) Boat landing
 - (2) College
 - (3) School: primary, secondary or specialty
 - (4) Zoo
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Temporary construction building
 - f. Other uses.
 - (1) Accessory building, if the accessory building exceeds the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of conditional uses in this district.
- 3. **Accessory uses.** The following are permitted as an accessory use to a permitted or conditional use in the W-PI District, pursuant to all applicable specific use standards.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)

- (4) Fence, pursuant to [Section 6.5: Fences](#)
- (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (9) Signs, pursuant to [Section 6.6: Signs](#)
- (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (11) Sport court for recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (12) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (13) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the W-PI District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. Fourteen thousand (14,000) square feet.
 - b. Minimum parcel width. One hundred (100) square feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirements for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from road right-of-way line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from the ordinary high water mark of Lake Superior. Where a parcel has frontage on Lake Superior, the principal building shall be setback from the ordinary high water mark as specified in [Section 4.46: Waterfront Overlay District](#).
 - d. Minimum principal building setback from interior side parcel line. Ten (10) feet.
 - e. Minimum principal building setback from rear parcel line. Twenty-five (25) feet.

3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** Fifty (50) percent.
6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

D. Special Requirements

1. **Design standards.** All uses shall meet the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#).
2. **Waterfront overlay district requirements.** All uses shall meet the waterfront overlay district requirements specified in [Section 4.46: W-O Waterfront Overlay District](#).
3. **Gateway Overlay District requirements.** All uses on parcels that have frontage on US Highway 2 shall meet the Gateway Overlay District requirements specified in [Section 4.47: GTWY-O Gateway Overlay District](#).

Sections 4.32 – 4.34 (Reserved for potential additional waterfront districts.)

Other Districts

Sections 4.35. – 4.44. describe the zoning districts in the City of Ashland that accommodate public and institutional uses, public open spaces and parks, commercial and industrial airport uses, and minimal land uses that allow for future development.

Section 4.35 PI Public/Institutional District

A. Intent

The intent of the PI Public/Institutional District is to accommodate a variety public, semi-public, and institutional uses in Ashland. Although public and institutional uses are allowed as permitted or conditional uses in many other districts in the city, the PI Public/Institutional District is intended for the exclusive use of significant public or institutional uses (including, but not limited to colleges, schools, hospitals, and cemeteries). Public parks are intended to be included in the PP Public Parks District. Public/institutional uses adjacent to Lake Superior are intended to be included in the W-P/I Waterfront Public/Institutional District.

B. Uses

1. **Permitted uses.** The following uses are permitted uses in the PI Public/Institutional District.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that not more than fifteen (15) persons are served
 - (2) Convent, rectory, or monastery, pursuant to [Section 5.1, D.: Convent, Rectory, or Monastery](#)

- (3) Dormitory
- (4) Emergency residential facility
- (5) Fraternity or sorority
- (6) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
- b. Commercial uses.
 - (1) Day care center: commercial and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
- c. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Cemetery
 - (3) Clinic and/or medical office
 - (4) College
 - (5) Festival grounds
 - (6) Government or community service use
 - (7) Hospital
 - (8) Museum
 - (9) Nursing home
 - (10) Public park
 - (11) Religious institution
 - (12) School: primary or secondary
 - (13) Water oriented research facility
- d. Utility and communication uses.
 - (1) Essential services
- e. Open space uses.
 - (1) Open space: private or public
- f. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Land filling: temporary
- g. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in the district.

2. **Conditional uses.** The following conditional uses are allowed in the PI Public/Institutional District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Commercial uses
 - (1) Social services, pursuant to [Section 5.2, F.: Social Services](#)
 - b. Industrial uses.
 - (1) Research and development facility
 - (2) Composting facility: indoor, pursuant to [Section 5.3 C., Community Composting Facilities](#)
 - c. Public, civic, and institutional uses.
 - (1) School: specialty or special instruction
 - (2) Zoo
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - e. Agriculture and forestry uses.
 - (1) Agriculture
 - (2) Agricultural services
 - (3) Agriculture research facility
 - (4) Forestry
 - f. Temporary, seasonal, or land filling/excavation uses.
 - g. Other uses.
 - (1) Accessory buildings, if the accessory buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent of the conditional uses in the district.
3. **Accessory uses.** The following uses are permitted as accessory to permitted or conditional uses in the PI Public/Institutional District, pursuant to all specific use standards.
- (1) Animal: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (2) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)

- (3) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
- (4) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
- (5) Day care: family home, pursuant to [Section 5.6 D.: Day Care: Family Home](#)
- (6) Fences, pursuant to [Section 6.5: Fences](#)
- (7) Greenhouse: local
- (8) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
- (9) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
- (10) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
- (11) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
- (12) Signs, pursuant to [Section 6.6: Signs](#)
- (13) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (14) Sport court or play equipment, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
- (15) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
- (16) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (17) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** The minimum parcel requirements in the PI Public/Institutional District shall be as follows, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
 - a. Minimum parcel area. One (1) acre.
 - b. Minimum parcel width. Two hundred (200) feet.
 - c. Exceptions to parcel requirements. Public parks, public open space, and utility and communication uses shall be exempt from the parcel requirements of this section.
2. **Setback requirements for principal building.** The minimum setback requirement for principal buildings from parcel lines shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Forty (40) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.

- c. Minimum principal building setback from interior side parcel line. Thirty (30) feet.
- d. Minimum principal building setback from rear parcel line. Forty (40) feet.
- 3. **Maximum height of principal building.** Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#), except that a principal building height between thirty-five (35) feet and sixty (60) feet may be permitted with the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#).
- 4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#)
- 5. **Maximum building coverage of the parcel.** Fifty (50) percent.
- 6. **Maximum impervious coverage.** Seventy (70) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

Section 4.36 PP Public Parks District

A. Intent

The intent of the PP Public Parks District is to accommodate a variety of public parks and public open spaces in Ashland. Although public parks and public open spaces are permitted uses in many other districts in the city, the PP Public Parks District is intended for the exclusive use of public parks, significant public open spaces, and park related accessory uses. The W-P/I Waterfront Public/Institutional District may also accommodate public parks and public open space.

B. Uses

- 1. **Permitted uses.** The following uses are permitted in the PP Public Parks District.
 - a. Public, civic, and institutional uses.
 - (1) Government or community service use
 - (2) Public festival grounds
 - (3) Public parks and recreation uses and related buildings and uses
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Open space uses.
 - (1) Open space: public
 - d. Temporary or seasonal use.
 - (1) Land filling and/or excavation (excluding mining) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#).
 - e. Other uses.
 - (1) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent of the City has determined that the use is consistent with the intent for permitted uses in this district.

2. **Conditional uses.** The following uses are conditional uses in the PP Public Parks District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
- a. Residential uses.
 - (1) Dwelling that serves as a caretaker's residence for a public park
 - b. Commercial uses.
 - (1) Commercial use incidental to a public park use; for example, a seasonal food stand
 - (2) Specialty school incidental to a public park use
 - c. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Boat landing
 - (3) Campground and/or recreational vehicle park, pursuant to City of Ashland [Ordinance 871](#)
 - (4) Museum
 - (5) Water oriented research facility
 - (6) Zoo
 - d. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Outdoor wood furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17](#)
 - (3) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (4) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
 - e. Temporary, seasonal, or land filling/excavation uses.
 - (1) Land filling and/or excavation (excluding mining), involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance, and as a separate activity that is not associated with a development permit, pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - f. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

3. **Accessory uses.** The following uses are permitted as accessory to a permitted or conditional use in the PP Public Parks District, pursuant to all applicable specific use standards.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7.](#)
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (7) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (8) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (9) Signs, pursuant to [Section 6.6: Signs](#)
 - (10) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (11) Sport court or play equipment for public recreation use, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (12) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (13) Temporary construction building, pursuant to [Section 5.5 B.: Temporary Construction Building](#)
 - (14) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. **Parcel requirements.** There shall be no parcel requirements in the PP Public Parks District.
2. **Setback requirements for principal building.** Setbacks requirements for principal buildings shall be as follows, except as may be modified pursuant to [Section 6.1, B.: Setbacks](#).
 - a. Minimum principal building setback from front parcel line. Thirty (30) feet.
 - b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
 - c. Minimum principal building setback from interior side parcel line. Eight (8) feet.
 - d. Minimum principal building setback from rear parcel line. Thirty-five (35) feet.

3. **Maximum height of principal building.** Thirty-five (35) feet in height, as measured pursuant to [Section 6.1, C.: Building Height](#).
4. **Setback and height requirements for accessory buildings.** The setback and height requirements for accessory buildings shall be as specified in [Section 5.6, A.: Accessory Building](#).
5. **Maximum building coverage of the parcel.** There shall be no maximum building coverage in the PP Public Parks District.
6. **Maximum impervious coverage.** There shall be no maximum impervious coverage in the PP Public Parks District.

Section 4.37 FD Future Development District

A. Intent

The intent of the FD Future Development District is to allow the use of land (not served with municipal utilities) in a manner that will not preclude future development at urban densities, pending the extension of municipal utilities or market conditions that justify development at urban densities. Land in this district shall be rezoned consistent with the Comprehensive Plan, pending the proper timing for the economical provision of municipal sewer and water, streets, parks, storm drainage, and other public utilities and services, so that orderly development can occur. Where feasible, conservation subdivisions (pursuant to Section 4.56: Conservation Subdivision Overlay District) are encouraged for residential uses in this district.

B. Uses

1. **Permitted uses.** The following are permitted uses in the FD Future Development District, pursuant to all applicable specific uses standards.
 - a. Residential uses.
 - (1) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided not more than four (4) persons are served by the facility
 - (2) Dwelling: single-family detached
 - (3) Dwelling: single-family detached in a conservation subdivision pursuant to [Section 4.56: Conservation Subdivision Overlay District](#)
 - b. Public, civic, and institutional uses.
 - (1) Public park
 - c. Utility and communication uses.
 - (1) Essential services
 - d. Agriculture, forestry, and open space uses.
 - (1) Agriculture
 - (2) Forestry
 - (3) Open space: private or public
 - e. Temporary, seasonal, or land filling/excavation uses.

- (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation.](#)
 - (2) Land filling: temporary
 - (3) Seasonal market
 - f. Other uses.
 - (1) Personal storage building as a principal use pursuant to [Section 5.6, G.: Personal Storage Building as a Principal Use.](#) Personal storage buildings as a principal use shall not be permitted in association with a conservation subdivision in the FD Future Development District.
 - (2) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for permitted uses in this district.
- 2. **Conditional uses.** The following are conditional uses in the FD Future Development District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and pursuant to all applicable specific use standards.
 - a. Residential uses.
 - (1) Adult family home, pursuant to [Section 5.1, A.: Adult Family Home](#)
 - (2) Bed and breakfast establishment, pursuant to [Section 5.1, B.: Bed and Breakfast Establishment](#)
 - (3) Community living arrangement, pursuant to [Section 5.1, C.: Community Living Arrangement](#) and provided that five (5) to fifteen (15) persons are served
 - (4) Convent, rectory, or monastery
 - (5) Emergency residential shelter
 - (6) Dwelling: accessory, pursuant to [Section 5.1, E.: Dwelling: Accessory](#)
 - (7) Home occupation, if the use exceeds the pertinent standards specified in [Section 5.1, F.: Home Occupation](#)
 - (8) Rehabilitation center/transitional living facility, pursuant to [Section 5.1, J.: Rehabilitation Center/Transitional Living Facility](#)
 - (9) Tourist home, pursuant to [Section 5.1, K.: Tourist Home](#)
 - b. Commercial uses.
 - (1) Animal boarding facility
 - (2) Day care center: commercial, provided that it is an accessory use to a religious institution or primary or secondary school and pursuant to [Section 5.2, C.: Day Care Center: Commercial](#)
 - (3) Recreation facility: commercial indoor or outdoor
 - (4) Veterinary clinic: small and large animal
 - (5) Warehouse: self-storage

- c. Industrial uses.
 - (1) Composting facility: indoor
 - (2) Salvage operation: indoor/outdoor
- d. Public, civic, and institutional uses.
 - (1) Arboretum
 - (2) Campground and/or recreational vehicle park, pursuant to City of Ashland [Ordinance 871](#)
 - (3) Cemetery
 - (4) Community composting facility or construction debris facility, provided that the facility is contiguous to, or directly across a public right-of-way from, the Ashland land fill.
 - (5) Festival grounds
 - (6) Government or community service use
 - (7) Religious institution
 - (8) School: primary or secondary
- e. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4. D. Wind Energy Facility](#)
- f. Agriculture, forestry, and open spaces.
 - (1) Agricultural research facility
 - (2) Agricultural services
- g. Temporary, seasonal, or land filling/excavation uses.
 - (1) Model home, pursuant to [Section 5.5, A.: Model Home](#)
 - (2) Mining, consistent with [Chapter NR 135 of the Wisconsin Administrative Code](#) and all other applicable regulations
 - (3) Temporary real estate office, pursuant to [Section 5.5, C.: Temporary Real Estate Office](#)
- h. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.

3. **Accessory uses.** The following are allowed accessory uses to permitted and conditional uses in the FD Future Development District.
- (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Animals: keeping domestic animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (3) Animals: keeping horses, mules, or donkeys, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (4) Animals: raising family farm animals, pursuant to [Section 5.6, C.: Animals: Keeping of](#)
 - (5) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (6) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#)
 - (7) Day care: family home, pursuant to [Section 5.6, D.: Day Care: Family Home](#)
 - (8) Fences, pursuant to [Section 6.5: Fences](#)
 - (9) Foster care: family home
 - (10) Greenhouse: local
 - (11) Landscaping and/or gardening
 - (12) Home occupation, pursuant to [Section 5.1, F.: Home Occupation](#)
 - (13) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (14) Outdoor mechanical and electrical equipment, including solar equipment (but not including outdoor wood furnaces), pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (15) Outdoor wood-fired furnace, pursuant to City of Ashland [Ordinance 750, Section 750.B.17.](#)
 - (16) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)
 - (17) Signs
 - (18) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
 - (19) Sport court, play equipment, and similar private recreation uses, pursuant to [Section 5.6, K.: Sport Court, Play Equipment, and Similar Uses](#)
 - (20) Swimming pool, pursuant to [Section 5.6, L.: Swimming Pool](#)
 - (21) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
 - (22) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

1. Parcel requirements.**a. Minimum parcel area.**

- (1) A parcel that has a use that is not associated with an approved conservation subdivision shall have a minimum parcel area of five (5) acres, except as may be modified pursuant to Subparagraph c. of this Section or [Section 10.3: Nonconforming Parcels](#).
- (2) A parcel that is associated with an approved conservation subdivision shall have a minimum parcel area pursuant to [Section 4.56: Conservation Subdivision](#).

b. Minimum parcel width.

- (1) A parcel that is not associated with an approved conservation subdivision shall have a minimum parcel width of two hundred (200) feet, except as may be modified pursuant to [Section 10.3: Nonconforming Parcels](#).
- (2) A parcel that is associated with an approved conservation subdivision shall have a minimum parcel width pursuant to [Section 4.56: Conservation Subdivision](#).

c. Exceptions to parcel requirements.

- (1) Public parks, public open space, and utility, communication, and public service uses shall be exempt from the parcel requirements of this section.
- (2) The minimum parcel area for a conventional subdivision in the FD District may be calculated based on the gross developable area of the parcel including road right-of-ways. Consequently, a forty (40) acre parcel could be subdivided into eight (8) parcels, even if part of the forty (40) acre parcel were conveyed for a public road, but provided that no parcel has less than four (4) net developable acres.

2. Setback requirements for principal building.

- a. Minimum principal building setback from front parcel line. Forty (40) feet.
- b. Minimum principal building setback from corner street side parcel line. Thirty (30) feet.
- c. Minimum principal building setback from interior side parcel line. Twenty-five (25) feet.
- d. Minimum principal building setback from rear parcel line. Thirty (30) feet.

3. Maximum height of principal building. Thirty-five (35) feet, as measured pursuant to [Section 6.1, C.: Building Height](#).**D. Design Standards for Agricultural Buildings and Other Accessory Buildings**

1. **Applicability.** All agricultural buildings and other accessory buildings over twelve hundred (1,200) square feet shall comply with the design standards and guidelines of this Subsection. All other accessory buildings shall comply with [Section 5.6, A: Accessory Building](#).
2. **Architectural features and colors.** All buildings shall be complimentary to the principal structures and surrounding area in terms of architectural features and colors.

3. **Maximum height.** The maximum building height shall not exceed thirty-five (35) feet.
4. **Setbacks.** Setbacks from side and rear parcel lines shall be a minimum of thirty (30) feet.
5. **Design review.** Buildings located within the Gateway Overlay District or readily visible from U.S. Highway 2, State Highway 13, or State Highway 112 shall be subject to design review by the Zoning Administrator or Designated Authorized Agent. Such buildings shall have a decorative exterior with special features that may include decorative windows or rooflines, cupolas, or columns. Long, uninterrupted roof or wall planes greater than seventy-five (75) feet shall be prohibited. Not less than fifteen (15) percent of the building façade visible from the highway shall be decorative material such as, brick, stone, stucco, or decorative masonry units.

Section 4.38 AIR Airport District

A. Intent

The intent of the AIR Airport District is to accommodate the John F. Kennedy Memorial Airport. The district is also intended to accommodate commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair and service shop, and retail uses that serve air travelers and others at the airport.

B. Uses

1. **Permitted uses.** The following are permitted uses in the AIR Airport District, pursuant to all applicable specific use standards and any requirements in an adopted AIR-O Airport Overlay District.
 - a. Public, civic, and institutional uses.
 - (1) Airport terminal
 - (2) Airport hangar
 - (3) Other airport uses customarily provided in conjunction with an airport use
 - (4) Buildings and uses associated with public works or public services
 - b. Utility and communication uses.
 - (1) Essential services
 - c. Agriculture and open space uses.
 - (1) Agriculture, excluding structures, provided that the agriculture use does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
 - (2) Open space, provided that the open space does not attract wildlife that could constitute a hazard to air navigation or the safe operations of the airport.
 - d. Temporary, seasonal, or land filling/excavating uses.
 - (1) Land filling and/or excavation (excluding mining) pursuant to [Section 6.1, H.: Grading, land filling, and/or excavation](#)
 - (2) Land filling: temporary

2. **Conditional uses.** The following conditional uses are allowed in the AIR Airport District subject to the issuance of a conditional use permit as specified in [Section 3.9: Conditional Use Permit](#) and all applicable specific use standards as well as any requirements in an adopted AIR-O Airport Overlay District.
 - a. Commercial uses and industrial uses.
 - (1) Commercial and industrial uses that have a synergistic and incidental relationship with the airport, such as a flight school, an air cargo facility, an aviation repair/service shop, a car rental facility, or a retail store that serves as travelers and others at the airport.
 - b. Utility and communication uses.
 - (1) Communication equipment: major, pursuant to [Section 5.4, A.: Communication Equipment: Major](#)
 - (2) Utility facilities, pursuant to [Section 5.4, C.: Utility Facilities](#)
 - (3) Wind energy facility, pursuant to [Section 5.4, D. Wind Energy Facility](#)
 - c. Temporary, seasonal, or land filling/excavation uses.
 - d. Other uses.
 - (1) Accessory buildings, if the buildings exceed the pertinent standards specified in [Section 5.6, A.: Accessory Building](#)
 - (2) Parking lot as a principal use
 - (3) Other uses not specifically listed in this Ordinance, but for which the Zoning Administrator or Designated Authorized Agent has determined that the use is consistent with the intent for conditional uses in this district.
3. **Accessory uses.** The following are allowed as an accessory use to a permitted or conditional use in the AIR Airport District, pursuant to all applicable specific use standards and any requirements in an adopted AIR-O Airport Overlay District.
 - (1) Accessory buildings, pursuant to [Section 5.6, A.: Accessory Building](#)
 - (2) Communication equipment: minor, pursuant to [Section 5.4, B.: Communication Equipment: Minor](#)
 - (3) Composting, pursuant to City of Ashland [Ordinance 750, Section 750.B.7](#)
 - (4) Fence, pursuant to [Section 6.5: Fences](#)
 - (5) Landscaping and/or gardening, pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#)
 - (6) Navigational aids and weather observation equipment incidental to airport use
 - (7) Off-street parking, loading, and access drives, pursuant to [Section 6.3: Parking and Loading](#)
 - (8) Outdoor mechanical and electrical equipment, pursuant to [Section 5.6, E.: Outdoor Mechanical Equipment](#)
 - (9) Patio, deck, terrace, and similar uses, pursuant to [Section 5.6, G.: Patio, Deck, Terrace, and Similar Uses](#)

- (10) Signs, pursuant to [Section 6.6: Signs](#)
- (11) Solar equipment, pursuant to [Section 5.6, J.: Solar Equipment and Solar Rights](#)
- (12) Sport court or play equipment, and similar private recreation uses, pursuant to [Section 5.6 K.: Sport Court, Play Equipment, and Similar Uses](#)
- (13) Swimming pool, pursuant to [Section 5.6 L.: Swimming Pool](#)
- (14) Temporary construction building, pursuant to [Section 5.5, B.: Temporary Construction Building](#)
- (15) Other accessory uses incidental and customary to permitted and conditional uses of this district as determined by the Zoning Administrator or Designated Authorized Agent.

C. Dimensional Requirements

- 1. **Setback requirements.** All new principal and accessory buildings or structures shall require a minimum twenty (20) foot setback from all parcel lines.
- 2. **Height Limitations.** No structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the Height Limitations Zoning Map in City of Ashland [Ordinance 453](#).

Sections 4.39 – 4.44 (Reserved for potential additional other zoning districts.)

Overlay Zoning Districts

The following sections describe the overlay zoning districts in the city. An overlay zoning district specifies special requirements that address specific issues that are not addressed in the underlying (or base) zoning districts. An overlay zoning district may cover multiple underlying (or base) zoning districts (for example, the F-O Floodplain Overlay District may overlay the R-1, R-2, and R-4 Districts).

Section 4.45 Reserved

Section 4.46 W-O Waterfront Overlay District

A. Intent

- 1. The area encompassed by the W-O Waterfront Overlay District is a valuable asset to the City of Ashland. The intent of the district is to impose land use controls (in addition to those in the applicable underlying zoning districts) to accomplish the following:
 - a. Use property in the district in a manner that promotes economic development, affords a high quality of life, and protects and enhances the natural environment;
 - b. Protect and enhance public investment in the waterfront area while stimulating private development where appropriate;
 - c. Encourage high quality development that is attractive and that promotes a unique sense of place tied to the waterfront; and
 - d. Enhance and encourage public access and enjoyment of the waterfront;

2. If the City of Ashland has adopted a plan for any area in the W-O Waterfront Overlay District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan. Such plans include, but are not limited to, the Waterfront Development Plan and various plans included in the Ashland Comprehensive Plan.

B. District Boundaries

The W-O Waterfront Overlay District overlays and is bound by the following underlying districts: W-SFR Waterfront Single-Family Residential, W-MRC Waterfront Mixed Residential/Commercial, W-CRM Waterfront Conference/Residential Mix, W-C Waterfront Commercial, W-CC Waterfront City Center, W-I Waterfront Industrial, and W-PI Waterfront Public/Institutional.

C. Administration

1. **General application.** The design guidelines specified in this Section shall apply to all properties in Waterfront Overlay District.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Compliance with design guidelines.** Given the pattern of existing development in this District and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the District to be consistent with all of the design guidelines specified in this Section. Consequently, prior to action on a building permit, site plan approval, or other applicable approvals associated with a proposed development application, the appropriate review and approval authority (pursuant to Part 2 of this Ordinance) shall make a determination that the proposed development is consistent with the intent of the design guidelines of this Section when considered as a whole. However, the development proposal need not be in complete conformance with every design guideline specified herein in order to receive approval.
4. **Supremacy of regulations.** In some cases, parcels may be in more than one overlay district. If any conflict between the regulations applicable in another overlay district (or the underlying zoning district) and the design guidelines of the Waterfront Overlay District occurs, the more restrictive provisions shall take precedence.

D. Design Standards and Guidelines

1. **Intent.** The following design standards and guidelines are intended to further the intent of Waterfront Overlay District by providing review guidance relating to specific design elements that affect the appearance and function of uses in the Waterfront Overlay District. The standards and guidelines are not intended to discourage development, but to encourage development that is functional, attractive, and meets the intent of this District. The word “shall” as used in this Ordinance refers to a standard that is a mandatory requirement. The word “should” refers to a guideline that is encouraged and discretionary, but not mandatory.
2. **Principal building setback from the ordinary high water mark.** All principal buildings with frontage on Lake Superior shall be set back a minimum of seventy-five (75) feet from the ordinary high water mark of Lake Superior and thirty (30) feet from the top of bluffs, unless issued a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). Requirements set forth in [Part 8: Environmental Protection](#) may also apply. Where principal buildings exist on the adjoining parcels on both sides of a proposed building site,

the subject principal building setback may be altered to conform to the prevailing setback, but in no case shall a principal building be set closer than fifty (50) feet to the ordinary high water mark.

3. **Accessory building setback from the ordinary high water mark.** Accessory buildings shall not be placed between the principal building and the ordinary high water mark, on properties with frontage on Lake Superior. However, a water oriented accessory building (such as a boathouse or gazebo) may be placed within ten (10) feet of the ordinary high water mark, provided that the accessory building does not exceed four hundred (400) gross square feet and one (1) story in height.
4. **Impervious surface setbacks.** Impervious surfaces shall have a minimum setback of fifty (50) feet from the ordinary high water mark of Lake Superior and a minimum setback of thirty (30) feet from the top of bluffs. Trails, walks, and similar uses shall be exempt from this standard provided the use will not contribute to destructive erosion or allow unfiltered runoff into Lake Superior.
5. **Undisturbed vegetative buffer adjacent to Lake Superior.** Where feasible, a minimum undisturbed vegetative buffer of thirty five (35) feet shall be maintained from the ordinary high water mark of Lake Superior. Slopes over twenty (20) percent extending beyond the minimum vegetative buffer shall necessitate a wider buffer. Native waterfront vegetation should be established in the buffer area to stabilize the soils and to protect water quality. Selective removal of dying, diseased, invasive vegetation, and weeds is permitted; however, replacement with native waterfront vegetation is encouraged.
6. **Building design.** Building design shall be consistent with the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#). In addition, the following guidelines shall apply to the maximum extent practical:
 - a. Architectural style or theme. New buildings shall relate to City adopted or approved plans that specify an architectural style or theme for the waterfront. If an approved plan does not exist, but a particular neighborhood in the waterfront has a desirable existing architectural theme or style as determined by the applicable approval authority, then the new buildings in the neighborhood should be compatible with the existing theme.
 - b. Materials. Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, wood, and architectural concrete. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than six (6) inches wide. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of three (3) to six (6) inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are six (6) inches or less in width. Unfinished concrete or masonry units, corrugated metal, plywood, and sheet pressboard are not allowed.
 - c. Colors. Predominate exterior colors should be neutral or earth tone, but bright colors may provide a compatible accent.
 - d. Screening. Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view, including views from Lake Superior.
7. **Views.**

- a. Views of Lake Superior. New structures and plantings shall not be located in a manner that restricts views of Lake Superior from north-south avenues and from public trails.
 - b. Views of Lake Superior from Structure. Where views of Lake Superior are possible from within the structure, the structure design shall maximize views of Lake Superior for employees and customers, considering orientation and window coverage.
 - c. Views from Lake Superior. Views of the proposed development from Lake Superior shall be considered. Landscape screening shall be provided to screen objectionable views (such as refuse collection areas and storage areas) from the perspective of those viewing the development from Lake Superior.
- 8. Parking, access, and circulation.** Parking, access, and circulation shall be as specified in [Section 6.3: Parking and Loading](#) of this Ordinance. In addition, the following guidelines shall apply:
- a. Location of parking. Parking between the principal building and the public right-of-way or between the principal building and Lake Superior is discouraged unless no other practical alternatives exist or unless proper buffering and landscaping measures are used pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).
 - b. Connection to public trail or sidewalk. Pedestrian systems that provide public access to the waterfront should be provided where feasible. The quality of the pedestrian system should be enhanced by means of appropriate landscaping, lighting, graphics, and furnishings. Internal pedestrian systems should coordinate with adopted City plans for public trails, bikeways, walks, and other movement systems associated with the waterfront.
- 9. Landscaping and grading.** Landscaping shall be consistent with the landscaping standards specified in [Section 6.4: Landscaping, Buffers, and Screening](#) and the grading standards specified in [Section 6.1, H.: Grading, Filling, and/or Excavation](#). In addition, the following standards and guidelines shall apply:
- a. Landscaping and grading should provide continuity and harmony between development parcels;
 - b. The use of native landscaping materials is strongly encouraged;
 - c. The modification of existing grades should consider the scenic quality of the waterfront area and storm water management best management practices.
- 10. Signs.** Signs shall be consistent with the standards specified in [Section 6.6: Signs](#). In addition, the following guidelines shall apply:
- a. Signs should enhance the Waterfront Overlay District's visual appeal and its sense of place;
 - b. Signs should not block views of Lake Superior;
 - c. Other than small identification or directional signs, signs should not be placed so that they are visible from Lake Superior;
 - d. Wall signs should be designed to fit within the architectural space intended for signage;

- e. Signs seen in relation to other signs should be compatible in location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification. When viewed as a whole, signs in the district should be seen as having been coordinated. A cluttered, haphazard appearance should be avoided.
11. **Utilities.** All utilities (including, but not limited to, telephone, electrical, and cable) shall be installed underground, where feasible. Utility components required to be above ground (including, but not limited to, transformers and meters) shall be screened by landscaping or decorative wall and/or be located away from public view.

Section 4.47 GTWY-O Gateway Overlay District

A. Intent

This Section specifies general design standards and guidelines that are intended to help enhance and unify the appearance of development along the major roadways leading into and through Ashland. If the City of Ashland has adopted a plan for any area in the GTWY-O Gateway Overlay District, then the application of this Ordinance is intended to be consistent with the vision, goals, objectives, and policies of that plan. Such plans include, but are not limited to, the Ellis Avenue Redevelopment Plan and various plans included in the Ashland Comprehensive Plan.

B. District Boundaries

The Gateway Overlay Districts encompasses those parcels that have full or partial frontage on the following road segments.

1. U.S. Highway 2 (Lake Shore Drive) from the western to the eastern City limits.
2. Beaser Avenue from Binsfield Road to U.S. Highway 2 (Lake Shore Drive).
3. Ellis Avenue from Binsfield Road to U.S. Highway 2 (Lake Shore Drive).
4. Sanborn Avenue from Maple Lane to U.S. Highway 2 (Lake Shore Drive).

C. Administration

1. **General application.** The design standards and guidelines specified in this Section shall apply to all properties with full or partial frontage on the gateway roads specified in this Section.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Compliance with the design standards and guidelines.** Given the pattern of existing development in this District and the size and configuration of the existing parcels, it may not be feasible for all new development or redevelopment in the District to be consistent with all of the design standards and guidelines specified in this Section. Consequently, prior to action on a building permit, site plan approval, or other applicable approvals associated with a proposed development application, the appropriate review and approval authority (pursuant to Part 2 of this Ordinance) shall make a determination that the proposed development is consistent with the intent of the design standards and the intent of the design guidelines of this Section when considered as a whole.
4. **Supremacy of regulations.** In some cases, parcels may be in more than one overlay district. In case of any conflict between the regulations applicable in another applicable

overlay district (or the underlying zoning district) and the design guidelines of the Gateway Overlay District, the more restrictive provisions shall take precedence.

D. Design Standards and Guidelines

1. **Intent and application.** The following design standards and guidelines are intended to further the intent of Gateway Overlay District by providing standards and guidelines relating to specific design elements that affect the appearance and function of uses in the Gateway Overlay District. The standards and guidelines are not intended to discourage development, but to encourage development that is functional and attractive. The word “shall” as used in this Ordinance refers to a standard that is a mandatory requirement. The word “should” refers to a guideline that is encouraged and discretionary, but not mandatory.
2. **Building setbacks.** Buildings in the Gateway Overlay District shall meet the setbacks of the underlying district and relate to prevailing setbacks in the area. However, in no case shall a new building (nor an addition to an existing building) be less than fifteen (15) feet from the public right-of-way, regardless of the prevailing setback, except that parcels with frontage on one of the following road segments may be allowed to build up to the right-of-way line consistent with the pattern of existing development and provided such is consistent with the requirements of other applicable jurisdictions:
 - a. Beaser Avenue from Main Street to Lake Shore Drive West (U.S. Highway 2); and
 - b. Ellis Avenue from 6th Street to Lake Shore Drive (U.S. Highway 2);
3. **Building design.** Building design shall be consistent with the design standards specified in [Section 6.2: General Building and Site Design Standards and Guidelines](#). In addition, the following guidelines shall apply:
 - a. Materials. Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, and architectural concrete. Unfinished concrete masonry units and corrugated metal or plastic siding shall be prohibited.
 - b. Colors. Predominate exterior colors should generally be neutral or earth tone, but bright colors may provide a compatible accent.
 - c. Walls. Walls over eighty (80) feet in length should be avoided to the extent practical. Where unavoidable, the visual impact of long walls shall be minimized with landscaping, screening, or architectural treatments of the wall (glazing, material changes, relief, etc.) that break up the monotony of the wall pursuant to [Section 6.2: General Building and Site Design Standards and Guidelines](#).
 - d. Screening. Service areas, refuse collection areas, storage areas, and loading areas shall be located away from or screened from public view.
4. **Parking, access, and circulation.** Parking, access, and circulation shall be as specified in [Section 6.3: Parking and Loading](#) of this Ordinance. In addition, the following guidelines shall apply:
 - a. Location of parking. To the greatest extent possible, no parking shall be allowed in the front yard between the principal building and the public right-of-way. Parking should generally occur to the side or the rear of the principal building.
 - b. Parking area standards. Parking areas in this District shall be asphalt or concrete.

- c. Combining of parking lots. The combining of existing, small, underutilized parking lots to create shared parking areas that are more efficient and more accessible is encouraged.
 - d. Curb-cuts. The number and width of curb-cuts shall be minimized and where feasible shall occur on the side streets rather than the primary roadway. To promote pedestrian circulation, existing continuous curb cuts should be reduced to widths necessary for vehicular traffic.
 - e. Connection to public trail or sidewalk. Where a public trail or sidewalk exists in the public right-of-way, the adjacent development should provide a connection to the trail or sidewalk.
5. **Landscaping.** Landscaping shall be consistent with the landscaping standards specified in [Section 6.4: Landscaping, Buffers, and Screening](#). In addition, the following guidelines shall apply:
- a. Landscaped buffer. Where feasible, a minimum fifteen (15) foot wide landscaped buffer shall screen parking from the public right-of-way. Where a fifteen (15) foot landscaped buffer is not feasible, alternative screening features, such as a decorative fence, may be allowed to help provide an attractive delineation between the public right-of-way and the development.
 - b. Complement streetscape. Landscaping should complement street trees and other streetscape elements in the public right-of-way.
 - c. Vision triangle. Landscaping shall not interfere with the required vision triangle as specified in [Section 6.1, H.: Vision Triangle](#) of this Ordinance.
6. **Signs.** Signs shall be consistent with the standards specified in [Section 6.6: Signs](#). In addition, the following guidelines shall apply:
- a. Signs should enhance the Gateway Overlay District's visual appeal and its ability to attract the traveling public.
 - b. In general, wall signs should be designed to fit within the architectural space intended for signage.
 - c. Signs seen in relation to other signs should be compatible in location, shape, style, graphics, size, material, illumination, and color, while allowing individual expression and identification.
 - d. When viewed as a whole, signs in the district should be seen as having been coordinated. A cluttered, haphazard appearance should be avoided.
7. **Utilities.** All utilities (including, but not limited to, telephone, electrical, and cable) shall be installed underground, where feasible. Utility components required to be above ground (including, but not limited to, transformers and meters) shall be screened by landscaping or decorative wall and/or be located away from public view.

Section 4.48 Reserved

Section 4.49 BCC-O Bay City Creek Overlay District

A. Intent

The intent of the BCC-O Bay City Creek Overlay District is to ensure that new development within the Bay City Creek Corridor helps protect and enhance quality land and water resources in the corridor. More specifically, the intent of the District is as follows:

1. Prevent the loss of high quality visual character in the corridor;
2. Prevent destructive soil erosion and stream siltation;
3. Prevent significant damage to hillsides, bluffs, and valleys caused by improper development; and
4. Prevent the destruction of mature and/or valuable trees and other vegetation and wildlife habitat in the corridor.

B. District Boundaries

The District boundaries shall extend three hundred (300) feet outward from both sides of the ordinary high water mark of Bay City Creek within the city limits of the City of Ashland.

C. Administration

1. **General application.** The provisions of this Section shall apply to all new development in the Bay City Creek Overlay District, including new subdivisions, new construction, and clearing and grading of land.
2. **Underlying zoning district.** The regulations for the underlying zoning district shall remain in effect, except as otherwise provided in this Ordinance.
3. **Supremacy of regulations.** In case of any conflict between the regulations applicable in the underlying zoning district and the regulations of the Bay City Creek Overlay District, the regulations of the Bay City Creek Overlay District shall take precedence.

D. Design Standards

The following design standards shall apply to all new development in the District:

1. **Required undisturbed vegetative buffer.** A minimum undisturbed vegetative buffer of fifty (50) feet shall be maintained on each side of Bay City Creek as measured from the ordinary high water mark. Slopes of twenty (20) percent or more extending beyond the minimum vegetative buffer shall necessitate a wider buffer. Riparian vegetation shall be established, as necessary, and maintained along the stream banks to stabilize the banks and protect water quality. Selective removal of dying, diseased, or invasive vegetation and weeds is permitted; however, replacement with native riparian vegetation is encouraged.
2. **Impervious surface setbacks.** All impervious surfaces shall have a minimum setback of fifty (50) feet from the ordinary high water mark of Bay City Creek and a minimum setback of thirty (30) feet from the top of bluffs. Trails, walks, footbridges, and similar uses shall be exempt from this provision provided they are not constructed in a manner that will cause destructive erosion.
3. **Building setbacks.** All buildings shall have a minimum setback of seventy-five (75) feet from the ordinary high water mark of Bay City Creek and a minimum setback of thirty (30) feet from the top of bluffs.
4. **Grading.** The grading of land for development purposes shall consider the scenic quality of the Bay City Creek Corridor. Fill operations shall not encroach into the required undisturbed vegetative buffer. Required grading shall be varied in contour to present a

natural appearance. Continuity between the grades of adjacent parcels shall be maintained to greatest extent possible.

5. **Additional standards in the PRI Planned Residential Institutional District.** A planned unit development (PUD) in the PRI Planned Residential Institutional District may include additional design standards relating to the Bay City Creek Corridor.

Section 4.50 F-O Floodplain Overlay

A. Intent

The City of Ashland finds that uncontrolled development and use of the floodplains and water bodies in the city would impair the public health, safety, convenience, general welfare, and tax base. Therefore, it is the intent of the F-O Floodplain Overlay to regulate development to accomplish the following:

1. Protect life, health, and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and homebuyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners;
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain;
10. Provide for aesthetically pleasing open space adjacent to Lake Superior and other water bodies in the City of Ashland; and
11. Provide for the protection of natural resources.

B. General Provisions

1. **Areas to be regulated.** This section regulates all areas within the limits of the City of Ashland that would be covered by the regional flood or base flood. Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as “A-Zones” on the Flood Insurance Rate Map.
2. **Official floodplain maps.** The boundaries of all floodplain districts are designated as floodplains or “A-Zones” on the Flood Insurance Rate Map (FIRM), community number 550005, panel number 0001, dated September 30, 1977 and panel number 0002, dated September 30, 1977, and the revisions in the City of Ashland Floodplain Appendix, if applicable.
3. **Amendments to the official floodplain maps.** Any changes to the base flood information in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) shall

Helpful Note.

To view copies of the Flood Insurance Rate Maps electronically, visit the [Flood Insurance Rate Maps](#) website. Visit the following website: [Flood Insurance Rate Map tutorial](#) for information on how to read a Flood Insurance Rate map.

follow the amendment procedures described in [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

4. **Establishment of districts.** The Floodplain Overlay is divided into three (3) districts as follows:
 - a. FW Floodway District. The FW Floodway District is the channel of a river or stream (or a portion of water body) and those portions of the floodplain adjoining the channel (or portion of a water body) required to carry the regional floodwaters.
 - b. FF Flood fringe District. The FF Flood fringe District is that portion of the floodplain between the regional flood limits and the floodway.
 - c. GFP General Floodplain District. The GFP General Floodplain District comprises those areas that have been or may be covered by floodwater during the regional flood.
5. **Locating floodplain boundaries and resolving boundary discrepancies.**
 - a. Profile elevation. The Zoning Administrator or Designated Authorized Agent can rely on a boundary derived from a profile elevation to grant or deny a development permit, whether or not a map amendment is required. The Zoning Administrator or Designated Authorized Agent shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Ordinance.
 - b. Discrepancies. Discrepancies between boundaries on the official floodplain zoning map specified in this Section and actual field conditions shall be resolved as follows:
 - (1) If a flood profile exists, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevation shall govern if there are any discrepancies. Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map, the Federal Emergency Management Agency (FEMA) must approve a map amendment, pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#);
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual onsite inspection, and any information provided by the Wisconsin Department of Natural Resources.
 - c. Disputes. Disputes between the Zoning Administrator or Designated Authorized Agent and an owner of owner's agent shall be resolved by the Zoning Board of Appeals pursuant to [Section 3.12: Appeals, Variances, and Boundary Disputes relating to the Floodplain Overlay](#).
6. **Removal of lands from the floodplain.**
 - a. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodplain unless the following conditions are met:
 - (1) The subject area is filled at least two (2) feet above the regional or base flood elevation;
 - (2) The subject area filled is contiguous to land outside the floodplain; and
 - (3) The map is amended pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

- b. Removing land from the floodplain does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact the Federal Emergency Management Agency (FEMA) to request a Letter of Map Change (LOMC).

7. **Compliance.** Any development or use within the areas regulated by this Ordinance shall be in compliance with the terms of this Ordinance and other applicable, local, state, and federal regulations. Unless exempted by law, all government agencies are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if [Section 13.48\(13\) of the Wisconsin Statutes](#) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when [Section 30.2022 of the Wisconsin Statutes](#) applies.

8. **Abrogation and greater restrictions.**

- a. This Ordinance supersedes all provisions of any zoning ordinance enacted in the City of Ashland under [Section 62.23 of the Wisconsin Statutes](#), which relates to floodplains. If another ordinance is more restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b. This Ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants, or easements. If this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

9. **Interpretation.** In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Ordinance, required by [Chapter NR 116 of the Wisconsin Administrative Code](#) is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

10. **Warning and disclaimer of liability.** The flood protection standards of this Ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by human or natural causes. This Ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Ordinance create liability on the part of, or a cause of action against, the City of Ashland or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.

C. Development Standards Applicable to All Floodplain Districts

1. **Hydraulic and hydrologic analyses.**

- a. Except as allowed in this subparagraph, no floodplain development shall do any of the following:
 - (1) Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds one one-hundredths (0.01) foot.

Helpful Note.

Refer also to [Part 8: Environmental Protection](#) for additional requirements and standards.

- b. The Zoning Administrator or Designated Authorized Agent shall deny development permits if it is determined the proposed development will obstruct flow or increase regional flood heights one one-hundredths (0.01) foot or more, based on the officially adopted Flood Insurance Rate Map (FIRM) or other adopted map, unless the provisions of Subparagraph c. are met.
- c. Obstructions or increases equal to or greater than one one-hundredths (0.01) foot may only be permitted if amendments are made to this Ordinance, the official floodplain zoning map, floodway lines, and water surface profiles pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#). Any such amendments must be reviewed and approved by the Regional Office of the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency (FEMA).

2. Watercourse alterations.

- a. No development permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator or Designated Authorized Agent has notified in writing all adjacent municipalities, the Regional Office of the Department of Natural Resources, and the Federal Emergency Management Agency (FEMA) and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.
- b. As soon as practical, but not later than six (6) months, after the date of the watercourse alteration or relocation, the Zoning Administrator or Designated Authorized Agent shall notify the Federal Emergency Management Agency (FEMA) of the changes by submitting appropriate technical or scientific data in accordance with National Flood Insurance Program (NFIP) guidelines that shall be used to revise the Flood Insurance Rate Map (FIRM), risk premium rates, and floodplain management regulations as required.

3. Development of docks, piers, wharves, bridges, and similar structures. Development that requires a permit from the Wisconsin Department of Natural Resources under [Chapter 30 of the Wisconsin Statutes](#) and [Chapter 31 of the Wisconsin Statutes](#), such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, base flood elevations established in the Flood Insurance Study, or other data from the officially adopted Flood Insurance Rate Map (FIRM), or other floodplain zoning maps or the provisions of this Section are made pursuant to [Section 3.6: Map and/or Text Amendments to the Floodplain Overlay](#).

4. Public or private campgrounds. Public or private campgrounds in the Floodplain Overlay shall have a low flood damage potential and shall meet the following provisions:

- a. The campground is approved by the Wisconsin Department of Health Services;
- b. A development permit for the campground is issued by the Zoning Administrator or Designated Authorized Agent;
- c. The character of the water body and the elevation of the campground are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;
- d. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. The procedure shall include a written agreement between the campground owner, the

local emergency government coordinator, and chief law enforcement official, which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used, and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

- e. This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated (by the officials specified in Subparagraph d. above) to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations;
- f. Only camping units are allowed;
- g. The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;
- h. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all provisions of this Section;
- i. The City of Ashland shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section;
- j. All camping units that remain in place for more than one hundred eighty (180) consecutive days shall meet the applicable requirements Subsection D or Subsection E of this Section for the floodplain district in which the structure is located;
- k. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued;
- l. All service facilities, including, but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems, and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

D. Development Standards Applicable to the FW Floodway District

- 1. **Applicability.** This Subsection applies to all floodway areas on the official floodplain zoning maps or as may be amended pursuant to this Section.
- 2. **Permitted uses.** The following open space uses shall be allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited in the underlying zoning district, they meet the standards of this Subsection, and all permits or certificates have been issued pursuant to this Ordinance:
 - a. Agricultural uses, including, but not limited to, farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting;
 - b. Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips;
 - c. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing

areas, and hiking and horseback riding trails, subject to the fill limitations of this Subsection;

- d. Uses or structures accessory to open space uses, or classified as historic structures that comply with this Subsection;
- e. Extraction of sand, gravel, or other materials that comply with this Subsection;
- f. Functionally water-dependent uses, such as docks, piers, wharves, dams, flowage areas, culverts, navigational aids, and river crossings of transmission lines and pipelines that comply with *Chapter 30 of the Wisconsin Statutes* and *Chapter 31 of the Wisconsin Statutes*;
- g. Public utilities, streets, and bridges that comply with this Subsection.

3. Standards for development in floodway areas.

a. General.

- (1) Any development in floodway areas shall comply with Subsection C, General Standards Applicable to All Floodplain Districts and have low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to the hydraulic and hydrologic analyses specified in Subsection C:
 - A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator or Designated Authorized Agent shall deny the development permit application if the project will increase flood elevations upstream or downstream one one-hundredths (0.01) foot or more, based on the data submitted in Clause (2) above.

b. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (1) The structure is not designed for human habitation and does not have a high flood damage potential;
- (2) The structure must be anchored to resist flotation, collapse, and lateral movement;
- (3) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (4) The structure must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

c. Public utilities, streets, and bridges. Public utilities, streets, and bridges may be allowed by permit if the following conditions are met:

- (1) Adequate flood proofing measures are provided to the flood protection elevation; and

- (2) Construction meets the development standards specified in *Subsection C.,1.* of this Section.
 - d. Fills or deposition of materials. Fills or deposition of materials may be allowed by permit if the following conditions are met:
 - (1) The requirements of *Subsection C.,1.* of this Section are met;
 - (2) No material is deposited in the navigable channel unless a permit issued by the Wisconsin Department of Natural Resources pursuant to [Chapter 30 of the Wisconsin Statutes](#), and a permit pursuant to *Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 United States Code 1344* has been issued, if applicable, and the other requirements of this Section are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous material.
- 4. **Prohibited uses.** All uses not listed as permitted uses in the Floodway District are prohibited, including the following uses:
 - a. Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
 - b. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;
 - c. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 - d. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Wisconsin Department of Natural Resources approved campgrounds that meet the applicable provisions of local ordinances and [Chapter SPS 383 of the Wisconsin Administrative Code](#).
 - e. Any public or private wells that are used to obtain potable water, except those for recreational areas that meet the requirements of the City of Ashland's ordinances and [Chapter NR 811 of the Wisconsin Administrative Code](#) and [Chapter NR 812, Wisconsin Administrative Code](#);
 - f. Any solid or hazardous waste disposal sites;
 - g. Any wastewater treatment ponds or facilities, except those permitted under [Section NR 110.15,\(3\),\(b\) of the Wisconsin Administrative Code](#); or
 - h. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

E. Development Standards Applicable to the FF Flood fringe District

- 1. **Applicability.** This Subsection applies to flood fringe areas shown on the official floodplain zoning maps or as may be amended pursuant to this Section.
- 2. **Permitted uses.** Any structure, land use, or development is allowed in the Flood fringe District if they are not prohibited in the underlying zoning district, they meet the standards of this Subsection, and all permits or certificates have been issued pursuant to this Ordinance.

3. **Standards for development in flood fringe areas.** In addition the following requirements, any development in floodway areas shall comply with Subsection C, General Standards Applicable to All Floodplain Districts and have low flood damage potential.
- a. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area, shall meet or exceed the following standards:
- (1) The elevation of the lowest floor, excluding the basement or crawlspace, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Wisconsin Department of Natural Resources may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
 - (2) The basement or crawlspace floor may be placed at the regional flood level if it is floodproofed to the flood protection elevation. No basement or crawlspace floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Clause (4) below;
 - (4) In development where existing street or sewer line elevations make compliance with Clause (3) above impractical, the City of Ashland may permit new development and substantial improvements where access roads area at or below the regional flood elevation if one or more of the following conditions are met:
 - The City of Ashland has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Wisconsin Department of Natural Resources.
- b. Accessory structures or uses.
- (1) Except as provided in Clause (2) below, an accessory structure that is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - (2) An accessory structure that is not connected to the principal structure and that is less than six hundred (600) square feet in size and valued at less than ten thousand dollars (\$10,000) may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second and it meets all the provisions of *Subsection D.,3.,b.,Structures* of this Section and *Subsection E.,3.,e., Storage of Materials* of this Section.
- c. Commercial uses. Any commercial structure that is erected, altered, or moved into the floodfringe area shall meet the requirements of this Subsection. Subject to the requirements of *Subsection E.,3.,e., Storage of Materials* of this Section, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- d. Manufacturing and industrial uses. Any manufacturing and industrial structure that is erected, altered, or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures specified in this Section. Subject to the requirements of *Subsection E.,3.,e., Storage of Materials*, storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with this Section. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f. Public utilities, streets, and bridges. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans and as follows:
 - (1) When failure of public utilities, streets, and bridges would endanger public health or safety, or where such utilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with this Section to the flood protection elevation; and
 - (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- g. Sewage systems. All onsite sewage disposal systems shall be floodproofed, pursuant to this Section, to the flood protection elevation and shall meet the provisions of all local ordinances and *Chapter SPS 383 of the Wisconsin Administrative Code*.
- h. Wells. All wells shall be floodproofed, pursuant to this Section, to the flood protection elevation and shall meet the provisions of *Chapter NR 811 of the Wisconsin Administrative Code* and *Chapter NR 812 of the Wisconsin Administrative Code*.
- i. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j. Deposition of materials. Any deposited material must meet all the provisions of this Ordinance.
- k. Manufactured homes.
 - (1) Owners or operators of all manufactured home communities and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home communities, all new homes, replacement homes on existing pads, and substantially improved homes shall have the lowest floor elevated to the flood protection elevation and be anchored so they do not float, collapse, or move laterally during a flood.
 - (3) Outside of existing manufactured home communities, including new manufactured home communities and all single units outside existing manufactured home communities, all new, replacement, and substantially

improved manufactured homes shall meet the residential development standards for the flood fringe as specified in this Section.

1. **Mobile recreational vehicles.** All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements specified in this Section. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has not permanently attached additions.

F. Development Standards Applicable to the GFP General Floodplain District

1. **Applicability.** The provisions of the General Floodplain District shall apply to all floodplains for which flood profiles are not available or where flood profiles are available, but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate information is available.
2. **Permitted uses.**
 - a. Pursuant to *Subsection F., 4., Determining Floodway and Flood fringe Limits*, it shall be determined whether the proposed use is located within a floodway or flood fringe area.
 - b. Those uses permitted in the floodway and flood fringe areas as specified in this Section are allowed within the General Floodplain District, according to the standards of this Subsection and provided that all permits or certificates required under this Section have been issued.
3. **Standards for development in the General Floodplain District.** Subsection D., Development Standards Applicable to the FW Floodway District applies to floodways. Subsection E., Development Standards Applicable to the FF Flood fringe District applies to flood fringe areas. All other provisions of this Section apply to either district.
4. **Determining floodway and flood fringe limits.** Upon receiving an application for development within the general floodplain district, the Zoning Administrator or Designated Authorized Agent shall complete the following tasks:
 - a. Require the applicant to submit two copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and floodproofing measures;
 - b. Require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries:
 - (1) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

- (3) Profile showing the slope of the bottom of the channel or flow line of the stream; and
 - (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- c. Transmit one copy of the information described in 4.,a. and 4.,b. of this Subsection to the Regional Office of the Wisconsin Department of Natural Resources with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. If a development permit is required, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Section 4.51 WET-O Wetland Overlay District

A. Intent

Uncontrolled use of the shoreland and wetlands and pollution of the navigable waters of City of Ashland would adversely affect the public health, safety, convenience, and general welfare, and impair the tax base. Consequently, the intent of the WET-O Wetland Overlay District is to accomplish the following:

1. Promote the public health, safety, convenience, and general welfare;
2. Maintain the storm and flood water storage capacity of wetlands;
3. Prevent and control water pollution by preserving wetlands, which filter or store sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
4. Protect fish, their spawning grounds, other aquatic life, and wildlife by preserving wetlands and other aquatic habitat;
5. Prohibit certain uses detrimental to the shoreland and wetland areas; and
6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland and wetland excavation, filling and other earth moving activities.

B. General Provisions

1. **Compliance.** The use of wetlands and the alteration of wetlands within the City of Ashland shall be in full compliance with the provisions of this Ordinance and other applicable, local, state, or federal regulations. All permitted development shall require the issuance of a development permit or building permit unless otherwise expressly excluded by this Ordinance. Unless exempted by law, all government agencies are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if [Section 13.48\(13\) of the Wisconsin Statutes](#) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when [Section 30.12,\(4\),\(a\) of the Wisconsin Statutes](#) applies.
2. **Abrogation and greater restrictions.**
 - a. This Ordinance supersedes all provisions of any ordinance adopted by the City of Ashland under [Section 62.23 of the Wisconsin Statutes](#), which relates to floodplains and shoreland-wetlands, except that where another applicable ordinance is more

restrictive than this Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- b. This Ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

3. **Interpretation.** In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Ordinance is required by a standard in [Chapter NR 117 of the Wisconsin Administrative Code](#), and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

C. District Boundaries

1. **Wetland zoning maps.** The following maps are hereby adopted and made part of this Ordinance and are on file in the Office of the Clerk of the City of Ashland:
 - a. Wisconsin Wetland Inventory maps stamped “FINAL” on December 17, 1985;
 - b. Floodplain zoning maps titled “Flood Insurance Rate Map” dated September 30, 1977;
 - c. United States Geological Survey quadrangle maps current at the time of the adoption of this Ordinance; and
 - d. Official City Zoning Map.
2. **District boundaries.** The Wetland Overlay District includes, at a minimum, all wetlands in the City of Ashland that are five (5) acres or more and that are shown on the Wisconsin Wetland Inventory Map stamped “Final”, which has been adopted and made a part of this Ordinance, and provided that the wetlands are consistent with the following conditions:
 - a. Within one thousand (1,000) feet of the ordinary high water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the city shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this Ordinance; or
 - b. Within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this Ordinance. The adopted Flood Insurance Rate Maps or other adopted community floodplain maps used to delineate the floodplain area shall be used to determine the extent of the floodplain areas.
3. **Determinations of navigability and ordinary high water mark location.** Determinations of navigability and ordinary high water mark locations shall be made by the Zoning Administrator or Designated Authorized Agent. When questions arise, the Zoning Administrator or Designated Authorized Agent shall contact the Regional Office of the

Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high water mark.

4. **Discrepancies between the official maps and field conditions.** When an apparent discrepancy exists between the Wetland Overlay District boundary shown on the adopted maps and actual field conditions at the time the maps were adopted, the Zoning Administrator or Designated Authorized Agent shall contact the appropriate District Office of the Wisconsin Department of Natural Resources to determine if the Wetland Overlay District boundary as mapped, is in error. If the Wisconsin Department of Natural Resources staff concur with the Zoning Administrator or Designated Authorized Agent that a particular area was incorrectly mapped as a wetland, the Zoning Administrator or Designated Authorized Agent shall have the authority to immediately grant or deny a development permit or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in this Section, the Zoning Administrator or Designated Authorized Agent shall be responsible for initiating a map amendment within a reasonable time.
5. **Additional wetlands.** From time to time the City of Ashland may amend this Ordinance to include additional wetlands in this District pursuant to the procedures specified in Section 3.7., Map and/or Text Amendment to the Wetland Overlay District.

D. Uses

1. **Permitted uses.** The following uses are permitted subject to the provisions of [Chapter 30 of the Wisconsin Statutes](#) and [Chapter 31 of the Wisconsin Statutes](#), and the provisions of all other applicable local, state, and federal laws:
 - a. Activities and uses that do not require the issuance of a development permit or building permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning, and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
 - b. Uses that do not require the issuance of a development permit or building permit and that may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures that are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

- (3) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks, walkways, observation decks, and trail bridges built on pilings, including limited excavating and fill necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Wetland Overlay District, provided that such installation or maintenance is done in a manner designed to minimize impacts upon the natural functions of the wetland specified in this Section; and
 - (7) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- c. Uses that are allowed upon the issuance of a development permit or building permit and that may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads that are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services, or to provide access to uses permitted under this Section, provided that the following conditions are met:
 - The road cannot, as a practical matter, be located outside the wetland;
 - The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland specified in this Section;
 - The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - Road construction activities are carried out in the immediate area of the roadbed only; and
 - Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that the following conditions are met:
 - The building is used solely in conjunction with a use permitted in this Section or for the raising of waterfowl, minnows, or other wetland or aquatic animals;
 - The building cannot, as a practical matter, be located outside the wetland;
 - The building does not exceed five hundred (500) square feet in floor area; and

- Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural, and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves, and public boat launching ramps, provided that the following conditions are met:
 - Any private development under this clause shall be used specifically for the permitted purpose;
 - Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the construction of park shelters, or similar structures is allowed;
 - The construction and maintenance of roads necessary for the uses permitted under this Clause are allowed only where such construction and maintenance meets the criteria specified in Subsection D., 1., c.,(1) of this Section; and
 - Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines, sewage collection lines and related facilities, and the construction and maintenance of railroad lines provided that the following are conditions are met:
 - The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - Only limited filling and excavating necessary for such construction or maintenance is allowed; and
 - Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland as specified in [Section 3.7: Map and/or Text Amendments to the Wetland Overlay District](#).

2. Prohibited uses.

- a. Any use not listed as a permitted use in this Section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance pursuant to [Section 3.7: Map and/or Text Amendments to the Wetland Overlay District](#).
- b. The use of a boathouse for human habitation, and the construction or placement of a boathouse or fixed boathouse below the ordinary high water mark of any navigable waters, is prohibited.

Section 4.52 - 4.54 (Reserved for potential additional overlay districts other than PUDs.)

Section 4.55 PUD Planned Unit Development Overlay District

A. Intent

The Planned Unit Development (PUD) Overlay District is intended to encourage efficient use of land and provision of amenities by allowing, under certain circumstances, a more flexible means of land development and redevelopment than is otherwise permissible under the parcel restrictions of the standard or underlying zoning districts of this Ordinance.

B. Applicability

1. **Ownership.** A tract of land proposed to be developed as a planned unit development (PUD) shall be under the control of a single owner, partnership, corporation, or association where each owner agrees in advance to be bound by the conditions and regulations that will be effective within the district and to record such covenants, easement, and other provisions with Ashland County.
2. **Minimum area.** A planned unit development shall have a minimum of ten (10) acres unless specified otherwise in this Ordinance. However, the Zoning Administrator, Plan Commission or Designated Authorized Agent may waive the minimum area requirement if the Zoning Administrator, Plan Commission or Designated Authorized Agent finds that it is in the best interest of the community to allow a planned unit development with an area of less than ten (10) acres.
3. **Condominium projects.** Condominium projects with jointly owned common spaces and/or commonly owned structural walls, roofs, or other structural elements must be approved as Planned Unit Development if, as a result of a condominium division of the land, the parcel requirements of the district in which the development is located cannot otherwise be met. This requirement would apply to townhouses where the resulting parcel size would be less than otherwise required.
4. **Conservation subdivision development.** Conservation subdivision developments pursuant to [Section 4.56 Conservation Subdivision Overlay District](#) shall be processed in accordance with the planned unit development provisions of this Section.
5. **Traditional neighborhood design development.** Traditional neighborhood design developments pursuant to [Section 4.57: Traditional Neighborhood Design Overlay District](#) shall be processed in accordance with planned unit development provisions of this Section.

C. Administration

Refer to [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay District](#) for application and administration of the Planned Unit Development (PUD) Overlay District.

Section 4.56 Conservation Subdivision Overlay District**A. Intent**

The intent of this Section is to allow the optional development and redevelopment of land in the City of Ashland consistent with the principles of conservation subdivision developments and in accordance with planned unit development (PUD) procedures. For the purpose of this Ordinance, a conservation subdivision development is intended to allow for a more compact layout of rural residential uses than is typically allowed in conventional rural residential development in return for the conservation of a large contiguous area of common open space that helps conserve rural character or significant natural or cultural resources. More specifically, the intent of the Conservation Subdivision Overlay District is as follows:

1. Guide the future growth and development of the community consistent with the City of Ashland's adopted Comprehensive Plan;

2. Guide the detailed analysis of land so as to locate and coordinate appropriate areas for development and conservation;
3. Preserve rural character through the permanent preservation of meaningful open space and sensitive natural resources;
4. Preserve scenic views by minimizing views of new development from existing roads;
5. Preserve agricultural land by concentrating housing on lands that have low agricultural potential;
6. Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
7. Provide for a diversity of parcel sizes, housing choices, and building densities to accommodate a variety of age and income groups;
8. Provide buffering between residential development and non-residential uses;
9. Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to significant existing vegetation, and maintain environmental corridors;
10. Preserve significant archaeological sites, historic buildings, and their settings; and
11. Meet demand for housing in a rural setting.

B. Applicability

A conservation subdivision development is allowed pursuant to the following conditions:

1. **Allowable underlying zoning district.** A conservation subdivision development shall only be allowed in the FD Future Development District;
2. **Minimum area.** A conservation subdivision development shall have a minimum area of twenty acres (20) acres or more;
3. **Minimum of four residential parcels.** The conservation subdivision development shall have at least four (4) residential parcels;
4. **Planned unit development.** A conservation subdivision development shall be designed and processed pursuant to the planned unit development procedures specified in [Section 4.55 PUD Planned Unit Development Overlay District](#) and [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay](#); and
5. **Plat.** The creation of a conservation subdivision shall require preliminary and final plat approval pursuant to [Section 3.23: Preliminary Plat](#) and [Section 3.24: Final Plat](#).

C. Permitted Uses and Density

1. **Permitted uses.** Single-family detached residential dwellings, agriculture, parks, open space, and similar and related uses are the only permitted uses in a conservation subdivision development. Commercial and industrial uses shall be prohibited.
2. **Overall density and development yield.** The overall density for the parent parcel is the same as would be allowed for a conventional development in the FD Future Development District, except the base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a development yield bonus of five (5) percent in addition to the base development yield. The maximum bonus permitted is twenty (20) percent.

- a. Endowment. Creation of an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs relating to taxes, insurance, maintenance, enforcement, and similar items.
- b. Public access. Provision of access by the general public to trails, parks, or other recreational facilities, excluding golf courses.
- c. Affordable housing. Provision of affordable housing, to include a minimum of twenty-five (25) percent of all units that would be affordable to moderate income households, as defined by the United State Department of Housing and Urban Development.
- d. Historical buildings. Reuse of historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The United States Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

D. Design Standards

1. **Design theme.** Conservation subdivision developments shall develop a conservation theme or themes. This theme shall be identified at the time of the initial planned unit development (PUD) application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The Plan Commission shall have the ability to specify which areas shall be preserved.
2. **Residential parcel requirements.**
 - a. Parcel size. The minimum parcel size with onsite septic shall be one (1) acre. The minimum parcel size with off-site or community septic shall be one-quarter (1/4) acre.
 - b. Setback requirements for principal buildings. The setbacks of underlying FD Future Development District may be modified as follows for an approved conservation subdivision development:
 - (1) Minimum principal building setback from the front parcel line or corner street side parcel line: Twenty five (25) feet;
 - (2) Minimum principal building setback from interior side parcel line: Eight (8) feet;
 - (3) Minimum principal building setback from rear parcel line: Thirty-five (35) feet.
 - c. Height requirements for principal buildings. Principal buildings shall not exceed two stories above grade or thirty-five (35) feet in height.
 - d. Size, height, and setback requirements of accessory buildings. The size, height, and setback requirements shall be as specified in [Section 5.6, A.: Accessory Building](#).
 - e. Maximum impervious coverage. Parcels shall be configured to minimize the amount of impervious surfaces, but in no case shall the impervious coverage of parcel exceed thirty-five (35) percent, except as may be modified pursuant to [Section 6.1, D.: Impervious Coverage](#).

- f. Access. Most parcels shall take access from an interior local street. However existing farmsteads to be preserved may have a driveway as part of the historic landscape that does not access a local street.
- g. Streets. Parcels shall, to the maximum extent practical, be configured to minimize the amount of street length required for the development.
- h. Development envelopes. Development envelopes shall, to the maximum extent practical, be configured to minimize the loss of trees and other significant resources. Development envelopes shall not be located on ridges, hilltops, along peripheral public roads, or in other visually prominent areas.
- i. Agricultural uses. If agricultural uses are being maintained, parcels shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- j. Common open space. All parcels within a neighborhood should abut common open space on at least one side. A local street may separate parcels from open space. Parcels should generally be oriented around a central green square and/or a physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.
- k. Energy efficiency. Residential structures should be sited to maximize energy efficiency.

3. Residential cluster siting standards and guidelines.

- a. Residential clusters. All residential parcels and dwellings shall be grouped into clusters. Each cluster shall contain no less than four (4) dwelling units and no more than twenty (20) dwelling units.
- b. Location of residential clusters. Residential clusters shall be located to minimize negative impacts on the natural, scenic, and cultural resources of the site and conflicts between compatible uses.
- c. Encroachment on significant natural resources prohibited. Residential clusters shall avoid encroaching on rare plant communities, sites with high environmental or cultural qualities, or endangered species identified by the Department of Natural Resources.
- d. Connections to adjacent open space. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- e. Siting criteria. Residential clusters shall be sited to achieve the following goals, to the extent practical:
 - (1) Minimize impacts to agricultural uses and avoid interference with normal agricultural practices;
 - (2) Minimize disturbance to woodlands, wetlands, grasslands, and specimen trees;
 - (3) Prevent downstream impacts due to runoff through adequate onsite storm water management practices pursuant to the provisions of this Ordinance;
 - (4) Protect scenic views of open land from adjacent roads. Visual impact shall be minimized through use of landscaping or other features; and

- (5) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- f. Landscape screening. Landscaping around the cluster may be necessary to reduce off-site views of residence.

4. Common open space design standards and guidelines.

- a. Ownership and use. The minimum common open space required shall be owned and maintained under one of the alternatives listed in this Section and as approved by the Common Council. The uses within the open space shall be accessible to residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required common open space shall be undivided and restricted in perpetuity from future development as specified in this Section.
- b. Minimum area. Common open space shall be designated as part of the development. The minimum required common open space is sixty (60) percent of the gross acreage.
- c. Priorities. The areas to be preserved as common open space shall be identified on an individual basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site. In general, common open space priorities shall be as follows:
 - (1) First priority shall be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes;
 - (2) Second priority shall be given to areas providing some plant and wildlife habitat and open spaces values;
 - (3) Third priority shall be given to areas providing little habitat, but providing viewshed, recreation, or a sense of open space.
- d. Allowable structures. The following areas or structures may be located within the common open space area and shall be counted toward the overall common open space percentage required:
 - (1) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space;
 - (2) Privately held buildings or structures provided they are accessory to the use of the common open space;
 - (3) Shared septic systems and shared potable water systems.
- e. Street right-of-ways. Street right-of-ways shall not be counted toward the required minimum common open space.
- f. Water bodies. No more than fifty (50) percent of the required common open space may consist of water bodies, ponds, floodplains, or wetlands.
- g. Plant and animal habitat. That portion of the common open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas to the extent practical.

- h. Recreational use. Accessible common open space in upland areas shall be available for recreational uses such as trails, play areas, or community gardens, but shall be designed in a manner that avoids adversely impacting archaeological sites.
 - i. Trails. A trail system connection common open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the conservation subdivision plan.
- 5. **Sewage and water facilities.**
 - a. Drinking water. Unless municipal water service is readily available, water for a conservation subdivision shall be provided by individual onsite wells or by one or more community wells meeting the requirements of the State of Wisconsin and the City of Ashland. The use of shared or community wells is encouraged. Plans for shared or community wells shall include a wellhead protection plan with separation distances for the zones of influence and sources of pollution.
 - b. Sanitary sewer. Unless municipal sanitary sewer is readily available, sewer for a conservation subdivision shall be provided with an onsite sewage system that complies with the requirements of the State of Wisconsin and the City of Ashland. The use of a common sewage treatment system and disposal unit located on the common open space is encouraged.

Section 4.57 Traditional Neighborhood Design Overlay District

A. Intent

The intent of this Subsection is to allow the optional development and redevelopment of land in the City of Ashland consistent with the principles of traditional neighborhood design and in accordance with planned unit development (PUD) procedures. For the purpose of this Ordinance, a traditional neighborhood design is intended to have the following characteristics:

1. A more compact layout of buildings and uses than is typically allowed in conventional developments;
2. An emphasis on building and site design that relates well to the human scale;
3. A mixture of uses that may include residential, commercial, civic, light industries, green industries, and open spaces in close and harmonious relationship with one another in the neighborhood;
4. A mixture of housing styles, types, and sizes to accommodate a variety of household ages, sizes, and incomes;
5. A system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists, and provides for connections to existing and future developments;
6. Preservation of existing buildings with historical or architectural features that enhance the visual character of the community;
7. Incorporation of significant environmental features into the development; and
8. Consistency with the goals, objectives, policies, and plans of the adopted Comprehensive Plan of the City of Ashland.

B. Applicability

A traditional neighborhood design development may be allowed pursuant to the following:

1. **Allowable underlying zoning districts.** A traditional neighborhood design development shall only be allowed in the following underlying zoning districts:
 - a. MRC Mixed Residential/Commercial District;
 - b. PRI Planned Residential/Institutional District;
 - c. CC City Center District;
 - d. W-MRC Waterfront Mixed Residential/Commercial District;
 - e. W-CRM Waterfront Conference/Residential Mix; or
 - f. W-CC Waterfront City Center District.
2. **Minimum area.** A traditional neighborhood design development shall have an area of at least twenty (20) acres if located in the PRI Planned/Residential Institutional District or at least ten (10) acres if located in another allowable district. However, the Common Council can waive the minimum area requirement if the Council finds that the proposed development is consistent with the intent of this Section and that the development would be in the best interest of the community.
3. **Planned unit development.** A traditional neighborhood design development shall be designed and processed pursuant to the planned unit development procedures specified in [Section 4.55: PUD Planned Unit Overlay District](#) and [Section 3.8: Creation of a Planned Unit Development \(PUD\) Overlay District](#).
4. **Plat.** The creation of a traditional neighborhood design development shall require preliminary and final plat approval pursuant to [Section 3.23: Preliminary Plat](#) and [Section 3.24: Final Plat](#).

C. Uses

Traditional neighborhood design developments shall have a mixture of uses consistent with the permitted uses and conditional uses in the underlying zoning district. In cases where a traditional neighborhood design involves infill or redevelopment, existing adjacent uses may help satisfy the desired mixture of uses. The mixture of uses shall be consistent with the following criteria:

1. **Residential.** To the maximum extent practical, the development shall provide a mixture of housing to address the diverse needs of the community. Housing may include single-family detached dwellings, single-family attached dwellings, multi-family dwellings, accessory dwellings, community living arrangements, and assisted living facilities where appropriate in the underlying districts. The housing shall also be designed to address a diverse range of incomes.
2. **Commercial.** A variety of commercial uses that cater to the daily needs of the development shall be provided within the development. Such uses may include neighborhood convenience stores, coffee shops, personal service uses, and similar uses. Individual commercial uses shall not exceed two thousand five hundred (2,500) feet. Commercial uses shall be designed and placed to promoted pedestrian access.
3. **Industry.** Light industries and/or green industries may be appropriate in certain underlying districts. Industry shall be compatible with the residential and commercial uses in the development.

4. **Public, civic, and institutional uses.** Where feasible, public, civic, and institutional uses shall be integrated into the development. Such uses may include schools, religious institutions, community centers, and similar uses.
5. **Open space.** At least ten (10) percent of the development shall consist of common open space accessible to the public. The type of open space will depend on the underlying zoning district in which the development is located.
6. **Ratio of residential to non-residential uses.** The total area of non-residential uses shall not exceed twenty-five (25) percent of the total area of the traditional neighborhood design development.

D. Design Standards and Guidelines

A traditional neighborhood design development shall be designed with coordinated and harmonious building and site design integrated throughout the entire development. In addition to the design standards specified in [Section 6.2: General Building Design Standards and Guidelines](#), design standards for traditional neighborhood design developments are as follows:

1. **Basic dimensional requirements.** Basic dimensional requirements including parcel area and width requirements, principal building setback requirements, allowable height requirements, maximum building coverage requirements, maximum impervious coverage, and other dimensional requirements shall be similar to the dimensional requirements of the underlying zoning district. However, the dimensional requirements can be adjusted pursuant to the planned unit development (PUD) procedures of this Ordinance.
2. **Distinct character.** A variety of architectural features and building materials shall be provided to give each building or group of buildings a distinct character that relates to the overall theme of the development.
3. **Building height.** Buildings shall not exceed the height requirements of the underlying zoning district. Buildings shall generally be no more than thirty (30) percent taller or thirty (30) percent shorter than the average building height on the block.
4. **Entries and facades.** The maximum extent practical, entries and facades shall comply with the following guidelines:
 - a. The architectural features, materials, and the articulation of a façade of a building shall be continued on all sides visible from a public street;
 - b. The front façade of the principal building on any parcel shall face onto a public street;
 - c. The front façade shall not be oriented to face directly toward a parking lot;
 - d. All building entrances shall be clearly identified through architectural features;
 - e. For commercial buildings, a minimum of fifty (50) percent of the front façade on the street level shall be transparent, consisting of window and door openings that allow views into and out of the interior; and
 - f. New structures on opposite sides of the same street shall follow similar design guidelines.
5. **Exterior signage.** A comprehensive sign program is required for the entire development that establishes a uniform theme. Signs shall have a common style based on size, shape, color, and material.

6. **Landscaping and screening.** Overall composition and location of landscaping shall complement the scale of the development and its surroundings. Larger, well-placed contiguous plantings are preferred to smaller disconnected areas.
7. **Energy efficiency.** Structures should be sited to maximize energy efficiency.

PART 5

SPECIFIC USE STANDARDS

Part 5: Specific Use Standards specifies special standards or requirements related to specific uses in Ashland. Not all uses allowed by this Ordinance have special requirements or standards associated with them. Furthermore, some special standards or requirements relating to specific uses may be specified in other Parts of this Ordinance. For example, general uses such as parking, landscaping and signs, are specified in [Part 6: General Development Standards](#). The specific use standards described in this Part are generally organized by major types of uses including residential, commercial, industrial and other types of uses.

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Section 5.1 Residential Uses

A. Adult Family Home

All residents of the adult family home, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within two thousand five hundred (2,500) feet of a community living arrangement or another adult family home.

B. Bed and Breakfast Establishment

A bed and breakfast establishment shall be allowed only in those zoning districts where it is permitted or permitted as a conditional use and only after the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). In addition, the following standards shall apply:

1. **Compliance with State standards.** All bed and breakfast establishments and licensees shall be subject to and comply with [Chapter DHS 197 of the Wisconsin Administrative Code](#) relating to bed and breakfast establishments and/or [Chapter DHS 195 of the Wisconsin Administrative Code](#) relating to hotels, motels, and tourist rooming houses.
2. **Registry.** Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigning quarters. The register shall be kept intact and available for inspection by a Designated Authorized Agent of the City for a period of not less than one (1) year.
3. **Permits required.** In addition to the permit required by [Chapter DHS 197 of the Wisconsin Administrative Code](#) and/or [Chapter DHS 195 of the Wisconsin Administrative Code](#), every bed and breakfast establishment shall obtain a bed and breakfast establishment permit pursuant to [Section 3.37: Bed and Breakfast Establishment Permit](#), and all other applicable permits pursuant to this Ordinance. An approved bed and breakfast establishment permit shall be conspicuously displayed in the bed and breakfast establishment.
4. **Management.** Bed and breakfast establishments shall be managed and occupied by the owner of the property.
5. **Limit of guest occupancy.** Guest occupancy shall be limited to fourteen (14) days in any thirty (30) day period.

C. Community Living Arrangement

1. All residents of the facility, other than the operator or care provider and the operator or care provider's immediate family, shall be disabled persons, as indicated by the required state license application. If this standard is not met, the use shall not be located within two thousand five hundred (2,500) feet of another community living arrangement.
2. The Zoning Administrator or Designated Authorized Agent shall receive notice from the State of Wisconsin of application for licensure of the community living arrangement.
3. Prior to initial licensure of the community living arrangement by the State of Wisconsin, the application for licensure shall make a good faith effort to establish a community advisory committee consisting of representatives from the community living arrangement, the neighborhood in which the proposed facility will be located, and a local unit of government, in accordance with [Section 48.68\(4\) of the Wisconsin Statutes](#) or [Section 50.03\(4\)\(g\) of the Wisconsin Statutes](#), as applicable.

4. The loss of any state license or permit by a community living arrangement shall be an automatic revocation of that facility's use permit.

D. Convent, Rectory, or Monastery

A convent, rectory, or monastery shall be on the same parcel or contiguous to the associated religious institution. If this standard is not met, the convent, rectory, or monastery shall comply with the allowable density, number of units, and other applicable provisions of the zoning district in which it is located.

E. Dwelling: Accessory

An accessory dwelling shall be allowed only in those zoning districts where it is permitted as a conditional use and only after the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). In addition, the following standards shall apply:

1. An accessory dwelling shall be located above a detached garage that is accessory to a single-family detached dwelling and located within the rear yard;
2. Any exterior changes or additions for an accessory dwelling shall be constructed of similar materials and shall be architecturally compatible with the principal building;
3. The accessory dwelling unit shall not contain more than thirty (30) percent of the total floor area on the subject parcel;
4. There shall be a total of no more than one accessory dwelling on the subject parcel;
5. The minimum parcel area shall be two thousand five hundred (2,500) square feet greater than the minimum parcel area required for the principal building in the subject zoning district;
6. A detached garage with an accessory dwelling shall meet all requirements for accessory buildings;
7. There shall be an unobstructed walkway leading from the public street to the accessory dwelling; and
8. At least one dwelling unit on the subject parcel shall be owner-occupied.

Sustainability Tip.

Accessory dwellings can provide economic and social benefits for the residents of the principal dwelling and the residents of the accessory dwelling.

F. Home Occupation

A home occupation shall be allowed in those zoning districts where they are a permitted use. A person with a home occupation that exceeds any standard listed in [Section 5.1 F.3.: Standards for Permitted Home Occupations](#) shall be required to obtain a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). All home occupations shall also comply with all other applicable local, State or Federal regulations.

1. Intent.

- a. Establish criteria for operation of home occupations as a secondary use in all districts permitting residential use;
- b. Permit and/or regulate the conduct of home occupations as an accessory use in a dwelling unit, whether owner- or renter-occupied;
- c. Ensure that such home occupations are compatible with, and do not have a harmful effect on, adjacent and nearby residential properties and uses;

- d. Ensure that public and private services, such as streets, sewers, or water or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with residential use;
- e. Allow residents of the community to use their place of residence to enhance or fulfill personal economic goals, under certain specified standards, conditions, and criteria;
- f. Enable fair and consistent enforcement of home occupation regulations; and
- g. Promote and protect the public health, safety, and general welfare of the community.

2. Permitted Home Occupations.

- a. Intent. Home occupations, as defined by this ordinance and permitted in this section, are allowed as an accessory use where the principle use is residential, in all zoning districts that permit residential use, for the reasons that they:
 - (1) Do not compromise the residential character of the area;
 - (2) Do not generate conspicuous traffic;
 - (3) Do not visually call unusual attention to the home; and
 - (4) Do not generate noise of a nonresidential level.
- b. Standards. The standards set forth in this section shall be met. In cases where the character of the home occupation exceeds the requirements, the home occupation will either require a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#) or the use is not considered a home occupation, as determined by the Zoning Administrator or Designated Authorized Agent.
- c. Types of Permitted Home Occupations.
 - (1) Accounting, tax preparation, bookkeeping, and payroll services;
 - (2) Artists, sculptors, and composers;
 - (3) Baking and cooking;
 - (4) Catering;
 - (5) Child care: for 1 to 3 children as an unlicensed family daycare;
 - (6) Computer systems design, repair, and related services;
 - (7) Computer training;
 - (8) Craft work, such as jewelry-making and pottery;
 - (9) Drafting services;
 - (10) Engineering, architecture, and landscape architecture;
 - (11) Financial planning and investment services;
 - (12) Hair salon, barbering, hairdressing, and other personal care services;
 - (13) Home offices;
 - (14) Information and data processing services;
 - (15) Insurance sales;
 - (16) Interior decoration (no studio permitted);

- (17) Internet sales;
 - (18) Legal services;
 - (19) Mail order business;
 - (20) Musical instruction, voice, or instrument;
 - (21) Musical instrument tuning and repair;
 - (22) Offices for professional, scientific, or technical services or administrative services;
 - (23) Photographic services;
 - (24) Professional services, including the practice of law;
 - (25) Real estate services and appraisal;
 - (26) Sale of firewood, provided that: no on-site processing occurs; and that all on-site wood storage meets the requirements of the City of Ashland [*Ordinance 750: Property Maintenance Ordinance, Section 750 \(B\): Firewood Storage*](#);
 - (27) Tailoring (e.g., dressmaking and alterations) services;
 - (28) Teaching of crafts and incidental sale of supplies to students;
 - (29) Telephone answering and message services; and
 - (30) Tutoring.
 - (31) Other uses as determined by Zoning Administrator or other authorized agent.
- d. Exempted Home Occupations.
- (1) Baking, cooking and craft work created entirely for not for profit use, fundraising and donations, or for seasonal sales occurring no more than 4 times per year;
 - (2) Sale of worms for bait, seasonally, from May 1 to September 30;
 - (3) Those occupations with an annual income less than the Federal IRS minimum income requirement for self-employment. Refer to [*IRS Publication 334: Tax Guide for Small Business*](#).
3. **Standards for Permitted Home Occupations.** The following requirements shall be met for the Home Occupations listed in this Subsection:
- a. No more than 2 employees other than residents of the premises shall be permitted;
 - b. Sales shall be limited to: mail order sales; telephone sales; and/or internet sales, all with off-site delivery;
 - c. Classes held on the premises shall have no more than four (4) students at any given time and shall be given within the principal structure only;
 - d. The home occupation shall not result in the need for more than two (2) parking spaces at any given time in addition to spaces required by the occupant of the home. Exceptions include open house events, which shall not occur more than one per quarter annually;
 - e. Not more than ten (10) customer vehicle trips for business purposes per day. Hours for visits shall be between 8:00 AM and 8:00 PM;

- f. No more than twenty five (25) percent of the total area of the principal structure shall be used for the home occupation activity;
 - g. No structural alterations or construction involving features not customarily found in dwellings;
 - h. Articles for sale may not be displayed outside the principal structure, with the exception of firewood meeting the requirements of the City of Ashland [Ordinance 750: Property Maintenance Ordinance, Section 750 \(B\): Firewood Storage](#);
 - i. There shall be no exterior storage of equipment or materials used in connection with the home occupation, with the exception of firewood meeting the requirements of the City of Ashland [Ordinance 750: Property Maintenance Ordinance, Section 750 \(B\): Firewood Storage](#);
 - j. Shall not involve the repair of vehicles and motors or construction of equipment and machinery;
 - k. Deliveries and pickups shall be those normally associated with residential services, shall not block traffic circulation, and shall occur only between 8:00 AM and 8:00 PM, Monday through Saturday;
 - l. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, vibration, electrical interference, traffic congestion, or other nuisances resulting from the home occupation;
 - m. Storage of goods and materials shall not include flammable, combustible, or explosive materials which exceed typical levels allowable on a residential property;
 - n. Existing public facilities and utilities shall be adequate to safely accommodate equipment used for the home occupation;
 - o. Signage for home occupations shall comply with the requirements set forth in [Section 6.6: Signs](#).
4. **Rural Home Occupations – Permitted Home Occupations.** The following home occupations are permitted in the Future Development District (FD), on parcels with five (5) acres or more, in addition to those specified above in *Section 5.1 F.2*.
- a. Auto repair work;
 - b. Computer and office machine repair and maintenance;
 - c. Contractor and trade shops, indoor operations only, including electrical, plumbing, and mechanical;
 - d. Machine welding shops;
 - e. Office machinery and equipment rental and leasing; and
 - f. Processing and sale of firewood, provided that: all on-site wood storage meets the requirements of the City of Ashland [Ordinance 750: Property Maintenance Ordinance, Section 750 \(B\): Firewood Storage](#).
5. **Standards for Permitted Rural Home Occupations in the Future Development District (FD).** The Rural Home Occupations listed above in *Section 5.1 F.4.*, shall meet the standards listed above in *Section 5.1 F.3.*, with exception, the following standards based on the rural character of this district, are permitted.

- a. Garages or detached accessory structures may be used for the home occupation activity.
- b. Exterior storage of equipment or materials may be used, only in connection with the home occupation.
- c. The repair of vehicles or motors or construction of equipment and machinery is allowable as a home occupation.
- d. Storage of flammable, combustible, or explosive goods and materials is allowable in accessory structures if property storage and separate requirements are met and if authorized in writing by the Fire Chief.

G. Mobile Homes and Mobile/Manufactured Home Communities

1. **Permanent occupancy.** A manufactured home (mobile home) intended for permanent occupancy shall meet all licensing requirements and regulations in City of Ashland [*Ordinance 871: Licensing and Regulating Mobile Homes, Manufactured Home Communities \(Mobile Home Parks\), and Campgrounds*](#) and the following conditions:
 - a. No mobile home may be parked outside of an approved mobile/manufactured home community (mobile home park).
 - b. Double-wide manufactured homes or mobile homes may be parked outside a mobile/manufactured home community if they are attached to a foundation and meet the requirements of the Uniform Dwelling Code and all other applicable state and federal codes.
 - c. The Common Council, may in its discretion, and by a uniform rule, limit the number of occupants in any manufacture home or mobile home occupying a space in a manufactured home community (mobile home park) for reasons of health and public welfare.
 - d. All manufactured homes and mobile homes shall be anchored to the ground. Anchoring systems generally consist of ties and anchors. The ties are generally of two types, over-the-top and frame which connect the I-beam to the anchor. Ties shall be secured to either a ground anchor, which may be a screw auger or concrete deadman anchor, or to a slab anchor, or to the foundation itself. Anchors shall be sufficiently embedded to account for saturated soil conditions which accompany flooding.
2. **Temporary occupancy.** A manufactured home or mobile home intended for temporary occupancy shall meet the following conditions:
 - a. Mobile homes used as a temporary construction office shall follow the requirements pursuant to [*Section 5.5, B.: Temporary Construction Building*](#).
 - b. A building permit pursuant to [*Section 3.32: Building Permit*](#), is required for field offices located off-site. Temporary field office occupancy is limited to six (6) months. Occupancy may be extended upon approval from of the Building Inspector or Designated Authorized Agent.
 - c. A conditional use permit pursuant to [*Section 3.9: Conditional Use Permit*](#), shall be required for any educational institution for temporary occupancy of a mobile home outside of an approved, licensed mobile home park. The mobile home shall be found to be in the public interest and shall not damage or interfere with the character of the

neighborhood in which the mobile home unit will be parked. The conditional use permit shall not permit temporary occupancy exceeding thirty-six (36) months.

3. License for manufactured home communities.

- a. It shall be unlawful for any person to establish, operate, or maintain, or permit to be established, operated, or maintained upon any property owned, leased, or controlled by that person, a manufactured home community (mobile home park) within the limits of the City of Ashland without first having obtained all necessary approvals and/or permits from the Wisconsin Department of Safety and Professional Services (Safety and Buildings Division), the Department of Health Services and the Wisconsin Department of Natural Resources. In addition, a license shall be obtained for each such community or park from the City Clerk pursuant City of Ashland [*Ordinance 871: Licensing and Regulating Mobile Homes, Manufactured Home Communities \(Mobile Home Parks\), and Campgrounds*](#).
- b. It shall be the duty of any person intending to operate a manufactured home community (mobile home park) to report to the local board of health and the City Building Inspector the following information:
 - (1) Name of the manufactured home community (mobile home park);
 - (2) Name and address of owner, agent, or operator;
 - (3) Number of persons that may be accommodated; and
 - (4) The location of the community or park.

4. Management. The attendant or person in charge of the manufactured home community (mobile home park) together with the licensee, shall be responsible for ensuring compliance with City of Ashland [*Ordinance 871: Licensing and Regulating Mobile Homes, Manufactured Home Communities \(Mobile Home Parks\), and Campgrounds*](#).

5. Inspection and enforcement.

- a. All manufactured/mobile homes and manufactured home communities shall be open to inspection at all reasonable hours by representatives of the local and State Board of Health and the City Building Inspector. Refer to City of Ashland [*Ordinance 871: Licensing and Regulating Mobile Homes, Mobile/Manufactured Home Communities \(Parks\), and Campgrounds*](#) for additional regulations and requirements.
- b. Each manufactured home community (mobile home park) licensee and/or its managing agent shall give written notice to the Building Inspector anytime a manufactured home or mobile home is moved out of a manufactured home community and another manufactured home (mobile home) is moved in to take its place. The purpose of this notice is to permit the Building Inspector to make inspections to determine that newly placed manufactured home (mobile home) has been placed in compliance with this Ordinance and to permit proper fair market value assessment of the newly placed manufactured home (mobile home).

6. Required plans. Every manufactured home (mobile home) and manufactured home community (mobile home park) shall be located on a well-drained area, and the property shall be properly graded so as to prevent the accumulation of storm or other waters. Plans, which indicate where the homes, a safe shelter (as defined by FEMA) and other structures will be placed with a numbering system for the homes, shall be distributed to the Fire

Department, Police Department, Building Inspector, Zoning Administrator, Public Works Director, City Clerk and City Assessor.

7. **Design standards for manufactured home community (mobile home park).** The dimensional standards associated with a manufactured home community (mobile home park) shall be consistent with the provisions of [Section 4.7: MHC Manufactured Home Community](#) and the following additional standards:
- a. All drives, parking areas, and walkways shall be hard surfaced concrete or blacktop. All roadways shall meet the required standards pursuant to [Part 9: Land Divisions and Improvements](#) and all other applicable City Ordinances relating to road and street construction. Roadways shall be complete to each site before they can be occupied. Interior streets shall be maintained so as to be free from potholes and ruts;
 - b. Garages or accessory buildings may be constructed on existing concrete pads facing the interior or exterior street used for access to the manufactured or mobile home. A minimum distance of six (6) feet shall be maintained between garages or accessory buildings and all homes. Accessory building shall comply with the provisions pursuant to [Section 5.6, A.: Accessory Building](#) and [Section 4.7: MHC Manufactured Home Community \(Mobile Home Park\) District](#);
 - c. Lawns shall be in suitable condition, free from noxious weeds, and shall include a parking pad and patio, complete before habitation of the home;
 - d. An adequate supply of pure water, furnished through a pipe distribution system connected with the public water main, or if a public main is not available, an approved well shall be furnished for drinking and domestic purposes. The applicable Wisconsin Department of Safety and Professional Services Administrative Codes, and requirements from the Wisconsin Department of Health Services and Department of Natural Resources shall apply;
 - e. A separate valved water service shall extend to each home;
 - f. Fire hydrants shall be maintained in proper working order and no home shall be installed unless a hydrant is available within four hundred (400) feet;
 - g. When public sewage facilities are available, connection and use is required. If public sewage facilities are not available, a treatment system approved by the Wisconsin Department of Safety and Professional Services shall be used;
 - h. Every site for a home shall be provided with sewer connections that comply with the Wisconsin Department of Safety and Professional Services Administrative Codes. The sewer connections shall be provided with the suitable fittings so that a watertight connection can be made. Such connections shall be constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition;
 - i. All garbage that is not disposed of through a garbage disposal unit connected with the sewerage system shall be kept in separate, leak proof, metal, or plastic garbage containers. The requirements of the applicable City Ordinances that govern garbage disposal shall apply.
 - j. Lighting shall be provided near newly constructed sites and shall follow all requirements pursuant to [Section 6.7: Exterior Lighting](#).

H. Manufactured/Modular Home

1. **Manufactured/Modular homes permitted.** A manufactured/modular home is permitted in any zoning district that permits a single-family detached dwelling provided that it conforms to all of requirements of the district in which it is located and the provisions of this Subsection.
2. **Basements or foundations.** Each manufactured/modular home shall be installed on a basement of masonry foundation.
3. **Minimum size.** Each manufactured/modular home shall have a minimum dimension, when erected on site, of at least twenty-four (24) feet in width and a minimum floor area of at least nine hundred sixty (960) square feet.
4. **Siding and roofing materials.** Siding and roofing materials shall be similar to materials found on nearby non-modular homes dwellings or be a typed broadly and generally used in residential construction and shall have an appearance harmonious with adjacent housing.

I. Recreational Vehicles, Trailers and Camping

1. **Temporary Occupancy.** A recreational vehicle, camper trailer, or tent intended for temporary occupancy shall meet the following conditions:
 - a. Parking and occupying recreational vehicles or camper trailers for more than twenty-four (24) hours shall be prohibited in areas other than approved campgrounds or private residences.
 - b. Camping on streets or in parking lots shall be prohibited, except that overnight parking of semi-trucks at locations approved by owners (such as truck stops and industrial parking lots) may be permitted.
 - c. A recreational vehicle, camper trailer, or tent may not be occupied at a residence for more than thirty (30) days annually, and must meet all requirements pursuant to [City of Ashland Ordinance 750, Section B., 22: Vehicles](#).

J. Rehabilitation Center/Transitional Living

A rehabilitation center/transitional living facility shall not exceed fifteen (15) occupants at one time. The facility shall be managed by an organization operating a program that is approved by the State of Wisconsin pursuant to [Wisconsin State Statute 51](#), and all relevant Administrative Codes, including but not limited to [DHS 75](#), [DHS 92](#), [DHS 94](#). The facility shall also be approved by all applicable government entities having authority under law to license or authorize the operation.

K. Tourist Home

A tourist home shall only be allowed in those zoning districts where it is permitted as a conditional use and only after issuance of a conditional use permit, pursuant to [Section 3.9: Conditional Use Permit](#).

Section 5.2 Commercial Uses

A. Adult Entertainment Establishment

1. **Intent.** The concentration of adult entertainment establishments in one area can have a substantially detrimental effect on the area in which such establishments are concentrated and can impact the overall quality of life. Being mindful of the effects of adult entertainment upon minors and the criminal activity or disruption of public peace associated with such establishments, while also giving due consideration to civil rights of

persons partaking in such entertainment, it is the intent of this Subsection to regulate the location of adult entertainment establishments.

2. **Conditional use permit required.** An adult entertainment establishment shall only be allowed in those zoning districts where it is permitted as a conditional use and only after issuance of a conditional use permit, pursuant to [Section 3.9: Conditional Use Permit](#). A conditional use permit shall be required for a new adult entertainment establishment, a change of use to an adult entertainment establishment, or an increase in building activity where an adult entertainment use becomes the primary activity. Review of a conditional use permit for an adult entertainment establishment shall consider the image and design of the exterior building and the site, such as colors and schemes and landscaping.
3. **Signage limitations.** Signage for Adult Entertainment Establishments shall be required to conform to all applicable sign regulations and standards in [Section 6.6: Signs](#) and the following:
 - a. The establishment shall have no merchandise advertisement or pictures of entertainment displayed in window areas or in any location visible from a public right-of-way;
 - b. A one (1) square foot sign may be placed on the main entrance door stating hours of operation and admittance to adults only;
 - c. No sign shall contain any flashing lights, moving elements, or mechanically energized messages;
 - d. Signs shall not contain any explicit language or explicit or sexual graphic representations;
 - e. Off-premise signs are prohibited.
4. **Distance separation.**
 - a. Each adult entertainment establishment shall be at least two thousand six hundred forty (2,640) feet from any other adult entertainment establishment or similar use.
 - b. No adult entertainment establishment shall be located closer than one thousand (1000) feet from the R-E, R-1, R-2, R-3, R-4, MHC, PRI, MRC, W-MRC, W-CRM and W-SFR Zoning Districts, places of worship, schools, day care centers, community living arrangements, rehabilitation center/transitional living uses, nursing homes, senior housing, and similar uses.

B. Currency Exchange Establishment, Payday Loan Establishment, Title Loan Agency, Pawn Shop, Rent-to-Own Establishment, or Similar Use

1. **Intent.** The City of Ashland has experienced a substantial increase in the number and location of currency exchange establishments, payday loan establishments, title loan agencies, pawn shops, rent-to-own establishments, and similar uses. Furthermore, the clustering of these businesses may create an undesirable image of the vitality of the commercial districts and the community as a whole. Consequently, it is the intent of this Subsection to regulate the distance between these uses and prevent clustering of these uses.
2. **Allowable zoning districts and separation.** Currency exchange establishment, payday loan establishments, title loan agencies, pawn shops, rent-to-own establishments and similar uses shall be allowed only in the zoning districts as specified in this Ordinance and only after the issuance conditional use permit. No such use shall be permitted closer than twelve hundred (1,200) feet from any other such use.

C. Day Care Center: Commercial

1. A commercial day care center shall not be located within five hundred (500) feet from an adult entertainment establishment.
2. A commercial day care center shall comply with all applicable laws including those specified in [Chapter 46 of the Wisconsin Statutes](#).

D. Local Food Store

1. **Location.** Local food stores, as defined, shall be located on lots with frontage on an arterial or collector street. On lots fronting more than one public street, local food stores shall be allowed only on lots where the greater street frontage falls on the arterial or collector street.
2. **Design.** The local food store shall be limited, so as to be proportionate in scale and compatible in design, to the structures and lands within five-hundred (500) feet of the proposed local food store.
3. **Signage.** Signage for local food stores shall be in accordance with [Section 6.6: Signs](#), and the specific requirements for the zoning district the food store is, or is proposed to be, located in.
4. **Parking.** Parking shall be in accordance with [Section 6.3: Parking and Loading](#), except as specifically allowed by the Plan Commission upon consideration of the local food store type and size, neighborhood compatibility, and site-specific limitations. Use of on-street parking shall be subject to review by the Public Works Director or Designated Authorized Agent and the City Police Department upon consideration of street design, maintenance requirements, traffic loads and speeds, related safety considerations and consistency with applicable City Ordinances.
5. **Screening.** Screening of local food stores shall be in accordance with [Section 6.4: Landscaping, Buffers and Screening](#), or as otherwise conditioned by the Plan Commission.
6. **Hours of operation.** The Plan Commission may limit operating hours for the local food store based on the nature of business activity and character of adjacent uses.
7. **Other conditions.** Other conditions specific to the proposed use may apply to ensure harmony with adjacent uses, including placement of garbage receptacles in the vicinity. Local food store developments shall likewise be subject to Site Plan Review pursuant to [Section 3.20: Site Plan Approval](#), and shall be conditioned upon compliance with laws applicable to food stores.

E. Manufactured Home Dealer, Sales and Display

A manufactured home dealer, sales and display use shall only be allowed in those zoning districts where it is permitted as a conditional use and only after issuance of a conditional use permit, pursuant to [Section 3.9: Conditional Use Permit](#). In addition, a model home shall be consistent with all of the following standards:

1. **Maximum percent of building coverage.** Forty (40) percent.
2. **Office use.** No more than fifteen (15) percent of the area of the main floor shall be used for office area.
3. **Spacing.** Manufactured homes shall have at least twenty (20) feet of separation between other manufactured homes or structures.

4. **Building orientation.** Manufactured homes shall be organized at various angles and oriented in a manner compatible and representative of a residential neighborhood.
5. **Allowable time before manufactured home must be moved.** A manufactured home shall not remain on the sales and display lot for a period of more than two (2) years.
6. **Hours of operation.** Hours of operation for showing of the manufactured home shall be between 8:00 AM and 8:00 PM, or other reasonable times as may be required by the conditions of an approved conditional use permit or as may be permitted by the Zoning Administrator or Designated Authorized Agent.
7. **Site plan approval.** In addition to the issuance of a conditional use permit, a manufactured home dealer, sales and display use shall be required to receive site plan approval.
8. **Utilities.** Electric service lines to manufactured home units shall be placed underground. At no time shall a manufactured home on display be connected to a water or sewage system.

F. Social Services

1. **Intent.** The intent of this section is to allow the operational needs of social service uses and establishments to be met while identifying potential concerns and preventing a negative impact on surrounding properties and the community. The following standards shall be considered on a case by case basis.
 - a. Location & Building. Refer to each zoning district for permitted or conditionally permitted uses.
 - (1) Social service uses may not be located within one thousand two hundred (1,200) feet from another social service use unless the Plan Commission determines that the cumulative impacts of the existing and proposed uses will not adversely affect the living and working conditions of the properties located within one thousand two hundred (1,200) feet of the proposed uses;
 - (2) The establishment should be served by or easily accessible to public transit;
 - (3) The establishment shall be of adequate size and design to reasonably accommodate its projected capacity;
 - (4) The establishment shall have internal and/or external waiting areas if deemed appropriate by the Plan Commission;
 - (5) The establishment shall provide safe access and mobility for all patrons on the property.
 - b. Signage.
 - (1) All signage shall be consistent with the requirements of [Section 6.6: Signs](#).
 - (2) Warning and/or safety signs shall be posted in areas where pedestrians and vehicles may come in contact.
 - c. Parking.
 - (1) Parking spaces shall be provided at one (1) space for every two hundred (200) square feet net floor area.

- (2) The standards of [Section 6.3: Parking and Loading](#) shall be met except as specifically allowed by the Plan Commission upon consideration of the social service type and size, neighborhood compatibility and site-specific limitations.
- d. Screening. Exterior waiting, gathering, or smoking areas shall be adequately screened from abutting properties and public rights-of-way to a height of six (6) feet.
- e. Hours of operation. The Plan Commission may limit operating hours for the social service use based on the nature of the use and the character of adjacent uses.
- f. Density of housing units. The density of housing units shall be compatible for the neighborhood.

Section 5.3 Industrial Uses

A. Ashland Industrial Park

1. **Intent.** The intent of this Subsection is to preserve the value of property in the Ashland Industrial Park as well as property located near or adjacent to the Ashland Industrial Park. This Subsection places restrictions, covenants, and conditions on all parcels within the Ashland Industrial Park, regardless of ownership. Refer also to City of Ashland [Ordinance 469: An Ordinance Establishing Covenants Governing the Subdivisions of Land in the Ashland Industrial Park](#).
2. **Supremacy.** If a conflict exists between the provisions of this Subsection and City of Ashland [Ordinance 469: An Ordinance Establishing Restrictive Covenants Governing the Subdivisions of Land in the Ashland Industrial Park](#) on file with the Ashland City Clerk, the provisions of [Ordinance 469](#) shall prevail. If a conflict exists between the provisions of this Subsection and the provisions of the underlying Zoning District, the provisions of this Subsection shall prevail.
3. **Boundaries of the Ashland Industrial Park.** The boundaries of the Ashland Industrial Park are depicted on a map on file in the office of the Zoning Administrator.
4. **Restrictions, covenants, and conditions.**
 - a. General use. Land in the Ashland Industrial Park is intended only for general industrial use as specified in the underlying Zoning District, provided that the uses are not in conflict with any laws of the State of Wisconsin or any ordinance of the City of Ashland.
 - b. Other possible uses. In addition to the uses permitted in the underlying Zoning District, the Common Council may, after first referring the matter to the Plan Commission for investigation, public hearing, and recommendation, authorize the location of any of the following uses in the Ashland Industrial Park, provided that the Common Council shall find that such location will tend to minimize the effects upon the neighborhood and the community of any noxious and deleterious characteristics of such uses such as smoke, gas, odor, noise, heat, and glare.
 - (1) Acid, ammonia, bleach, chlorine, or soap manufacture;
 - (2) Ammunition manufacture, explosives or fireworks manufacture, or storage;
 - (3) Asphalt, coal and coal tar, or coke manufacture;
 - (4) Automobile wrecking yard; junk yard;
 - (5) Bones, distillation of;

- (6) Cement, lime, gypsum, or plaster of paris manufacture;
 - (7) Fat rendering;
 - (8) Fertilizer manufacture;
 - (9) Forge plant;
 - (10) Gelatin, glue, or size manufacture;
 - (11) Inflammable gases or liquids, refining or manufacture of, over ground tank farms;
 - (12) Slaughterhouse, stockyard;
 - (13) Smelting
- c. Required approvals. No building, or any improvement thereto, shall be erected, placed or altered on any building site in the Ashland Industrial Park until the plans for such building or improvement, including site plan, landscape plan, building plan, and specifications have been approved by the Plan Commission of the City of Ashland pursuant to the provisions of this Ordinance. The Ashland City Plan Commission shall approve or disapprove such plans with respect to conformity with:
- (1) These restrictions and other applicable enactments of the City, and with respect to harmony of external design and land use as it affects property within and adjacent to the Ashland Industrial Park.
 - (2) Failure of the City Plan Commission to act upon such building or improvement plans within sixty (60) days after submission to the Ashland City Plan Commission shall constitute an approval of such plans.
 - (3) The Plan Commission may, at its discretion, recommend relief to the provisions of this section pursuant to [Section 3.9: Conditional Use Permit](#).
- d. Minimum parcel area. No building or structure shall be constructed or erected within the Ashland Industrial Park on parcels containing less than two (2) acres total land area.
- e. Required setbacks from front parcel line. No part or portion of any building shall be erected, constructed or extended nearer than fifty (50) feet from the front parcel line in the Ashland Industrial Park. Corner street side yards shall be a minimum of thirty (30) feet. Employee parking of automobiles shall be prohibited at all times within the fifty (50) foot front setback of any parcel of the Ashland Industrial Park. Limited visitor or customer parking may be allowed within the fifty (50) foot front setback, provided that a minimum fifteen (15) foot boulevard is provided. The front and corner street side setback shall be entirely graded and sodded or seeded between said parcel lines, and from the road shoulder to the building face in a manner that would produce an acceptable lawn, excepting only such areas as may be required for driveways, visitor parking, or walks.
- f. Required setbacks from interior side parcel line. No part or portion of any building shall be erected, constructed or extended nearer than twenty (20) feet to any interior side parcel line. The combined total of side yards for any interior parcel shall not be less than forty (40) feet.
- g. Driveways and walks. All driveways shall be surfaced with hot-mixed asphalt concrete or cement concrete from the city street surface to the front building face.

All walks shall be of cement concrete. All such drives and walks shall be completed during the time of construction of the building.

- h. Required parking. Refer to [Section 6.3: Parking and Loading](#) and [Table 6.3-A: Required Off-Street Parking Spaces](#). City streets will not be designed by the City of Ashland to provide parking.
- i. Underground utilities.
 - (1) Wherever practical, industries purchasing land and constructing buildings in the Ashland Industrial Park shall bury all utilities to a depth of at least thirty-six (36) inches from the point of delivery at the Ashland Industrial Park provided by the private utility company or the Wisconsin Telephone Company. As a rule of thumb, all power lines carrying 13.8 KV or less shall be buried from the point of delivery by the power company to the point of the connection to the industrial structure. In instances where specific industries require power lines carrying 34.5 KV, a decision shall be reached on underground installation requirements on an individual case basis. This decision shall be reached by the Ashland Plan Commission (following consultation with the private power utility) at the time that the prospective industry submits a detailed site plan for review, as required by the provisions of this Ordinance.
 - (2) Wherever practical, however, the Plan Commission shall, as a matter of policy, require underground installation of power lines carrying 34.5 KV from the point of delivery made by the private power utility to the point of connection to the industrial structure.
 - (3) In all cases, natural gas and telephone service lines shall be buried to a depth of at least thirty-six (36) inches between the point of delivery made by the private utility and the point of connection with the industrial structure.
- j. Demonstration areas. In the event that an industry wishes to develop and use an area for the demonstration of power equipment (farm machinery, logging equipment, earth-moving equipment, etc.) to potential customers, the boundaries of such areas shall be clearly defined and conform to the setback, side yard, and rear yard requirements of these restrictions. Demonstration areas shall be clearly defined, and be separated from the primary industrial plant structure by a distance of at least thirty (30) feet. Such areas shall be screened from view from all public and private access roads within the Ashland Industrial Park by a fence which shall be eight (8) feet in height. Wire mesh fencing is unsuitable as a screening device.

5. Maintenance and controls.

- a. Control of particulate emissions.
 - (1) The emission of smoke or particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare is hereby declared to be a public nuisance and shall henceforth be unlawful.
 - (2) The general level of control of particulate emissions by any and all industrial plants which occupy land in the Ashland Industrial Park shall comply with [Chapter NR 415](#) and [Chapter 431 of the Wisconsin Administrative Code](#). In addition, any industry which intends to employ a production process which will lead to immediate discharge of particulate emissions shall, as required by the State Administrative Code, file a letter of intent prior to commencing

operations with the Environmental Protection Section, Department of Natural Resources, Spooner, Wisconsin, and send a copy to the Ashland City Clerk, Ashland, Wisconsin.

- b. Rubbish burning. No rubbish may be burned on the property except in an incinerator especially constructed and designed for this operation.
- c. Solid waste management.
 - (1) All firms which purchase land and establish a producing industry within the Ashland Industrial Park shall arrange for adequate disposal of solid waste materials generated as a part of the production processes so established. Solid waste materials so generated shall be disposed of at weekly intervals in a lawful manner, as prescribed and specified in the Wisconsin State Administrative Code.
 - (2) Solid waste materials must be stored in a protected manner and be screened from view behind a fence of solid materials or slatted cyclone, such as will provide a suitable visual screen. The minimum height of such fence shall be six (6) feet. The fence must be kept painted or have such other finish as is generally accepted for good appearance.

B. Recycling Facilities and Indoor and/or Outdoor Salvage Operations

1. **License required.** It shall be unlawful to operate or maintain a recycling facility or indoor and/or outdoor salvage operation without having obtained a license pursuant the following:
 - a. Filing date. Every applicant for such license shall annually file by April 15 a written application with the City Clerk upon a form prepared and provided by the City.
 - b. Inspections. The property shall be inspected by the Building Inspector, a representative of the Police Department, and a representative of the Fire Department to determine whether the use complies with all relevant laws, ordinances, rules, and regulations.
 - c. License fee. An annual license fee, found on the City of Ashland's Comprehensive Fee Schedule, shall be paid at the time of application.
 - d. Expiration of license. All licenses shall expire on June 30 following their issuance, unless revoked sooner.
 - e. Posting. The current license shall be posted at all times in a conspicuous place on the property described.
2. **Location of outdoor recycling and/or salvage materials.** No recycling and/or salvage materials, nor the accumulation of such materials, shall be allowed within seven hundred fifty (750) feet of the center line of any county trunk, state trunk or federal highway or within five hundred (500) feet of the center line of a town road (unless approved through the issuance of a permit by the town board). All recycling and/or salvage materials and the accumulation of such materials, within one thousand feet (1000) of the nearest edge of a state or federal highway shall be stored in an enclosed structure or shall be screened so as to not be visible from the state or federal highway. Recycling facilities and indoor and/or outdoor salvage operations shall

Sustainability Tip.

Properly designed, operated and maintained, recycling facilities and salvage operations can help the community reduce, reuse, and recycle resources locally, thereby providing local economic benefit while reducing transportation and other environmental costs typically associated with the disposal of waste.

be accessible from a designated approved heavy haul route as determined by the Public Works Director, County Highway Commissioner or Designated Authorized Agent.

3. **Lost or stolen goods.** Every keeper of a recycling facility or salvage operation who receives or is in possession of any goods, articles, or things of value that may have been lost or stolen shall upon demand produce such article or thing to any member of the Police Department for examination.
4. **Fencing and screening.** Any recycling and/or salvage materials stored in the open shall be enclosed and screened by a solid wall or non-transparent fence so that the salvage materials are not visible from other properties in the vicinity, or from a public right-of-way, such as roads, streets, highways, and waterways. The screening shall be eight (8) feet in height and kept in good repair. The eight (8) foot height requirement may be waived and an appropriate height set by the Plan Commission. The Plan Commission may in its discretion waive the fencing and screening requirement for any property perimeter for which it determines that the visibility of the storage material is not a detriment to the public interest.
5. **Condition of property.** All property licensed or used for a recycling facility or an indoor and/or outdoor salvage operation shall be maintained in proper and sanitary condition with no articles piled so as to protrude beyond the enclosure.

Note.
Refer also to the
Department of Natural
Resources website for
more information regarding
regulations and permitting
of composting at
www.dnr.state.wi.us/topic/Recycling/regs.html

C. Community Composting Facilities

1. **Intent.** A community composting facility, if not properly designed and operated, can be harmful to the safety and general welfare of the City and its citizens. This section is therefore intended to define basic requirements necessary to protect the public and our natural resources, as well as enhance the welfare of the public while providing waste alternatives and promoting sustainability within the community. This section does not relieve any obligation or requirements imposed by any Federal, State or local law or regulation. Refer to *Department of Natural Resources Chapter 502 of the Wisconsin Administrative Code*.
2. **Location and Site Requirements.**
 - a. Location. The materials storage, curing, processing and composting areas of the composting facility shall not be located within a mapped floodplain. Refer to the Wisconsin Department of Natural Resources for minimum separation/setback distances.
 - b. Access. The composting facility shall be accessible from a designated and approved heavy haul route as determined by the Public Works Director, County Highway Commissioner, or Designated Authorized Agent.
 - c. Design standards. Design standards for the composting facility at a minimum, shall be consistent with those specified in *Department of Natural Resources Chapter 502.12 of the Wisconsin Administrative Code*.
3. **Performance Standards.** All community composting facilities shall be required to comply with the standards in *Part 7: Performance Standards* of this ordinance.
4. **Buffers and Screening.**

- a. Buffer. Parcels containing a community composting facility shall be required to maintain a vegetative buffer of at least twenty (20) feet around the entire parcel.
- b. Screening. Outdoor composting and storage areas shall be screened by a minimum six (6) foot high, sight-obscuring fence, wall, landscaping berm, or planting strip as required by the Zoning Administrator or Designated Authorized Agent.

Section 5.4 Utilities and Communication Uses

A. Communication Equipment: Major

1. **Satellite dishes between three (3) feet and twelve (12) feet in diameter.** The placement, erection, or installation of satellite dishes between three (3) feet and twelve (12) feet in diameter shall require the approval of a conditional use permit and a building permit. In addition, the dish shall comply with the following requirements:
 - a. Residential properties. On residential properties, satellite dishes that are between (3) feet and twelve (12) in diameter shall only be located in rear yards or on the roof of a detached garage, so long as the height of the detached garage and the dish is equal to or less than the height of the principal building.
 - b. Non-residential properties. Satellite dishes between three (3) feet and twelve (12) feet in diameter that are located on non-residential properties may be erected on the roof of a principal or accessory building, and in side or rear yards, but shall not be located within front yards.
 - c. Variance for location. In the event that a usable signal cannot be obtained by locating the satellite dish in locations permitted by this Ordinance, the Zoning Board of Appeals may grant a variance, following proper variance procedures, to allow the placement of a satellite dish in another location.
 - d. Advertising or graphic designs. No advertising or graphic designs, excluding communication call letters or frequencies, are permitted on satellite dishes.
2. **Wireless telecommunication facilities.** Towers, antennas, and related accessory uses and structures associated with wireless telecommunication facilities shall be installed, erected, and maintained pursuant to the provisions of this Subsection.
 - a. Intent. The intent of this Subsection is as follows:
 - (1) Ensure the provision of personal wireless service within the corporate boundaries of, and for the benefit of, the residents of the City of Ashland;
 - (2) Protect the public health, safety, and general welfare of the community, public and private property, and community aesthetics;
 - (3) Minimize the visual impacts of wireless telecommunication facilities through design and siting standards;
 - (4) Maximize the use of existing and approved towers and buildings to accommodate multiple antennas to reduce the number of towers required to serve the community;
 - (5) Avoid damage to adjacent properties from tower failure through structural standards and setback requirements; and
 - (6) Avoid conflicts with an AIR-O Airport Overlay.
 - b. Interpretation and applicability.

- (1) This Subsection shall be interpreted consistent with the provisions of the *Federal Communications Act of 1934 as amended by the Telecommunications Act of 1996* and any subsequent amendments;
 - (2) This Subsection shall apply to all persons, partnerships, corporations, and other entities seeking to locate, site, place, modify, or construct wireless telecommunication facilities within the City of Ashland;
 - (3) This Subsection reserves to the City of Ashland all authority contained in state law and this Ordinance regarding land use, zoning, and regulation that has not been preempted by the federal government pursuant to *Section 704 of the Telecommunications Act of 1996* (or subsequent amendments) as to the placement, construction, and modification of personal wireless service facilities;
 - (4) This Subsection does not apply to the use or location of private, residential citizen band radio towers, amateur radio towers or television antennas, or public safety communication facilities owned or operated by the City of Ashland or other governmental entity;
- c. Permits required. All wireless telecommunication facilities shall require the issuance of a building permit. In addition, all wireless telecommunication facilities shall require the issuance of a conditional use permit, except as exempted below:
- (1) City-owned water towers. Wireless telecommunication antennas shall be permitted upon city-owned water towers provided the applicant has incorporated the applicable performance standards specified in this Subsection, a lease agreement with the City has been approved by the Common Council, a development permit and a building permit have been obtained, and all applicable fees have been paid;
 - (2) Co-location on existing towers or structures. Wireless telecommunication antennas shall be permitted to be attached to existing, conforming, steeples, bell towers, smokestacks, public and institutional buildings, and radio towers in accordance with the applicable co-location requirements and performance standards of this Subsection, and after the applicant has provided the City a written statement of approval from the tower or structure owner or lessor, has obtained a development permit and a building permit from the City, and has paid all applicable fees. The antenna shall not serve to extend the height of the existing, conforming, steeple, tower, smokestack or radio tower, by more than fifteen (15) feet;
 - (3) Utility poles. Wireless telecommunication antenna shall be permitted to be attached to utility poles after the applicant has provided a written statement of approval from the utility owner or lessor, has obtained a development permit and a building permit from the City, and has paid all applicable fees. The height of the antenna shall not exceed fifteen (15) feet above the pole. Existing lattice constructed utility pole structures may also be used provided the approval of the owner and a development permit and building permit is obtained.
- d. Permit application requirements. In addition to the application requirements specified in *Part 3: Application, Review, and Approval Procedures* relating to

conditional use permits, development permits, and building permits, applicants shall provide the following additional application materials:

- (1) A document from the owner or lessor that allows the applicant to apply for a conditional use permit and/or development permit and building permit to erect a wireless telecommunication facility;
 - (2) An accurate site plan that shows parcel lines, location of wireless communication tower or antenna setback distances, any accessory equipment or structure, and proposed fencing and landscaping;
 - (3) An illustrative drawing showing how the wireless communication facility will be as aesthetically in keeping with the surroundings as possible;
 - (4) Sufficient information to show that the construction, installation, and maintenance of the wireless telecommunication facility will not create a safety hazard or damage to property of other persons;
 - (5) A report or plan from a qualified and registered engineer or firm that specifies the tower height and design (including cross-sections and elevations); the height above grade for all potential mounting positions for co-location antennae and the minimum separation distances between antennae; structural mounting designs and materials list; and the capacity of the tower (including the number and type of antennae that the tower can accommodate). As applicable, an engineer's stamp and number shall be required;
 - (6) Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicants antenna and comparable antennas of additional users; and the plans and specification whereby the proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights;
 - (7) Plans and specifications showing how the proposed facility will be maintained in keeping with all applicable codes and ordinances.
- e. Inspection. The Building Inspector or Designated Authorized Agent may, at any time, inspect any wireless telecommunication facility to ensure its structural integrity. If upon such inspection it is determined that the facility fails to comply with such applicable codes and/or ordinances, and that such failure constitutes a danger to persons or property, then upon notice being provided to the owner of the facility, the owner shall have thirty (30) days to bring the facility into compliance with applicable codes and standards. Failure to bring the facility into compliance within the said thirty (30) days shall constitute cause for removal at the owner's expense.
- f. Non-interference. All new or existing wireless telecommunication facilities shall comply with all relevant Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with public safety and other city and private telecommunication operations.
- g. Insurance. The applicant shall provide the City with proof of liability insurance that protects against losses due to personal injury or property damage resulting from the construction, operation, or collapse of the tower, antennae, or accessory equipment.

- h. Co-location requirements. An application for a new wireless telecommunication tower shall document that co-location is not feasible, in that the antenna planned for the proposed tower cannot be reasonably accommodated,

- (1) on a City-owned water tower;
- (2) on an existing and conforming co-location tower or structure; or
- (3) on an existing utility pole.

The application shall document that existing co-location options, both within and transcending the municipal borders is not feasible. In addition, the application shall document, for the purpose of providing service to the residents and businesses of the City of Ashland, co-location of the tower would do one or more of the following:

- (1) The antenna would exceed the structural capacity of the existing or approved tower or structure;
- (2) The antenna would cause interference with other existing or planned equipment at the tower or structure;
- (3) Existing or approved towers or structures cannot reasonably accommodate the antenna at a height necessary for the proposed antenna to provide service to the residents and businesses of the City of Ashland;
- (4) Existing or approved structures suitable for the antenna are outside the documented search area;
- (5) The owners or lessors of the existing or approved towers and structures are unwilling to allow co-location upon their facilities.

- i. Performance standards. The following performance standards apply to all wireless telecommunication facilities erected, constructed, placed, modified or replaced in the City of Ashland. All wireless telecommunication facilities shall be designed and situated to be visually unobtrusive, to minimize the impact on neighboring uses, and shall conform to the following design and siting criteria:

- (1) Height. In a residential district, or on residential properties, a wireless telecommunication facility shall not exceed sixty (60) feet in height. In all zoning districts, the height shall comply with City of Ashland [Ordinance 453](#).
- (2) Setbacks. The minimum setback from any parcel line, public right-of-way, building or structure, except for accessory buildings or equipment structures, for a wireless telecommunication tower shall be equal to one hundred (100) percent of the height of the tower. Setbacks for accessory buildings and equipment structures associated with wireless telecommunication facilities shall comply with the zoning district in which the facility is located.
- (3) Accessory equipment structures. All accessory equipment structures adjacent to an antenna system and/or tower shall be screened or architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the applicable zoning district.
- (4) Fencing. Pursuant to the conditions of the approved conditional use permit, appropriate safety fencing shall be incorporated within the site accommodating the tower and accessory equipment structures.

- (5) Landscaping and screening. Pursuant to the conditions of the approved conditional use permit, proper landscaping and screening shall be incorporated into the site accommodating a tower and its accessory equipment.
- (6) Color. The wireless telecommunication tower and antenna shall be a neutral color such as a light gray or sky blue, except as may be otherwise dictated by the Federal Aviation Administration (FAA), and be designed to minimize visibility and to blend into the surrounding environment.
- (7) Materials and wind loads. Towers and antennas shall be designed to withstand applicable wind load requirements as prescribed in the applicable building codes. Towers and/or antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be followed.
- (8) Roof mounted wireless telecommunication antennas. Roof mounted wireless telecommunication antennas shall not be permitted on pitched roofs, unless they are stealth antenna incorporated into upward thrusting architectural elements, such as a steeple, spire, bell tower, or smoke stack. On flat roofs, the height of the antenna and mounting hardware may not be more than fifteen (15) feet above the highest point of the roof to which the antenna is attached.
- (9) Structurally mounted wireless telecommunication antennas. A wireless telecommunication antenna mounted to the side of a building, shall be attached flush to the side of the building and shall not protrude more than three (3) feet from the side of the building. Structurally mounted antennas not affixed to towers shall be made to blend into the design and contours of the structure.
- (10) Lights. No antenna or tower shall have lights, reflectors, flashers, daytime strobes, steady night lights, or other illuminating devices affixed or attached to it in any way, except as may otherwise be required by the Federal Aviation Administration (FAA). Lights shall also comply with an AIR-O Airport Overlay.
- (11) Signs and advertising. No signs and/or advertising message, excluding communication call letters or frequencies, shall be affixed to the antenna or tower structure.
- (12) Other attachments. No antenna or tower shall have constructed thereon, or attached thereto, any platform, catwalk, crow's nest, or similar structure for the purpose of human support, except during periods of construction or repair.
- j. Obsolete or abandoned towers. All obsolete, damaged, unused, or abandoned wireless telecommunication towers and accompanying accessory structures shall be removed within twelve (12) months of the cessation of operations unless a time extension is approved by the Common Council. If the tower is not removed, it may be deemed a nuisance pursuant to Wisconsin Statutes. In the event a tower obsolete or abandoned tower is determined to be a nuisance, the City may act to abate such nuisance and require the removal of the tower at the owner's expense. The owner shall provide the City with a copy of the notice of the Federal Communications Commission (FCC) intent to cease operations and shall be given twelve (12) months from the date of ceasing operations to remove the obsolete or abandoned tower and all accessory structures. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of twelve (12) consecutive months. The equipment on the ground is not to be

removed until the tower structure has first been dismantled. After the facilities have been removed, the site shall be restored to its original condition, or to an improved state.

- d. **Applicability.** This section 5.4A applies to communication equipment that is not regulated under section 5.4E.

B. Communication Equipment: Minor

1. **Amateur radio.** Amateur radio tower installed, erected, maintained and/or operated by a federally licensed amateur radio operator shall be permitted with the issuance of a development permit and building permit provided that the antenna use involved is accessory to the primary use of the property, which is not a telecommunication facility; on residential property, no more than one support structure for licensed amateur radio operator is allowed on a parcel; and sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
2. **Television antenna.**
 - a. Development permit and building permit required. Except as otherwise contained herein, it shall be unlawful for any person to install, either as owner or agent, servant or employee of the owner, or as an independent contractor for the owner, or otherwise, any outside antenna for television receiving apparatus or equipment or any additions to, or substitutions for, such additions or substitutions therefore, until a development permit and building permit has first been obtained from the Building Inspector or Designated Authorized Agent. A permit shall not be required for a roof mounted antenna not exceeding eight (8) feet in height over the highest peak of the roof.
 - b. Certificate of approval required. It shall be unlawful for any person to make use of, or maintain in place, any outside antenna for television receiving apparatus or equipment unless and until the same has been inspected and approved by the Building Inspector and a certificate of approval issued therefore.
 - c. Height. In residential districts, or on residential property, freestanding mast-type television antennas shall not exceed sixty (60) feet in height.
 - d. Mechanical construction and guying. The television antenna system shall comply the following standards relating to mechanical construction and guying:
 - (1) Television antenna systems shall be made of non-corrosive material consistent with the standards of the Underwriter Laboratories, Inc., in compliance with the now current issue of such standards except as the same are herein specifically varied. Television antenna systems installed on roofs must be mounted on their own platforms or plate covering two or more parallel rafters of roof and securely anchored. The antenna and mast may be of design with a heavy base to make it self-supporting.
 - (2) In all cases, where possible and practical, the tower or mast support shall, unless of the self-supporting type, be supported from the vertical wall of the building. No such system may be mounted so as to project over any street, sidewalk, alley, or public thoroughfare, or in such a manner as might be a hazard to public safety or endanger electric power and communication lines in periods of high winds.

- (3) Any television antenna mast over ten (10) feet in height shall be supported by at least four (4) guy wires. Towers or mast supports constructed of a single pipe or a series of lengths of pipe telescoped shall require four (4) guy wires at each joint or at such joints as are considered to be adequate for support, or within the standards of accepted engineering practices.
 - (4) The television antenna system shall be so designed and erected as to withstand the pressure of an eighty (80) mile per hour wind.
 - (5) Where the height of any television antenna system is twenty-five (25) feet or over, a detailed sketch thereof and the location of the antenna with respect to the sidewalks and existing electric or communication lines, shall accompany the application for a development permit and building permit; and such sketch shall comply with all the requirements of this Ordinance.
 - (6) Anchor points for guy wires must be secured to withstand a strain of at least six hundred (600) pounds of guy wire. Rawl plugs may not be used for anchor points.
 - (7) Guy wires must be of non-corrosive material with a tensile strength of at least six hundred (600) pounds.
 - (8) Poles used for electric power or communication lines shall not be used for guying television antenna systems in any manner whatsoever.
 - (9) Miscellaneous hardware, such as brackets, turn buckles, and thimble clips, shall be hot dipped galvanized or similarly treated for weather protection and be able to withstand a strain of six hundred (600) pounds.
- e. Transmission lines. The television antenna system shall comply with the following standards relating to transmission lines:
- (1) Transmission lines shall be of a type consistent with standards of the Underwriter Laboratories, Inc., in accordance with the now current issue of such standards and must be kept at least six (6) inches from existing telephone and electric wires.
 - (2) The transmission line shall not be attached to the same cross armor supports for light, power, or communication conductors, and shall not come within six (6) feet of a lightning rod.
 - (3) The wires from the television antenna mast on the outside of the building wall shall be supported in a manner to hold the wires taut on both horizontal and vertical runs. They shall be protected and insulated when entering buildings by use of an insulating tube and where exposed to mechanical injury shall be suitably protected. They shall have a permanent separation of two (2) feet from open wires up to two hundred fifty (250) volts potential, and greater separation at higher voltages.
 - (4) The transmission line shall be suitably insulated. The wires shall be supported by approved brackets and standoff insulators placed at least every ten (10) feet on the side of the building.
- f. Lightning arresters. The television antenna system shall comply with the following standards relating to lightning arresters:

- (1) Lightning arresters shall be of a type consistent with the standards of Underwriter Laboratories, Inc., in accordance with the new current issue of such standards. Both sides of the line shall be adequately protected with proper resistors or neon lights to remove the static charges accumulated on the line and shall match the transmission line at television frequencies.
 - (2) The arresters shall be located outside the building, if practical. If the arresters must be placed inside the building, they shall be located at the nearest accessible space where the transmission line enters the building, away from combustible materials, and not in hazardous locations. If installed outdoors, it shall be connected to an electrode installed in accordance with the requirements of the state electrical code.
 - (3) When lead-in conductors of polyethylene ribbon type are used, lightning arresters shall be installed in each conductor. If a coaxial cable is used for the lead-in, suitable protection may be provided without lightning arresters by grounding the exterior metal sheaths.
 - g. Grounding. The television antenna system shall comply with the following standards relating to grounding:
 - (1) Television antenna systems shall be adequately grounded for protection against a direct stroke of lightning. Ground wires shall be a minimum No. 8 aluminum or copper for grounding masts and lightning arresters, and shall be mechanically and electrically secured to the antenna mast and grounding electrode by the use of approved fittings. The grounding conductor shall be run in as straight a line as practical.
 - (2) The ground electrode for the television antenna mast may also serve as the ground electrode for the lightning arrester.
 - (3) In the case where coaxial cable is used, it is permissible to ground the antenna mast to the shield of the cable.
- 3. Satellite dish three (3) feet or less in diameter.**
- a. Permitted locations. In any district, satellite dishes that are less than three (3) feet in diameter shall be located in the rear or side yard, or located on a principal or accessory building. In no case shall a satellite dish be located in the front yard or corner street side yard.
 - b. Variance for location. In the event that a usable signal cannot be obtained by locating the satellite dish in locations permitted by this Ordinance, the Board of Appeals may grant a variance, following proper variance procedures, to allow the placement of a satellite dish in another location.
 - c. Advertising or graphic designs. No advertising or graphic designs are permitted on satellite dishes.
 - d. Development permit not required. A development permit shall not be required for a roof mounted satellite dish three (3) feet or less in diameter.
- 4. Temporary communication structures.** The temporary use of wheeled communication structures, properly anchored, shall be accepted, but they shall not remain at any given location for more than thirty (30) days and shall be registered with the Zoning

Administrator or Designated Authorized Agent if they are going to be used for more than seventy-two (72) hours.

C. Utility Facilities

All structures associated with a utility facility shall meet the setbacks for principal structures in the subject zoning district and shall be adequately landscaped and screened pursuant to [Section 6.4: Landscaping, Buffers, and Screening](#).

D. Wind Energy Facility

1. **Intent.** The intent of this Subsection is as follows:

- a. Oversee the permitting of wind energy facilities in the City of Ashland; and
- b. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of the wind energy facility pursuant to [Section 66.0401 of the Wisconsin Statutes](#).

2. **General provisions.**

- a. **Authority.** This Subsection is adopted pursuant to the authority granted in [Section 62.23\(7\) of the Wisconsin Statutes](#) and [Section 66.0401 of the Wisconsin Statutes](#).
- b. **Applicability.** The requirements of this Subsection shall apply to all wind energy facilities proposed after the effective date of this Subsection. Wind energy facilities for which a required permit has been properly issued before the effective date of this Subsection shall not be required to meet the provisions of this Ordinance; provided, however, that any such pre-existing wind energy facility that does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Subsection prior to recommencing production of energy. However, no modification or alteration to an existing wind energy facility shall be allowed without full compliance with this Ordinance.
- c. **Conditional use permit required.** Approval of a conditional use permit shall be required for the installation of a wind energy facility. In addition to the general conditional use permit requirements described in [Section 3.9: Conditional Use Permit](#), a conditional use permit application for installation of a wind energy facility shall include the following:
 - (1) Parcel lines and physical dimensions of the parcel;
 - (2) Locations, dimensions, height, and types of existing major structures on the parcel;
 - (3) Location of the proposed wind energy facility;
 - (4) The right-of-way of any public road that is contiguous with the parcel;
 - (5) Any overhead utility lines;
 - (6) Wind energy facility specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed); and
 - (7) Tower and tower foundation drawings.

Sustainability Tip.

A wind energy facility, when properly designed, located, and operated, can provide a renewable source of energy that can help reduce our dependence on fossil fuels.

- d. Building permit required. A building permit pursuant to [Section 3.32: Building Permit](#) shall be required for the installation of a wind energy facility.
- e. Abandonment.
 - (1) A wind energy facility that is out of service for a continuous twelve (12) month period shall be deemed to have been abandoned. The Zoning Administrator or Designated Authorized Agent may issue a notice of abandonment to the owner of the wind energy facility that is deemed to have been abandoned. The owner shall have the right to respond the notice of abandonment within thirty (30) days of notice receipt date. The Zoning Administrator or Designated Authorized Agent shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the wind energy facility has not been abandoned.
 - (2) If the wind energy facility is determined to be abandoned, the owner of the wind energy facility shall remove the wind generator from the tower at the owner's sole expense within three (3) months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the Zoning Administrator or Designated Authorized Agent may pursue a legal action to have the wind generator removed at the owner's expense.

3. Design standards. A wind energy facility shall be permitted in all zoning districts after issuance of a conditional use permit and subject to the following standards:

- a. Capacity and total height. A wind energy facility shall have a nameplate capacity of one hundred (100) kilowatts or less and shall have a total height, as measured from ground level to the tip of a wind generator blade when the tip is at its highest point, of one hundred seventy (170) feet or less. The total height of the wind energy facility shall not exceed the allowable height specified in the City of Ashland [Ordinance 453](#) pursuant to the provisions of this Ordinance. If the height in this section is greater than that maximum height allowable for each zoning district, the maximum height allowed by this section shall govern.
- b. Setbacks. A tower for a wind energy facility shall be set back a distance equal to its height from the following:
 - (1) Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (2) Any overhead utility lines, unless written permission is granted by the affected utility; and
 - (3) All parcel lines, unless written permission is granted from the affected property owner or neighbor.
- c. Access. Access to the wind energy facility shall be controlled as follows:
 - (1) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access; and
 - (2) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
- d. Noise. Audible noise from wind energy facilities shall not exceed fifty (50) dB(A) when measured from the outside of the nearest residence, business, school, hospital,

religious institution, or other inhabited structure. In the event the noise emitted from the wind energy facility contains a steady pure tone such as a whine, screech, or hum the wind energy facility shall not exceed forty-five (45) dB(A) when measured outside the nearest inhabitable structure.

- e. Electrical wires. All electrical wires associated with a wind energy facility, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- f. Signal interference. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone, or television signals caused by the wind energy facility.
- g. Lighting. A tower and wind generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration or the City of Ashland to minimize potential air navigation hazards. Lighting shall also be consistent with an AIR-O Airport Overlay.
- h. Appearance, color, and finish.
 - (1) The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless required otherwise as a condition of the conditional use permit.
 - (2) The design of wind energy facility related buildings and structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend the buildings and structures to the natural setting and the existing environment.
- i. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind energy facility are prohibited.
- j. Code compliance. A wind energy facility, including the tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- k. Utility notification and interconnection. A wind energy facility that connects to the electric utility shall comply with the Public Service Commission of Wisconsin's [*Rule 119, Rules for Interconnecting Distributed Generation Facilities*](#).
- l. Meteorological tower. Meteorological towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a wind energy facility.

E. Mobile Tower Siting Ordinance

1. Definitions. In this section:

- a. "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- b. "Application" means an application for a permit under this section to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

- c. "Class 1 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.
- d. "Class 2 collocation" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- e. "Collocation" means class 1 or class 2 collocation or both.
- f. "Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- g. "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- h. "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.
- i. "Fall zone" means the area over which a mobile support structure is designed to collapse.
- j. "Mobile service" means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes (A) both one-way and two-way radio communication services, (B) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations (whether licensed on an individual, cooperative, or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation, and (C) any service for which a license is required in a personal communications service established pursuant to the proceeding entitled "Amendment to the Commission's Rules to Establish New Personal Communications Services" (GEN Docket No. 90-314; ET Docket No. 92-100), or any successor proceeding.
- k. "Mobile service facility" means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
- l. "Mobile service provider" means a person who provides mobile service.

- m. "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.
- n. "Public utility" means a public utility as defined in sec. 196.01, Wis. Stats.
- o. "Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- p. "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - (1) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
 - (2) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
 - (3) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
 - (4) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- q. "Support structure" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- r. "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in s.196.01 (1d) Wis. Stats.; public utility, as defined in s. 196.01 (5) Wis. Stats.; telecommunications utility, as defined in s. 196.01 (10) Wis. Stats.; political subdivision; or cooperative association organized under ch. 185 Wis. Stats.; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq) Wis. Stats.; for video service, as defined in s. 66.0420 (2) (y) Wis. Stats.; for electricity; or to provide light.
- e. **New construction or substantial modification of facilities and support structures.**

- a. Any person seeking to engage in either of the following activities must submit an application for a conditional use permit as described in subsection (b), together with the applicable fee, to the Zoning Administrator. Either of the activities described in this section is a conditional use in all zoning districts.
 - (1) The siting and construction of a new mobile service support structure and facilities.
 - (5) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- b. The application which a person must complete to engage in the siting, construction, or modification activities described in par. (a) shall be in writing and shall contain all of the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (6) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (7) If an applicant is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- c. If an applicant submits to an application for a permit to engage in an activity described under par. (a), which does not contain all of the information required under par. (b), the

Zoning Administrator shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- d. Within 45 days of receipt of a complete application, the Zoning Administrator shall review the application to determine whether it complies with all applicable aspects of the City's building code and, subject to the limitations in this section, zoning ordinances.
 - e. Within 90 days of receipt of a complete application, the City Council shall make a final decision whether to approve or disapprove the application and shall, within the same 90 day period, notify the applicant, in writing, of its final decision.
 - f. If the decision of the City Council is to disapprove the application, the Zoning Administrator shall include with the written notification substantial evidence which supports the decision.
 - g. The 90 day time period set forth in subsection (e), above, may be extended by agreement of the City and applicant.
 - h. The City Council may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under subsection (b) (6).
 - i. A party who is aggrieved by the final decision of the City Council may bring an action in the circuit court of Ashland County.
 - j. If an applicant provides the City with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback required in the zoning district in which the facility is proposed, this ordinance does not apply to such a structure unless there is substantial evidence, which the City provides to the applicant, that the engineering certification is flawed.
- f. **Collocation on existing support structures.**
- a. A class 2 collocation is a permitted use in all zoning districts.
 - b. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.

- c. Any person seeking to engage in a class 2 collocation shall submit an application for a development permit and site plan approval together with the applicable fees, to the Zoning Administrator. The application shall contain all of the information required under subsection (2) (b) (1) to (3). If any of the required information is not in the application, the Zoning Administrator shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- d. Within 15 days of receipt of a complete application, the Zoning Administrator shall review the application to determine whether it complies with all applicable aspects of the law.
- e. Within 45 days of receipt of an application, the City Council shall make a final decision whether to approve or disapprove the application, and shall, within the same 45 day period, notify the applicant, in writing, of its final decision, and if the application is approved, shall issue the applicant the relevant permit.
- f. If the decision is to disapprove the application, the Zoning Administrator shall include with the written notification substantial evidence which supports the decision.
- g. The 45 day period set forth in subsection (e), above, may be extended by agreement of the City and applicant.
- h. A party who is aggrieved by the final decision of the City Council under par. (e) may bring an action in the circuit court of Ashland County.
- g. **Limitations.** With regard to an activity described in subsection (2) (a) or a class 2 collocation, the City Council shall not do any of the following:
 - a. Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
 - b. Permit third-party consultants to charge the applicant for any travel expenses incurred in the consultant's review of mobile service permits or applications.
 - c. Disapprove an application to conduct an activity described under subsection (2) (a) based solely on aesthetic concerns.
 - d. Disapprove an application to conduct a class 2 collocation on aesthetic concerns.
 - e. Prohibit the placement of emergency power systems.

- f. Require that a mobile service support structure be placed on property owned by the City.
- g. Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- h. Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure for the use of or by the City at less than the market rate, or to provide the City other services via the structure or facilities at less than the market rate.
- i. Limit the duration of any permit that is granted.
- j. Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- k. Disapprove an application based on an assessment of the suitability of other locations for conducting the activity.
- l. Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- m. Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- n. Consider an activity a substantial modification under subsection (1) (q) (1) or (2) if a greater height is necessary to avoid interference with an existing antenna.
- o. Consider an activity a substantial modification under sub. (1) (q) (3) if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- p. Limit the height of a mobile service support structure to under 200 feet.
- q. Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the City in connection with the City's exercise of its authority to approve the application.
- r. Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the City to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in

part, the City or an entity in which the City has a governance, competitive, economic, financial or other interest.

h. Collocation preference.

- a. As a matter of municipal policy, the City strongly supports collocation. Applicants proposing new construction shall have the burden of demonstrating the necessity of new construction in lieu of collocation. Facilities proposed for approval shall generally be sized and designed to allow flexibility for addition of more facilities by the same applicant entity or other entities, and the City may negotiate terms and conditions facilitating collocation. Once approved, additional antennas and accessory facilities may be added to a site in accordance with the sharing conditions of the conditional use approval.
- b. Permittees shall exercise good faith in collocating and/or clustering with other communication companies and sharing the permitted site, provided such shared use does not give rise to a substantial technical level or quality-of-service impairment of the permitted use (as opposed to a competitive conflict or financial burden). In the event a dispute arises as to whether permittee has exercised good faith in accommodating other users, the City may require a third party technical study at the expense of either or both the applicant and complaining user, and such a requirement shall be deemed a condition of any conditional use permit or development permit approved hereunder.

i. Additional criteria and requirements for conditional use permit and development permit and site plan approval.

- a. All changes made to towers exceeding what was requested in the original application or otherwise legally existing at the date of adoption of this section, including, but not limited to, adding microwave dishes, or increasing the height, or profile, shall require review and approval by the Plan Commission.
- b. All towers and sites shall be properly maintained and shall be kept in a condition as not to become a public nuisance or eyesore. Proper maintenance shall include, but not be limited to, regular lawn and landscaping care, painting of an accessory building, fences, and tower. Additionally, the site shall be kept clear of junk and trash.
- c. Landscaping and other requirements. As part of permitting and site plan approval under Sections (2) and (3), the Plan Commission may prescribe landscaping, screening, fencing, and other incidental requirements as a condition of approval, provided no such requirement is prohibited under Section (4).
- d. Every three years, beginning with the adoption of this section or following completion of construction of a tower, whichever is later, the owner of the tower shall submit to the Zoning Administrator a report from a structural engineer or other expert acceptable to

the Zoning Administrator reflecting the fact that such tower is structurally sound and does not pose any threat to life or property.

- e. Obsolete or abandoned towers shall be treated as provided in Section 5.4A(2)(j).
- f. No apparatus shall be attached to any tower except as approved by the Plan Commission. Apparatus attached legally to existing towers prior to enactment of this section may remain but not be increased in any way except with approval of the Plan Commission. Plan Commission approval for additional apparatus will be granted only after the applicant demonstrates a need for additional apparatus.
- j. **Surety required.** Prior to final approval for a new mobile service facility, the owner shall furnish a financial guarantee in the form of a letter of credit to the City in the amount of twenty thousand dollars (\$20,000). Funds from the letter of credit may be used by the City to pay any professional fees associated with the removal of the tower or restoration of the site upon which it is located.
- k. **Construction and Severability.**
 - a. This ordinance shall be construed to be in conformity with Sec. 66.0404, Wis. Stats. Should any provision hereof be inconsistent with any provision of Sec. 66.0404, the provision of Sec. 66.0404 shall control.
 - b. Should any section or subsection of this ordinance be found by a court of competent jurisdiction to violate any provision of Sec. 66.0404, Wis. Stats., or any other law, the remainder of this ordinance shall not be affected thereby.

Section 5.5 Temporary or Seasonal Uses

A. Model Home

A model home use shall only be allowed in those zoning districts where it permitted as a conditional use and only after issuance of a conditional use permit, pursuant to [Section 3.9: Conditional Use Permit](#). In addition, a model home use shall be consistent with all of the following standards:

1. **Office use.** No more than fifteen (15) percent of the area of the model home's main floor shall be used for office area.
2. **Spacing.** Model homes shall have at least five hundred (500) feet of separation between other model homes. Model homes may have less than five hundred (500) feet of separation if located on separate conforming parcels, and if all required setbacks are met for that zoning district.
3. **Allowable time before model home must cease its use as a model home.** A model home shall not be used a model home for a period of more than two (2) years. After which, the model home must be converted to a use permitted in the zoning district.

4. **Hours of operation.** Hours of operation for showing of the model home shall be between 8:00 AM and 8:00 PM, or other reasonable times as may be required by the conditions of an approved conditional use permit.
5. **Advertising.** Advertising placed on the same parcel with such model home shall be limited to a real estate “For Sale” sign, not to exceed an area of six (6) square feet.

B. Temporary Construction Building

A temporary construction building shall be permitted after issuance of a development permit (and any other required permits) and shall be removed at or before the time of completion of the construction project.

C. Temporary Real Estate Office

The sales office and any associated model homes or units shall be open only until the homes or units specifically being marketed are sold out and only between the hours of 8:00 AM and 8:00 PM.

D. Seasonal Market

1. **General applicability.** Seasonal market uses, as defined by this Ordinance, shall be allowed after issuance of a development permit and any other applicable permits, including a building permit, pursuant to the following:
 - a. The seasonal market shall be located on the parcel owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the Zoning Administrator or Designated Authorized Agent with written evidence that the property owner has given the operator permission to use the parcel for a seasonal market. A certificate of occupancy shall not be required for a seasonal market meeting the requirements of this Subsection.
 - b. If fish sales, flowers, plants, Wisconsin-grown farm products, or holiday trees constitute at least seventy-five percent (75%) of the merchandise offered for sale, the activity shall be limited to not more than ninety (90) days in one (1) calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than fourteen (14) days in one (1) calendar year.
 - c. The seasonal market shall not produce glare or spill light or noise in violation of this Ordinance.
 - d. Signage shall be limited to two (2) signs and a total display area of twenty four (24) square feet for all signs combined.
 - e. Sales shall occur between the hours of 7:00 AM and 10:00 PM
 - f. The site shall be restored to its previous condition following termination of the seasonal market.

Section 5.6 Accessory Uses and Other Uses

A. Accessory Building

Accessory buildings shall comply with the following conditions:

1. **Size of accessory buildings on residential parcels.**
 - a. An accessory building on a residential parcel may not occupy more than twenty-five (25) percent of a required rear yard or thirty-five (35) percent of any non-required rear yard. In no instance shall the accessory building exceed the ground floor area of the principal building.
2. **Measurement of setbacks.** Measurement of setbacks for accessory buildings shall be consistent with [Section 6.1 B., 1.: Measurement of Setbacks](#).
3. **Separation from principal buildings.** Accessory buildings shall be at least six (6) feet from the principal building situated on the same parcel.
4. **Accessory buildings in front yards limited.**
 - a. No accessory building shall be permitted nearer to the front parcel line than the minimum allowed setback from the front parcel line in the subject zoning district for the principal buildings or the average setback of the principal buildings on parcels immediately adjoining the parcel on the same side of the street, whichever is less.
 - b. Parcels that are in the FD Future Development, R-E Residential Estate, LI Light Industrial and HI Heavy Industrial, and are a minimum of five (5) acres may locate an accessory building nearer the front parcel line than the principal building, but not nearer the minimum required setback from the front parcel line for a principal building.
5. **Accessory building interior side and rear setbacks.** Accessory buildings shall not be located less than three (3) feet from the interior side or rear parcel lines. Where a vehicle entrance to an accessory building faces an alley right-of-way, the accessory building shall not be located less than ten (10) feet from the parcel line abutting the alley.
6. **Accessory building setback on corner parcels.** No accessory building shall be permitted nearer to the corner street side parcel line than the minimum allowed setback from the corner street side parcel line in the subject zoning district for principal buildings, or the average setback of the four (4) or less nearest principal buildings and accessory garages along the same side of the street, whichever is less. In no case shall an accessory building be located within the required vision triangle as specified in [Section 6.1: General Standards](#).
7. **Accessory building height.** No accessory building shall exceed twenty feet (20) feet in height, unless issued a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). Accessory building height shall be measured in accordance with [Section 6.1 C.: Building Height](#).
8. **Accessory building attached to principal building.** When an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to principal buildings.
9. **Conversion of accessory building to dwellings limited.** The conversion of any accessory building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in

which a new building for a similar occupancy would be permitted under this Ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum parcel area, parcel area per dwelling unit, percentage of parcel coverage, dimensions of yards and other open spaces, and off-street parking.

10. Accessory buildings without a principal building. No accessory building shall be erected or constructed prior to the erection or construction of the principal building, except:

- a. Personal storage building. A personal storage building may be constructed as a principal building pursuant to [Section 5.6, H.: Personal Storage Building as a Principal Building](#).
- b. Recreation accessory buildings. An accessory building may be constructed on public lands or at a commercial recreation facility, including campgrounds and outdoor shooting ranges, when the land or facility is issued a permit for, or approved by, the Zoning Administrator or Designated Authorized Agent, as a principal use.
- c. Conditional use permit. An accessory building may be constructed prior to a principal structure on a parcel with the issuance of a Conditional Use Permit pursuant to [Section 3.9: Conditional Use Permit](#) and with the following standards and conditions.
 - (1) The accessory building shall be located on a parcel contiguous to a parcel of the same ownership on which a conforming principal use is established. If this condition is no longer met after the accessory building is established, a principal building shall be established on the same parcel as the Conditional Use Permit – approved accessory building within twenty four (24) months. The foregoing use restrictions shall be recorded by the applicant on both parcels affected by the Conditional Use Permit, and proof of recording shall be provided to the Zoning Administrator or Designated Authorized Agent. In the event that the terms of this use restriction are violated, the Conditional Use Permit shall be revoked and the accessory building shall be removed upon issuance of a written order from the Zoning Administrator or Designated Authorized Agent.
 - (2) The location of the accessory building shall ensure ample room for the establishment of a principal building in a location that substantially conforms to the terms of this ordinance and that is compatible with established uses in the vicinity, including but not limited to: setbacks, maximum parcel coverage, and minimum parcel size.
 - (3) On parcels zoned R-1, R-2, R-3, R-4 and MHC, no accessory building constructed prior to a principal building shall exceed one thousand two hundred (1,200) square feet in area.
 - (4) The Plan Commission may place such other conditions on the construction of the accessory building and related parcel improvements as it deems necessary to protect the use, character, safety and value of the property and other properties in the area.

11. Appearance. The architectural appearance of accessory buildings should be visually compatible with the principal building relative to color, materials, and form.

- 12. Accessory buildings in the FD Future Development District.** Accessory buildings over twelve hundred (1,200) square feet or twenty (20) feet in height in the FD Future Development District shall comply with [Section 4.37, D.: Design Standards and Guidelines for Agricultural Buildings and Other Accessory Buildings](#).

B. Accessory Structures

Accessory structures, not elsewhere defined or regulated, shall comply with the following conditions:

- 1. Size of accessory structures on residential parcels.**
 - a. An accessory structure on a residential parcel may not occupy more than twenty-five (25) percent of a required rear yard or thirty-five (35) percent of any non-required rear yard. In no instance shall the accessory structure exceed the ground floor area of the principal building.
- 2. Measurement of setbacks.** Measurement of setbacks for accessory structures shall be consistent with [Section 6.1 B., 1.: Measurement of Setbacks](#).
- 3. Accessory structure height.** No accessory structures shall not exceed twenty feet (20) in height, unless issued a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). Accessory structure height shall be measured in accordance with [Section 6.1 C: Building Height](#).
- 4. Storage Canopy.** Storage canopies as defined shall comply with the following conditions.
 - a. Storage canopies shall be located in an interior side yard or rear yard;
 - b. Shall be limited to one (1) storage canopy per parcel;
 - c. Shall be located no closer than three (3) feet from any parcel line and shall maintain a six (6) foot separation from any principal or accessory building;
 - d. Shall not be located on a vacant parcel; and
 - e. Shall be maintained in a reasonable state of repair to prevent them from becoming a public nuisance.
 - f. Shall be securely anchored and stabilized so as not to shift in the wind or present a public safety hazard.
- 5. Accessory structures without a principal building.** An accessory structure may be constructed on public lands or at a commercial recreation facility, including campgrounds and outdoor shooting ranges, when the land or facility is issued a permit for, or approved by, the Zoning Administrator or Designated Authorized Agent, as a principal use. All other accessory structures not elsewhere defined or regulated may be permitted through a Conditional Use Permit pursuant to [Section 3.9: Conditional Use Permit](#) and with the standards and conditions applicable to an accessory building under [Section 5.6 A., 10., c.](#)
- 6. Other standards.** Accessory structures shall meet all other applicable standards pursuant to [Section 6.1 B Setbacks](#), [Section 6.1 D: Impervious Coverage](#), [Section 6.1 H: Vision Triangle](#), [Section 6.7: Exterior Lighting](#) and all other applicable standards identified with the approval or permit.

C. Animals: Keeping of

The regulations of this Subsection are established to permit the keeping of domestic and family farm animals and honey bees to promote the goals and benefits of urban homesteading, including productive use of private property, personal food choice, family subsistence, community food security, sustainability, and animal welfare, in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe. Also refer to [Chapter 951 of the Wisconsin State Statutes](#) for state regulations.

1. **Domestic animals.** In any residential district, or in conjunction with any existing residential uses in any other district, there may be kept a total of not more than four (4) domestic animals, excluding any dogs or cats less than twelve (12) weeks in age, or rabbits or chickens pursuant to the specific requirements of this Ordinance. No part of any enclosure or pen for domestic animals shall be located less than ten (10) feet from the parcel line. Keeping dogs for the purpose of breeding or sale shall require a license pursuant to City of Ashland [Ordinance 351](#).
2. **Family farm animals.** The raising of family farm animals shall occur only in those districts where allowed by this Ordinance and only if the subject parcel has a minimum area of twenty thousand (20,000) square feet.
 - a. Small. Ten (10) small family farm animals shall be allowed for each twenty thousand (20,000) square feet of parcel area. No part of any enclosure or pen for family farm animals shall be located less than ten (10) feet from the parcel line.
 - b. Large. Two (2) large family farm animals shall be allowed for every five (5) acres of parcel area. No part of any enclosure or pen for family farm animals shall be located less than ten (10) feet from the parcel line, except parcels in the FD district.
 - c. Future Development (FD) District parcels. An enclosure or pen for family farm animals may be located on the parcel line for all properties five (5) acres or more and pursuant to [Chapter 90 of the Wisconsin State Statutes](#).
3. **Beekeeping.**
 - a. Intent. The intent is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of honey bees in populated areas.
 - b. Beekeeping allowed. Beekeeping shall be allowed in all districts allowing the raising of family farm animals. In addition, beekeeping may be allowable in any zoning district that does not allow the raising of family farm animals pursuant to the conditions stated in subparagraph d. Colony densities.
 - c. Permit required. Beekeepers are required to obtain a permit from the Zoning Administrator or Designated Authorized Agent for all apiaries, identifying the locations of hives and number of colonies prior to establishment pursuant to [Section 3.46: Keeping of Animals Permit](#). Once a permit is applied for, all neighboring property owners whose parcel line is within one-hundred (100) feet of any hive shall be provided written notification by the Department of Planning and Development. Neighboring property owners shall be allowed fourteen (14) days from the date the notification was mailed to contact the Planning and Development office with an objection to the permit issuance if one or more person residing at the property is allergic to honeybees. If such an objection is made, the permit may be denied. If no objections are made, and the permit is issued, the City reserves the right to revoke the

permit should a neighboring property owner discover a person residing on the property has an allergic reaction to honeybees at a later date.

- d. Densities. A maximum of two (2) hives shall be allowed on parcels measuring one (1) acre or less in size. Parcels exceeding one (1) acre in size shall be allowed one (1) additional hive for every additional one-half (1/2) acre of land within the parcel. Parcels exceeding five (5) acres in size shall not require a Keeping of Animals Permit and shall have no maximum number of beehives on the parcel provided that all beehives are located a minimum of one-hundred (100) feet from the parcel line.
 - e. Hive type and maintenance. All honey bee colonies shall be kept in inspectable type hives with removable combs, which shall be kept in sound and usable condition. Beekeepers shall ensure that no bee comb or other equipment is left on the grounds of an apiary site. Upon removal from the hive, all supplies should be promptly disposed of or placed in a sealed container or within a building or other bee-proof enclosure.
 - f. Setbacks. All hives shall be located a minimum of ten (10) feet from all property lines, with the back of the hive facing the nearest adjoining property.
 - g. Fencing of flyways. In each instance in which any colony is situated within twenty five (25) feet of a parcel line of the parcel upon which the apiary is situated, as measured from the nearest point on the hive to the parcel line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall/fence, dense vegetation, or combination thereof that is parallel to the parcel line and extending ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six(6) feet above ground level over the property lines in the vicinity of the apiary.
 - h. Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees so as to keep the bees from congregating at swimming pools, pet water bowls, bibcocks, birdbaths, or other water sources where they may cause human, or domestic pet contact. The water shall be maintained so as to not become stagnant.
 - i. Behavior and swarming. Adequate space shall be maintained in the hive to prevent overcrowding and swarming. Colonies shall be re-queened following any swarming or aggressive behavior. One (1) additional temporary hive is allowed for hive separation or new swarm establishment purposes. Such temporary hive shall be removed from the property within two (2) weeks.
 - j. Prohibited. The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited, including the keeping of diseased, infected or Africanized species of bees. Any bee colony not residing in a hive structure intended for beekeeping, any swarm of bees that poses an immediate risk to the safety of humans, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed by a Designated Authorized Agent of the City.
 - k. Notice. Every parcel containing an apiary thereon shall conspicuously post signage warning the presence of hives and beekeeping.
4. **Chickens.** Chickens (excluding roosters) may be raised in any zoning district that allows the raising of farm animals pursuant to [Section 5.6 C.2.: Family Farm Animals](#). In

addition, chickens may be raised in any zoning district that does not allow the raising of family farm animals, but that does allow the keeping of domestic animals, pursuant to the following conditions:

- a. No parcel five (5) acres or less shall be allowed more than six (6) female chickens. Parcels exceeding five (5) acres in size shall be allowed a maximum of one-hundred (100) chickens, provided that the coop is located at least one-hundred (100) feet from any parcel line and all other provisions of this Ordinance are met.
 - b. A permit for the raising of chickens shall be obtained from and approved by the Office of the Zoning Administrator and Animal Control Officer pursuant to [Section 3.46: Keeping of Animals Permit](#). A permit fee, as designated in the City of Ashland's *Comprehensive Fee Schedule*, shall be paid prior to issuance of the permit and shall be good for three (3) consecutive years. Applicants must obtain consent from all on-site residents. Once a permit is issued, the Department of Planning and Development shall send notifications to the owners of all abutting parcels, if said parcels contain an occupied principal building within one hundred (100) feet of the applicant's parcel.
 - c. Chickens shall be given access to a secure and clean outdoor enclosure, and provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and be at least two (2) square feet per chicken in size.
 - d. No chicken house or pen shall be located closer than twenty (20) feet to any residential structure other than the owner's, nor closer than ten (10) feet from any parcel line. The chicken house may require a building permit pursuant to [Section 5.6 A.: Accessory Building](#), as determined by the Building Inspector or Designated Authorized Agent.
 - e. Chickens shall be provided a constant supply of water and food replenished at least once daily.
5. **Rabbits.** Rabbits may be raised in any zoning district that allows the raising of farm animals pursuant to [Section 5.6 C.2.: Family Farm Animals](#). In addition, rabbits may be raised in zoning districts that do not allow the raising of farm animals but allow the keeping of domestic animals, pursuant to the following conditions:
- a. No parcel shall be allowed more than five (5) rabbits over the age of three (3) months.
 - b. Approval shall be required for the keeping of three (3) or more rabbits. Approval shall be obtained from and approved by the Office of the Zoning Administrator and Animal Control Officer pursuant to [Section 3.46: Keeping of Animals Permit](#).
 - c. Rabbits shall be provided with a secure and covered, predator-proof hutch that is thoroughly ventilated, of sufficient size to admit free movement of the rabbits, designed to be easily accessed, cleaned and maintained by the owners, and be at least three (3) feet off the ground.
 - d. Hutches shall be cleaned and a constant supply of water and food shall be provided and replenished at least once daily; and
 - e. Bedding shall be provided when the low temperature for the day is below forty (40) degrees Fahrenheit.

6. **General maintenance and care of animals.** All pens or enclosures housing any animal shall be maintained in a clean and sanitary condition so as to be free of offensive odors and other nuisance features at all times. All animals shall be confined to pens or enclosures, leashed or attended at all times. Animal pens or enclosures may require a fence permit pursuant to [Section 6.5: Fences](#).
7. **Harvesting (slaughtering).** The harvesting (slaughtering) of animals for personal use shall occur in a humane and sanitary manner and not open to view from any public right-of-way or adjacent parcel.
8. **Commercial.** All keeping of animals for commercial or public purposes (including the sale of animals and/or their by-products) shall be regulated as a permitted or conditional use in those districts allowing such use. Such uses include, animal boarding, grooming and training, commercial kennels, farms, livestock, slaughter and research facilities, retail pet stores, wildlife reserves and zoos. Pet shops shall refer to City of Ashland [Ordinance 351](#) for additional regulations.

D. Day Care: Family Home

1. The operator of the family home day care shall reside in the dwelling unit in which the day care is located. If this standard is not met, the day care is classified as a commercial day care and must meet the requirements of that use.
2. A family home day care shall not operate between the hours of 12:00 AM and 6:00 AM
3. The family home day care shall be operated in compliance with applicable laws including those specified in [Department of Children and Families Chapter 250 of the Wisconsin Administrative Code](#).

E. Outdoor Mechanical Equipment

To the maximum extent practical, outdoor mechanical equipment, such as air conditioner condensers and similar mechanical units, shall be located in the rear yard. Where this is not feasible, outdoor mechanical equipment may be located in the side yard. In no case shall outdoor mechanical equipment be located closer than three (3) feet to a parcel line. All outdoor mechanical equipment (including rooftop mechanical units) shall be screened from public view to the extent practical.

F. Outdoor/Indoor Temporary Sales and Auctions

1. **General requirements.** Outdoor/Indoor sales and auctions not requiring a permit, including but not limited to, personal property sale items, garage, yard, or estate sales and auctions shall be consistent with the following requirements:
 - a. Garage, yard, or estate sales shall not exceed three (3) days during any six (6) month period;
 - b. Sale of personal property items on display or within view from a public right-of-way, including but not limited to, vehicles, boats, trailers, and accessory buildings shall not exceed one year; and
 - c. Real estate and estate auctions shall not exceed three (3) days.
2. **Sign requirements.** All signs for outdoor/indoor temporary sales and auctions shall follow requirements pursuant to [Section 6.6, C., 18.: Temporary signs: on-premise](#).

3. **Conditional Use Permit.** All other temporary sales exceeding the above requirements may be permitted upon review and approval of a conditional use permit, pursuant to [Section 3.9: Conditional Use Permit](#).

G. Patio, Deck, Terrace, and Similar Uses.

1. **Patio.** A patio shall be at least five (5) feet to any parcel line.
2. **Deck and/or Terrace.** Decks and terraces shall comply with the minimum required setback of the principal building from the front, corner street side, and side parcel lines. Decks and terraces shall comply with the required setback of the principal building from the rear parcel line, but in no case shall a deck or terrace be required to be more than twenty-five (25) feet from the rear parcel line.
3. **Porch.** A porch shall meet the required setback of the principal building.

H. Personal Storage Building as a Principal Building

A personal storage building may be used as a principal building (as opposed to an accessory building) if it complies with all of the following conditions:

1. The building shall be permitted only in the FD Future Development District and only on a parcel that has a minimum area of five (5) acres.
2. The building shall be used for personal storage use only. In no case shall it be used for commercial use or any other use for which a fee is charged.
3. At no time shall the building be used as a temporary or permanent dwelling unless it is converted to such a use pursuant to the requirements of this Ordinance and all other applicable codes.
4. The building shall meet the required setbacks of a principal building in the FD Future Development District.
5. Buildings over twelve hundred (1,200) square feet shall comply with the design standards and guidelines specified in [Section 4.37, D.: Design Standards and Guidelines for Agricultural Buildings and Other Accessory Buildings](#).

I. Public Art

The Intent of this subsection is to regulate public art, as defined by this ordinance, in the City of Ashland and to ensure that the public art being installed contributes to the City's visual character, enhances the area in which it is proposed to be located and creates a unique sense of place.

1. **Private visual works of art.** Any visual work of art not defined as Public Art may be regulated as an accessory structure pursuant to [Section 5.6 B.: Accessory Structure](#).
2. **Murals.**
 - a. Intent. The intent of this Paragraph is to regulate the location, design, and maintenance of murals in the City of Ashland.
 - b. Application and permits. Due to the large size of murals and the importance that murals have on the overall image of the community, no mural shall be painted or affixed to a building until the building owner has first received a permit for the proposed mural pursuant to [Section 3.25: Public Art Permit](#). A mural, if proposed to be located on a structure designated as historic, may require the approval and issuance a historic preservation certificate of appropriateness pursuant to City of Ashland [Ordinance 826](#).

- c. Ashland Mural Walk. All murals approved by, funded through and installed in accordance with the regulations and standards set forth by the Ashland Mural Walk Project, shall be also be required to adhere to the following design, installation and maintenance standards.
- d. Design, installation, and maintenance standards. All murals shall comply with the following standards:
 - (1) Prior to painting or affixing a mural to the building, the surface of the building must be fully repaired and/or deemed suitable for the proposed mural. The City Building Inspector or other Authorized Agent shall check the surface of the structure for general suitability. However, the City and/or its Designated Authorized Agents shall not be responsible for any potential future failures associated with the structure or the mural.
 - (2) A sealer shall be applied to the surface of the mural to extend the life of the mural and to make it easier to clean and maintain.
 - (3) The placement or erection of ladders, scaffolding, lifts, or other construction equipment as part of the mural project must be done in compliance with all applicable codes and regulations.
 - (4) Work performed within, or that which may pose a hazard to, the public right-of-way shall be approved through a Right-of-Way Permit by the Public Works Director or Designated Authorized Agent to ensure adequate measures are taken to protect pedestrians, the public infrastructure, and to address parking impacts.
 - (5) Murals shall meet all applicable standards pursuant to [Section 6.7: Exterior Lighting](#) and all other applicable standards identified with the approval or permit.
 - (6) Evidence of adequate liability insurance shall be provided and the City of Ashland shall be named as an additional insured party during the period of work.
 - (7) A mural shall be considered a property improvement and the property owner shall be responsible for ongoing maintenance and cleaning of the mural. The property owner may contract with the mural artist, the Ashland Mural Walk Project, or others for basic maintenance.

3. **Sculptures and other public art.**

- a. Intent. The intent of this Paragraph is to regulate the location, design, and maintenance of sculptures, fountains and other public art in the City of Ashland.
- b. Exemptions. This subsection shall not apply to those sculptures, fountains, or other public art which do not exceed a height of four (4) feet in a front or side corner yard, a height of six (6) feet in a rear or side yard, and do not exceed sixteen (16) square feet in area.
- c. Application, review and permits. Due to the potentially large size of sculptures, fountains and other public art, no piece of public art shall be installed until the property owner has first received approval from the Zoning Administrator or Designated Authorized Agent and a permit pursuant to [Section 3.25: Public Art](#)

Permit. A sculpture, fountain, or other public art proposed to be located at or on a site or structure designated as historic, may require the approval and issuance a historic preservation certificate of appropriateness pursuant to City of Ashland *Ordinance 826*.

- d. Design, installation, and maintenance standards. All sculptures, fountains, or other public art shall comply with the following standards:
- (1) Sculptures or other public art may be functional, interactive, educational, symbolic, or commemorative and may incorporate landscape elements.
 - (2) Fountain basins one-hundred and fifteen (115) square feet in surface area or greater, shall not exceed a water depth equal to or greater than twenty-four (24) inches.
 - (3) Sculptures, fountains, or other public art shall not exceed a height of thirty-five (35) feet, except that a sculpture, fountain, or other public art may exceed a height of thirty-five (35) feet with the issuance of a conditional use permit pursuant to *Section 3.9: Conditional Use Permit*.
 - (4) Sculptures, fountains, or other public art shall meet all other applicable standards pursuant to *Section 6.1B Setbacks*, *Section 6.1 D: Impervious Coverage*, *Section 6.1 H: Vision Triangle*, *Section 6.7: Exterior Lighting* and all other applicable standards identified with the approval or permit.
 - (5) The placement or erection of ladders, scaffolding, lifts, or other construction equipment as part of the public art project must be done in compliance with all applicable codes and regulations.
 - (6) Work on or adjacent to the public right-of-way shall be reviewed and approved by the Public Works Director or Designated Authorized Agent to ensure adequate measures are taken to protect pedestrians, public infrastructure, and to address parking impacts.
 - (7) Evidence of adequate liability insurance shall be provided and the City of Ashland shall be named as an additional insured party during the period of work.
 - (8) A sculpture, fountain, or other public art shall be considered a property improvement and the property owner shall be responsible for ongoing maintenance and cleaning of the sculpture, fountain, or other public art. The property owner may contract with the artist or others for basic maintenance.

4. Conditional Use Permit.

Proposed public art exceeding standards set forth in *Subsection 5.6 I. 3. d. (2) and (3)* may apply for a conditional use permit pursuant to *Section 3.9: Conditional Use Permit*.

J. Solar Equipment and Solar Rights

1. Solar equipment shall be consistent with the setback and height requirements of the principal or accessory building, whichever is applicable. Solar equipment that is not consistent with the setback and height requirements may be considered pursuant to conditional use procedures as specified in *Section 3.9: Conditional Use Permit*.
2. No person in control of property shall allow a tree or shrub to be placed or grow as to cast a shadow between the hours of 9:00 AM and 3:00 PM upon a solar collector energy system

capable of generating more than one million (1,000,000) British thermal units (BTUs) per year, and that supplies a part of the energy requirements for improvements on the property where the solar energy system is permanently located.

K. Sport Court, Play Equipment, and Similar Uses

Sport courts, play equipment, and similar uses shall meet the same setbacks required for an accessory building. However, sport courts, play equipment, and similar uses shall not count towards the maximum allowable number or maximum allowable area of accessory buildings on a site.

L. Swimming Pool

- 1. Intent.** The intent of this Subsection is to ensure that swimming pools, as defined by this Ordinance, are constructed and maintained in a manner that protects the health, safety, and welfare of the intended users of the swimming pool. It is also the intent of this Subsection to ensure swimming pools have adequate barriers to deter children and other unauthorized persons from gaining unsupervised access to the swimming pool.
- 2. Required permits.** All swimming pools as defined by this Ordinance shall be consistent with the swimming pool barrier requirements of this Ordinance. In addition, any swimming pool with a capacity of over three thousand (3,000) gallons or with a depth of over three (3) feet of water shall require the issuance of a building permit.
- 3. Required plans.** An application for a building permit shall include the following information:
 - a. The type and size of pool; and
 - b. A site plan indicating:
 - (1) the location of the pool;
 - (2) the location of the dwelling and/or other buildings on the subject parcel;
 - (3) other improvements on the parcel;
 - (4) location of the filter unit, pump heating unit, and wiring indicating the type of such units (if applicable);
 - (5) location of back flush and drainage outlets;
 - (6) grading and/or surface drainage plan;
 - (7) location of existing overhead or underground utilities;
 - (8) drainage and utility easements; and
 - (9) any other existing features as may be necessary to determine whether the proposed pool is consistent with this Ordinance.
- 4. Setbacks.** The setback shall be measured at the edge of the waterline. Swimming pools shall comply with the following setbacks:
 - a. Swimming pools shall not be located less than ten (10) feet from any side or rear parcel line.
 - b. Swimming pools shall not be located with the front yard.

- c. Swimming pools shall not be located less than six (6) feet from any principal structure.
 - d. Swimming pools shall not be located less than ten (10) feet from any portion of a septic system or a well.
 - e. Swimming pools shall not be located less than ten (10) feet from any overhead utility lines or less than five (5) feet from any underground utility lines.
 - f. Swimming pools shall not be located within any existing easements.
5. **In-ground pools.** In the case of in-ground swimming pools, necessary precautions shall be taken during construction to avoid damage, hazards, or inconvenience to adjacent or nearby property and to avoid erosion, dust, or other infringements on adjacent property from the stockpiling of excavated material.
6. **Back flush water or pool drainage water.** Back flush water or water from pool drainage may be directed into the street storm water system or onto the owner's property unless otherwise authorized by the Public Works Director or Designated Authorized Agent.
7. **Mechanical equipment.** The filter unit, pump, heating unit, and any other noise making mechanical equipment shall be located at least thirty (30) feet from any adjacent residential structure and at least five (5) feet from any parcel line.
8. **Swimming pool barrier.** An outdoor swimming pool shall be provided with a barrier that shall be installed, inspected, and approved prior to filling the swimming pool with water. Fencing shall require the issuance of a fence permit pursuant to [Section 3.43: Fence Permit](#). The barrier shall comply with the following:
- a. The barrier shall either surround the swimming pool or the property and shall be sufficient to make the swimming pool inaccessible to unsupervised children.
 - b. The barrier, including gates therein, shall not be less than six (6) feet above the underlying ground. All gates shall be self-latching with latches placed four (4) feet above the underlying ground and otherwise made inaccessible from the outside to small children. Fencing shall be a minimum of four (4) feet at all points from the existing walls of swimming pools.
 - c. All gates shall be secured when the swimming pool is unattended. Ladders for swimming pools shall be removed when not in use and steps to decks abutting swimming pools shall be locked with gates when unattended.
 - d. A natural barrier, hedge, pool cover, or other protective device approved by the Building Inspector or Designated Authorized Agent may be used provided that the protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate, and latch described herein.

M. Outdoor Merchandise Sales

1. **General Requirements.** Outdoor merchandise sales shall be allowed as defined by this Ordinance, or after the issuance of a permit to temporarily place items on a sidewalk pursuant to [Section 3.44: Permit to Temporarily Place Items on Sidewalks](#). Outdoor storage, as defined by this Ordinance, shall be consistent with the standards as set forth in section [6.4 D: Screening of Equipment, Vehicles, Outdoor Storage, and Similar Uses](#). Outdoor merchandise sales shall be consistent with the following standards:

- a. Merchandise display shall not create a hazard to pedestrians or encroach on a required building exit.
- b. Driveways and required onsite parking spaces shall not be used for outdoor merchandise sales or storage.

PART 6

GENERAL DEVELOPMENT STANDARDS

Part 6: General Development Standards describes development standards, such as parking and landscaping, which generally apply to most types of development in the city. Refer to other Parts of this Unified Development Ordinance for additional or more specific development standards.

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Section 6.1 General Standards

A. Parcels

1. **Minimum parcel size.** Every building and use of land shall have a parcel area and parcel width of not less than that required for the applicable zoning district. Development may be allowed on nonconforming parcels of record pursuant to [Section 10.3: Nonconforming Parcels](#).
2. **Modification to parcel size and/or required building setbacks.** No parcel, yard, courtyard, parking areas, or other space shall be reduced in area or dimension so as to make the area or dimension less than the minimum required by this Ordinance.
3. **Division of parcels.** No parcel improved with a building or buildings shall hereafter be divided into two (2) or more parcels (and no portion of any parcel that is improved with a building or buildings shall be sold) unless all parcels resulting from such division or sale and improved with a building or buildings shall conform with the area and bulk regulations, and setbacks, of the applicable zoning district.
4. **Street frontage required.** Except as permitted by other provisions of this Ordinance, no parcel shall contain any building used in whole, or in part, for residential purposes unless such parcel abuts for at least thirty-five (35) feet, a public street or approved private road that is constructed to applicable standards pursuant to [Section 9.3: Infrastructure Design Standards](#) and [City of Ashland Ordinance 612](#).
5. **Parcel width on curvilinear streets or cul-de-sacs.** In the case of a parcel fronting a curvilinear street or cul-de-sac, the parcel width shall be defined as the horizontal distance between the side parcel lines on a line parallel to the front parcel line at the required building setback.
6. **Double frontage or through parcels.** Buildings on parcels having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the parcel in lieu of such required rear yard. However, applicable front yards must be provided on both streets.

B. Setbacks

1. **Measurement of setbacks.** Setbacks for buildings and structures shall be measured as the area between the furthestmost projection of the buildings or structures and the parcel lines on which the buildings or structures are located, except as modified by the standards of this Section. Setbacks shall be unobstructed from the ground to the sky, except as modified by this Section. Required setbacks for each zoning district are specified in [Part 4: Zoning Districts](#).
2. **Allowable encroachments into required setbacks.** Outdoor heating and cooling units (excluding outdoor wood-fired furnaces) may encroach into the required setback by a distance of not more than three (3) feet
3. **Reduced principal building setback from front parcel line or corner side parcel line.** The required setback of a principal building from a front parcel line or corner side parcel line may be reduced on any parcel where the average established front setback of principal buildings on developed parcels located within three hundred (300) feet on each side of such parcel, is less than the required minimum setback. In such cases, the setback on such a parcel may be less than the required, but not less than the average of the existing setbacks

on the developed parcels within three hundred (300) feet of each side. In no case shall the determined average setback be less than fifteen (15) feet.

4. **Reduced setback from a side parcel line for an existing single or two-family residence.** The setback of an existing single or two-family residence from a side parcel line may be maintained on any addition to the residence, but in no instance shall the addition be less than three (3) feet from the side parcel line.
5. **Allowable encroachment for handicap access.** Upon proof of a physical disability that requires the need for a ramp, the owner of a structure shall be allowed to project into the required yards for the purpose of installing a ramp. However, the ramp shall be set back a minimum of three (3) feet from the front, side, and rear parcel lines wherever possible, except that the ramp may be installed with a zero setback, if no other reasonable means exist that would allow the ramp to be installed with a greater setback, and if approved by the Zoning Administrator or Designated Authorized Agent. Special approval requests shall expire five (5) years from the date of issuance. Reissuance shall require proof that a physical disability still exists requiring the need for a ramp that encroaches into the required yard.

C. Building Height

1. **Measurement of building height.** Building height is measured as the vertical distance between the grade level at the front wall of the building and one of the following:
 - a. The ridgeline of a gable, hip, or gambrel roof;
 - b. The highest point of a mansard roof; or
 - c. The highest point of the coping of a flat roof.
2. **Height exceptions for certain building appurtenances.** The height limitations of this Ordinance shall not apply to the following conditions:
 - a. Spires, belfries, cupolas, mechanical penthouses, and domes, not used for human occupancy; or to chimneys, ventilators, skylights, towers, water tanks, necessary mechanical appurtenances, solar panels and similar features usually carried above roof level;
 - b. Ornamental features that do not extend above the building height limit by more than five (5) feet. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve and subject to all applicable building codes.

D. Impervious Coverage

1. **Measurement of impervious coverage.** Impervious coverage is measured as the percentage of a parcel that is covered by a material that releases as runoff all, or a large portion, of the precipitation that falls on it. Impervious coverage includes conventional roofs, driveways, sidewalks, patios, similar hard surfaced materials. Green roofs, lawns, gardens, and permeable paving are not considered impervious.
2. **Impervious coverage exceptions.** The maximum allowable impervious coverage requirements of this Ordinance as specified in [Part 4: Zoning Districts](#) may, at the discretion of the Zoning Administrator or Designated Approval Authority, be increased up to an additional five (5) percent if the development on the subject parcel incorporates techniques to help infiltrate or hold runoff on the site. Such techniques may include, but shall not be limited to, rain barrels and rain gardens.

E. Location and Number of Principal Buildings on a Parcel

Every principal building hereafter erected shall be located on a parcel as specified in this Ordinance. In no case shall there be no more than one (1) principal building on a parcel except in the following situations:

1. Planned unit developments (PUDs), which may or may not include conservation subdivisions or traditional neighborhood design developments;
2. Multi-family buildings or institutional buildings that are developed as a planned group;
3. Nonresidential buildings where it can be demonstrated to the satisfaction of the Zoning Administrator or Designated Authorized Agent that any principal building can be subsequently detached with a parcel and yards conforming to the provisions of this Ordinance;
4. Temporary buildings.

F. Building Identification Numbering System

1. **Applicability.** For the purpose of general identification and to aid in ascertaining the location of buildings in the event of an emergency, principal buildings in the City of Ashland shall be identified with numbers visible from the adjacent street and in accordance with the provisions of this Subsection.
2. **Numbering system.** The Building Inspector or Designated Authorized Agent shall be responsible for issuance of a building number and shall keep a chart, which shall be available to inspection by anyone, showing the proper number of every parcel and/or principal building in the City of Ashland. The building numbers shall generally comply with the following criteria:
 - a. Odd numbers shall be on the west and north sides of the streets. Even numbers shall be on the south and east sides of the streets;
 - b. There shall be no more than one hundred (100) numbers to each block, twenty-five (25) numbers per side.
3. **Responsibility to number and type of numbers.** Each shall be the duty of the property owners or the occupants of a principal building to affix, in a place visible from the street, figures at least three (3) inches high, showing the appropriate number of the building. It is recommended that numbers placed on a mailbox have a reflective surface.
4. **Identification numbers in rural areas.** The Fire Chief of the City of Ashland may, in his or her discretion, require a property owner to post identification numbers for buildings or improvements within the City of Ashland to aid the Fire Department in ascertaining the location of buildings or improvements in the event of emergencies. The postings shall be done with uniform signs at the outer edges of the street or highway right-of-ways at locations that do not interfere with the use of the streets or highways or adjacent properties.
5. **Violations.** Any person, firm, or corporation failing to so number any principal building or other structure occupied, or if after receiving notice to do so from the Building Inspector, Fire Chief, or Designated Authorized Agent shall continue to not so number such building or structure, shall be fined one dollar (\$1.00) for each day during or on which a failure to so number continues.

G. Driveways

1. **Setbacks.** All driveways shall have a minimum three (3) foot maintenance setback from all interior side parcel lines, except where driveways are shared between two (2) or more owners. Driveway access (or curb cuts) from a public or private street shall be setback a minimum of thirty (30) feet from the nearest intersection of a public street or alley. The Zoning Administrator or Designated Authorized Agent may, at his or her discretion, allow a lesser setback in zoning districts where reduced or no building setbacks are encouraged and/or allowed, or where no reasonable use of the parcel could occur without a lesser setback.
2. **Surface.** All driveways shall be constructed with a durable, hard surface such as concrete, asphalt, or a comparable material. All driveway accesses shall be required to meet the standards adopted under [Chapter 612](#), Ashland City Ordinances.
3. **Size.** All driveways shall be a minimum of eight (8) feet in width and a minimum of eighteen (18) feet in length. Refer to City of Ashland [Ordinance 611](#) for additional requirements.
4. **Time of Construction.** Driveways shall be constructed prior to occupancy.

H. **Vision Triangle**

1. **Vision triangle at streets.** Nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets to a distance such that a clear line of vision is possible of the intersecting street right-of-way from a distance of fifteen (15) feet along all City street right-of-ways. All distances from county, state, and U.S. highways shall be approved by the applicable permitting authority. The Zoning Administrator or Designated Authorized Agent may, at his or her discretion, exempt development from this requirement in zoning districts where reduced or no building setbacks are encouraged and/or allowed.
2. **Vision triangle at alleys and driveways.** Nothing shall be placed or allowed to grow in such a manner as to materially impede vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting street and alley or driveway such that a clear line of vision is possible at the intersecting street right-of-way from a distance of ten (10) feet from the alley right-of-way or the edge of driveway surface. The Zoning Administrator or Designated Authorized Agent may, at his or her discretion, exempt development from this requirement in zoning districts where reduced or no building setbacks are encouraged and/or allowed.

I. **Grading, Filling, and/or Excavation**

1. **Applicability.** Grading, land filling, and/or excavation (excluding mining) as a separate activity not associated with any other development approvals (for example, a building permit or development permit) involving fifty (50) cubic yards or less of material and three thousand five hundred (3,500) square feet or less of land disturbance shall not require the issuance of a development permit, but the work shall be consistent with the provisions of this Ordinance. Grading, land filling, and/or excavation (excluding mining) as a separate activity not associated with any other development approvals involving more than fifty (50) cubic yards of material or more than three thousand five hundred (3,500) square feet of land disturbance shall require the issuance of a development permit pursuant to [Section 3.31: Development Permit](#) and may require issuance of a conditional use permit pursuant to the requirements of the applicable zoning district. Agricultural activities shall be exempt from the requirements of this Subsection.

2. **Plans required.** Applicants requesting approval of a development permit or conditional use permit for grading, filling, and/or excavation shall submit plans indicating the amount, type, and location of material to be moved, filled, and/or excavated. Depending on the extent of work, additional plans and approvals may be required, including, but not limited to approval of an erosion and sediment control plan pursuant to [Section 8.2 Construction Site Erosion Control](#) and approval of a storm water management plan pursuant to [Section 8.3: Post-Construction Storm Water Management](#).
3. **Review costs.** Upon inspection of the site, the Zoning Administrator or Designated Authorized Agent may request that the Building Inspector, the Public Works Director or other Designated Agent review the proposed grading, filling, and/or excavation and submit written comments on the proposal. The costs of such review shall be borne by the applicant in accordance with the City's fee schedule. The City reserves the right to require an escrow account of such costs.
4. **Permit limitations.** If the Public Works Director or Designated Authorized Agent determines that the proposed grading, filling, and/or excavating would cause flooding or drainage problems on adjoining properties, the Zoning Administrator or Designated Authorized Agent may reject, condition, or impose limitations on the proposed work.

J. Demolition and Moving of a Building or Structure

1. **Applicability.** No building, structure, or part thereof (as determined by the Building Inspector or Designated Authorized Agent), shall be moved, removed, razed or demolished without prior approval and/or a demolition permit or a permit to move a building or structure pursuant to [Section 3.33: Demolition Permit](#) and/or [Section 3.34: Permit to Move a Building or Structure](#).
2. **Other Permits and/or Authorizations Required.**
 - a. A City *Work-in-Right-of-Way permit* must be obtained as required by City Ordinances.
 - b. If the building, structure or site is listed on a Local, State or National Historical Registry, or is located in a historic district as determined by the Local, State or National Historical Registry, a Certificate of Appropriateness may be required pursuant to [Section 3.22](#) and City of Ashland [Ordinance 826](#). If required, the Certificate of Appropriateness shall be issued prior to the issuance of a demolition permit or a permit to move a building or structure.
 - c. The use of explosives shall only be allowed upon prior written authorization and coordination with the Building Inspector, Director of Public Works, Police Chief and Fire Chief.
 - d. The location of sites for the disposal, reuse or recycling of materials shall be supplied with the demolition permit or permit to move a building or structure applications. Only local and/or State approved and/or permitted disposal and recycling sites shall be used.
 - e. The State of Wisconsin and any other local governmental authority (i.e. a County, Township, City) or department, may also regulate and require a permit for any vehicle or trailer used in the process of hauling or moving of a building or structure.
 - f. A building permit is required for the placement or installation of any building or structure on a parcel located in the City of Ashland.

- g. Authorization or permits may be required by other local governmental authorities (i.e. a County, Township, City) for placement or installation of a building or structure within their boundaries.

3. Standards and Inspections.

a. Utilities.

- (1) Capping of water and sewer laterals shall occur at the parcel line by a licensed plumber. Inspection of the disconnection, capping and abandonment is required. The owner, contractor, or owner's agent shall call the Public Works Department to schedule an inspection at least two (2) business days prior to performing any utility disconnection, capping or abandonment work.
- (2) If a Private Onsite Wastewater Treatment System (P.O.W.T.S.), such as a holding tank or septic drain field is connected to the building or structure, or is located on the parcel and not in use, the P.O.W.T.S. shall be properly abandoned in accordance with Comm. 83.33 of the State Plumbing Code. A letter stating the P.O.W.T.S. has been abandoned to code by a licensed plumber, shall be submitted to the Building Inspector and the Public Works Director.
- (3) If a private well is connected to the building or structure, or is located on the parcel and not in use, the well shall be properly abandoned or capped in accordance with Department of Natural Resources regulation NR 812.26 and other related requirements. A copy of an approval letter or permit from the Department of Natural Resources to maintain the well, or a letter stating the well has been abandoned to code from a licensed well driller, shall be submitted to the Building Inspector and the Public Works Director.

b. Dust control.

- (1) The owner, contractor, or owner's agent shall be required to control and minimize airborne dust so as to not impact adjacent parcels, public rights-of-way and public infrastructure. It is the responsibility of the owner, contractor, or owner's agent to minimize airborne dust through the application of water, or another approved method, during the demolition and loading process. Other methods proposed shall be approved by the Building Inspector or Designated Authorized Agent.

c. Stormwater and erosion control.

- (1) The owner, contractor, or owner's agent shall be required to provide stormwater and erosion control methods for the demolition or moving of a building or structure.
- (2) All stormwater and erosion control practices shall be approved and installed prior to any up-slope soil disturbing activities and shall be in place until the site achieves final stabilization.
- (3) All stormwater and erosion control measures shall be removed within 30-days after final site stabilization is achieved or the Director of Public Works or Designated Authorized Agent determines that the controls are no longer needed.

- (4) A Sediment and Erosion Control Plan and/or a Post-Construction Management Plan may be required pursuant to [Section 8.2](#) and [Section 8.3](#).
 - (5) No later than fourteen (14) days following the land disturbing activities, all disturbed areas shall be restored to the final grade and restored with vegetation as approved by the Building Inspector or Designated Authorized Agent.
- d. Asbestos inspection.
 - (1) NR 447 of the Wisconsin Administrative Code requires that all commercial structures and residential structures having more than four (4) dwelling units be inspected for the presence of asbestos by an asbestos inspector licensed by the WI Department of Health and Family Services (DHFS). Refer DNR publication WA-651-07 for more detailed information. A copy of the asbestos inspection report meeting the requirements of NR 447 must be submitted to the Building Inspector prior to issuance of a permit.
- e. General standards.
 - (1) All remaining concrete slabs, below grade footings, walls, and floors shall be completely removed and hauled off site to an approved disposal site. Clean suitable soil, as determined by the Building Inspector or Designated Authorized Agent shall be utilized to bring the site to level grade (average grade of site abutting the building or structure prior to demolition or removal). The affected area shall be graded to eliminate ponding and allow for natural drainage patterns. Topsoil shall be installed and the site re-seeded to stabilize the site.
 - (2) On-site storage – The storage of materials resulting from the demolition or moving of a building or structure activities shall not remain on-site for more than thirty (30) days following the demolition or removal.
 - (3) It is the responsibility of the owner, contractor, or owner’s agent to properly secure the site for public safety.

Section 6.2 General Building and Site Design Standards and Guidelines

A. Intent

The intent of this Section is to provide guidance to further the design related goals, objectives, and policies described in the City’s Comprehensive Plan, Ellis Avenue Redevelopment Plan, and other applicable plans adopted by the City. It is not the intent of this Section to restrict creative, affordable, or innovative design, but rather to assist in clarifying design principles that are intended to help strengthen the appearance of the city; promote the public, health, safety, and welfare; preserve taxable values; and move the City towards sustainability. The word “shall” as used in this Ordinance refers to a standard that is a mandatory requirement. The word “should” refers to a guideline that is encouraged and discretionary, but not mandatory.

B. Applicability

This Section applies to all development within the City of Ashland, except as may be specified otherwise in this Section. Prior to action on a development permit, building permit, site plan approval, or other applicable approvals associated with a proposed development application, the

appropriate review and approval authority (pursuant to [Part 2: Review and Approval Authorities](#)) shall make a determination that the proposed development is consistent with the design standards and the intent of the design guidelines of this Section when considered as a whole.

C. Design Standards and Guidelines

1. **Relationship of a building and related development to its site.** To the maximum extent practical (and in the context of the specific site, its surroundings, and the proposed function of the building) new buildings or building additions shall be situated on a site in manner that addresses the following:
 - a. Building orientation for energy conservation. The orientation of buildings should consider solar exposure, breezes, topography, and similar design considerations that can help buildings conserve energy or utilize renewable forms of energy;
 - b. Protection of significant natural features. Building and site development shall minimize all adverse impacts of development on significant natural resources. Refer to [Section 8.1: General Protection of Significant Natural Features](#), as well as other related sections throughout this Ordinance for specific requirements;
 - c. Building orientation to the street and pedestrians. Every new building shall have an entrance door or feature that clearly identifies the front entrance of the building from the adjacent street. Pedestrian access to the building should be safe and convenient;
 - d. Pedestrian connections within the site and to surrounding areas. Where appropriate, each development should be designed to provide pedestrian walkways connecting outdoor facilities to each other and to the building. The development should provide connections to existing adjacent public walkways and, where appropriate, to adjacent development;
 - e. Minimize view of accessory buildings from the street. Accessory buildings and attached garages should be setback a minimum of four (4) feet from the front façade of the principal building. Where this may not be practical, design features that minimize the prominence of the accessory building (or attached garage) from the adjacent street should be employed. Such design features may include landscaping that visually extends the front façade of the principal building beyond the accessory building (or attached garage). The accessory building may also incorporate design features, such as facing the overhead doors towards the side yard, installing windows in overhead garage doors, or incorporating other design details that relate to the design of the principal building;
 - f. Landscaping and screening. Landscaping shall be designed to strengthen the relationship of the building to its site, enhance positive views, and screen objectionable views. Where appropriate, native landscaping is encouraged. Refer to [Section 6.4: Landscaping, Buffers, and Screening](#) for more information.
2. **Relationship of a building to adjacent sites and buildings.** To the maximum extent practical (and in the context of the specific site, its surroundings, and the proposed function of the building) new buildings, building additions, or renovations shall relate to adjacent sites and buildings as follows:
 - a. Height and bulk. The height and bulk of buildings shall be consistent with the requirements of the applicable zoning district. In addition, where practical, the height of a new building, or building addition, should not vary more than twenty-five (25) percent from the immediately adjacent buildings;

- b. Setbacks. Buildings shall meet the setback requirements of the zoning district. The front building setback should be consistent with the prevailing front building setback in the area. In the CC City Center District and the W-CC Waterfront City Center District (except properties adjacent to Highway 2), multi-family apartments/condominiums and nonresidential uses should generally be built to the back edge of the front sidewalk to promote pedestrian scale and access. In some cases, the buildings may be setback to allow for landscaping, seating, courtyards and other amenities;
 - c. Architectural style. To the extent practical and desirable, the architectural style of a new building should relate to the architectural style of the surrounding buildings;
 - d. Preservation of views. The design and placement of new buildings should, to the extent practical, avoid blocking the views that existing buildings have of Lake Superior and other desirable views. Also, to the extent practical, the design and placement of new buildings should consider the effect that the new buildings have on views from other buildings and other areas of the city.
3. **Building design.** To the maximum extent practical (and in the context of the specific site, its surroundings, and the proposed function of the building) new buildings, building additions, or renovations should comply with the following:
 - a. Architectural style or theme. If the City has adopted or approved a plan that describes an architectural style or theme for a particular area in the city, new buildings shall relate to the approved theme. If no such plan has been adopted or approved by the City, but a particular area has an established and desirable architectural style or theme, new buildings, additions, and renovations should be compatible with the existing style or theme;
 - b. Materials. Construction shall be of quality finish materials including, but not limited to, brick, stone, stucco, wood, and architectural concrete. Unfinished concrete masonry units and corrugated plastic or metal (typically associated with pole barn construction) shall be prohibited, except in isolated areas where the approval authority determines such materials will not have an adverse impact on the surrounding area or the city;
 - c. Colors. Colors of all façade and roof materials should be established as an integral part of the building design and should exhibit evidence of coordination and selection with respect to the overall visual effect of the building. The color of each façade material should be harmonious with the color of all other façade materials used on the same building, as well as the color of façade materials used on adjacent buildings. For the purpose of this Ordinance, harmonious shall be defined as colors that are complimentary in hue, tone, and intensity. The use of dissonant and/or intense colored façade materials should be avoided;
 - d. Human scale detailing. Facades of buildings that face the street should incorporate human-scale detailing through the use of reveals, belt courses, cornices, expressions of structural or structural bays, recesses windows or doors, material changes, color and/or texture differences, or strongly expressed mullions. The length of the ground floor of a building, especially a building in the CC and W-CC Districts, should include transparent windows, awnings, or other similar pedestrian-friendly features;

Helpful Note.

For buildings located in the Waterfront Overlay District and the Gateway Overlay District, refer to the provisions of those districts specified in [Part 4: Zoning Districts](#), for additional building design guidelines.

- e. Facades and walls in general. Facades should have a recognizable “base” consisting of, but not limited to, walls, ledges, sills, integrally textured colored, and patterned materials, or planters. Facades should also have a recognizable “top” consisting of, but not limited to, cornice treatments with integrally textured materials, sloping roofs with overhangs, or stepped parapets. All sides of a building and any accessory building should use materials and designs consistent with those of the front façade;
- f. Long, monotonous, uninterrupted walls. To prevent long, monotonous, uninterrupted walls, recesses, projections, columns, offsets, or change in building wall plane shall be required, at a minimum, every seventy-five (75) feet of wall length. No uninterrupted length of any façade shall exceed seventy-five (75) feet. Projections, recesses, and decorative columns shall be a minimum of one (1) foot wide and one (1) foot deep. Structural columns supporting a portico, porch, or overhang, shall meet this requirement;
- g. Long, monotonous, uninterrupted pitched roof planes. To prevent long, monotonous, uninterrupted pitched roof planes, dormers, gables, or roof offsets shall be required at a minimum, every seventy-five (75) feet of pitched roof length;
- h. Fenestration. Windows, doors, and glazing should be proportional to overall scale of the building and, where applicable, shall compliment adjacent buildings. Windows should be vertically proportioned when feasible;
- i. Signs. Signs shall be consistent with the standards specified in [Section 6.6: Signs](#). In addition, buildings shall be designed to incorporate signage as an integral part of the building design. The location, shape, style, graphics, size, material, illumination, and color shall relate to the building. Signs shall also relate to their surroundings, while allowing individual expression and identification.

4. Green building and site design techniques.

- a. General. For the purpose of this Ordinance, green building and site design techniques are techniques that significantly reduce or eliminate the negative impact of building and site development on the environment and on the building occupants. Green building and site design and construction practices address sustainable site planning, protection of water and water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality. All development in the City of Ashland is strongly encouraged to use green building and site design techniques.
- b. Buildings that receive City funding. All buildings that receive City funding are strongly encouraged to use the sustainable principles of Leadership in Energy and Environmental Design (LEED) to the maximum extent practical. Each project should be assessed for the appropriate certification level with the goal of maximizing long term benefits, such as operating and maintenance savings, while minimizing up front project costs.

Sustainability Tip.

For information on LEED and green buildings, visit the U.S. Green Building Council site:
www.usgbc.org/

Section 6.3 Parking and Loading

A. Intent

- 1. **General.** The intent of this Section is to ensure adequate parking and loading for the various uses in the City of Ashland by regulating the number, size, and location of parking

and loading spaces. These provisions are intended to promote the safety and general welfare of the public by accomplishing the following:

- a. Increase the safety and capacity of public streets by requiring off-street parking and loading facilities as appropriate;
 - b. Minimize adverse effects of the off-street parking and loading facilities on adjacent properties through the use of design and maintenance standards; and
 - c. Lessen congestion and prevent the overtaking of public streets by regulating the location and capacity of off-street parking and loading facilities.
2. **Sustainable land use.** It is also the intent of this Section to strike a balance between the need to provide parking based on the current and conventional use of motor vehicles in the city, with the City's desire to move toward sustainable development practices. Consequently, this Section is intended to accomplish the following:
- a. Promote efficient and cost effective use of land by requiring and allowing no more parking than necessary;
 - b. Reduce the adverse impact of parking's impervious surfaces on the natural environment;
 - c. Promote cost effective and healthy alternatives that reduce the need for parking by allowing parking reductions for public transit, bicycle parking, and pedestrian-oriented design.

B. Applicability

1. All parking and loading space needs generated by development shall be accommodated off-street, except as otherwise allowed in this Section. All required parking shall be maintained for the life of the use.
2. The provisions of this Section apply to all new development, including expansions and alterations, and to any development or building that undergoes a change in use or intensity.

C. Number of Off-Street Parking Spaces Required

1. **Required number of off-street parking spaces.** Required off-street parking spaces are applicable in all zoning districts, except for commercial uses in the City Center District that do not abut USH 2 shall be exempt from the off-street parking requirements. The number of off-street parking spaces shall not be more in number than the parking and loading space requirements of [Table 6.3-A: Schedule of Required Off-Street Parking Spaces](#), except as otherwise provided in this Section. The number of off-street parking spaces to be provided shall be approved by the Zoning Administrator or Designated Authorized Agent.
2. **Additional spaces required.** Additional parking spaces may be required based on specific use and determined by the Zoning Administrator or Designated Authorized Agent, in cooperation with the property owner/business.
3. **Interpretation by Zoning Administrator or Designated Authorized Agent.** Parking spaces for permitted or conditional uses not listed in this Section shall be determined by the Zoning Administrator or Designated Authorized Agent based on the requirements for comparable uses.
4. **Fractional numbers.** Fractional numbers shall be increased to the next whole number.

5. **Parking requirements based on square footage of use.** Where this Ordinance specifies parking requirements based on the square footage of the use, the square footage shall refer to the gross floor area (GFA) as defined by this Ordinance, unless stated otherwise.
6. **Parking requirements based on seats.** Where this Ordinance specifies parking requirements based on the number of seats associated with the use, such requirements shall be based on the seating capacity as determined by the Zoning Administrator or Designated Authorized Agent.
7. **Mixed occupancies.** In the case of two (2) or more uses in the same building, the total requirements for all off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking for one use shall not be considered as providing required parking facilities for any other use, except as otherwise provided pursuant to the provisions of this Ordinance (see ‘Shared Parking’).
8. **Pre-existing parking and loading spaces.** Parking and loading spaces that were in existence on the effective date of the Section or were provided voluntarily after such date shall not hereafter be reduced in number except to conform to the requirements herein.
9. **Use exclusively for parking and loading.** Parking and loading spaces shall be used solely for the intended use and not for the storage of goods, or vehicles that are for lease, or sale, except for the sale of a vehicle at an owner’s home.
10. **Temporary waivers.** The Zoning Administrator or Designated Authorized Agent may temporarily suspend parking requirements for major unused portions of buildings for periods of one (1) year. The temporary waiver shall be renewable for periods of one (1) year.
11. **Use of driveway for required parking.** Single and two-family residential uses may use their driveways as required parking spaces provided that the required parking does not occur in that portion of the driveway that is in the right-of-way.

Table 6.3-A: Maximum Allowed Off-Street Parking Spaces

Use	Base Number of Spaces Required	Additional Spaces Required
Family Residential Uses		
Bed and breakfast establishment	2 for principal dwelling	1 per room offered for occupancy
Day care: family home	2 for principal dwelling	
Dwelling: accessory	2 for principal dwelling	1 per unit
Dwelling combined with other permitted use	Same as multi-family dwelling	
Dwelling: multi-family	1 per 1 bedroom unit 2. per 2 bedroom unit 2.5 per 3 bedroom unit	
Dwelling: single-family attached	2 per dwelling unit	
Dwelling: single-family detached	2 per dwelling unit	
Dwelling: two-family or duplex	2 per dwelling unit	
Home occupation	2 for principal dwelling	Dependent on occupation, maximum of 2
Manufactured home community	2.5 per dwelling unit	
Tourist home	2 for principal dwelling	1 per unit
Group Residential Uses		
Adult family home	1 per employee at maximum shift	1 visitor space for every 4 residents
Boarding or rooming house	1 per room offered for occupancy	
Community living arrangement	1 per employee at maximum shift	1 visitor space for every 4 residents
Convent, rectory, or monastery	0.75 per bed	
Dormitory	0.75 per bed	
Emergency residential shelter	1 per room offered for occupancy	
Fraternity or sorority	0.75 per bed	
Rehabilitation center/transitional living	1 per employee at maximum shift	1 visitor space for every 4 residents
Commercial Uses		
Adult entertainment establishment	1 per 4 seats or 1 per 250 sf GFA if no seats	
Animal boarding	1 per employee at maximum shift	1 visitor space for every 20 boarding units
Animal grooming or training facility	1 per employee at maximum shift	1 visitor space per employee on shift
Artist studio	1 per 500 sf GFA devoted to sales or display	
Assembly hall	1 per 4 seats or 1 per 30 sf GFA if no seats	
Bank or financial institution	1 per 300 sf GFA	
Business service	1 per 300 sf GFA	
Car wash	4 stacking spaces per bay	1 per employee at maximum shift
Conference center	1 per 4 seats or 1 per 250 sf GFA if no seats	
Currency exchange, payday loan, title loan	1 per 300 sf GFA	
Day care center: commercial	1 per employee at maximum shift	1 visitor space for every 10 people cared for
Dry cleaning and laundry drop off and pick up	1 per employee at maximum shift	3 visitor spaces for every employee on shift
Filling station without service bays or retail	1 per employee at maximum shift	2 stacking spaces per each side of pump
Funeral home	1 per 4 seats or 1 per 30 sf GFA if no seats	1 per employee at maximum shift
Garden supply or landscaping center	1 per 500 sf GFA of building and sales area	
Home improvement center	1 per 500 sf GFA of building and sales area	
Household maintenance and repair	1 per 500 sf GFA	
Kennel and/or runs: outdoor commercial	1 per employee at maximum shift	1 visitor space per 20 boarding units or runs
Laundromat	1 per 300 sf GFA	
Lodging establishment: short or extended stay	1 per room offered for occupancy	1 per employee at maximum shift
Manufactured home dealer	1 per employee	1 per every 300 sf GFA of office
Office	1 per 300 sf GFA	
Outdoor merchandise sales	1 per 1,000 sq. ft. of outside display	

Section 6.3: Parking and Loading

Personal service	1 per 300 sf GFA	
Recreation facility: commercial indoor	4 per bowling lane, 1 per game table, other uses determined by Zoning Administrator	
Recreation facility: commercial outdoor	Golf course: 4 per tee, other uses determined by Zoning Administrator	
Restaurant: drive-in	1 per 50 sf GFA of building	
Restaurant: sit-down	1 per 75 sf GFA	
Restaurant: fast food or carry out	1 per 75 sf GFA for sit-down, 1 per 50 GFA of building area for carry-out	
Retail establishment	1 per 250 sf GFA	
Secondhand store (pawn shop)	1 per 250 sf GFA	
Tavern	1 per 75 sf GFA	
Theater	1 per 4 seats or 1 per 30 sf GFA if no seats	
Tool and equipment rental facility	1 per 500 sf GFA of building and rental area	
Vehicle sales and/or rental	1 per 300 sf GFA of building	
Vehicle repair and/or service	3 spaces per service bay	1 per employee at maximum shift
Veterinary clinic	5 per doctor on largest shift	1 per employee at maximum shift
Warehouse: self-storage	1 per employee at maximum shift	1 visitor space per employee at max. shift
Industrial Uses		
All industrial uses	1 per employee at maximum shift	Visitor parking based on specific use and determined by Zoning Administrator
Public, Civic, and Institutional		
Clinic	5 per primary care provider	1 per employee at maximum shift
Club or association	1 per 4 seats or 1 per 30 sf if no seats	
College or vocational school	1 per employee at maximum shift	1 per every 3 students
Government or community service	1 per 300 sf GFA	
Hospital	1.5 per bed	
Nursing home	1 space per 3 beds	1.5 spaces for every 2 employees on maximum shift
Public park or festival grounds	Determined by Zoning Administrator	
Religious institution	1 per 4 seats or 1 per every 8 feet of pews	
School: elementary or middle	1 per employee at maximum shift	
School: senior high	1 per employee at maximum shift	1 per every five students
School: specialty or special instruction	1 per 300 sf GFA	

D. Bicycle Parking

- 1. Intent.** It is the intent of this Subsection to promote opportunities for bicycle transportation by regulating the number and location of required bicycle parking spaces associated with uses in the City of Ashland.
- 2. Required bicycle parking spaces.** Unless waived by the Zoning Administrator or Designated Approval Authority, a development or use established, expanded, or altered after the effective date of this Ordinance shall provide a sufficient amount of bicycle parking spaces. Only spaces that are associated with a bicycle rack or bicycle storage container shall be considered bicycle parking spaces.
- 3. Location.** Bicycle parking spaces shall be located so as to be visible from the street or the building entrance from where bicyclists approach. Bicycle parking spaces shall be located in safe and convenient locations and in a manner that does not obstruct pedestrian or vehicular traffic. Bicycle parking spaces should be designed as an integral part of the development.

4. **Bicycle racks or storage containers.** Bicycle racks shall be designed to support bicycles in an upright position. Enclosed bicycle storage containers shall be lockable by the user. All bicycle racks or storage containers shall be securely anchored to prevent them from being removed from the location.

E. **Parking Requirement Waivers, Alternatives, and Incentives**

This Subsection specifies a variety of waivers, alternatives, and incentives to allow a reduction in the amount of parking that would otherwise be required by this Ordinance. Any waiver, alternative, or incentive shall be approved by the applicable approval authority and shall ensure adequate parking for the use.

1. **Shared parking.** In accordance with the intent of this Section to ensure sufficient parking for the various uses in the city while encouraging efficient use of land and resources, this Subsection sets forth provisions that allow users to share off-street parking facilities when feasible. Developments or uses with different operating hours or peak business periods may share off-street parking spaces if approved by the Zoning Administrator or Designated Approval Authority pursuant to the appropriate application associated with a shared parking request and if the shared parking complies with all of the following standards:
 - a. Shared parking study. Those wishing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking analysis to the Zoning Administrator or Designated Authorized Agent that clearly demonstrates the feasibility of shared parking. The study shall be provided in a form established by the Zoning Administrator or Designated Authorized Agent and made available to the public. It shall address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces;
 - b. Location. Shared parking must be provided within five hundred (500) feet of the primary entrance of all uses served, unless remote parking shuttle service is provided;
 - c. Agreement. A shared parking plan shall be enforced through a properly drawn legal instrument, executed among all parties participating in the shared parking arrangement, duly approved as to form and manner of execution by the City Attorney, and filed with the Zoning Administrator or Designated Authorized Agent. Shared parking privileges shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required in this Section.
2. **Off-site parking.** Pursuant to the issuance of conditional use permit as specified in [Section 3.9: Conditional Use Permit](#), parking may be provided on a parcel separate from the permitted principal use in accordance with the following:
 - a. If the use is residential, a bed and breakfast facility, a tourist home, a lodging establishment, or similar use, the off-site parking shall be within two hundred (200) feet of the principal entrance or the entrance for individual occupants for whom spaces are reserved;

*Sustainability Tip.
Development, approval, and implementation of a transportation management plan can help reduce the need for off-street parking, thereby providing economic, environmental, and social benefits.*

- b. If the use is other than stated above, the off-site spaces shall be within one thousand (1,000) feet of an entrance to the establishment;
- c. Distances indicated above shall be measured along routes generally available to the pedestrians involved;
- d. Off-site parking shall be held in fee simple ownership by the same owner as the use requiring the off-street parking space, or under lease, rental, or other form of agreement satisfactory to the City Attorney with respect to assuring continuing availability for required off-site parking for the use.

F. Design Standards for Parking Lots and Parking Spaces

1. **Site Plan.** Any application for a building permit and/or development permit shall include a site plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this Ordinance, excluding required parking for four (4) spaces or less. The site plan shall be approved by the applicable approval authority and in accordance with the applicable application procedures specified in Part 2 and/or Part 3 of this Ordinance respectively.
2. **Size of parking and loading spaces.** Parking and loading spaces shall be of adequate size and shape to accommodate the required vehicles. Except when modified by the applicable review and approval authority, parking spaces shall meet the dimensional requirements specified in [Table 6.3.B](#) and as illustrated in [Figure 6.3-F-4](#). All parking spaces shall have a minimum width of nine (9) feet. Parallel parking spaces shall have a minimum length of twenty-three (23) feet and a minimum width of eight and one-half (8 1/2) feet. Loading spaces to accommodate automobiles shall be a minimum of two hundred fifty (250) square feet in area, exclusive of access. Loading spaces to accommodate tractors and trailers shall be a minimum of six hundred fifty (650) square feet in area, exclusive of access.
3. **Size and number of handicapped parking spaces.** The size and number of handicapped parking spaces shall be as established by the [Americans with Disabilities Act \(ADA\)](#).
4. **Pedestrian connections.** Safe pedestrian ways and crossings shall be provided from the parking area to the entrance of the building. Driving aisles may be used as pedestrian ways.
5. **Surfacing and drainage.** Parking and loading areas shall be graded and drained to dispose of all surface water accumulated within the area. The method of discharge of such water shall be consistent with the provisions of this Ordinance and subject to the approval of the Public Works Director or Designated Authorized Agent. All required parking and loading spaces and access drives shall be paved with concrete or bituminous pavement. Properly designed porous pavement, concrete pavers, permeable pavers, or other materials may be approved by the applicable approval authority provided that design and materials are consistent with the intent of this Ordinance.
6. **Snow storage and removal.** Snow storage areas shall be provided on-site where practical and sited in a manner that is accessible to snow removal vehicles. Storage areas shall not be less than twenty five percent (25%) of the improved parking, vehicle and pedestrian circulation areas and shall be landscaped with vegetation that is salt-tolerant and resilient to heavy snow. Storage areas shall not impede parking spaces, vehicular and pedestrian circulation, vision triangles, line of site, loading, trash storage/pick-up, or service areas or utilities. Hauling of snow from high density areas is permissible where other options are not practical.

7. **Lighting.** Lighting shall be directed away from adjacent properties so as not to create a nuisance to neighboring uses or traffic. Lighting shall be consistent with [Section 6.7: Exterior Lighting](#).
8. **Landscaping.** Parking areas shall be landscaped as specified in [Section 6.4: Landscaping, Buffers, and Screening](#).
9. **Location.** Parking and loading spaces generated by development shall be located on the same parcel as the use that they are intended to serve unless otherwise provided pursuant to the provisions of this Section. On street parking may count towards fulfilling parking requirements where specifically allowed pursuant to the provisions of this Ordinance.
10. **Setbacks.**
 - a. This paragraph does not pertain to single-family detached and two-family residential uses.
 - b. To the maximum extent practical, parking is encouraged to be to the side or rear of the principal building.
 - c. A minimum five (5) foot setback shall be required between any new or reconstructed parking lot and any interior side parcel line.
 - d. In no case shall parking be less than fifteen (15) feet from a public right-of way, except in situations as determined by the Zoning Administrator or Designated Authorized Agent where an existing parking lot is being reconstructed and conformance with this section would drastically decrease the number of required parking spaces or, as may be otherwise allowed by this Ordinance including Subparagraph e. below.
 - e. For new parking lots proposed in the City Center (CC) District, the Plan Commission may on a case by case basis, allow a lesser setback from right-of-way lines, while considering neighboring uses and public health and safety. In determining the minimum setback from a street or alley right-of-way, approval shall be based on the following criteria:
 - (1) Placement of parking area access locations in comparison to street and/or alley intersections, pedestrian walkways, existing and proposed parking spaces, and existing driveways;
 - (2) Location of existing and proposed parking spaces. To prevent encroachment on to the public right-of-way;
 - The setback from parking spaces abutting a street right-of-way line shall not be less than three (3) feet. This three (3) foot setback may consist of curbing and landscaping, or the placement of bumper blocks three (3) feet from the right-of-way line.
 - The boundary between a driving aisle and a street right-of-way line shall be defined by means of curbing, landscaping, fencing, pedestrian barriers or bumper blocks.
 - (3) Angle of existing and proposed parking spaces;
 - (4) Speed of vehicular traffic along adjacent street/s;
 - (5) Storm water runoff management plan;

- (6) Consistency with other provisions and conditions of any Site Plan Approval, Conditional Use Permit, or related permit; and
- (7) Any other criteria required by the Plan Commission to approve a lesser setback.

Table 6.3.B: Minimum Parking Space and Drive Aisle Dimensions				
Parking Angle (Degrees)	Parking Space Length (Feet)		Driving Aisle Width (Feet)	
	Car-to-Wall Space	Interlocking Space	One-Way	Two-Way
30	17	13	12	19
45	19	16	12	19
60	20	18	16	20
75	20	19	22	22
90	18	18	25	25

Section 6.4 Landscaping, Buffers, and Screening

A. Landscaping

1. **Intent.** This Subsection is intended to provide minimum landscaping and planting standards for the purpose of promoting and protecting the health, safety, and welfare of the public by creating an environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life. This Subsection is also intended to promote proper selection, installation, and maintenance of plant materials that result in the conservation of natural resources.
2. **Applicability.** The provisions of this Subsection shall apply to the following types of development:
 - a. New development. New development that requires site plan approval or a land division approval as specified in [Part 3: Application, Review, and Approval Procedures](#).
 - b. Expansion of existing building, use or parking lot. When a building, use or parking lot is expanded, the requirements of this Subsection shall apply on an incremental basis. This means that landscaping is required in the same proportion that the expanded building area, use or parking lot has to the existing development.
 - c. Exemptions. The provisions of this Subsection do not apply to following situations:
 - (1) Single or two-family dwelling not part of a platted subdivision;
 - (2) Agricultural uses;
 - (3) The reconstruction of an existing building of which fifty (50) percent or less of the floor area was destroyed or ruined by flooding, fire, wind storm, or act of God. This exemption shall apply only where reconstruction of that building will not result in an increase in building size or paving area of the parking facilities to be provided;

- (4) Interior finish work or remodeling in a portion of a building unless the work results in an increase in the paving area of the parking facilities or in an enlargement in the exterior dimensions of the building;
 - (5) Any use, building, or structure for which only a change of use is requested and which requires no structural modifications that increase its volume or scale.
- 3. **Landscape plan required.** Applications subject to this Subsection shall include a landscape plan prepared by a landscape architect or other qualified person in accordance with the provisions of this Subsection. At a minimum, the landscape plan shall include the following information:
 - a. General information. Name and address of the developer/owner; name and address of the landscape architect or designer; date of preparation; date and description of all revisions; and name of the project or development;
 - b. Landscape Plan. A scaled drawing of the site based on a survey of the property showing the following:
 - (1) Existing and proposed base conditions: indication of scale and north arrow, the names and right-of-ways of proposed and existing streets; location of all existing and proposed easements and right-of-ways; existing and proposed topography at two (2) foot contour intervals; location of proposed and existing buildings, utilities (underground and overhead), parking areas, water bodies, walks, and other site features;
 - (2) Existing and proposed landscaping: the location, size, and identification of all existing and proposed trees and shrubs with appropriate planting details; the delineation of areas to be seeded and/or sodded; the location of all existing and proposed planting beds with the identification of all plant material used; the location of all existing and proposed hardscape improvements, including patios, retaining walls, fences, and similar improvements; and the location and details of irrigation systems;
 - (3) Planting schedule: a table showing the common and botanical names, the size (including maximum growth size), root specifications, quantities, and special planting conditions, or the proposed plantings.
- 4. **Planting requirements.** The planting requirements for development subject to this Subsection shall be as follows:
 - a. Planting requirements for single and two-family parcels associated with a new subdivision. Development of one and two-family parcels in a new subdivision shall provide a minimum of three (3) trees per single-family parcel and a minimum of five (5) trees per two-family parcel;
 - b. Planting requirements for uses on parcels other than single and two-family parcels. Development or redevelopment of all parcels, except one and two-family parcels, shall comply with the following standards:
 - (1) For development on parcels less than five (< 5) acres in area, the minimum number of trees and shrubs shall be based on the undeveloped area.
 - Deciduous trees (under 6.4 A., 5., a. (2)): one (1) tree per twenty-five hundred (2,500) square feet; OR

- Coniferous trees (under 6.4 A., 5., a. (3)): one (1) tree per one thousand (1,000) square feet; AND
 - In addition to trees, one (1) shrub shall be required for every one thousand (1,000) square feet.
- (2) For development on parcels greater than five (> 5) acres in area, the minimum number of trees and shrubs required shall be based on the developed area.
- Deciduous trees (under 6.4 A., 5., a. (2)): one (1) tree per twenty-five hundred (2,500) square feet of development; OR
 - Coniferous trees (under 6.4 A., 5., a. (3)): one (1) tree per one thousand (1,000) square feet of development; AND
 - In addition to trees, one (1) shrub shall be required for every one thousand (1,000) square feet of development.
- c. Planting requirements for new accessory buildings and structures on parcels with existing development. New accessory buildings and structures shall provide one (1) tree and two (2) shrubs for every two thousand (2,000) square feet of land disturbance. New trees and shrubs shall be in addition to vegetation requirements for previous development. Credit may be given for trees and shrubs installed during previous development that exceeds current vegetation requirements. This Paragraph does not pertain to parcels with existing single and two family dwellings.
- d. Planting requirements for the interior of parking lots. Parking areas with twenty (20) or more parking spaces shall have at least ten (10) percent of the total interior parking area landscaped with plantings. Parking areas with one-hundred (100) or more spaces shall have at least twenty-five (25) percent of the required ten (10) percent to be landscaped as planting islands. Planting islands shall have a minimum width of three (3) feet and a minimum length of nine (9) feet;
- e. Street tree requirements for subdivisions. Street trees shall be required to be planted in the public right-of-way as in accordance with [Part 9: Land Divisions and Improvements](#). Street trees provided in the public right-of-way shall not be given credit for contributing to the planting requirements on the parcel;
- f. Credit for preservation of existing trees. Sites containing existing deciduous trees that have an existing diameter of at least eight (8) caliper inches measured at four and one-half (4-1/2) feet above the root collar and coniferous trees that have an existing height of at least six (6) feet shall count towards the number of required trees on the site provided that the trees are preserved;
- g. Exceptions to planting requirements. The planting requirements specified in this Section may not be applicable to all development or redevelopment in the city. For example, the compact nature of the CC City Center District may not reasonably allow for the planting of trees as specified in this Section. Consequently, at the discretion of the applicable approval authority, the approval authority may waive or alter (without a variance) the planting requirements of this Section when it is determined that the requirements cannot be reasonably met due to the unique conditions of the zoning district, the parcel, or the development.
5. Acceptable plant materials. **Plant materials shall comply with the following standards:**

- a. Minimize size requirements. Trees shall comply with the following minimum size requirements:
 - (1) Deciduous trees for one or two-family parcels: one and one-half (1-1/2) caliper inches, measured at four and one-half (4-1/2) feet above the root collar;
 - (2) Deciduous trees for all other parcels: two and one-half (2-1/2) caliper inches, measured at four and one-half (4-1/2) feet above the root collar;
 - (3) Coniferous trees or multi-trunk deciduous trees for all parcels: Six (6) feet tall;
 - (4) Shrubs for all parcels: no less than twenty-four (24) inches in height.
 - b. Plant species. Plant species shall relate favorably to the conditions for which they are intended to be placed. Native plants are recommended where appropriate;
 - c. Species diversity. No more than fifty (50) percent of the trees planted on a development shall be of the same species;
 - d. Prohibited plants. No noxious weeds, nuisance weeds, nor invasive woody plants shall be planted or allowed to grow, pursuant to City of Ashland [Ordinance 750: Property Maintenance](#).
- 6. General planting requirements.** All development requiring a landscape plan pursuant to this Ordinance shall comply with the following standards:
- a. Undisturbed areas. Undisturbed areas containing viable vegetation may be left in an undisturbed state pursuant to City of Ashland [Ordinance 750: Property Maintenance](#);
 - b. Disturbed areas. All disturbed areas that are not devoted to buildings, parking, circulation, patios, and similar uses shall be seeded, sodded, or landscaped with trees, shrubs, perennials, annual plantings, or other landscaping materials in accordance with this Subsection;
 - c. Required sodding or seeding. Unless specifically waived by the approval authority due to excessively large areas or other limitations, all newly disturbed areas in the front and side yards shall be covered with sod, landscape plantings, or other landscape improvements. Rear yards and areas that are part of an approved natural landscape plan may be seeded or covered with another appropriate groundcover in lieu of sod;
 - d. Slopes and berms. Final slopes greater than a 3:1 ratio (thirty-three (33) percent slope) shall not be permitted without the written approval of the Zoning Administrator or Designated Authorized Agent;
 - e. Placement of plant materials. Placement of plant materials shall comply with the following standards:
 - (1) No plantings shall be placed in a manner (or be allowed to be maintained in a manner) that interferes with the required vision triangle as specified in [Section 6.1, H: Vision Triangle](#);
 - (2) No trees shall be placed in drainage or utility easements without the written permission of the Public Works Director or Designated Authorized Agent;

- (3) No plantings (other than seed or sod associated with maintained lawns) shall be placed in the public right-of-way without the written approval of the Public Works Director or Designated Authorized Agent;
 - (4) Plant material centers shall be located at least three (3) feet from fences and parcel lines.
 - f. Time requirement for installation. The landscaping required by this Section shall be installed to the satisfaction of the Zoning Administrator or Designated Authorized Agent within one (1) growing season of building completion or occupancy, whichever is first. In the event completion or occupancy occurs after September 15, installation shall be required by June 1 of the following year;
 - g. Responsibility. The developer shall be responsible for installation of required plant materials, unless there is no developer in which case the property owner shall be responsible. After the plantings are installed, the property owner or their authorized agent shall be responsible for timely replacement of any dead plant materials required by this Section;
 - h. Maintenance. All plant material shall be maintained in an attractive and healthy growing condition at no cost to the City. Additionally, all plant material shall be maintained as specified in City of Ashland [*Ordinance 750: Property Maintenance*](#).
- 7. **Tree preservation and replacement.** Tree preservation and replacement shall be as specified in City of Ashland [*Ordinance 454: Planting, Maintenance & Removal of Trees & Shrubs*](#).

B. District Boundary Buffers

- 1. **Intent.** District boundary buffers are intended to prevent or minimize the use of a more intense property in one zoning district from negatively affecting a less intense use of an immediately adjacent property in another zoning district.
- 2. **Requirements.** Development or significant redevelopment of a more intense use in a zoning district that borders a less intense use in another zoning district shall provide a buffer along the common parcel lines pursuant to the following:
 - a. Medium to high-density residential buffers. Medium to high-density residential uses shall provide a minimum ten (10) foot landscaped buffer (in addition to the required building setback) between adjacent single or two-family residential uses in another zoning district;
 - b. Commercial buffers.
 - (1) Commercial uses shall provide a minimum ten (10) foot landscaped buffer (in addition to the required building setback) between adjacent medium to high density residential uses in another zoning district.
 - (2) Commercial uses shall provide a minimum twenty (20) foot landscaped buffer (in addition to the required building setback) between adjacent low density residential uses in another zoning district.
 - c. Industrial buffers.
 - (1) Industrial uses shall provide a minimum twenty (20) foot landscaped buffer (in addition to the required building setback) between adjacent commercial uses in another zoning district.

- (2) Industrial uses shall provide a minimum thirty (30) foot landscaped buffer (in addition to the required building setback) between adjacent residential uses.
- d. Other buffers not specifically defined. Where this Ordinance does not clearly define the required buffer between adjacent uses in different districts, the Zoning Administrator or Designated Authorized Agent shall determine the required buffer.

- 3. **Design of buffer.** The width of the required buffer shall be in addition to the required building setback specified in the applicable zoning district. The buffer shall be adequately landscaped to provide an effective visual screen between the uses. In addition to plantings, fences, walls, and berms, which comply with the provisions of this Ordinance, may be used in the buffer to provide an effective screen.

C. Buffers or Screening Between Mixed Uses within the Same District

- 4. **Intent.** The City's Comprehensive Plan and this Ordinance recognize existing and proposed mixed use areas in the City. However, even in a mixed use situation, it is beneficial to provide a buffer or screen between more intense and less intense uses; for example, between a restaurant and a single-family dwelling in a mixed use district. Therefore, it is the intent of this Subsection to provide standards for buffers and/or screens between mixed uses within the same district.
- 5. **Requirements.** Where proposed development abuts a permitted and less intense use in the same district, the proposed use shall provide a minimum ten (10) foot wide landscaped buffer (in addition to the required building setback) between the proposed development and the less intense use. The Zoning Administrator or Designated Approval Authority may reduce the required buffer width (without processing a variance) provided the subject development provides a fence or wall (consistent with the provisions of this Ordinance), which provides an adequate buffer or screen between the uses. Buffers or screening shall be a minimum of six (6) feet in height, except that commercial parking areas abutting residential uses shall only require a buffer or screen of four and one-half (4 ½) feet in height.

D. Screening of Equipment, Vehicles, Outdoor Storage, and Similar Uses

- 1. **Intent.** This Subsection is intended to provide standards for the screening of parking lots, structures, equipment, and similar uses from surrounding properties and right-of-ways.
- 2. **Screening of parking lots.** Parking lots with five (5) or more spaces shall be screened from the street right-of-way and adjacent properties to the extent practical, as determined by the Zoning Administrator or Designated Authorized Agent as follows:
 - a. Parking lots shall be screened with a landscaped area, no less than five (5) feet wide, in which plantings and/or berms no less than three (3) feet in height are located; or
 - b. Parking lots may be screened with a fence or wall between four (4) and six (6) feet in height. The fence shall be consistent with [Section 6.5: Fences](#).
 - c. Parking lots in the City Center (CC) District may be exempt from the provisions of this Paragraph pursuant to [Section 6.3 F., 10](#). if a lesser setback is approved by the Plan Commission.
- 3. **Screening of mechanical and electrical equipment.** Mechanical and electrical equipment associated with uses other than single and two-family residential uses shall be screened from public view as follows:

- a. Rooftop equipment. Rooftop equipment shall be screened using materials that are harmonious with the subject building. Screening materials may include metal screening or louvers that are painted to blend in with the surroundings;
 - b. Wall mounted or ground equipment. To the maximum extent practical, as determined by the Zoning Administrator or Designated Authorized Agent, buildings with wall mounted or ground equipment shall provide equipment screening that is an integral to the design of the building. Where this is not practical, plantings, wood fences, or masonry walls may be used to screen the equipment from public view;
 - c. Utility substations. Utility substations shall be screened with a minimum six (6) foot high screen.
4. **Screening of trash containers.** Trash dumpsters and other trash containers associated with uses other than single and two-family residential uses shall be screened to the maximum extent practical, as determined by the Zoning Administrator or Designated Authorized Agent, as follows:
 - a. Trash containers shall be screened on all four (4) sides, using an enclosure that is a minimum of one(1) foot above the container;
 - b. The trash enclosure shall be constructed of materials that are harmonious with those of the principal structure;
 - c. The gate or door of the trash enclosure shall be closed at all times except as needed to access the trash containers.
5. **Screening of loading docks.** Loading and service areas shall be screened to the maximum extent practical, as determined by the Zoning Administrator or Designated Authorized Agent, as follows:
 - a. Loading and service areas shall be located at the rear of buildings and shall be screened from view of any street or adjacent parcel;
 - b. Loading and service areas shall be enclosed on three sides by a wall or other screening device not less than eight (8) feet in height;
 - c. Screening materials shall be comprised of a wall that is harmonious with the primary structure.
6. **Screening of outdoor storage for commercial and industrial uses.** Permitted outdoor storage and outdoor storage areas associated with commercial or industrial uses shall be screened as follows:
 - a. Outdoor storage areas exposed to view from any street adjacent to the parcel on which the storage is located shall be screened by a six (6) foot high sight-obscuring fence, wall, landscape berm, or planting strip when approved by the Zoning Administrator or Designated Authorized Agent;
 - b. Materials covered by buildings with roofs only, but without any sides, shall be considered outdoor storage and shall be subject to the screening provisions of this Subsection. This provision shall not apply to the display of new or used agricultural implements, motor vehicles, trailers, or watercraft where such activities are an integral part of an automobile, agricultural implement, or watercraft dealership or storage facility;

- c. Screening of outdoor salvage yards shall be consistent with [Section 5.3, B.: Recycling Facilities and Indoor and/or Outdoor Salvage Operations](#).

Section 6.5 Fences

A. Intent

The intent of this Section is to regulate the materials, location, height, and maintenance of fences, gates, arbors and walls to prevent the creation of nuisances and to protect the safety and general welfare of the public.

B. Compliance and Required Fence Permit

1. **Compliance.** It shall be unlawful to construct or cause to be constructed a fence, gate, arbor, or wall that does not meet the provisions of this Section.
2. **Required fence permit.** No fence, gate, arbor or wall (except those specifically exempted by this Section) shall be constructed without first having obtained an approved fence permit from the Building Inspector, Zoning Administrator, or Designated Authorized Agent, pursuant to [Section 3.43: Fence Permit](#).
3. **Fences not requiring a fence permit.** The following types of fences shall not require the issuance of a fence permit. However, the fence may not be located in the public right-of-way and must comply with the provisions of this Paragraph.
 - a. Temporary snow fences. For the purpose of catching windblown snow, the erection of temporary snow fences shall not require a fence permit, provided the following conditions are met:
 - (1) The fence shall not be erected prior to October 30 and shall not remain later than April 15 of each year; and
 - (2) At no point shall the fence be a safety concern for pedestrians or vehicular traffic.
 - b. Temporary construction fences. Fences on construction and excavation sites for erosion control, the protection of plants, and the protection of the construction site shall not require a permit, provided the following conditions are met:
 - (1) Fences are approved by the Zoning Administrator or Designated Authorized Agent;
 - (2) The fence may be standing for no more than one hundred eighty (180) consecutive days per calendar year, unless approved by the Zoning Administrator or Designated Authorized Agent; and
 - (3) The fence material shall comply with general fence types allowed by this Section, unless approved by the Zoning Administrator or Designated Authorized Agent.
 - c. Seasonal garden fences and arbors. Fences made of wire, plastic, or wood shall be allowed around garden areas without a permit, provided the following conditions are met:
 - (1) The fence shall not exceed seventy-two (72) inches in height; and

Diggers Hotline.

All property owners are required by Wisconsin Statute 182.0175 to call Diggers Hotline prior to installing a fence. For more information go to: www.diggershotline.com

- (2) The fence shall be removed at the end of the growing season.

C. General Design Standards

1. Type, material and maintenance. All fences and walls shall comply with the following criteria:
 - a. Fences and walls should be constructed in a manner and of such materials and colors that do not adversely affect the appearance of the neighborhood or adjacent property values;
 - b. Fences and walls hereafter erected shall be durable, weather resistant, rust proof, and easily maintained;
 - c. Fences and walls shall be constructed of new or like new materials;
 - d. All fences and walls shall be installed in a workmanlike manner, be maintained in good repair and be properly anchored so as to be kept in safe and sound condition;
 - e. All fences shall be protected from the elements and against decay and rust by the periodic application of weather-coating material, such as paint or other protective treatment as applicable;
 - f. The finished appearance of fences and walls shall be constructed with the higher quality finish directed toward the exterior of the parcel if the visual quality of the fence or wall is not the same on both sides;
 - g. Metallic cyclone type or other open grid fences shall not be used as required screening between uses, except slatted fencing may be used in rear or side yards abutting a rear or side yard. Metallic cyclone fences shall not be used in front yards, except for industrial uses in industrial districts. Woven wire fencing is prohibited in Residential Districts.
 - h. Front yard fences and walls for residential uses or located in residential districts shall be fifty percent (50%) open fencing at a minimum.
2. **Height.** All fence and wall heights shall be measured from the average grade (measured at a point three (3) feet on each side of the fence or wall) to the top of the fence or wall. Fence height shall comply with the following standards:
 - a. Residential uses.
 - (1) Front yard: Four (4) feet maximum.
 - (2) Side yards: The maximum height in a side yard adjacent to a street is four (4) feet. When the side yard does not abut a neighbor's front yard, the maximum height is six (6) feet.
 - (3) Rear yard. The fence or wall shall not be taller than six (6) feet, except when a rear yard abuts a neighbor's front yard the maximum height is four (4) feet.
 - (4) Corner side yard. In a corner side yard, if installed with a minimum setback of ten (10) feet from the front face of the principal building and a minimum of fifteen (15) feet from the side corner parcel line, a fence or wall may have a maximum height of six (6) feet.
 - b. Commercial and public/institutional uses.

- (1) Front yard: Four (4) feet maximum, except with the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#), up to eight (8) feet may be permitted.
 - (2) Side yards: The maximum height in a side yard adjacent to a street is four (4) feet. When the side yard does not abut a neighbor's front yard, the maximum height is six (6) feet, except with the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#), up to eight (8) feet may be permitted.
 - (3) Rear yard. The fence or wall shall not be taller than six (6) feet, except when a rear yard abuts a neighbor's front yard the maximum height is four (4) feet. With the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#), up to eight (8) feet may be permitted.
 - (4) Corner side yard. In a corner side yard, if installed with a minimum setback of ten (10) feet from the front face of the principal building and a minimum of fifteen (15) feet from the side corner parcel line, a fence or wall may have a maximum height of six (6) feet.
 - c. Industrial uses.
 - (1) Front yard: Four (4) feet maximum, except with the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#), up to eight (8) feet may be permitted.
 - (2) Side yards: The maximum height in a side yard adjacent to a street is six (6) feet, unless increased through issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#). When the side yard does not abut a neighbor's front yard, the maximum height is eight (8) feet.
 - (3) Rear yard. The fence or wall shall not be taller than eight (8) feet, except when a rear yard abuts a neighbor's front yard the maximum height is four (4) feet. With the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#), up to eight (8) feet may be permitted.
 - d. Fences and walls shall be allowed to exceed the height requirements of this Section with the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#).
 - e. Arbors, as part of a fence or wall may not exceed a maximum height or width of eight (8) feet.
- 3. Location.** The location of all fences and walls shall comply with the following:
- a. Fences and walls may be located on the parcel line, except where otherwise indicated in this Section.
 - b. No fence or wall shall be located within an easement area without first obtaining all applicable authorizations, including the prior approval of the Building Inspector or Designated Authorized Agent.
 - c. No fence or wall shall be located within the public right-of-way and in no case shall a fence or wall be located closer than five (5) feet to the paved edge of a street (or face of curb) nor three (3) feet to the edge of an alley right-of-way.

- d. No wall or fence shall be permitted that materially impedes the required vision triangle as specified in [Section 6.1, H.: Vision Triangle](#).
- e. All fences and walls shall be located at least thirty five (35) feet from the ordinary high water mark of lakes, and navigable rivers, creeks, and streams, and at least ten (10) feet from wetlands, except those fences constructed pursuant to [Chapter 90 of the Wisconsin State Statutes](#).
- f. The framing and posts of wood, chain link, picket, stockade, and decorative metal fences shall face the inside of the parcel area fenced.

D. Special Provisions and Requirements

- 1. **Fence or wall intended to serve as a swimming pool barrier.** A fence or wall may serve as a swimming pool barrier provided that it complies with all applicable provisions for a swimming pool barrier as specified in [Section 5.6, L., 8.: Swimming Pool Barrier](#).
- 2. **Barbed wire and security fences.** Barbed wire and security fences shall be permitted by conditional use permit only, except that barbed wire fences shall be permitted for the purpose of fencing livestock on a parcel with an area of five (5) acres or more.
- 3. **Electric fences.** No electric fencing is permitted without demonstration of need for the fencing. Electrified fencing shall be allowed in any District, excluding the R-1, R-2, R-3 and R-4 Districts, only if approved in writing by the Building Inspector or Designated Authorized Agent. Visible signage shall be required along the electrical fencing giving warning to the public.
- 4. **Nonconforming fence or wall.** A nonconforming fence or wall, excluding seasonal electric fences, may continue pursuant to [Section 10.5, B.: Nonconforming Site Features](#).

Section 6.6 Signs

This section shall be applied and interpreted so as to eliminate any regulation or differential treatment based on content, except where required to protect public health and safety and where essential to provide directional or locational information. No provision of this section which purports to regulate or differentially treat signage based on content, except as provided in the foregoing sentence, shall be enforced.

A. Intent

This Section is intended to accomplish the following:

- 1. Encourage the effective use of signs as a means of communication in the City while preserving the rights of free speech under the First Amendment to the United States Constitution;
- 2. Permit signage that is designed, constructed, installed, and maintained in an aesthetically pleasing manner;
- 3. Encourage a positive business atmosphere;
- 4. Promote the health, safety, and general welfare of the citizens of Ashland and preserve or enhance property values;
- 5. Eliminate excessive and confusing signs that create potential hazards to motorists, pedestrians, and property;

6. Effectively regulate issues pertaining to the location, size, height, and lighting of signs in an effort to assure compatibility with adjoining land uses, architecture, and landscape; and
7. Provide for consistent and fair application and enforcement of regulations pertaining to signs.

B. Administration and Sign Permits Required

1. **Administration.** The Zoning Administrator or Designated Authorized Agent shall be responsible for administering and enforcing the provisions of this Section. The Zoning Administrator or Designated Authorized Agent shall examine all sign permit applications, issue permits and denials, authorize the continued use of signs that conform with the requirements of this Ordinance, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the City of Ashland, and make such reports as the City may require.
2. **Permits required.** It shall be unlawful for any person to erect, construct, enlarge, relocate, or structurally modify a sign or cause the same to be done in the City of Ashland without first obtaining a sign permit for each such sign from the City of Ashland as specified in [Section 3.36: Sign Permit](#). Signs not requiring a permit, as specified in Section 6.6, C. below, shall be exempt from this requirement.
3. **Sign permit appeal.** In the event the Zoning Administrator or Designated Authorized Agent denies a sign permit application, the applicant may appeal the decision to the Zoning Board of Appeals pursuant to [Section 3.11: Appeal of and Administrative Decision](#).
4. **Violations.** Any person, firm, association, or corporation found in violation of this section may be subject to a monetary penalty or other remedy pursuant to [Part 11: Violations and Remedies](#).

C. Signs Not Requiring a Sign Permit

Sign permits shall not be required for a change of copy on any sign, nor for the re-painting, cleaning, and other normal maintenance and repair of the sign and sign structure. In addition, sign permits shall not be required for the following signs provided the signs comply with the standards under [Section 6.6 E: General Provisions, Design, Maintenance, and Removal Standards, 1.-9.](#), and the following standards:

1. **Awning and canopy signs.** Signage that does not exceed one line of copy on the valance (or apron) of an awning or canopy shall not require a sign permit provided the individual letters or graphics do not exceed nine (9) inches in height and it is not illuminated. Awnings and canopies shall comply with the dimensional standards specified in [Section 6.6, F., 1: Awning and Canopy Signs](#).
2. **City banners installed on City-owned poles.** City banners installed on City-owned poles shall not require a sign permit.
3. **Construction signs.** Construction signs shall not require a sign permit provided that no more than two (2) construction signs shall be allowed per construction site, that no sign shall exceed one hundred (100) square feet of sign and graphic area each, and such signs shall not be illuminated. The signs shall be confined to the construction site and shall be removed within thirty (30) days after completion of construction or prior to occupancy, whichever is sooner.
4. **Informational signs.** Informational signs shall not require a sign permit provided they comply with the following standards:

- a. Informational signs shall be located entirely on the parcel to which they pertain, shall be located no closer than five (5) feet to any parcel line, and shall not be located within the required vision triangle specified in [Section 6.1, H.: Vision Triangle](#);
 - b. Signs shall be limited to one (1) sign per entrance;
 - c. Signs shall not exceed eight (8) square feet each in area;
 - d. Informational signs intended to designate parking-only or no-parking areas, where the sign is attached to the building façade or a post not to exceed a height of six (6) feet from the ground or top of curb, should be visible only from the parking area, shall be limited to one (1) sign per 4 parking spaces, and shall not exceed two (2) square feet in area each;
 - e. Freestanding informational signs shall not exceed a height of two and one-half (2-1/2) feet from the ground or top of curb (whichever provides greater visibility) to the top of the sign;
 - f. Informational signs shall not in any way advertise a business or list goods or services for sale.
5. **Governmental flags.** Flags of the United States, State of Wisconsin, City of Ashland, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are permitted in all zoning districts without a sign permit provided they comply with the following standards. Flags that exceed the following standards may be considered pursuant to the conditional use permit process.
 - a. There shall be no more than three (3) flagpoles per parcel;
 - b. Flagpoles shall not exceed the allowable building height in the district in which the flagpole is located, but in no case shall the height of the flagpole exceed a height of thirty-five (35) feet;
 - c. The total area of all flags combined shall not exceed seventy-five (75) square feet;
 - d. Lighting of flags compliant with this sub-section shall be exempt from lighting standards pursuant to [Section 6.7: Exterior Lighting](#);
 - e. Property owners are encouraged to lower all flags at sunset and during inclement weather.
6. **Government/Public/Institutional signs.** Government signs erected for control of traffic and other regulatory purposes, directional signs, railroad crossing signs, signs of public utilities indicating danger, and aids to service or safety, which are erected by or on the order of a public officer in the performance of his or her duty. Public signs as specifically authorized for a public purpose by any law, statute, or ordinance. Institutional signs erected to display educational facility/campus locations, building identification, transportation routes, or similar institutional uses not visible or intended to be visible from public street rights-of-way or adjacent non-institutional parcels.
7. **Home occupation signs.** Home occupation signs shall not require a sign permit provided that they are non-illuminated wall or ground signs that do not exceed six (6) square feet in area, and advertise an allowable or permitted home occupation pursuant to [Section 5.1, F: Home Occupations](#). No more than one (1) home occupation sign shall be allowed per residential property.

8. **House or building numbers and name plates.** House numbers and name plates not exceeding two (2) square feet in area shall be allowed for each building without the issuance of a sign permit.
9. **Interior signs.** Interior signs shall not require a sign permit provided that they are located within the interior of the building or structure. This does not, however, exempt such signs from the structural, electrical, or material specifications of this Ordinance.
10. **Memorial signs, plaques, tablets, names of buildings, and date of erection.** Memorial signs, plaques, tablets, names of buildings, and date of erection that are cut into a masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four (4) square feet of area shall be allowed for any building, without the issuance of a sign permit.
11. **No trespassing or no dumping signs.** No trespassing or no dumping signs shall be allowed without the issuance of a sign permit provided that they do not exceed two (2) square feet in area per sign.
12. **Political and campaign signs.** Political and campaign signs on behalf of candidates for public office or measures on election ballots shall be allowed without a sign permit pursuant to [Section 12.04 of the Wisconsin Statutes](#) and as follows. If a conflict exists between provisions of this Ordinance and Wisconsin Statutes, Wisconsin Statutes shall take precedence.
 - a. Said signs may be erected no earlier than sixty (60) days prior to the primary election and shall be removed within fifteen (15) days following said election;
 - b. Signs shall be placed on private property with the consent of the property owner, shall not be located within public rights-of-way; and
 - c. Each sign, except billboards as permitted by this Ordinance, shall not exceed eight (8) square feet associated with residential properties or sixteen (16) square feet associated with non-residential properties.
13. **Public notices.** Public notices posted by Designated Authorized Agents of the City or other official Governmental Agencies shall not require a sign permit.
14. **Real estate signs.** Real estate signs shall be allowed on any parcel, without the issuance of a sign permit, subject to the following provisions:
 - a. A real estate sign shall not be illuminated;
 - b. No more than one (1) real estate sign shall be allowed per parcel, except where a parcel has frontage on two or more public streets, said parcel shall be allowed placement of real estate signs on each frontage;
 - c. A real estate sign shall be removed within thirty (30) days after the sale, rental, or lease has been accomplished;
 - d. For residential uses, a real estate sign shall not exceed six (6) square feet in area and six (6) feet in height;
 - e. For non-residential uses, a real estate sign shall not exceed thirty-two (32) square feet in area and twelve (12) feet in height;
 - f. A real estate sign shall be located outside of the public right-of-way.

15. **Symbols or insignia on premise.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies shall be allowed without the issuance of a sign permit provided that they do not exceed thirty-two (32) square feet.
16. **Temporary promotional banners.** Temporary promotional banners may be installed in any district without the issuance of a sign permit pursuant to the following standards, except that if the standards listed under 17.b. or 17.c. are exceeded, a temporary sign permit shall be obtained pursuant to [Section 3.36: Sign Permit](#):
 - a. No temporary promotional banner shall exceed thirty-two (32) square feet in area;
 - b. No temporary promotional banner shall be allowed to be displayed more than seven (7) consecutive days per calendar year;
 - c. No use shall have more than one (1) promotional banner per building side, except that if a parcel contains more than one hundred fifty (150) feet of linear frontage, two (2) promotional banners may be allowed on one (1) side;
 - d. Temporary promotional banners shall be constructed of durable weather resistant fabric, be non-illuminated and shall be securely attached to the building structure;
 - e. Where a building structure does not exist, the temporary promotional banner may be erected on a parcel using posts, as approved by the Zoning Administrator or Designated Authorized Agent.
17. **Temporary signs: on-premise.** On-premise temporary signs may be installed in any district without the issuance of a sign permit pursuant to the following standards, except that if the standards listed under 18.a., 18.c. or 18.d. are exceeded, a temporary sign permit shall be obtained pursuant to [Section 3.36: Sign Permit](#):
 - a. No use shall have more than one (1) on-premise temporary sign per parcel side;
 - b. No on-premise temporary sign shall exceed thirty-two (32) square feet in area and shall be made of durable and weather resistant materials;
 - c. No on-premise temporary sign shall be allowed to be displayed more than three (3) consecutive days per calendar year;
 - d. Temporary personal property sale signs pertaining to the sale of personal property, such as, but not limited to, a vehicle, boat, or storage building, shall only be displayed on such item until sold, but not exceeding one (1) year, and shall not exceed four (4) square feet in area;
 - e. Display of temporary garage or yard sale signs shall not exceed the length of the sale and must be placed outside of the public right-of-way.
18. **Temporary signs: off-premise pertaining to civic events.**
 - a. Non-City-owned parcels. Signs shall not exceed twelve (12) square feet in area each, shall not be located in a vision triangle and shall be posted no more than three (3) days prior to and one (1) day following the event, unless otherwise approved by the Zoning Administrator or Designated Authorized Agent.
 - b. City-owned parcels (excluding City-owned parks or rights-of-way). Signs proposed to be located on a City-owned parcel shall require approval from the Zoning Administrator or Designated Authorized Agent. Signs shall not exceed twelve (12) square feet in area each, shall not be located in a vision triangle and shall be posted

no more than three (3) days prior to and one (1) day following the event, unless otherwise approved by the Zoning Administrator or Designated Authorized Agent.

- c. Public rights-of-way. Signs proposed to be located in public rights-of-way (excluding Sidewalk Signs permitted under [Section 3.45](#)) may be allowed upon issuance of a Right-of-Way Permit by the Public Works Director or Designated Authorized Agent and pursuant to any regulations and standards in City of Ashland [Ordinance 508](#).

19. Temporary signs: City-owned park. Temporary signs proposed to be located in a City-owned park may be allowed upon approval of the Parks and Recreation Committee or Designated Authorized Agent.

20. Vehicular signs. Trucks, buses, trailers, or other vehicles while operating in the normal course of business, which is not primarily the display of signs, shall not require a sign permit.

21. Window signs.

- a. Permanent window signs. Permanent window signs shall not require a sign permit provided that they are not illuminated and do not cover more than twenty-five (25) percent of the window area on each elevation of a building. All window signs shall be placed on the interior surface of the glass.
- b. Temporary window signs. Temporary window signs, such as community announcements and special events posters, posted for no more than thirty (30) days, shall not require a permit. Temporary window signs may not impede on door windows or other windows that need to be clear for pedestrian safety.

D. Prohibited Signs

The following signs shall be prohibited in the City of Ashland. Existing nonconforming signs, excluding abandoned signs, may continue pursuant to the nonconforming provisions specified in [Section 10.6: Nonconforming Signs](#).

- 1. Abandoned signs.** Abandoned signs that advertise an activity, business, product, or service no longer available, shall be prohibited.
- 2. Painted signs on the face of a structure.** Painting a sign directly on the face of a structure, boulder, or similar feature shall be prohibited, except that painted murals may be approved pursuant to [Section 5.6, I.: Public Art](#).
- 3. Portable signs and portable reader boards.** Portable signs (including, but not limited to, signs placed or installed on a trailer or vehicle not operating in the normal course of business) and portable reader boards shall be prohibited except when allowed as a temporary sign pursuant to [Section 6.6, C.: Signs Not Requiring a Sign Permit](#) or a sidewalk sign pursuant to [Section 6.6, F., 8.: Sidewalk Sign](#).
- 4. Roof signs.** Roof signs, including signs mounted on a roof surface or projecting above the roof line of a structure if either attached to the structure (or cantilevered over the structure) shall be prohibited, except with the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#).
- 5. Signs with flashing, blinking, or traveling lights.** Signs with flashing, blinking, or traveling lights, or erratic or other moving parts.

6. **Signs affixed to trees, lamp posts, or utility poles.** Signs affixed to trees, lamp posts, utility poles, or similar features located in public rights-of-way shall be prohibited.
7. **Signs affixed to satellite dishes, wind energy facilities or telecommunication towers.** Graphic designs or advertising, excluding communication call letters or frequencies, affixed to satellite dishes, wind energy facilities, telecommunication towers or other similar features shall be prohibited pursuant to [Section 5.4, A., 1., d. Satellite dishes between three \(3\) feet and twelve \(12\) feet in diameter](#), [Section 5.4, D., 3., i. Design Standards](#) and [Section 5.4, A., 2., i. \(11\) Wireless telecommunication facilities](#).
8. **Signs within the public right-of-way.** No sign shall be placed in the public right-of-way, except as expressly permitted by this Section. Any sign placed in the ROW and not removed in a timely manner by the owner of the adjacent property after written notification from the Zoning Administrator or Designated Authorized Agent may be removed by the Zoning Administrator or Designated Authorized Agent. Signs that have been removed by City Staff will be held at the Ashland City Hall for at least two (2) weeks before proper disposal, and may be claimed by the business owner during that time.
9. **Any sign not expressly permitted.** Any sign not expressly permitted by this Section shall be prohibited.

E. General Provisions, Design, Maintenance, and Removal Standards

1. **Compatibility.** To the maximum extent practical, signs shall be compatible and complimentary to their surroundings in terms of size, shape, color, texture, and lighting. Buildings and sites shall be designed so that the signs are an integral part of the building and/or site. Signs shall not visually detract from other conforming signs.
2. **Protection of First Amendment rights.** Any sign under this Ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location.
3. **Sign measurements.** Sign area and sign height measurements shall be calculated as follows:
 - a. Sign copy and graphic area. The sign copy and graphic area shall be calculated by means of the smallest four-sided figure (such as a rectangle) that encompasses the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign and copy graphic area from the structure;
 - b. Sign structure area. Where a maximum allowable sign structure is specified in this section, the sign structure area shall include the sign copy and graphic area as well as the structure on which the sign copy and graphic are placed. The sign structure area generally applies to freestanding signs;
 - c. Sign structure height. The height of a freestanding sign shall be measured from the average grade (measured at a point three (3) feet on each side of the sign) to the top of the sign structure. Where a freestanding sign is located adjacent to a street that is above the ground elevation of the proposed freestanding sign, the height of the freestanding sign shall be measured from the elevation of the road centerline immediately adjacent to the sign, rather than the elevation at the base of the sign;
 - d. Double sided signs. The sign copy and graphic area of a double sided sign with identical sign copy and graphics on both sides shall be calculated based on the sign

and copy graphic area of one side of the sign provided that the angle between the two sign faces does not exceed forty-five (45) degrees.

4. **Buildings with a secondary public entrance at the rear or side of the building.** In addition to the allowable signage associated with a use in a particular district, commercial, public, and institutional uses that have a secondary entrance for the public that does not front a public right-of-way, may have, at the secondary entrance, one (1) sign not to exceed thirty-two (32) square feet.
5. **Placement of signs.** The placement of signs shall comply with the following standards.
 - a. Minimum required distance from parcel lines. All signs shall be placed at least five (5) feet from all parcel lines.
 - b. Outside the required vision triangle. No sign shall obstruct the required vision triangle as specified in [Section 6.1, H.: Vision Triangle](#).
 - c. Outside the drainage and utility easements. No sign shall be placed in a drainage, utility, or other easement without first obtaining all applicable authorizations.
6. **Design and construction standards.** All signs shall comply with the following construction standards:
 - a. All signs shall be designed by a sign contractor or individual/firm with demonstrated experience in designing business signs and working knowledge of building codes, electrical codes, and construction standards applicable to sign design and construction;
 - b. All signs shall comply with all applicable building and electrical codes;
 - c. All signs shall be constructed of durable, weather-resistant materials;
 - d. All freestanding signs shall be self-supporting structures and permanently attached to sufficient foundations;
 - e. Electrical service to signs shall comply with the applicable electrical codes. No sign shall have exposed electrical wires. Electrical service to signs shall be concealed wherever possible to preserve aesthetic values;
 - f. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads pursuant to the requirements of the applicable building codes;
 - g. Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible;
 - h. All signs shall be marked with the manufacturer's name and all other information as required by the applicable building and electrical codes;
 - i. The use of unshielded lighting, including exposed light bulbs hung or strung on poles, wires, or any other support intended to illuminate a sign or other advertising device, is prohibited;
 - j. All sign lighting shall be so designed, located, shielded, or hooded to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties or into the sky. All property/business owners are encouraged to turn off all unnecessary lighting after hours;

- k. Neon window signs or other exterior neon displays may be permitted in cases where they are custom designed to be compatible with the architectural character of the building and where their color has been selected to harmonize with the exterior colors of the building;
 - l. Any sign that is accessible to vehicles shall have a minimum vertical clearance of sixteen (16) feet.
 - m. Signs containing manual changeable copy or electronic reader boards shall have less than thirty (30) percent of the entire sign area dedicated to changeable copy or reader boards. Fuel price displays shall not be included in changeable copy calculation.
7. **Installation and maintenance.** All signs shall be installed and maintained as follows:
- a. Safety. All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task. Electric signs shall be installed in accordance with the applicable electrical code;
 - b. Indemnification for sign installation and maintenance. All persons engaged in the business of installing or maintaining signs that involves in whole or in part, the erection, alteration, relocation, or maintenance of a sign or other sign work in, over, or immediately adjacent to a public right-of-way or public property that is used or encroached upon by the sign contractor, shall hold the City of Ashland harmless and indemnify the City of Ashland, its officers, agents, and employees from any and all claims for bodily injury or property damage resulting from the erection, alteration, relocation, or maintenance of signs or any other sign work;
8. **Maintenance and repair.** All signs for which a permit is required, shall be maintained in good repair in accordance with all applicable building codes and shall be properly anchored so as to be kept in safe and sound condition. All signs shall be protected from the elements and against decay and rust by the periodic application of weather-coating material, such as paint or other protective treatment as applicable;
9. **Removal of signs.** Signs shall be removed as follows:
- a. Deteriorated, dilapidated, or abandoned signs. The Zoning Administrator, Building Inspector, or Designated Authorized Agent shall cause to be removed any deteriorated, dilapidated, or abandoned sign as defined by this Ordinance or the applicable building code;
 - b. Unsafe signs. When any sign becomes unsecure, in danger of falling, or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any provisions of this Ordinance, the owner thereof, or the person or firm maintaining same, shall, upon notice of the Zoning Administrator, Building Inspector, or Designated Authorized Agent, in a reasonable time frame, make such sign conform with the provisions of this Ordinance or shall remove it. If the order is not complied with, the Zoning Administrator, Building Inspector, or Designated Authorized Agent may remove such sign at the expense of the owner of lessee thereof;
 - c. Removal of signs. The Zoning Administrator or Designated Authorized Agent shall cause to be removed any abandoned sign including all supporting sign structures by the owner of record of the property.
10. **Nonconforming signs.** A nonconforming sign may continue pursuant to [Section 10.6: Nonconforming Signs](#).

F. General Standards for Specific Types of Signs

This Subsection specifies general standards for specific types of signs. Refer to [Section 6.6, E.: General Provisions, Design, Maintenance, and Removal Standards](#) for additional requirements.

1. **Awning and canopy signs.** All awning or canopy signs that exceed one line of copy and/or contain letters or graphics over nine (9) inches in height shall require the issuance of a sign permit. Where a sign permit is required, the area of the sign shall count toward the total allowable area for wall signs in the applicable zoning district. In addition, all awnings and canopies shall comply with the following standards:
 - a. Illumination. Illuminated awning and canopy signs shall not have the light source visible when viewing the sign;
 - b. Clearance above grade. The bottom of an awning shall be at least one hundred (100) inches above grade. The bottom of a canopy shall be at least ten (10) feet above grade;
 - c. Required distance from street or parking lot curb. Awning and canopy signs shall not extend closer than five (5) feet to the vertical plane of the face of a street curb, or if no curb exists, closer than six (6) feet to the edge of the street, street right-of-way, or parking lot as determined by the Zoning Administrator or Designated Authorized Agent.
2. **Electrically or mechanically energized animated sign.** All electrically or mechanically energized animated signs, also referred to as Electronic Message Centers or EMCs, as defined, shall comply with the following standards:
 - a. Applicability. EMCs shall be allowed pursuant to the specifications of this section except that no EMC shall be allowed within the boundaries of the West 2nd Street Historic District as listed in the [National or State Registers Record](#).
 - b. Application and review. Application for such sign shall be submitted pursuant to [Section 3.36: Sign Permit](#).
 - c. Decision criteria. The Zoning Administrator or authorized agent shall consider all relevant criteria specified in [Section 6.6 E.: General Provisions, Design, Maintenance, and Removal Standards](#) and other sections of this ordinance. In addition the following decision criteria and regulations shall be used in reviewing the application:
 - (1) Dimmable technology shall be installed and utilized to adjust the light output of the EMC based on the ambient light such that it dims automatically when it is less bright outside.
 - (2) EMC signage for all parcels must be turned off between the hours of 8 p.m. and 7 a.m. If a business is staffed and open before or after that time period, the EMC signage must be turned off no later than sixty (60) minutes after the close of business for the day and turned back on no earlier than sixty (60) minutes before the business opens for the day.
 - (3) Signage on parcels abutting residential properties or separated by a Right-of-Way shall be designed and located in such a manner that does not create an adverse residential nuisance, taking into account brightness, direction, location, or other factors.

- (4) The sign shall be located and designed so that it does not significantly alter or obstruct Lake Superior vistas of adjacent property owners and for major view corridors.
 - (5) The time change of copy, messages or graphics on an animated sign shall not change more than once every eight (8) seconds, except that all signs within view of vehicular or pedestrian safety lighting (such as stop lights) shall not change more than once every one (1) minute.
 - (6) Within view of safety lighting, colors or shapes shall not be used that could be confused for safety lighting.
- 3. **Freestanding sign.** For the purpose of this Ordinance, a monument sign, multiple pole sign, or single pole sign shall be considered a freestanding sign. Monument signs are the preferred freestanding signs in the city. Unless specified otherwise in this Section, all freestanding signs shall comply with the following standards:
 - a. Allowable sign area and sign height. The allowable sign area and sign height shall be as specified in the applicable zoning district;
 - b. Monument sign base. In the case of a freestanding monument sign, the width of the base of the sign shall be at least sixty (60) percent of the width of the sign;
 - c. Materials. Freestanding signs shall be constructed of durable and quality materials that are compatible with surrounding development. In the case of a monument sign, the base and exposed foundation shall be covered with a finished material such as brick, stone, metal, or wood;
 - d. Landscaping. Freestanding signs shall provide an attractive landscaped area around the entire base of the sign to complement the sign. The property owner shall be responsible for the maintenance of the landscaping;
 - e. Single or double-faced. A freestanding sign may be single or double faced. The allowable sign copy and graphic area shall be calculated on only one side of a double-faced sign provided that the angle between the two sign faces does not exceed forty-five (45) degrees;
 - f. Allowable number. There shall be a maximum of one (1) freestanding sign per interior parcel, except where specifically allowed otherwise in this Section. Through parcels and multiple frontage parcels may have one (1) additional freestanding sign.
- 4. **Joint / Area identification signs.**
 - a. Applicability. Notwithstanding all other provisions of this ordinance related to signs, the following shall apply.
 - (1) Existing developments. Owners of contiguous or nearly-contiguous parcels are eligible to co-apply for a Joint Sign to be reviewed by the Plan Commission in accordance with [Section 3.9: Conditional Use Permit](#) and *sub-paragraph b.* below.
 - (2) New development or redevelopment. Pursuant to *sub-paragraph c.* below, the Plan Commission may require Joint Signage as part of any proposals for new development or redevelopment requiring Site Plan Approval pursuant to [Section 3.20: Site Plan Approval](#), a Conditional Use Permit pursuant to [Section 3.9: Conditional Use Permit](#), or a related action by the Plan Commission.

- b. Existing development – voluntary joint sign applications.
- (1) Joint sign application. The joint sign application shall denote all the parcels to be included, and all owners thereof shall be party to said application.
 - (2) Joint sign determination. As part of the approval of any application for a joint sign, the Plan Commission shall issue a joint sign determination in accordance with *sub-paragraph d.* below.
- c. New development or redevelopment – joint sign determinations. A joint sign determination in accordance with *sub-paragraph d.* below shall be required for new development or redevelopment when the following applies:
- (1) Consolidation of multiple freestanding signs would protect and promote the public interest and be consistent with the intents of this ordinance and the Comprehensive Plan; AND
 - (2) The joint sign will identify two (2) or more parcels, any one of which has no frontage on an arterial street or has less than three hundred (300) feet of frontage on an arterial street; OR
 - (3) One (1) or more freestanding signs identify, or are proposed to identify, two (2) or more business or organizations on a parcel, and the total area of all existing or proposed signs exceeds, or is proposed to exceed, the allowable sign area for the district in which it is located.
- d. Joint sign determination. Where a joint sign determination is required by the Plan Commission, the following shall apply.
- (1) Parcels to be included. The joint sign determination shall identify all parcels to be included in the joint sign. Parcels subject to a joint sign determination shall obtain a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#) and a joint sign permit pursuant to [Section 3.36: Sign Permit](#). After the date of the joint sign determination, all current and future owners and/or occupants of said parcels shall comply with the terms of the joint sign determination and sign permit.
 - (2) Existing freestanding signs. Where businesses or parcels are required to utilize a joint sign, any existing freestanding sign(s) for those businesses/parcels shall be reviewed by the Plan Commission. The Plan Commission shall determine as nonconforming any freestanding sign that advertises said businesses/parcels, except that freestanding directional signs may be excluded from the determination of this sub-paragraph at the discretion of the Plan Commission. Signs determined as nonconforming signs shall be brought into conformity by incorporation into a joint sign in accordance with the conditions of the determination. The Plan Commission in consultation with the property owner/s and, if applicable, the developer/s shall determine a date by which the nonconforming freestanding sign (and support structure) will be brought into compliance and removed from the site.
 - (3) New freestanding signs. All parcels affected by a joint sign determination of the Plan Commission shall, after the date of said determination, be ineligible for permits for freestanding signs as provided by [Section 6.6, F., 3.: Freestanding Signs](#), and shall only be eligible for sign permits for inclusion in the joint sign as a joint sign subunit.

- (4) Other signs. For businesses affected by a joint sign determination, wall-mounted, projecting, or other signs may be permissible pursuant to [Section 6.6: Signs](#).
 - (5) Administration. The Zoning Administrator or Designated Authorized Agent shall enforce all conditions of the joint sign determination and joint sign permit until such time as they are repealed or modified by the Plan Commission. The Zoning Administrator or Designated Authorized Agent shall maintain a permanent record of joint sign determinations and affected parcels. All owners of affected parcels shall record the joint sign determination and conditions of permit approval with the Register of Deeds.
- e. Joint sign permit. Approval of designs for a joint sign or area identification sign required.
 - (1) The Plan Commission shall review permit applications for a joint sign or area identification sign, which the Plan Commission may approve pursuant to review criteria of [Section 3.20, C: Site Plan, Approval Criteria](#) and this subparagraph, and thereafter the Zoning Administrator or Designated Authorized Agent may issue a sign permit for said sign.
 - (2) Joint signs and area identification signs shall comply with both general and district-specific sign requirements for construction, setbacks, and height. Approval of the joint sign area and design shall be based on the following criteria.
 - The number and type of parcels, organizations, and structures served by the sign,
 - Consistency with other provisions and conditions of any Site Plan Approval, Conditional Use Permit or related permit,
 - Compatibility with adjacent development, including but not limited to the size and design of Freestanding Signs in the vicinity,
 - Consistency with the intent of the sign provisions of this ordinance, including district-specific sign regulations, and
 - Compliance with other applicable laws.
 - The Plan Commission may, if for public betterment, hear and decide special exceptions to setback requirements for both general and district-specific sign requirements.
 - (3) After the initial approval of a joint sign structure, each subsequent joint sign subunit to be included in the joint sign shall obtain a sign permit directly from the Zoning Administrator or Designated Authorized Agent. After initial construction of the joint sign structure and joint sign subunits, any alterations to the structure of said signs shall require a sign permit from the Zoning Administrator or Designated Authorized Agent.
- f. Sign easements and agreements.
 - (1) Easements. A sign easement or other instrument acceptable to the Zoning Administrator or Designated Authorized Agent shall be required for all joint signs approved by Plan Commission. Such instruments shall reflect the right of all affected parcels to access and maintain signage.

- (2) Sign use and maintenance agreements. Parcels affected by a joint sign determination shall—in addition to the easement requirements of clause (1) above—be party to a sign-usage-and-maintenance agreement for the Joint Sign. Said agreement shall, at a minimum, establish terms for shared maintenance and landscaping of the overall sign structure and sign subunits; delimit each parcel's share of area in the joint sign; set any requirements for the temporary disposition of sign subunits in the event of business vacancies; and any other limitations on sign design, appearance, or refurbishment. Said agreement shall be subject to prior review and approval by the Plan Commission.
 - (3) Recordation. All easements and agreements described in clause (1) and (2) above shall be recorded with the Ashland County Register of Deeds.
- g. Off-Premise Signs. In no case may an area identification sign or joint sign be located off premise from at least one of the parcels affected by the Joint Sign Determination.
- 5. **Menu board sign.** Menu board signs where allowed pursuant to this Section shall be subject to the following conditions:
 - a. Number allowed. A maximum of one menu board shall be permitted on a parcel of land in any district with a permitted or conditional use providing drive-through window service.
 - b. Allowable sign copy and graphic area. The menu board shall have a maximum sign and copy graphic area of fifty (50) square feet.
 - c. Orientation. The menu board shall be single-sided and oriented in such a manner so that the signs provide information to the patrons using the drive-through facility only, and does not provide supplemental advertising to passing traffic.
- 6. **Off-premise sign.**
 - a. Intent. The City of Ashland recognizes that many existing off-premise signs in the city (including signs commonly referred to as billboards) are intended to help promote Ashland's businesses. However, the City also recognizes that excessive and uncontrolled off-premise signs endanger the City's unique character and scenic quality. Therefore, it is the intent of this Paragraph to accomplish the following:
 - (1) Encourage the use of alternative means to promote Ashland businesses including, but not limited to, standardized logo signs provided by the Wisconsin Department of Transportation, on-premise signs, and other media; and
 - (2) Encourage the orderly removal of all nonconforming off-premise signs by providing an option to replace nonconforming off-premise signs with conforming off-premise signs that effectively communicate while respecting the unique character and scenic quality of the city.
 - b. Existing nonconforming off-premise signs. Existing nonconforming off-premise signs shall be allowed to continue pursuant to [Section 10.6: Nonconforming Signs](#).
 - c. Maximum allowed number of billboard sign structures in the city. One (1) billboard sign structure meeting the provisions of this Ordinance may be approved for every three (3) nonconforming billboard signs removed in the city.
 - d. Location and placement of billboard signs.

- (1) All billboard signs shall be placed outside the public right-of-way, at least five (5) feet from all parcel lines and only on parcels fronting U.S. Highway 2 (Lake Shore Drive) or State Highway 13 (Ellis Avenue), unless specified otherwise in this Section.
 - (2) No billboard sign shall obstruct the required vision triangle as specified in [Section 6.1, H.: Vision Triangle](#).
 - (3) No billboard sign shall be placed in a drainage, utility, or other easement without written authorization from the holder of the easement.
 - (4) Billboard signs shall only be located in the zoning districts where they are allowed pursuant to this Section and shall be located no closer than one-hundred (100) feet from the boundary of another district that prohibits billboard signs.
 - (5) Billboard signs should generally be located at least five hundred (500) feet of another billboard sign. However, in no case shall a billboard sign be located closer than one hundred fifty (150) feet of another billboard sign.
- e. Design standards for billboards. The following design standards apply to all billboard signs:
- (1) The maximum height of a billboard sign structure shall not exceed twenty-five (25) feet;
 - (2) The maximum width of a billboard sign structure shall not exceed twelve (12) feet;
 - (3) A billboard sign structure may display multiple individual sign copy and graphics. However, no individual sign copy and graphic area shall exceed fifty (50) square feet;
 - (4) Sign copy and graphics located on a billboard sign may be designed for permanent copy or changeable copy;
 - (5) Internally illuminated and animated signs are prohibited.
- f. Applications, permits, and licenses. Due to the potential concerns of inappropriate off-premise signs (including billboards), as described in the intent of this Paragraph, off-premise signs shall comply with the following standards relating to applications, permits, and licenses:
- (1) No billboard sign shall be erected until the owner has first received a conditional use permit for the proposed billboard sign pursuant to [Section 3.9: Conditional Use Permit](#) and has been issued a sign permit pursuant to [Section 3.36 Sign Permit](#);
 - (2) All billboard signs shall be subject to an annual license renewable prior to January 1 of each calendar year, regardless of the date of the original issuance;
 - (3) A billboard sign owner shall annually pay a license fee as identified in the City Fee Schedule for each billboard sign that the owner has in the city. Renewal fees shall be doubled if the license is not renewed prior to January 1 of each year;
 - (4) Every company that provides advertising on billboard signs and every sign contractor or owner of the parcel on which the sign is to be erected shall carry

insurance limits of a minimum of five hundred thousand dollars (\$500,000.00) per occurrence and a one million dollar (\$1,000,000.00) aggregate. The City of Ashland shall also be identified as a certificate holder on the insurance policy. In the event that the company's insurance policy expires, the City's annual license shall be revoked ten (10) days after the policy's expiration date. If a new insurance policy is not in place within sixty (60) days of the policy's expiration, the billboard sign shall be considered abandoned and subject to the removal and disposition provisions of this Ordinance;

- (5) Any billboard sign owner maintaining a billboard sign without a license shall be found in violation of this Ordinance and shall be penalized as established by this Ordinance. Sixty (60) days after a license expires, the City shall consider the off-premise sign abandoned and it shall be removed pursuant to removal and disposition provisions of this Ordinance.

- g. Abandoned signs. Abandoned signs that advertise an activity, business, product, or service no longer available shall be prohibited.

7. Projecting sign. Unless specified otherwise in this Section, all projecting signs shall comply with the following standards:

- a. Spacing. Projecting signs shall be located no closer than twenty five (25) feet from the nearest projecting sign;
- b. Clearance above grade. Projecting sign shall maintain a minimum ten (10) foot vertical distance between the bottom of the sign and the grade immediately below the sign;
- c. Allowable extension from building. Projecting signs shall not extend further than eight (8) feet from the building to which they are attached;
- d. Required distance from street or parking lot curb. Projecting signs shall not extend closer than five (5) feet to the vertical plane of the face of a street curb, or if no curb exists, closer than six (6) feet to the edge of the street, street right-of-way, or parking lot as determined by the Zoning Administrator or Designated Authorized Agent;
- e. Allowable sign and graphic area. The allowable sign and graphic area shall not exceed twelve (12) square feet;
- f. Allowable area of the sign structure. The maximum allowable area of the entire sign structure shall not exceed twenty (20) square feet;
- g. Allowable number of projecting signs per use. Each distinct and unrelated service shall be allowed no more than one (1) projecting sign.

8. Sidewalk sign.

- a. Intent. The intent of this Paragraph is to regulate the design and location of sidewalk signs in the City of Ashland in order to allow for a positive business atmosphere and effective communication while protecting the health, safety, and welfare of the public.
- b. Design standards. All sidewalk signs shall comply with the following standards:
 - (1) Each distinct and unrelated service for which a sidewalk sign is permitted by this Ordinance shall be allowed one (1) sidewalk sign;

- (2) A sidewalk sign shall have a small, but legible label identifying the business that owns the sign, a contact name, address, and phone number.
 - (3) A sidewalk sign shall have a professionally designed appearance and shall be constructed in a workmanlike manner that is consistent with all applicable codes;
 - (4) A sidewalk sign may not exceed twenty-seven (27) inches in width and forty-five (45) inches in height. The base shall not exceed a width of thirty-six (36) inches. The required dimensions shall include the support structure and shall be measured along the widest or highest section of the sign;
 - (5) A sidewalk sign shall be constructed of durable, weather-resistant materials and finish, including aluminum, steel, wood and other similar materials. Cardboard, paper, fabric, non-rigid material, and other similar materials are prohibited;
 - (6) A sidewalk sign must be securely weighted and stabilized so as to not shift in the wind or present public safety hazards;
 - (7) A sidewalk sign shall have no moving parts, except for two stabilized wheels for moving sign to and from display location;
 - (8) The material, graphics and finish of a sidewalk sign shall be of a unified design and shall be compatible and complementary to its surroundings in terms of shape, color and texture. Lettering shall be legible and consistent;
 - (9) A sidewalk sign shall not be electric or illuminated;
 - (10) A sidewalk sign shall be maintained in a clean and original appearance.
- c. Permitted locations. Sidewalk signs shall only be allowed in those zoning districts and for those uses as specified in this Section. More specifically, sidewalk signs shall comply with the following standards:
- (1) A sidewalk sign shall only be placed at the location specified on the approved sign permit;
 - (2) A sidewalk sign may be located on or immediately adjacent to the subject parcel in a manner that does not present a pedestrian safety or vehicular hazard. Under no circumstances shall a sidewalk sign obstruct vehicular/bus stops, benches, fire hydrants, or other features located legally in the right-of-way;
 - (3) A sidewalk sign may not be located in a road or alley right-of-way except that it may be placed on a sidewalk in the public right-of-way with permission from the Zoning Administrator and Public Works Director or Designated Authorized Agent and the Police Department;
 - (4) A minimum of seven (7) feet of unobstructed sidewalk must remain between the sidewalk sign and adjacent buildings. In situations where seven (7) feet is not feasible because of a smaller sidewalk width, unique building locations, or other similar situations, the Zoning Administrator or Designated Authorized Agent may determine the minimum amount of unobstructed sidewalk allowed. A sidewalk sign shall be located near the curb, rather than the building face;
 - (5) A sidewalk sign shall not be located closer than five (5) feet to an adjacent parcel line;

- (6) A sidewalk sign shall not be located in the required vision triangle as specified in [Section 6.1, H.: Vision Triangle](#).
- d. Permitted display hours. A sidewalk sign may be displayed between the hours of 6:00 AM and 9:00 PM or during the hours that the business is open.
- e. Application and permit requirements. All sidewalk signs shall require the issuance of a sign permit pursuant to [Section 3.36: Sign Permit](#).

9. Wall sign.

- a. Allowable sign area. The allowable sign area is specified in the applicable zoning districts. The allowable sign area for each use in a multi-tenant building shall be based on the percentage of the individual use to the entire building.
- b. Allowable number of signs. There shall be no more than one (1) wall sign per distinct and unrelated service associated with the use per façade abutting a public right-of way, unless authorized by the Zoning Administrator or Designated Authorized Agent. Buildings with a secondary public entrance may have an additional wall sign pursuant to [Section 6.6, E., 4.: Buildings with a Secondary Public Entrance at the Rear or Side of the Building](#).
- c. Placement. Where feasible, wall signs shall be placed in the traditional sign band above the entrance to the building. In no case shall a sign be placed higher than the cornice.
- d. Attachment to the building. Wall signs shall be securely fastened to the face of building and shall not extend out from the face of the building more than twelve (12) inches.
- e. Conditional use permit. For businesses requiring more than one (1) wall sign per distinct and unrelated service, a conditional use permit may be applied for pursuant to [Section 3.9: Conditional Use Permit](#). The total sign area for all signs on a single façade must comply with the maximum square foot area allowable in the district.

G. Allowable Signs in the R-E, R-1, R-2, R-3, R-4, MHC, and W-SFR Districts

- 1. **Intent.** The R-E, R-1, R-2, R-3, R-4, MHC, and W-SFR Districts accommodate primarily residential uses and a limited amount of other compatible nonresidential uses. The signage in these districts is intended to relate to the predominantly residential character of the districts.
- 2. **Allowable signs.** The following are the only types of signs allowed:
 - a. Freestanding sign. Freestanding signs shall comply with the standards specified in [Section 6.6, F., 3.: Freestanding Signs](#). In addition, the following standards shall apply:
 - (1) One (1) freestanding sign shall be allowed per primary entrance of subdivisions containing at least six (6) single-family residential parcels or at least twelve (12) two-family dwelling units in the subdivision;
 - (2) One (1) freestanding sign shall be allowed per primary entrance of a multi-family development that has six (6) or more dwelling units;
 - (3) One (1) freestanding sign shall be allowed per primary entrance of a non-residential use approved as a permitted use or a conditional use in the district.

However, the freestanding sign provisions for a conditional use may be modified pursuant to the conditions of approval for the use.

- (4) The maximum sign copy and graphic area shall not exceed thirty-two (32) square feet at any primary entrance;
 - (5) The maximum height of the sign structure shall not exceed six (6) feet;
 - (6) The maximum total area of the sign structure shall not exceed seventy-five (75) square feet;
 - (7) A second sign may be allowed at the primary entrance provided that the total copy and graphic area of the two (2) signs combined does not exceed thirty-two (32) square feet;
 - (8) The sign shall not be internally illuminated.
- b. Wall sign, awning sign, or canopy sign. In lieu of a freestanding sign, one (1) wall sign pursuant to [Section 6.6, F., 9.: Wall Sign](#) or one (1) awning sign or canopy sign pursuant to [Section 6.6, F., 1.: Awning and Canopy Signs](#) per building wall fronting a public road shall be allowed for a multi-family use or a nonresidential use that is a permitted use or conditional use in the district, pursuant to the following standards:
- (1) The sign letters not exceed twenty-four (24) inches in height;
 - (2) The sign area shall not exceed thirty-two (32) square feet or one (1) square foot per lineal foot of building wall on which the sign is attached, whichever is less;
 - (3) The sign shall not be internally illuminated.
- c. Sidewalk sign. One (1) sidewalk sign shall be allowed for a permitted or conditional nonresidential uses, pursuant to [Section 6.6, F., 8.: Sidewalk Signs](#).
3. **Signs in the W-SFR District.** In addition to the standards of this Subsection, signs in the W-SFR District shall comply with the design guidelines specified in [Section 4.46, D., 10.: W-O Waterfront Overlay District, Design Standards and Guidelines, Signs](#).

H. Allowable Signs in the MRC, W-MRC, W-C, and W-CRM Districts

1. **Intent.** The MRC, W-MRC, W-C, and W-CRM Districts are mostly mixed use districts. Signs for nonresidential uses are intended primarily for vehicular traffic, but the signs are also intended to relate to the surrounding or nearby neighborhoods.
2. **Allowable signs for permitted and conditional residential uses.** Residential uses in the MRC District shall comply with the sign requirements specified in [Section 6.6, G: Allowable Signs in the R-E, R-1, R-2, R-3, R-4, MHC, W-SFR Districts](#).
3. **Allowable signs for permitted and conditional nonresidential uses.** The following are the only types of signs permitted in the MRC District for non-residential uses:
 - a. Freestanding sign. Freestanding signs shall comply with the standards specified in [Section 6.6, F., 3.: Freestanding Signs](#). In addition, the following standards shall apply:
 - (1) One (1) freestanding sign shall be allowed per primary vehicular entrance of a nonresidential use approved as a permitted use or a conditional use in the district. However, the freestanding sign provisions for a conditional use may be modified pursuant to the conditions of approval for the use;

- (2) The maximum sign copy and graphic area shall not exceed seventy-five (75) square feet at any primary vehicular entrance;
 - (3) The maximum height of the sign structure shall not exceed twenty (20) feet;
 - (4) A second sign may be allowed at the primary vehicular entrance provided that the total copy and graphic area of the two (2) signs combined does not exceed seventy-five (75) square feet;
 - (5) A proposed electrically or mechanically energized animated sign may be permitted pursuant to [Section 6.6 F., 2.: Electrically or mechanically energized animated signs](#).
- b. Wall sign, awning sign, or canopy sign. Permitted and conditional non-residential uses shall be allowed one (1) wall sign pursuant to [Section 6.6, F., 9.: Wall Signs](#) or one (1) awning or canopy sign pursuant to [Section 6.6, F., 1.: Awning and Canopy Signs](#) per side of building that faces a street. The sign shall not exceed one (1) square foot per lineal foot of building wall on which the sign is attached.
 - c. Projecting sign. One (1) projecting sign shall be allowed for permitted and conditional nonresidential uses pursuant to [Section 6.6, F., 7.: Projecting Sign](#).
 - d. Sidewalk sign. One (1) sidewalk sign shall be allowed for a permitted or conditional nonresidential uses, pursuant to [Section 6.6, F., 8.: Sidewalk Signs](#).
 - e. Off-premise sign. Off-premise signs shall be allowed pursuant to [Section 6.6, F., 6.: Off-Premise Signs](#).
 - f. Menu board sign. One (1) menu board sign pursuant to [Section 6.6, F., 4.: Menu Board Sign](#) may be allowed.
4. **Signs in the W-MRC, W-C, and W-CRM Districts.** In addition to the standards of this Subsection, signs in the W-MRC, W-C, and W-CRM District shall comply with the design guidelines specified in [Section 4.46, D., 10.: W-O Waterfront Overlay District, Design Standards and Guidelines, Signs](#).

I. Signs in the PRI District

1. **Intent.** The PRI Planned Residential/Institutional District is intended to develop through the planned unit development (PUD) process at a neighborhood or block scale. Consequently, signs in this district are intended to be approved through the PUD process and are intended to have a unified theme. The signs should be consistent with the allowable signs in the underlying districts of the proposed PUD, and with existing architecture of the neighborhood.
2. **Allowable signs.** The following signs are the only signs allowed in the PRI District:
 - a. Signs not associated with a planned unit development (PUD). Signs not associated with a planned unit development (PUD) shall be consistent with the standards for signs in the R-E, R-1, R-2, R-3, R-4, MHC and W-SFR District.
 - b. Signs associated with a planned unit development (PUD). Signs associated with an approved planned unit development (PUD) shall be consistent with the PUD ordinance associated with the project. As part of the review and approval process associated with a PUD, the applicant shall submit a comprehensive sign plan that specifies sign standards for the development. No sign permit shall be issued unless

the sign complies with the City approved comprehensive sign plan for the development and is consistent with all other applicable provisions of this Ordinance.

J. Signs in the NC District

1. **Intent.** The NC Neighborhood Convenience District accommodates limited commercial uses that are intended to serve the surrounding residential neighborhoods. The provisions of this Subsection are intended to ensure that signs in the district respect and relate to the scale and character of the surrounding residential neighborhoods while still allowing permitted and conditional uses to adequately identify themselves.
2. **Allowable signs.** The following are the only types of signs permitted in the NC Neighborhood Convenience District:
 - a. Wall signs and awning or canopy signs. One (1) wall sign pursuant to [Section 6.6, F., 9.: Wall Signs](#) or one (1) awning or canopy sign pursuant to [Section 6.6, F., 1.: Awning and Canopy Signs](#) per side of building that faces a street. In addition, the sign shall comply with the following standards:
 - (1) The sign shall not exceed one (1) square foot per lineal foot of building wall on which the sign is attached;
 - (2) No single use shall exceed thirty-two (32) square feet of signage per principal building façade facing a public street;
 - (3) The sign letters shall not exceed twenty-four (24) inches in height.
 - (4) Internally illuminated wall signs are discouraged.
 - b. Projecting sign. In lieu of a wall sign, awning sign, or canopy sign, a permitted or conditional use shall be allowed one (1) projecting sign per side of principal building that faces a street pursuant to [Section 6.6, F., 7.: Projecting Sign](#).
 - c. Freestanding sign. Freestanding signs shall comply with the standards specified in [Section 6.6, F., 3.: Freestanding Signs](#). In addition, freestanding signs shall comply with the following standards:
 - (1) The sign and graphic area shall not exceed twenty-five (25) square feet per side of the sign;
 - (2) The sign structure shall not exceed forty (40) square feet in area or six (6) feet in height.
 - d. Sidewalk sign. One (1) sidewalk sign shall be allowed for a permitted or conditional nonresidential uses, pursuant to [Section 6.6, F., 8.: Sidewalk Signs](#).

K. Signs in the RC District

1. **Intent.** The RC Regional Commercial District accommodates commercial uses along major streets and highways in the city for the convenience of residents and visitors. Consequently, signs in this district are primarily intended for vehicular traffic moving at speeds ranging from twenty five (25) to forty five (45) miles per hour.
2. **Allowable signs for permitted and conditional residential uses.** Residential uses in the RC District shall comply with the sign requirements specified in [Section 6.6, G: Allowable Signs in the R-E, R-1, R-2, R-3, R-4, MHC, and W-SFR Districts](#).
3. **Allowable signs for permitted and conditional nonresidential uses.** The following are the only types of signs permitted in the RC District for nonresidential uses:

- a. Freestanding sign. Freestanding signs shall comply with the general standards specified in [Section 6.6, F., 3.: Freestanding Signs](#). In addition, freestanding signs in the RC District shall comply with the following:
 - (1) One (1) freestanding sign shall be allowed per primary vehicular entrance into the development;
 - (2) The sign copy and graphic area shall not exceed seventy-five (75) square feet at any primary vehicular entrance;
 - (3) A proposed electrically or mechanically energized animated sign may be permitted pursuant to [Section 6.6 F., 2.: Electrically or mechanically energized animated signs](#).
 - (4) The sign structure shall not exceed a height of twenty (20) feet
- b. Wall signs and awning or canopy signs. One (1) wall sign pursuant to [Section 6.6, F., 9.: Wall Signs](#) or one (1) awning or canopy sign pursuant to [Section 6.6, F., 1.: Awning and Canopy Signs](#) per side of building that faces a street. In addition, the sign shall not exceed two (2) square foot per lineal foot of building wall on which the sign is attached. A proposed electrically or mechanically energized animated sign may be permitted pursuant to [Section 6.6 F., 2.: Electrically or mechanically energized animated signs](#).
- c. Projecting sign. A permitted or conditional use shall be allowed one (1) projecting sign per side of principal building that faces a street and pursuant to [Section 6.6, F., 7.: Projecting Sign](#).
- d. Sidewalk sign. One (1) sidewalk sign shall be allowed for a permitted or conditional nonresidential uses, pursuant to [Section 6.6, F., 8.: Sidewalk Signs](#).
- e. Off-premise sign. Off-premise signs shall be allowed pursuant to [Section 6.6, F., 6.: Off-Premise Signs](#) and shall only be allowed on parcels fronting U.S. Highway 2;
- f. Menu board sign. One (1) menu board sign pursuant to [Section 6.6, F., 4.: Menu Board Sign](#) shall be allowed for a permitted or conditional use with a drive-through facility.

L. Signs in the CC and W-CC District

1. **Intent.** Signs in the CC and W-CC Districts are intended to complement the “main street” character of the city center as described in the City’s Comprehensive Plan and other related planning documents. In addition, signs in these districts are intended to relate to pedestrians and slow moving traffic.
2. **Allowable signs for permitted and conditional residential uses.** Residential uses in the CC and W-CC Districts shall comply with the sign requirements specified in [Section 6.6, G: Allowable Signs in the R-E, R-1, R-2, R-3, R-4, MHC, and W-SFR Districts](#).
3. **Allowable signs for permitted and conditional nonresidential uses.** The following are the only types of signs permitted in the CC and W-CC Districts for nonresidential uses.
 - a. Freestanding sign. Freestanding signs shall comply with the general standards specified in [Section 6.6, F., 3.: Freestanding Signs](#). In addition, freestanding signs in the CC District shall comply with the following:
 - (1) One (1) freestanding sign shall be allowed per primary vehicular entrance into the development;

- (2) Freestanding signs located in the City Center District shall have a zero (0) foot setback. Freestanding signs on parcels abutting Lake Shore Drive (US Hwy 2) shall be required to maintain the required six (6) foot setback;
 - (3) The maximum sign copy and graphic area shall not exceed thirty-two (32) square feet at any vehicular entrance; signs on parcels abutting Lake Shore Drive (US Hwy 2) shall not exceed seventy-five (75) square feet at any vehicular entrance;
 - (4) The maximum height of the sign structure shall not exceed twenty (20) feet;
 - (5) The maximum total area of the sign structure shall not exceed seventy-five (75) square feet;
 - (6) The maximum allowable area and height may be increased with the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#);
 - (7) A proposed electrically or mechanically energized animated sign may be permitted pursuant to [Section 6.6 F., 2.: Electrically or mechanically energized animated signs](#).
- b. Wall signs and awning or canopy signs. One (1) wall sign pursuant to [Section 6.6, F., 9.: Wall Signs](#) or one (1) awning or canopy sign pursuant to [Section 6.6, F., 1.: Awning and Canopy Signs](#) per side of building that faces a street. In addition, the sign shall comply with the following standards:
- (1) The sign shall not exceed one (1) square foot per lineal foot of building wall on which the sign is attached. For parcels abutting Lake Shore Drive (US Hwy 2) or Ellis Avenue, upon authorization by the Zoning Administrator or Designated Authorized Agent, sign area may be increased to two (2) square feet per lineal foot of building wall on which the sign is attached;
 - (2) No sign shall be placed above the first story of a building without the issuance of a conditional use permit pursuant to [Section 3.9: Conditional Use Permit](#);
 - (3) Externally illuminated signs are preferred;
 - (4) Plastic box, back lit signs are prohibited. However, individual channel letters that are internally illuminated shall be allowed;
 - (5) A proposed electrically or mechanically energized animated sign may be permitted pursuant to [Section 6.6 F., 2.: Electrically or mechanically energized animated signs](#).
- c. Projecting sign. A permitted or conditional use shall be allowed one (1) projecting sign per side of principal building that faces a street and pursuant to [Section 6.6, F., 7.: Projecting Sign](#).
- d. Sidewalk sign. One (1) sidewalk sign shall be allowed for a permitted or conditional nonresidential uses, pursuant to [Section 6.6, F., 8.: Sidewalk Signs](#).
- e. Off-premise sign. Off –premise signs shall be allowed pursuant to [Section 6.6, F., 6.: Off-Premise Signs](#) and shall only be allowed on parcels fronting U.S. Highway 2.
- f. Menu board sign. One (1) menu board sign pursuant to [Section 6.6, F., 4.: Menu Board Sign](#) may be allowed. Two (2) menu board signs pursuant to [Section 6.6, F., 4.: Menu Board Sign](#) b. & c. may be allowed in the City Center (CC) District that are

adjacent to U.S. Highway 2 (Lake Shore Drive) upon authorization by the Zoning Administrator or Designated Authorized Agent.

4. **Historical properties.** Properties in the CC District that are a designated Local, State or National Historic Structure, Site or District, shall comply with the standards specified in the City of Ashland [Ordinance 826](#) and may require a Certificate of Appropriateness.
5. **Signs in the W-CC District.** In addition to the standards of this Subsection, signs in the W-CC District shall comply with the design guidelines specified in [Section 4.46, D., 10.: W-O Waterfront Overlay District, Design Standards and Guidelines, Signs](#).

M. Signs in the MCI, LI, HI, and W-I Districts

1. **Intent.** The MCI, LI, HI, and W-I Districts primarily accommodate industrial uses along major streets and highways. Consequently, signs in these districts are primarily intended for vehicular traffic moving at speeds ranging from twenty five (25) to forty five (45) miles per hour.
2. **Allowable signs for permitted and conditional residential uses.** Residential uses shall comply with the sign requirements specified in [Section 6.6, G: Allowable Signs in the R-E, R-1, R-2, R-3, R-4, MHC, and W-SFR Districts](#).
3. **Allowable signs for permitted and conditional nonresidential uses.** The following are the only types of signs permitted for nonresidential uses:
 - a. Freestanding sign. Freestanding signs shall comply with the general standards specified in [Section 6.6, F., 3.: Freestanding Signs](#). In addition, freestanding signs in the RC District shall comply with the following:
 - (1) One (1) freestanding sign shall be allowed per primary vehicular entrance into the development;
 - (2) The sign copy and graphic area shall not exceed seventy-five (75) square feet at any primary vehicular entrance;
 - (3) The sign structure shall not exceed a height of twenty (20) feet;
 - (4) A proposed electrically or mechanically energized animated sign may be permitted pursuant to [Section 6.6 F., 2.: Electrically or mechanically energized animated signs](#).
 - b. Wall signs and awning or canopy signs. One (1) wall sign pursuant to [Section 6.6, F., 9.: Wall Signs](#) or one (1) awning or canopy sign pursuant to [Section 6.6, F., 1.: Awning and Canopy Signs](#) per side of building that faces a street. In addition, the sign shall not exceed two (2) square foot per lineal foot of building wall on which the sign is attached.
 - c. Projecting sign. In lieu of a wall sign, awning sign, or canopy sign, a permitted or conditional use shall be allowed one (1) projecting sign per side of principal building that faces a street and pursuant to [Section 6.6, F., 7.: Projecting Sign](#).
 - d. Sidewalk sign. One (1) sidewalk sign shall be allowed for a permitted or conditional nonresidential uses, pursuant to [Section 6.6, F., 8.: Sidewalk Signs](#).
 - e. Off-premise sign. Off-premise signs shall be allowed pursuant to [Section 6.6, F., 6.: Off-Premise Signs](#) and shall only be allowed on parcels fronting U.S. Highway 2. Due to the unique character of the Ashland Industrial Park, freestanding off-premise

signs, installed by the City and associated with the Ashland Industrial Park, shall be exempt from the requirements of this Ordinance.

- f. Menu board sign. One (1) menu board sign pursuant to [Section 6.6, F., 4.: Menu Board Sign](#) may be allowed.

4. **Signs in the W-I District.** In addition to the standards of this Subsection, signs in the W-I District shall comply with the design guidelines specified in [Section 4.46, D., 10.: W-O Waterfront Overlay District, Design Standards and Guidelines, Signs](#).

N. Signs in the PI, PP, AIR, and W-PI Districts

1. **Intent.** Signs in PI, PP, AIR and W-PI Districts are intended for public and semi-public use. These districts accommodate a variety of uses including colleges, schools, hospitals, cemeteries, parks, and the airport. Most signs in these districts are intended for vehicular traffic. However, where a particular use may be more pedestrian-oriented (for example, a small public park in the City Center area), it is intended that the scale of the signs be adjusted to a pedestrian scale, rather than a vehicular scale.
2. **Allowable signs for permitted and conditional residential uses.** Residential uses shall comply with the sign requirements specified in [Section 6.6, G: Allowable Signs in the R-E, R-1, R-2, R-3, R-4, MHC, and W-SFR Districts](#).
3. **Allowable signs for permitted and conditional nonresidential uses.** The following are the only types of signs permitted for nonresidential uses:
 - a. Freestanding sign. Freestanding signs shall comply with the general standards specified in [Section 6.6, F., 3.: Freestanding Signs](#). In addition, freestanding signs shall comply with the following:
 - (1) One (1) freestanding sign shall be allowed per primary vehicular entrance into the development;
 - (2) The sign copy and graphic area shall not exceed seventy-five (75) square feet at any primary vehicular entrance;
 - (3) The sign structure shall not exceed a height of twenty (20) feet;
 - (4) A proposed electrically or mechanically energized animated sign may be permitted pursuant to [Section 6.6 F., 2.: Electrically or mechanically energized animated signs](#).
 - b. Wall signs and awning or canopy signs. One (1) wall sign pursuant to [Section 6.6, F., 9.: Wall Signs](#) or one (1) awning or canopy sign pursuant to [Section 6.6, F., 1.: Awning and Canopy Signs](#) per side of building that faces a street. In addition, the sign shall not exceed two (2) square foot per lineal foot of building wall on which the sign is attached.
 - c. Projecting sign. In lieu of a wall sign, awning sign, or canopy sign, a permitted or conditional use shall be allowed one (1) projecting sign per side of principal building that faces a street and pursuant to [Section 6.6, F., 7.: Projecting Sign](#).
 - d. Sidewalk sign. One (1) sidewalk sign shall be allowed for a permitted or conditional nonresidential uses, pursuant to [Section 6.6, F., 8.: Sidewalk Signs](#).
 - e. Off-premise sign. Off-premise signs shall be allowed pursuant to [Section 6.6, F., 6.: Off-Premise Signs](#) and shall only be allowed on parcels fronting U.S. Highway 2.

4. **Signs in the W-PI District.** In addition to the standards of this Subsection, signs in the W-PI District shall comply with the design guidelines specified in [Section 4.46, D., 10.: W-O Waterfront Overlay District, Design Standards and Guidelines, Signs](#).

O. Signs in the FD District

1. **Intent.** Signage in the FD Future Development District shall relate to the rural character of the district until such time it is rezoned in accordance with the Comprehensive Plan. Consequently, the signage should relate to low-density residential uses, such as the R-E Residential Estate District.
2. **Allowable signs for permitted and conditional residential uses.** Residential uses in the FD District shall comply with the sign requirements specified in [Section 6.6, G.: Allowable Signs in the R-E, R-1, R-2, R-3, R-4, and MHC Districts](#).
3. **Allowable signs for permitted and conditional nonresidential uses.** Non-residential uses in the FD District shall comply with the sign requirements for nonresidential uses specified in [Section 6.6, G.: Allowable Signs in the R-E, R-1, R-2, R-3, R-4, and MHC Districts](#).

P. Reserved

Q. Signs in the GTWY-O Gateway Overlay District

Signs in the GTWY-O Gateway Overlay District shall meet the standards of the underlying zoning district in which the signs are located. In addition, the signs shall comply with the design guidelines specified in [Section 4.47, D., 6.: GTWY-O Gateway Overlay District, Design Standards and Guidelines, Signs](#).

R. Reserved

S. Signs in the PUD Overlay District

1. **Intent.** Signs in the Planned Unit Development (PUD) Overlay District are intended to have a unified appearance that is an integral component of the PUD design concept. Signs in the PUD overlay district should generally comply with the sign standards associated with underlying districts or uses that most reflect the proposed uses in the PUD, but may deviate from those standards pursuant to the approved PUD ordinance.
2. **Comprehensive sign plan.** As part of the review and approval process associated with a PUD, the applicant shall submit a comprehensive sign plan that specifies sign standards for the development. No sign permit shall be issued unless the sign complies with the City approved comprehensive sign plan for the development and is consistent with all other applicable provisions of this Ordinance.

Section 6.7 Exterior Lighting

A. Intent

This Section is intended to specify practical and effective standards by which the obtrusive aspects of excessive and/or careless exterior light usage can be minimized, while preserving safety, security, and the nighttime use and enjoyment of property. These standards are intended to curtail the degradation of the night time visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light, sky glow, and glare resulting from over-lighting and poorly shielded or inappropriately directed lighting fixtures.

B. Compliance and Applicability

1. **Compliance.** All exterior illuminating devices shall be installed in compliance with the provisions of this Ordinance and all applicable building and electrical codes.
2. **General applicability.** All proposed new land uses, developments, buildings, structures, and/or additions and site modifications that require a development permit and/or building permit, as well as all proposed lighting fixtures for existing development, uses, or structures, shall comply with the provisions of this Section for all new exterior lighting. Where practical (as determined by the Designated Approval Authority), existing lighting associated with such development shall comply with the provisions of this Section.
3. **Exemptions.** The following shall be exempt from the provisions of this Section. However, to the extent practical, compliance with the intent of this Section is encouraged.
 - a. Existing lighting. All exterior lighting fixtures installed prior to the effective date of this Ordinance shall be exempt from this Section except that if any modification, construction, or change to an existing outdoor lighting fixture system is proposed to fifty (50) percent or more of the total number of fixtures, then all fixtures shall comply with the provisions of this Section.
 - b. Street and highway lighting. Street and highway lighting shall comply with the standards set forth by the applicable jurisdiction relating to required street and highway lighting.
 - c. State and federal facilities. Compliance with the intent of this Section at all state and federal facilities in the City of Ashland is encouraged, but not mandatory.
 - d. Emergency lighting. Emergency lighting, used by police, firefighters, medical personnel, public works, and others is exempt from this Section as it pertains to the emergency situation.
 - e. Swimming pool and fountain lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards of this Section.
 - f. Low-Output Exterior Lighting. Exterior lighting fixtures are exempted from this ordinance where the lights are:
 - (1) Top-shielded or located below an eave; and
 - (2) Rated less than one thousand (1,000) lumens; and
 - (3) Individually and collectively in conformance with light trespass provisions of *Section 6.7, C., 1., a: Light trespass.*
 - g. Flood, area, or security lighting. Flood lights or other area lights shall be exempt from the provisions of this ordinance only where:
 - (1) Lights are rated less than two thousand (2,000) lumens;
 - (2) Lights are directed so as to limit direct glare onto adjacent occupied premises;
 - (3) Light switching is automated, for example by motion sensor, so as to limit sustained light bursts to ten minutes or less and to limit the total ratio of unlighted-to-lighted time per night to no less than eight to one (8:1);

- (4) When activated, the illumination level at a distance of twenty-five (25) feet shall not exceed one-half (1/2) foot candles;
- (5) Light fixtures two thousand (2,000) lumens and over are not exempt. Exterior light fixtures above the eaves or attached to buildings or poles separate from the principal building are not exempt;
- (6) Examples of lamp types of less than two thousand (2,000) lumens include a 100 watt standard incandescent, a fifteen (15) watt cool fluorescent, a fifteen (15) watt compact fluorescent, or a eighteen (18) watt low pressure sodium lamp.
- h. Lighted flags. Flags of the United States, State of Wisconsin, City of Ashland and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are exempt from the provisions of this Section. All other outdoor lighted flags, including, but not limited to, decorative and commercial flags shall comply with this Section. Property owners are encouraged to lower all flags at sunset and during inclement weather.
- i. Holiday lighting. Holiday lighting, as defined, is exempt from the provisions of this Section.
- j. Search and spot lights. Approved search and spot lights for temporary use, shall be exempt from the lamp type and shielding provisions of this Section.
- k. Towers. Legally required safety lighting for towers shall be exempt from the provisions of this Section.
- l. Airports. Airport related lighting shall be exempt from the provisions of this Section where the lighting is used for air safety reasons.

C. General Requirements

1. **General.** All exterior lighting fixtures (except those specifically exempted in this Section) installed and thereafter maintained shall comply with the following:
 - a. Light trespass. The maximum allowable light trespass shall be one-half (1/2) footcandle four (4) feet above the ground. The point of measurement of this offending light shall be any point at the outer wall of an adjacent building occupied for residential or public use, or at any point greater than ten (10) feet from the adjacent parcel line. This measurement shall not include any ambient, natural light.
 - b. Cutoff or shields. All fixtures greater than one thousand (1,000) initial lumens (equivalent to 70 watts incandescent) shall be full cutoff, or shall be shielded or installed so that there is not a direct line of sight between the light source or its reflection and a point five (5) feet or higher above the ground at the parcel line. The light source shall not be of such intensity so as to cause discomfort or annoyance.
 - c. Lamp types. Any exterior lighting fixture installed on a parking lot, parking structure, or outdoor merchandise sales area shall use high pressure sodium, low pressure sodium, metal halide, LED, fluorescent lamps, or other type approved by the Zoning Administrator or Designated Authorized Agent.
 - d. Commercial business hours of lighting. The lighting system shall be extinguished or reduced to fifty (50) percent no later than thirty (30) minutes after the close of business for the day or after the end of normal office hours for the majority of

employees. All property owners are encouraged to turn off all unnecessary exterior lighting.

- e. Freestanding light fixtures. Freestanding light fixtures are considered accessory structures and shall comply with [Section 5.6 B: Accessory Structures](#).

2. **Maintenance.** All exterior lighting fixtures shall be maintained according to approved plans.
3. **Trees and shrubs.** Trees and shrubs shall not be located where they significantly reduce or block the lighting, intended for safety, of parking facilities or streets.
4. **Allowable uses.** Exterior lighting fixtures may be used to illuminate buildings and structures; recreational areas, sports fields and courts; parking lots; parking structures, garages, or ramps; landscape areas; outdoor merchandise sales; building overheads and open canopies. Exterior lighting fixtures may be installed to provide building and parking lot security.

D. Specific Design Requirements

1. **Non-residential open parking facilities.** Horizontal illuminance for open parking facilities shall comply with the standards specified in *Table 6.7.A* and *Table 6.7.B*. The illumination requirements of an open parking facility depend on the amount of usage the facility receives. The following levels of activity are herein to reflect both vehicular traffic and pedestrian activity:
 - a. High activity. Facilities for major or league athletic events or major cultural or civic events or similar activities.
 - b. Moderate activity. Shopping centers, retail parking areas, hospital and clinic parking, or similar activities.
 - c. Low activity. Employee parking, office parks, religious institutions, or similar activities.

Table 6.7.A General Parking and Pedestrian Areas Illuminance Standards for Open Parking Facilities				
Level of Activity	Minimum Footcandles on Pavement	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio (Avg:Min)	Watts per Square Foot Lighting Load
High	0.6 footcandle	3.75 footcandle	5:1	0.12
Moderate	0.4 footcandle	2.5 footcandle	5:1	0.10
Low	0.2 footcandle	1.5 footcandle	5:1	0.08

Table 6.7.B Driveway Area Illuminance Standards for Open Parking Facilities			
Level of Activity	Minimum Footcandles on Pavement	Maximum Average Footcandles on Pavement	Maximum Uniformity Ratio (Avg:Min)
High	0.67 footcandle	2.5 footcandle	5:1
Moderate	0.33 footcandle	1.5 footcandle	5:1
Low	0.125 footcandle	1.0 footcandle	5:1

2. **Commercial residential open parking facilities.** A parking facility for more than three (3) cars on a residential site should be lighted to provide at least 0.25 footcandles on any surface with an average illumination level of at least 0.75 footcandles. Exterior light fixtures shall be designed and installed to minimize light trespass. In addition, the

uniformity ratio between the average illumination and minimum illumination shall be no greater than 4:1.

3. **Building and structure illumination.** An exterior lighting system for illuminating buildings and structures shall have a maximum connected lighting load of five (5) watts per lineal foot. Watts shall mean lamp wattage and ballast consumption. Such lighting shall be shielded or installed so as to illuminate the building and not the sky.
4. **Outdoor merchandise sales.** For an outdoor merchandise sales area and outdoor vehicle sales, the maximum initial illumination level in seventy-five (75) percent of the parcel shall not exceed twenty (20) footcandles. A contiguous area not to exceed twenty-five (25) percent of the parcel may be illuminated to a level that shall not exceed forty (40) footcandles.
5. **Outdoor canopy.** The maximum initial illumination level under an outdoor canopy shall not exceed fifty (50) footcandles at any point.
6. **LED light bands.** Dimmable technology shall be installed and utilized to adjust the light output of permitted LED light bands based on the ambient light such that the light band dims automatically when it is less bright outside.

PART 7

PERFORMANCE STANDARDS

Part 7 of this Unified Development Ordinance specifies general performance standards that apply to all uses in Ashland. Related standards are specified in other parts of this Ordinance.

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Section 7.1 Performance Standards

A. Applicability

No land or building in any district shall be used or occupied in a manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; electrical or other substance, condition, or element in such a manner, or in such amount, as to adversely affect the surrounding area or adjoining premise.

B. Administration and Enforcement

1. **Measurement.** The determination of the existence of any objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent; provided, however, that the measurements necessary for enforcement of performance standards set forth in this Section shall be taken at the parcel lines.
2. **Notification.** The Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent shall give written notice, by registered mail or other means insuring a signed receipt for such notice, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent within a time limit set by such agent. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent within the time limit set constitutes admission of violation of the terms of this Ordinance.
3. **Cost of determination.** The notice specified in Subparagraph 2 above shall further state that upon request of those to whom it is directed, technical determinations as described in this Ordinance will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate.
4. **Violation corrections.** If there is no reply to the notice specified in Subparagraph 2 above within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent, he or she shall note "violation corrected" on his or her copy of the notice, and shall retain it among his or her official records, taking such other action as may be warranted.
5. **Enforcement.** If there is no reply to the notice specified in Subparagraph 2 above within the time limit set (thus establishing admission of the violations) and the alleged violation is not corrected to the satisfaction of the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent within the time limit set, he or she shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.

6. **Extensions.** If reply to the notice specified in Subparagraph 2 above is received within the time limit set indicating the alleged violation will be corrected to the satisfaction of the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent, but requesting additional time, said agent may grant an extension if he or she deems it warranted in the circumstances of the case and if the extension will not, in his or her opinion, cause imminent peril to life, health, or property.
7. **Expert findings.** If reply to the notice specified in Subparagraph 2 above is received in the time limit set requesting technical determination as provided in this Section, and if the alleged violation continues, the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent may call in properly qualified experts to make determinations. If the expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate under the provisions of this Ordinance.
8. **Additional enforcement provisions.** Even though compliance with the performance standards procedures in obtaining a development permit is not required for a particular use, initial and continued compliance with performance standards is required of every use, and provisions for enforcement of continued compliance shall be invoked by the Zoning Administrator, Building Inspector, Public Works Director, Police Chief, or other Authorized Agent against any use if there are reasonable grounds to believe that performance standards are being violated by such use.
9. **State of Wisconsin regulations.** The Wisconsin Department of Natural Resources, Division of Environmental Protection, pollution control standards shall take precedence over the above regulations except where the provisions of this Ordinance are higher.

Helpful Note.

For information on the Wisconsin Department of Natural Resources Environmental Protection Regulations, visit the following website:
www.dnr.state.wi.us/environment/protect/

C. Noise

It shall be unlawful for any person to willfully make or continue, or cause to be made, any loud, unnecessary, or unusual noise which disturbs the peace of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area pursuant to City of Ashland [Ordinance 202](#).

D. Fire and Explosion Hazards

All activities involving and all storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires shall be prohibited at any point. Fire and explosion hazards shall be further subject to the applicable federal, state, and local laws and regulations.

E. Radioactivity or Electric Disturbances

No activities shall be permitted that emit dangerous radiation. Radioactive emissions shall be further subject to applicable federal, state, and local laws and regulations.

F. Vibration

1. In all zoning districts except the MCI, LI, HI, and W-I Districts, no vibration, except during temporary construction activity, shall be permitted that is discernible without instruments beyond the parcel line of the source.
2. In the MCI, LI, HI, and W-I Districts, there shall be no operation or activity that would cause ground transmitted vibrations in excess of the limits set forth in *Table 7.1.B: Maximum Vibration Levels* at the boundary of this district under any conditions, nor beyond the parcel line if it would adversely affect any other use within the district. Vibrations shall be further subject to applicable federal, state, and local laws and regulations.

Table 7.1.A: Maximum Vibration Levels	
Frequency Cycles per Second	Maximum Permitted Displacement at Industrial District Boundaries in Inches
0 to 10	0.0008
10 to 20	0.0005
20 to 30	0.0002
30 to 40	0.0002
40 and Over	0.0001

G. Noxious Odors

No emission of noxious odorous gases or other noxious odorous matter in such quantities as to be readily detectable should be permitted beyond the parcel lines of the source. Any process that may involve the creation or emission of any noxious odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail. Noxious odors shall be further subject to applicable federal, state, and local laws and regulations.

H. Smoke

No emission shall be emitted of visible gray smoke of a shade equal to or darker than No. 2 on the Ringelmann chart, except that visible gray smoke of a shade to No. 3 of such chart may be emitted four (4) minutes in any thirty (30) minutes. These provisions applicable to visible gray smoke shall also apply to visible smoke of a different color, but with an apparently equivalent capacity. Smoke shall be further subject to applicable federal, state, and local laws and regulations.

Helpful Note.

For information on the Ringelmann chart, visit the following website:
<http://www.cdc.gov/niosh/mining/pubs/pdfs/ic8333.pdf>

I. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution

No emission shall be permitted that can cause any damage to health, animals, vegetation, or other forms of property, or any excessive soiling, at any point. No sulfur dioxide at the parcel line or beyond in excess of 1.0 part per million in a twenty (20) minute period of any hour or average exposure in excess of 0.1 part per million in any eight (8) hour period, nor shall any gas be emitted that contains sulfur dioxide in excess of two thousand (2,000) parts per million. Fly ash, dust, fumes, vapors, gases, and other forms of air pollution shall be further subject to applicable federal, state, and local laws and regulations.

J. Exterior Lighting, Glare, and Heat

All lighting shall be arranged so as to deflect light away from any adjoining residences. No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as

combustion or welding or otherwise so as to be visible at the parcel line of the source shall be permitted. Exterior lighting, glare, and heat shall be further subject to applicable federal, state, and local laws and regulations including, but not limited to, [Section 6.7: Exterior Lighting](#).

K. Liquid and Solid Waste

No waste shall be discharged in the public sewer system that is dangerous to the public health and safety. No waste shall be discharged into a storm sewer or roadside ditch or drainage area except clear and unpolluted water. Liquid and solid waste shall be further subject to applicable federal, state, and local laws and regulations, including but not limited to, City of Ashland *Ordinance 711* and [Ordinance 712](#).

PART 8

ENVIRONMENTAL PROTECTION

Part 8: Environmental Protection specifies general requirements for protection of natural features, erosion and sediment control, storm water management, and tree preservation. The erosion and sediment control and the storm water management provisions are based on model ordinances prepared by the Wisconsin Department of Natural Resources. Additional environmental protection provisions are provided in other parts of this Ordinance; for example, wetland protection and floodplain provisions are specified in [Part 4: Zoning Districts](#).

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Section 8.1 General Protection of Natural Features

A. General Provisions

All developments shall, to the maximum extent practical, be located so as to preserve the natural features of a site, to avoid areas of environmental sensitivity, to minimize the creation of impervious surface area, and to minimize negative impacts on the alteration of the natural environment.

B. Restricted Areas

The following natural features when present within a parcel constitute unbuildable areas. No development, grading or filling, alteration of the natural character of the land, or construction of buildings, structures or parking shall occur in the following areas, except as otherwise provided in this Ordinance:

1. **Floodways.** Floodways, as defined by this Ordinance.
2. **Navigable waters.** Navigable waters, as defined by this ordinance.
3. **Wetlands.** Wetlands, as defined by this Ordinance.
4. **Steep slopes.**
 - a. Slopes of twenty (20) percent or greater. Slopes greater than twenty (20) percent may be used for construction if engineering solutions by a professional engineer and the Building Inspector or Designated Authorized Agent are employed.
 - b. Slopes between twelve (12) and twenty (20) percent. To the maximum extent practical, development on slopes between twelve (12) and twenty (20) percent shall be avoided. Where this impractical, development shall comply with the following:
 - (1) The foundation and underlying material of any structure shall be adequate for the slope condition and soil type.
 - (2) The proposed development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.
 - (3) The proposed development will not cause erosion or slope instability to neighboring property or cause structural damage to neighboring structures.
 - (4) The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.
 - (5) The applicable approval authority may require that the property be rezoned and developed as a planned unit development, conservation subdivision, or traditional neighborhood design to use flexible development standards to preserve steep slopes.

Sustainability Tip.

A sustainable community reduces its encroachment on nature. To the maximum extent practical, development should be located so as to preserve the natural features of a site. This not only benefits the health of the ecosystem, but it can also yield economic and social benefits for the development and the community.

C. Preservation Areas

The following areas shall be preserved as undeveloped open space to the extent consistent with reasonable use of land and in accordance with all applicable federal, state and local regulations:

1. **Significant vegetated areas.** Significant tree or plant communities, including remnant stands of native trees or plant communities that are rare or of particular landscape significance, including those with species identified on State or Federal listings.
2. **Significant wildlife habitat.** Habitats of threatened or endangered wildlife as identified on federal or state listings, including, but not limited to, the federal Endangered Species Act and the Natural Heritage Inventory.

D. Areas of Significant Concern

The following areas shall be protected to the extent consistent with reasonable use of land and in accordance with all applicable federal, state and local regulations, and pursuant to those applicable sections within this ordinance.

1. Protective areas.

Protective areas, as defined by this Ordinance, shall include the area around water bodies as follows:

- a. Outstanding resource waters and exceptional waters as defined by this Ordinance, and for wetlands in special natural resource interest as specified in [Chapter NR 103.04 of the Wisconsin Administrative Code](#), shall have a seventy-five (75) foot protective area.
 - b. Perennial and intermittent streams identified on a United States Geological Survey 7.5 minute series topographic map, or a county soil survey map, whichever is more current, shall have a fifty (50) foot protective area.
 - c. Lakes shall have a fifty (50) foot protective area.
 - d. Highly susceptible wetlands, as defined by this Ordinance, shall have a protective area of fifty (50) feet. Wetland boundary delineations shall be made in accordance with [Chapter NR 103.08 \(1m\) of the Wisconsin Administrative Code](#). The protective area does not apply to wetlands that have been completely filled in accordance with applicable state and federal regulations. The protective area for wetlands that have been partially filled in accordance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after fill has been placed.
 - e. Less susceptible wetlands, as defined by this Ordinance, shall have a protective area of the average wetland width, but no less than ten (10) feet nor more than thirty (30) feet.
 - f. The determination of the extent of the protective area adjacent to wetlands shall be made on the basis of sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in [Chapter NR 103.03 of the Wisconsin Administrative Code](#).
 - g. Concentrated flow channels with drainage areas greater than one hundred thirty (130) acres shall have a protective area of ten (10) feet.
2. **Shoreland/Wetland areas.** Encompasses all land within the boundaries of shoreland and wetland areas, as defined by this ordinance. Refer to [Section 4.46 W-O Waterfront Overlay](#), [Section 4.49 BCC-O Bay City Creek Overlay](#) and [Section 4.51 WET-O Wetland Overlay](#) for additional regulations.

3. **Floodplain areas.** Encompasses all land within the boundaries of the floodplain, as defined by this ordinance. Refer to [Section 4.50 F-O Floodplain Overlay](#) for additional regulations.

E. Mitigation

Where preservation is not consistent with the reasonable use of land, the applicable approval authority may require mitigation through replacement of the resource or similar resource on the site, restoration of the former natural amenities to the site, or other reasonable measures to protect or enhance the natural features of the land.

Section 8.2 Construction Site Erosion Control

A. General Provisions

1. **Findings of fact.** The Common Council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to Lake Superior, Bay City Creek, and other waters of the City of Ashland and the State of Wisconsin.
2. **Intent.** It is the intent of this Section to accomplish the following:
 - a. Further the maintenance of safe and healthful conditions;
 - b. Prevent and control water pollution;
 - c. Protect spawning grounds, fish and aquatic life;
 - d. Control building sites, placement of structures and land uses;
 - e. Preserve ground cover and scenic beauty; and
 - f. Promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activities to the waters in and around the City of Ashland.
3. **Authority.**
 - a. This Section is adopted under the authority granted by [Section 62.234 of the Wisconsin Statutes](#) and supersedes any previous ordinances relating to construction site erosion control that may have been adopted under [Section 62.23 of the Wisconsin Statutes](#). Except as otherwise specified, [Section 62.234 of the Wisconsin Statutes](#) and [Section 62.23 of the Wisconsin Statutes](#) applies to this Section and to any amendment of this Ordinance.
 - b. The provisions of this Section are deemed not to limit any other lawful regulatory powers of the City of Ashland.
 - c. The Common Council hereby designates the Public Works Director or Designated Authorized Agent to administer and enforce the provisions of this Section.
 - d. The requirements of this Section do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits, or approvals including those authorized under [Section 281.16 of the Wisconsin Statutes](#) and or other applicable laws.

Sustainability Tip.

Erosion and sediment control measures help protect the health of the waters of Ashland and the State of Wisconsin.

- (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources in [Chapter NR 151.004 of the Wisconsin Administrative Code](#).

4. Applicability.

- a. When this Section applies. This Section applies to the following land disturbing activities:
 - (1) Construction activity that disturbs ten thousand (10,000) square feet to one (1) acre of land; or
 - (2) Any development activity that disturbs ten-thousand (10,000) square feet or more on a single parcel within five (5) years or less; or
 - (3) Any construction site of any size that, in the opinion of the Public Works Director or Designated Authorized Agent, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public safety.
- b. When this Section does not apply. This Section does not apply to the following land disturbing activities:
 - (1) Land disturbing construction activity that includes the construction of a building and is otherwise regulated by the Wisconsin Department of Safety and Professional Services under [Chapter SPS 321.125 of the Wisconsin Administrative Code](#), or The Department of Natural Resources [Chapter NR 216 of the Wisconsin Administrative Code](#);
 - (2) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under [Chapter 40, Code of Federal Regulations, Part 122](#), for land disturbing construction activity;
 - (3) Nonpoint discharges from agricultural facilities and practices;
 - (4) Nonpoint discharges from silviculture activities;
 - (5) Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility; or
 - (6) Activities constructed by a state agency, as defined under [Section 227.01\(1\) of the Wisconsin Statutes](#), but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under [Section 281.33\(2\) of the Wisconsin Statutes](#).

Helpful Note.

The USLE and its successors RULSE and RULSE2, use an R factor that has been developed to estimate annual soil erosion, average over extended time periods. The R factor can be modified to estimate monthly and single-storm erosion. A design storm can be statistically calculated to provide an equivalent R factor as an average calculation. See <http://dsps.wi.gov/sb/SB-SoilErosionControlProgram.html> for more information regarding USLE.

B. Technical Standards

1. **Design criteria, standards, and specifications.** All best management practices required to comply with this Section

shall meet the design criteria, standards, and specifications based on any of the following:

- a. Technical Standard identified and approved by the Wisconsin Department of Natural Resources in accordance with [Chapter NR 151 of the Wisconsin Administrative Code](#).
 - b. Other design guidance and technical standards identified and approved by the City of Ashland.
 - c. For this Ordinance, average annual basis is calculated using the appropriate annual rainfall or runoff factor, also referred to as the R factor, or an equivalent design storm using a type II distribution, with consideration given to the geographic location of the site and the period of disturbance.
2. **Other standards.** Other technical standards not identified or developed in Paragraph 1. above may be used provided that the methods have been approved by the Public Works Director or other Authorized Agent.

C. Performance Standards

1. **Responsible party.** The property owner or the owner's agent shall implement an erosion and sediment control plan, developed in accordance with that required by the Wisconsin Department of Natural Resources.
2. **Plan.** A written plan shall follow the requirements set forth in [Chapter NR 216.46 of the Wisconsin Administrative Code](#), and be implemented for each construction site.
3. **Location.** The best management practices used to comply with this Subsection shall be located prior to runoff entering the waters of the state.
4. **Alternate requirements.** The Public Works Director or other Authorized Agent may establish storm water management requirements more stringent than those set forth in this Section if the Public Works Director or Designated Authorized Agent determines that an added level of protection is needed for sensitive resources.

Helpful Note.

The requirements for the erosion and sediment control plan will meet the erosion control plan requirements of [Chapter NR 216.46 of the Wisconsin Administrative Code](#), when prepared in accordance with good engineering practices and the design criteria, standards, and specifications outlined in the Wisconsin Construction Site Best Management Practice Handbook (Wisconsin Department of Natural Resources, Publication WR-222, November 1993 Revision.

D. Erosion and Sediment Control Plan and Permitting Requirements

1. **Permit required.** No person shall commence a land disturbing construction activity subject to this Ordinance without receiving prior approval of an erosion and sediment control plan pursuant to [Section 3.40: Erosion and Sediment Control Plan](#) and all other necessary approvals and permits.
2. **Erosion and sediment control plan.** The property owner or the owner's agent shall prepare an erosion and sediment control plan that meets the performance standards of this Section, and addresses pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following:
 - a. The name(s) and address(es) of the owner or owner's agent, developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The plan shall also include start and end dates for construction;

- b. A description of the site and the nature of the construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic or comparable map;
- c. A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation;
- d. Estimates of the total area of the site and the total area of the site expected to be disturbed by construction activities;
- e. Estimates, including calculations, if any, of the runoff coefficient of the site before and after construction activities are completed;
- f. Calculations to show the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls;
- g. Existing data describing the surface soil as well as subsoil;
- h. Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available, or other reliable sources;
- i. Name of the immediate named receiving water from the United States Geological Service 7.5 minute series topographic or comparable map;
- j. A site map, at a scale not greater than one hundred (100) feet per inch and at contour intervals not to exceed five (5) feet, that includes the following:
 - (1) Existing topography, vegetative cover, natural and engineered drainage systems, roads, and surface waters. Lakes, streams, wetlands (as defined by delineation), channels, ditches, and other watercourses on and immediately adjacent to the site shall be shown. Any identified one hundred (100) year floodplains, floodfringe and floodways shall be shown;
 - (2) Boundaries of the construction site;
 - (3) Drainage patterns and approximate slopes anticipated after major grading activities;
 - (4) Areas of soil disturbance;
 - (5) Location of the major structural and non-structural controls identified in the plan;
 - (6) Location of areas where stabilization practices will be employed;
 - (7) Areas that will be vegetated following construction;
 - (8) Extent of wetland acreage on the site (as defined by delineation) and locations where storm water is discharged to a surface water or wetland;
 - (9) Locations of all surface waters and wetlands within one (1) mile of the construction site; and
 - (10) An alphanumeric or equivalent grid overlying the entire construction site map.

- k. A copy of any reports or data obtained through wetland delineation on the site, and if applicable, a written statement by a wetland professional or WI DNR staff stating that wetlands do not exist on the property.
 - l. A description of appropriate controls and measures that will be performed at the site to prevent pollutants from reaching waters of the state. The plan shall clearly describe the appropriate control measure for each major activity and the timing during the construction process that will be implemented. The description of the erosion control shall include, when appropriate, the following minimum requirements:
 - (1) A description of interim and permanent stabilization practices, including a practice implementation schedule. Site plans shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized. Vegetative cover used for stabilization shall comply with those requirements pursuant to [Section 8.4 Invasive Species Management](#) and City of Ashland [Ordinance 750: Property Maintenance](#);
 - (2) A description of structural practices to divert flow away from exposed soils, to store flows, or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Public Works Director or other Authorized Agent, structural measures shall be installed on upland soils;
 - (3) Management of overland flows at all sites, unless otherwise controlled by outfall controls;
 - (4) Trapping of sediment in channelized flows;
 - (5) Staging construction to limit bare areas subject to erosion;
 - (6) Protection of down slope drainage inlets where they occur;
 - (7) Minimization of tracking at all sites;
 - (8) Clean-up of all off-site sediment deposits;
 - (9) Proper disposal of building and waste materials at all sites;
 - (10) Stabilization of drainage ways;
 - (11) Control of soil erosion from dirt stockpiles;
 - (12) Installation of permanent stabilization practices as soon as practical after the final grading; and
 - (13) Minimization of dust to the maximum extent practical.
 - m. The plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel, as necessary, to provide a non-erosive flow from the structure to a water course so that the natural, physical, and biological characteristics and functions are maintained and protected.
3. **Erosion and sediment control plan statement.** An erosion and sediment control plan statement shall be prepared for each construction site that the Public Works Director or Designated Authorized Agent has determined is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, will likely cause undue channel erosion, will likely increase water pollution by scouring or the transportation

of particulate matter, and/or will likely endanger property or public safety. The statement shall briefly describe the site and include a site map depicting locations of proposed erosion and sediment control practices. Further, it shall include the best management practices that will be used to meet the requirements of this Section, including the site development schedule.

4. **Erosion and sediment control plan amendments.** The applicant shall amend the erosion and sediment control plan if any of the following occurs:
 - a. There is a change in design, construction, operation or maintenance at the site that has the reasonable potential for discharge of pollutants to waters of the state and that has not been otherwise addressed in the plan;
 - b. The actions required by the plan fail to reduce the impacts of pollutants carried by construction site runoff; and
 - c. The Public Works Director or Designated Authorized Agent notifies the applicant of changes needed in the plan.
5. **Exemptions.** The Public Works Director or Designated Authorized Agent may exempt some of the requirements of this Subsection for land disturbing activities under one (1) acre in area.

E. Implementation and Maintenance relating to an Approved Erosion and Sediment Control Plan.

All permits shall require the responsible party to do the following:

1. Notify the Public Works Director or Designated Authorized Agent within forty-eight (48) hours of commencing any land disturbing construction activity;
2. Notify the Public Works Director or Designated Authorized Agent of completion of best management practices within fourteen (14) days after their installations;
3. Obtain permission in writing from the Public Works Director or Designated Authorized Agent prior to any modification to the approved sequencing of construction of the site;
4. Install all best management practices identified in the approved erosion and sediment control plan;
5. Maintain all road drainage systems, storm water drainage systems, best management practices, and other facilities identified in the erosion and sediment control plan;
6. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site erosion control log;
7. Inspect the best management practices within twenty-four (24) hours after each rain of 0.5 inches or more and least once each week make needed repairs and document the findings of the inspections in a site erosion control log with the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site;
8. Allow the Public Works Director or Designated Authorized Agent to enter the site for purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the control plan. Keep a copy of the erosion and sediment control plan at the construction site, and allow the

Public Works Director or Designated Authorized Agent access to all inspection logs for best management practices;

9. Throughout the duration of the construction activity, maintain all best management practices necessary to meet the requirements of this Ordinance until the site has undergone final stabilization.

F. Inspection and Enforcement

1. If land disturbing construction activities are being carried out without an approved erosion and sediment control plan and all other required permits and approval required by this Ordinance, the Public Works Director or Designated Authorized Agent may enter the site pursuant to the provisions of [Sections 66.0119\(1\), \(2\), and \(3\) of the Wisconsin Statutes](#).
2. The Public Works Director or Designated Authorized Agent may post a stop work order if any of the following occurs:
 - a. Any land disturbing construction activity regulated under this Ordinance is being undertaken without the required permits;
 - b. The erosion and sediment control plan is not being implemented in a good faith manner; or
 - c. The conditions of the permit are not being met.
3. If the responsible party does not cease the activity as required in the stop work order posted under this Section or fails to comply with the approved erosion and sediment control plan or permit conditions, the Public Works Director or Designated Authorized Agent may revoke the permit.
4. If the responsible party, where no permit has been issued, does not cease the activity after being notified by the Public Works Director or Designated Authorized Agent, or if the responsible party violates a stop work order, the Public Works Director or Designated Authorized Agent may request that the City Attorney obtain a cease and desist order in any court with jurisdiction.
5. The Public Works Director, Designated Authorized Agent, or Board of Appeals may retract a stop work order or the permit revocation.
6. After posting a stop work order, the Public Works Director or Designated Authorized Agent may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this Ordinance. The Public Works Director or Designated Authorized Agent may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this Section by the Public Works Director or Designated Authorized Agent shall be billed to the responsible party. In the event the responsible part fails to pay the amount due, the City Clerk or Designated Authorized Agent shall enter the amount due on the tax rolls and collect as special assessment against the property pursuant to Subchapter VII of [Chapter 66 of the Wisconsin Statutes](#).
7. Any person violating any of the provisions of this Ordinance shall be subject to a forfeiture of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists, shall constitute a separate offense.
8. Compliance with the provisions of this Ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary, to prosecute for forfeiture or a cease and desist order, before resorting to injunction proceedings.

Section 8.3 Post-Construction Storm Water Management

A. General Provisions

1. **Findings of fact.** The Common Council finds that the uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety, and general welfare of the community and diminishes the public enjoyment and use of natural resources. More specifically, the Common Council finds that uncontrolled, post-construction runoff can do the following:
 - a. Degrade physical stream habitat by increasing stream bank erosion, increasing, streambed scour, diminishing groundwater recharge, diminishing stream base flows, and increasing stream temperature;
 - b. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens, and other urban pollutants;
 - c. Alter wetland communities by changing wetland hydrology and by increasing pollutant loading;
 - d. Reduce the quality of groundwater by increasing pollutant loading;
 - e. Threaten public health, safety, property, and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities; and
 - f. Undermine floodplain management efforts by increasing the incidence and levels of flooding.
 - g. Increases the public's cost to maintain and repair infrastructure due to overtaxing of the storm sewer system.
2. **Purpose and Intent.**
 - a. **Purpose.** The general purpose of this Section is to establish long term, post-construction runoff management requirements that will diminish the threats to public health, safety, general welfare, and the aquatic environment. Specific purposes are as follows:
 - (1) Further the maintenance of safe and healthful conditions;
 - (2) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish, and aquatic life; control building sites, placement of structures, and land uses; preserve ground cover and scenic beauty; and promote sound economic growth; and
 - (3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.
 - b. **Intent.** It is the intent of the Common Council that this Section regulates post-construction storm water discharges to waters of the state. This Section may be

Sustainability Tip.

Storm water management measures help protect the waters of Ashland and the State of Wisconsin. They also help protect the health, safety, and general welfare of the public.

applied on a site-by-site basis. The Common Council recognizes, however, that the preferred method of achieving the storm water performance standards set forth in this Section is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices, or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under [Section 281.16 of the Wisconsin Statutes](#), for regional storm water management measures and have been approved by the Common Council, it is the intent of this Section that the approved plan be used to identify post-construction management measures acceptable for the community.

3. Authority.

- a. This Section is adopted by the Common Council under the authority granted by [Section 62.234 of the Wisconsin Statutes](#). This Section supersedes all provisions of any previous ordinance that may have been adopted under [Section 62.23 of the Wisconsin Statutes](#) that relate to storm water management regulations. Except as otherwise specified in [Section 62.234 of Wisconsin Statutes](#), [Section 62.23 of Wisconsin Statutes](#) applies to this Section and to any amendments to this Section.
- b. The provisions of this Section are deemed not to limit any other lawful regulatory powers of the City of Ashland.
- c. The Common Council hereby designates the Public Works Director or Designated Authorized Agent to administer and enforce the provisions of this Section.
- d. The requirements of this Section do not preempt more stringent storm water management requirements that may be imposed by any of the following:
 - (1) Wisconsin Department of Natural Resources administrative rules, permits, or approvals including those authorized under [Section 281.16 of the Wisconsin Statutes](#) and [Section 283.33 of the Wisconsin Statutes](#); and
 - (2) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under [Chapter NR 151.004, Wisconsin Administrative Code](#).

4. Applicability.

- a. When this Section applies. When otherwise not limited by law, this Section applies after final stabilization to the following:
 - (1) A post-construction development site that had ten thousand (10,000) square feet to one (1) acre of land disturbing construction activity; or
 - (2) Any development activity that disturbs ten-thousand (10,000) square feet or more on a single parcel within five (5) years or less; or
 - (3) Any post-construction site of any size that, in the opinion of the Public Works Director or Designated Authorized Agent, is likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, that increases water pollution by scouring or the transportation of particulate matter, or that endangers property or public safety.

- b. When this Section does not apply. This Section does not apply to the following:
- (1) A redevelopment post-construction site with no increase in exposed parking lots or roads;
 - (2) A post-construction site with less than ten (10) percent connected imperviousness based on completed development of the post-construction site, provided the cumulative area of all parking lots and rooftops is less than twenty thousand (20,000) square feet;
 - (3) Nonpoint discharges from agricultural facilities and practices;
 - (4) Nonpoint discharges from silviculture activities;
 - (5) Routine maintenance for project sites under five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility;
 - (6) Underground utility construction such as water, sewer, and fiber optic lines. This exemption does not apply to the construction of any above ground structures associated with utility construction; or
 - (7) This section is not applicable to activities conducted by a state agency, as defined under [Section 227.01\(1\) of the Wisconsin Statutes](#), but also including the office of the district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under [Section 281.33 \(2\) of the Wisconsin Statutes](#).

B. Technical Standards

The following methods shall be used in designing the water quality, peak flow shaving, and infiltration components of storm water practices need to meet the water quality standards of this Section:

1. Technical Standards identified and approved by the Wisconsin Department of Natural Resources in accordance with [Chapter NR 151.03 of the Wisconsin Administrative Code](#).
2. Where technical standard have not been identified or developed by the Wisconsin Department of Natural Resources, other technical standards identified and approved by the City of Ashland may be used.
3. In this Section, the average annual rainfall is based on figures for the City of Duluth, 1975 (March 24 through November 19).

Helpful Note.

Pollutant loading models such as SLAMM, P8, or equivalent methodology may be used to evaluate the efficiency of the design in reducing total suspended solids.

C. Performance Standards

1. **Responsible party.** The responsible party shall implement a post-construction storm water management plan that incorporates the requirements of this section.
2. **Plan.** A written storm water management plan shall follow the requirements set forth in [Chapter NR 216.47 of the Wisconsin Administrative Code](#) and shall be developed and implemented for each post-construction site.
3. **General considerations for onsite and off-site management measures.** The following considerations shall be observed in managing runoff:

- a. Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the maximum extent practical, to meet the requirement of this Section.
- b. Emergency overlay flow for all storm water facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.
- 4. Location and regional treatment option.
 - a. The best management practices may be located onsite or off-site with written permission from the property owner as part of a regional storm water device, practice or system.
 - b. Post-construction runoff within non-navigable surface water that flows into a best management practice, such as a wet detention pond, is not required to meet the performance standards of this Section. Post-construction best management practices may be located in non-navigable surface waters.
 - c. Except as allowed otherwise in this Section, post-construction runoff from new development shall meet the post-construction performance standards prior to entering navigable surface water.
 - d. Post-construction from any development within a navigable surface water that flows into a best management practice is not required to meet the performance standards of this Section provided all the following conditions are met:
 - (1) The best management practice was constructed prior to the effective date of this Ordinance and the best management practice either received a permit issued under *Chapter 30 of the Wisconsin Statutes*, or the best management practice did not required a permit under *Chapter 30 of the Wisconsin Statutes*; and
 - (2) The best management practice is designed to provide runoff treatment from future upland development.
 - e. Runoff from existing development, re-development, and infill areas shall meet the post-construction performance standards in accordance with this Section.
 - (1) To the maximum extent practical, best management practices shall be located to treat runoff prior to discharge to navigable water surfaces.
 - (2) Post-construction best management practices may be located in navigable surface water if allowable under all other applicable federal, state, and local regulations, such as *Chapter NR 103 of the Wisconsin Administrative Code*, and *Chapter 30 of the Wisconsin Statutes*.
 - f. The discharge of runoff from a best management practice, such as a wet detention pond, or after a series of such best management practices, is subject to this Section.
 - g. The Public Works Director or Designated Authorized Agent may approve off-site management measures provided that all of the following conditions are met:
 - (1) The Public Works Director or Designated Authorized Agent determines that the post-construction runoff site is covered by a storm water management system plan that is approved by the City of Ashland and that it contains

management requirements consistent with the purpose and intent of this Section; and

(2) The off-site facility meets all of the following conditions:

- The facility is in place;
- The facility is designed and adequately sized to provide a level of storm water control equal to or greater than that which would be afforded by onsite practices meeting the performance standards of this Section; and
- The facility has a legally obligated entity responsible for its long term operation and maintenance, as required by [Section 8.3 E: Maintenance Agreement](#).

h. Where a regional treatment option exists such that the Public Works Director or Designated Authorized Agent exempts the applicant from all or part of the minimum onsite storm water management requirements, the applicant shall be required to pay a fee as established by the City's fee schedule. The fee for post-construction runoff shall be determined through establishing an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

5. **Alternate requirements.** The Public Works Director or Designated Authorized Agent may establish alternate storm water management requirements more stringent than those set forth in this Section if the Public Works Director or Designated Authorized Agent determines that an added level of protection is needed to protect sensitive resources.

D. Storm Water Management Plan and Permitting Requirements

1. **Permit required.** No person shall commence a land disturbing construction activity subject to this Ordinance without receiving prior approval of a storm water management plan pursuant to [Section 3.41: Storm Water Management Plan](#) and all other necessary approvals and permits.
2. **Storm water management plan.** The property owner or owner's agent shall prepare a storm water management plan that complies with the performance standards of this Section and that, at a minimum, includes the following information:
 - a. Name, address, telephone number for the following or their designees: property owner; developer; project engineer for practice design and certification; person(s) responsible for installation of storm water management practices; and person(s) responsible for maintenance of storm water practices prior to the transfer, if any, of maintenance responsibility to another part.
 - b. A proper legal description of the property proposed to be developed, referenced to the United States Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.
 - c. Pre-development site conditions, including the following:
 - (1) One or more site maps at a scale of not less than one inch equals one hundred (100) feet. The site maps shall show the following:
 - Site location and legal property description;
 - Predominant soil types and hydrologic soil groups;
 - Existing cover type and condition;

- Topographic contours of the site at a contour interval not to exceed two (2) feet;
 - Topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through and from the site;
 - Watercourses that may affect or be affected by runoff from the site;
 - Flow path and direction for all storm water conveyance sections;
 - Watershed boundaries used in hydrology determinations to show compliance with the required performance standards;
 - Lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site;
 - Limits of the 100-year floodplain;
 - Locations of wells and wellhead protection areas covering the project area, and delineated pursuant to [*Chapter NR 811.16 of the Wisconsin Administrative Code*](#).
- (2) Hydrology and pollutant load computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross referenced to the required map(s).
- d. Post-development site conditions, including the following:
- (1) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.
 - (2) Explanation of any restrictions on storm water management measures in the development area imposed by wellhead protection plans and ordinances.
 - (3) One or more site maps at a scale of not less than one inch equals one hundred (100) feet showing the following:
 - Post-construction pervious areas including vegetative cover type and condition;
 - Impervious surfaces including all buildings, structures, and pavement;
 - Post-construction topographic contours of the site at a contour interval not to exceed two (2) feet;
 - Post-construction drainage network including enough of the contiguous property to show runoff patterns onto, through and from the site;
 - Locations and dimensions of drainage easements;
 - Location of maintenance easements specified in the maintenance agreement;
 - Flow path and direction for all storm water management conveyance and treatment practices, including the onsite and off-site tributary drainage area;

- Location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet, such as a curbed street, storm drain, or natural drainage way;
 - Watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.
- (4) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross referenced to the required map(s).
 - (5) Results of the investigations of soils and groundwater required for the placement and design of storm water management measures. Detailed drawings including cross sections and profiles of all permanent storm water conveyance and treatment practices.
- e. A description and installation schedule for the storm water practices needed to meet the performance standards of this Section.
 - f. A maintenance plan developed for the life of each storm water management practice including the required maintenance activities and maintenance activity schedule.
 - g. Cost estimates for construction, operation, and maintenance of each storm water management practice.
 - h. Other information requested in writing by the Public Works Director or Designated Authorized Agent to determine compliance of the proposed storm water management measures with the provisions of this Ordinance.
 - i. All site investigations, plans, designs, computations, and drawings shall be certified by a professional engineer and prepared in accordance with accepted engineering practice and requirements of this Section.
3. **Alternate requirements and exemptions.** The Public Works Director or Designated Authorized Agent may prescribe alternative submittal requirements for applicants seeking an exemption to onsite storm water management performance standards pursuant to this Section. In addition, the Public Works Director or Designated Authorized Agent may exempt some of the requirements of this Subsection for land disturbing activities under one (1) acre in area.

E. Maintenance Agreement

- 1. **Maintenance agreement required.** The maintenance agreement required by this Section for storm water management practices shall be an agreement between the City of Ashland and the property owner(s) to provide for maintenance of storm water practices beyond the duration period of this permit. The maintenance agreement shall be filed with the Ashland County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the storm water management practices.
- 2. **Agreement provisions.** The maintenance agreement shall contain the following information and provisions, and be consistent with the maintenance plan required by this Section:

- a. Identification of the storm water facilities and designation of the drainage area served by the facilities.
- b. A schedule for regular maintenance of each aspect of the storm water management system consistent with the storm water management plan required by this Section.
- c. Identification of the property owner(s) or the City of Ashland's responsibility for long term maintenance of the storm water management practices identified in the required storm water management plan.
- d. Requirement that the property owner(s) or the City of Ashland shall maintain storm water management practices in accordance with the required schedule.
- e. Authorization for the Public Works Director or Designated Authorized Agent to access the property to conduct inspections of storm water management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.
- f. A requirement on the Public Works Director or Designated Authorized Agent to maintain public records of the results of site inspections, to inform the property owner(s) of the inspection results, and to specifically indicate any corrective actions required to bring the storm water management practice into proper working condition.
- g. Agreement that the property owner(s) responsible for long term maintenance of the storm water management practices shall be notified by the Public Works Director or Designated Authorized Agent of maintenance problems that required correction. The specified corrective actions shall be undertaken within a reasonable timeframe as set by the Public Works Director or Designated Authorized Agent.
- h. Authorization of the Public Works Director or Designated Authorized Agent to perform the corrected actions identified in the inspection report if the responsible party designated by this Section does not make the required corrections in the specified time period. The Public Works Director or Designated Authorized Agent shall have entered the amount due on the tax rolls and collect the money as a special charge against the property pursuant to [*Subchapter VII of Chapter 66 of the Wisconsin Statutes*](#).

F. Financial Guarantee

1. **Establishment of the guarantee.** The Public Works Director or Designated Authorized Agent may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Public Works Director or Designated Authorized Agent. The financial guarantee shall be in the amount determined by the Public Works Director or Designated Authorized Agent to be the estimated cost of construction and the estimated cost of the maintenance of the storm water management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Public Works Director or Designated Authorized Agent the authorization to use the funds to complete the storm water management practice if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the administering authority that the requirements of this Section have not been met.
2. **Conditions for release.** Conditions for the release of the financial guarantee are as follows:

- a. The Public Works Director or Designated Authorized Agent shall release the portion of the financial guarantee established under this Section, less any costs incurred by the City of Ashland to complete installation of practices, upon submission of as-built plans by a professional engineer. The Public Works Director or Designated Authorized Agent may make provisions for a partial pro-rata release of the financial guarantee based on the completion of the various development stages.
- b. The Public Works Director or Designated Authorized Agent shall release the portion of the financial guarantee established under this Section to assure maintenance of storm water practices, less any costs incurred by the City of Ashland, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

G. Enforcement

1. Any land disturbing construction activity or post-construction runoff initiated after the effective date of this Ordinance by any person, firm, association, or corporation subject to the provisions of this Section shall be deemed a violation unless conducted in accordance with this Section.
2. The Public Works Director or Designated Authorized Agent shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
3. Upon receipt of written notification from the Public Works Director or Designated Authorized Agent, the responsible party shall correct work that does not comply with the approved storm water management plan or other provisions of the approved permits. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Public Works Director or Designated Authorized Agent in the notice.
4. If a violation to a permit issued pursuant to this Ordinance is likely to result in damage to properties, public facilities, or waters of the state, the Public Works Director or Designated Authorized Agent may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the City of Ashland plus interest and legal costs shall be billed to the responsible party.
5. The Public Works Director or Designated Authorized Agent is authorized to post a stop work order on all land disturbing construction activity that is in violation of this Ordinance, or to request the City Attorney obtain a cease and desist order in any court with jurisdiction.
6. The Public Works Director or Designated Authorized Agent may revoke a permit issued under this Ordinance for non-compliance with Ordinance provisions.
7. Any permit, revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Public Works Director or Designated Authorized Agent or by a court with jurisdiction.
8. The Public Works Director or Designated Authorized Agent is authorized to refer any violation of this Ordinance, stop work order, or cease and desist order issued pursuant to this Ordinance to the City Attorney for the commencement of further legal proceedings in any court with jurisdiction.

9. Any person, firm, association, or corporation who does not comply with the provisions of this Ordinance shall be subject to the forfeiture of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.
10. Compliance with the provisions of this Ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary, to prosecute for forfeiture or a cease and desist order, before resorting to injunction proceedings.
11. When the Public Works Director or Designated Authorized Agent determines that the holder of a permit issued pursuant to this Ordinance has failed to follow practices set forth in the storm water management plan, the Public Works Director or Designated Authorized Agent may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The Public Works Director or Designated Authorized Agent shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to this Section. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxed levied thereon for the year in which the work is completed.

Section 8.4 Invasive Species Management

A. Purpose and Intent

In the interest of economics, health, ecology and recreation, regulations are now in place to control and manage invasive species in the State of Wisconsin pursuant to [Chapter NR 40, of the State of Wisconsin Administrative Codes](#). It is the purpose of this section to recommend best management practices to be used prior to, during and post construction, for the control of invasive species by:

1. Identifying and limiting the spread of established populations.
2. Preventing the introduction or spread of new species not previously identified in the area.

B. General Guidelines

Refer to [Section NR 40.04 and NR 40.05, of the State of Wisconsin Administrative Codes](#) for species listings and regulations regarding the transportation, possession, transfer and introduction of prohibited and restricted species.

C. Land Disturbing Construction Activities

Prior to any construction disturbance, the use of best management practices is encouraged to prevent the transfer and introduction of invasive species to un-infested sites in violation of NR 40 of the Wisconsin Administrative Codes. On sites with infestations of restricted or prohibited species, contractors should adhere to the following requirements necessary to prevent infestations.

1. Avoid invasive species populations, when feasible during soils disturbance activities.
2. Prior to moving equipment out of an infested area, all equipment should be, to the maximum extent possible, clean of soils, seeds, plant parts, or invertebrates from exterior surfaces.

3. All contaminated soils, seeds, plant parts, or invertebrates found during inspections and cleaning shall be disposed of in labeled garbage bags.
4. Areas where soils have been disturbed should be re-vegetated as soon as feasible.
5. Use non-invasive or native seed for cover crops or for re-vegetation and landscaping.
6. Ensure only the species specified in the plan are used.
7. Continue to monitor the re-vegetation site for invasive species spread.

Refer to the Wisconsin Department of Natural Resources and the Wisconsin Council on Forestry for example best management practices.

PART 9

LAND DIVISIONS AND IMPROVEMENTS

Part 9: Land Divisions and Improvements specifies the types of land divisions that can occur in the City of Ashland. It also specifies layout, improvements, and construction standards that are typically associated with land divisions. Refer to [Part 4: Zoning Districts](#) for provisions relating to conservation subdivisions and traditional neighborhood design developments.

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Section 9.1 General Provisions of Land Divisions

A. Intent

This Part of this Ordinance is intended to regulate the division of land within the incorporated area of the City of Ashland for the following purposes:

1. Provide for division of land in a manner that is consistent with the goals, objectives, and policies of the adopted Comprehensive Plan of the City of Ashland and that considers the economic, social, and environmental aspects of the division of land;
2. Promote sensitive use, development, conservation, and protection of natural resources in the City to achieve a balance between development and the sustaining natural resource base;
3. Avoid the harmful effects of premature division of land;
4. Promote the public, health, safety, and general welfare;
5. Lessen congestions in the streets and highways;
6. Further the orderly layout and use of land;
7. Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
8. Prevent the overcrowding of land;
9. Facilitate adequate and economical provisions for water, sewerage, and other public requirements;
10. Provide for proper ingress and egress;
11. Promote proper monumenting of subdivided land;
12. Encourage conveyance by accurate legal description;
13. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;
14. Further the maintenance of safe and healthful water conditions; and
15. Prevent flood damage to persons and property, and minimize expenditures for flood relief and flood control projects.

B. Authority and Jurisdiction

The provisions this Ordinance are adopted under the authority granted by [Section 236.45 of the Wisconsin Statutes](#), relating to the subdivision of land. This Ordinance shall regulate the division of land within the incorporated area of the City of Ashland.

C. Types of Land Divisions

The provisions of this Ordinance shall apply to the following types of land division in the City of Ashland:

1. **Subdivision plat.** Any division of land may be surveyed and a plat thereof approved and recorded pursuant to the provisions of this Ordinance and [Chapter 236 of the Wisconsin Statutes](#). However, a platted subdivision shall be required for any land division that creates five (5) or more parcels one and one-half (1-1/2) acres or less in area, by division or by successive divisions of any part of the original property within a period of five (5) years.

2. **Certified survey map.** In lieu of a subdivision plat, any division of land that creates four (4) or less parcels or building sites, inclusive of the original remnant parcel, by division or successive divisions of any part of the original property within a period of five (5) years, shall be surveyed and a certified survey map of such division approved and recorded pursuant to the provisions of this Ordinance and [Chapter 236 of the Wisconsin Statutes](#).
3. **Condominium plat.** Any land divisions that creates condominiums having one or more principal structures on any parcel shall be regulated pursuant to this Ordinance and [Section 703.11 of the Wisconsin Statutes](#) relating to condominiums.
4. **Replats.** Any replatting of a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, shall be regulated pursuant to this Ordinance and [Section 236.40 through Section 236.44 of the Wisconsin Statutes](#).

D. Exclusions

The provisions of this Ordinance shall not apply to the following:

1. Transfers of interest in land by will or pursuant to court order;
2. Cemetery plats under [Section 157.07 of the Wisconsin Statutes](#);
3. Upon approval from the Zoning Administrator or Designated Authorized Agent, the sale or exchange of parcels of land between owners of adjoining property if additional parcels are not thereby created and the parcels resulting are not reduced below the minimum sizes required by this Section or other applicable laws or ordinances;
4. Lands subdivided (prior to September 17, 1985) into residential or commercial lots where the existing size is less than 20,000 square feet.
5. Assessors' plats made under [Section 70.27 of the Wisconsin Statutes](#), but such assessors' plats shall comply with [Sections 236.15\(1\)\(a\)-\(g\) and 236.20\(1\), \(2\)\(a\)-\(c\) of the Wisconsin Statutes](#).

E. Compliance

No person, firm, or corporation shall divide any land within the City of Ashland that results in a subdivision plat, certified survey map, condominium plat, or replat, and no such action shall be entitled to record without compliance with the following:

1. The City's Comprehensive Plan;
2. All applicable provisions of this Ordinance;
3. The provisions of [Chapter 236 of the Wisconsin Statutes](#) relating to subdivisions;
4. The provisions of [Chapter 703 of the Wisconsin Statutes](#) relating to condominium plats;
5. The rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by public sewer and provisions for such service have not been made;
6. The rules of the Wisconsin Department of Transportation relating to the provisions for the safety of entrance upon and departure from state trunk highways or connecting highways and for the preservation of public interest and investment in such highways;

7. The rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas; and
8. All other applicable ordinances.

F. Land Suitability

No land shall be divided which is held unsuitable for such use by the Plan Commission or Common Council upon recommendation of the Public Works Director or other Authorized Agent, for reasons of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division or the City, or poses an imminent harm to the environment.

Sustainability Tip.

To the maximum extent practical, development in areas with significant natural features or hazards should be avoided.

G. Ownership and Maintenance of Common Areas and Common Facilities

Land divisions that create common areas and common facilities, such as those created in a conservation subdivision or a condominium development, shall comply with the following provisions relating to ownership and maintenance of common areas and common facilities.

1. **Alternatives.** Common areas or facilities within a land division or condominium may be owned and maintained by one or more of the following:
 - a. A homeowners association;
 - b. A condominium association established in accordance with the Condominium Ownership Act, [Chapter 703 of the Wisconsin Statutes](#);
 - c. A nonprofit conservation organization;
 - d. The City of Ashland or another governmental body empowered to hold an interest in real property; and/or
 - e. An individual who will use the land for open space purposes as provided by the conservation easement.
2. **Homeowners association.** A homeowners association shall be established if the common area is proposed to be owned by a homeowners association. Membership in the association is mandatory for all purchasers of land in the development and their successors. The homeowners association bylaws, guaranteeing continuing maintenance of the common area and other common facilities, and the declaration of covenants, conditions, and restrictions of the homeowners association shall be submitted to the City of Ashland as part of the information required for the preliminary plat. The homeowners association bylaws or the declaration of covenants, conditions, and restrictions of the homeowners association shall contain the following information:
 - a. The legal description of the common land;
 - b. A description of common facilities;
 - c. The restrictions placed upon the use and enjoyment of the lands or facilities;
 - d. Persons or entities entitled to enforce the restrictions;

Sustainability Tip.

Incorporation of common areas and facilities can help reduce costs for individual uses and protect large common open spaces that benefit the environment and the community.

- e. A mechanism to assess and enforce the common expenses for the land or facilities, including upkeep and maintenance expenses, real estate taxes, and insurance premiums;
 - f. A mechanism for resolving disputes among the owners or association members;
 - g. The conditions and timing of the transfer of ownership and control of land facilities to the association; and
 - h. Any other matter the developer deems appropriate.
3. **Condominium association.** If the common areas and facilities are to be held under the Condominium Ownership Act, [Chapter 703 of the Wisconsin Statutes](#), then the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common areas. All common areas shall be held as a “common element” as defined in [Section 703.01\(2\) of the Wisconsin Statutes](#).
4. **Nonprofit conservation organization.** If the common area is to be held by a nonprofit conservation organization, the organization must be approved by the City of Ashland pursuant to the procedures for preliminary plat approval. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
5. **Public dedication of common areas and streets.**
- a. Common areas. The City of Ashland may accept the dedication of fee title or dedication of conservation easement to the common area provided the following conditions are met:
 - (1) The common area is accessible to the residents of the City of Ashland;
 - (2) The City of Ashland agrees to and has access to maintain the common area.
 - b. Streets. Streets or other public ways that have been designated by the City of Ashland’s Common Council and/or designated on a duly adopted official plan shall be dedicated or reserved by the subdivider to the City of Ashland. The street or public way shall be made a part of the plat in the locations and dimensions indicated in any applicable adopted plan of the City of Ashland and as set forth in this Ordinance. Private streets may be allowed pursuant to [Section 9.3 B.: Private Streets](#).
6. **Individual ownership.** An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement for the common area.
7. **Maintenance plan.** Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common area in perpetuity and evidence of a long term means to properly manage and maintain all common facilities, including any storm water facilities. The maintenance plan shall be approved in conjunction and following preliminary plat approval procedures.
- a. Requirements. The maintenance plan shall accomplish the following:
 - (1) Designate the ownership of the common area in accordance with this Section;
 - (2) Establish necessary, regular, and periodic operation and maintenance responsibilities;

- (3) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an ongoing basis;
 - (4) Include a land stewardship plan specifically focusing on the long term management of common areas. The land stewardship plan shall include a narrative describing existing conditions; the proposed end state and the measure proposed for achieving the end state; proposed restoration measures; and the operations needed for maintaining the stability of resources. The applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
- b. Failure to maintain. In the event the organization established to own and maintain the common areas and common facilities, or any successor organization, fails to maintain all or any portion of the common areas or common facilities in reasonable order and condition in accordance with the maintenance plan and applicable laws, rules, and regulations, the City of Ashland may serve written notice upon such organization and upon the residents and owners of the common areas and common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the specified corrections shall be made. Upon failure to comply within the specified time, the organization, or any successor organization, shall be considered in violation of this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked and suspended.
 - c. Corrective actions. The City of Ashland may enter the property and take corrective actions. The costs of corrective actions by the City of Ashland shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The City of Ashland, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
 - d. Amendments. Management plans can be amended by the owner pursuant to the provisions of this Section with the approval of the Common Council.

H. General Improvements

Before the applicable authority approves a land division, the owner or owner's agent shall provide the required improvements at his or her expense, shall give bond in an amount equal to the estimate of the City Engineer or other Authorized Agent, or make other financial arrangements acceptable to the Common Council to cover the costs of the following:

1. **Grading.** Streets shall be graded to secure proper drainage and to prevent the collection of storm water pools.
2. **Surface water drainage.** Surface water drainage shall be provided by storm sewers or drainage courses adequate to protect roadway surfaces.
3. **Sanitation.** When located within the surface area of a public sanitary sewerage system, sanitary sewers shall be constructed throughout the entire land division in such a manner as to serve adequately all parcels with connection to such public system and in conformance with all applicable regulations. Storm water drainage shall not be permitted to combine with sanitary sewers nor shall sanitary sewerage be permitted in storm water sewers.

4. **Placing of monuments.** The subdivider shall install monuments placed in accordance with [Chapter 236 of the Wisconsin Statutes](#) or as may be required by the Public Works Director or other Authorized Agent.

I. Development Agreement

Before or as a condition of receiving any final approval from the Common Council of any final plat, certified survey map, or condominium plat for which public improvements are required by this Ordinance, or for which public improvements, dedications, or fees are being deferred under this Ordinance, or for which phasing approval is being granted under this Ordinance, the subdivider shall sign and file a development agreement with the Common Council. The development agreement shall be in a form approved by the City Attorney and shall be approved by the Common Council prior to the approval of the final plat or condominium plat.

J. Dedication and Reservation of Land

The Plan Commission or other applicable approval authority may require that suitable sites in a proposed land division be dedicated or reserved for future public uses, including but not limited to, parks, playgrounds, public buildings, open space, and areas of significant natural resources that would benefit by dedication of the land to the public.

Section 9.2 General Procedures and Required Information

A. General

This Section specifies general procedures and required information relating to the division of land in the City of Ashland. Refer to [Part 3: Applications, Reviews, and Approval Procedures](#) for additional information.

B. Pre-Application Meeting for Land Divisions

1. **Applicability.** Prior to submitting an application for a land division, an applicant is strongly encouraged to request a pre-application meeting with the Zoning Administrator, Public Works Director, or other Designated Authorized Agent, and the Plan Commission, pursuant to [Section 3.1, D., 1.: Pre-application Meeting](#). The pre-application meeting allows the applicant the opportunity to receive general feedback as to how the proposed land division is (or is not) in compliance with this Ordinance. The meeting also allows the owner to receive general information about the types and details of improvements that are required to be installed by and at the owner's expense.
2. **Required information.** The applicant shall submit the following information on a sketch plan that is prepared to a scale of not more than one (1) inch equals one hundred (100) feet. The sketch plan shall include the following information:
 - a. The approximate boundaries of the of land division, proposed street and parcel design, numbers and approximate sizes of parcels and streets, as well as any areas proposed to be dedicated to the public other than streets.
 - b. Existing site conditions, including, but not limited to, waterways, wetlands, areas of flooding, rock outcrops, adverse slopes, and other conditions that might affect the design or safety of the land division.
 - c. The locations where filling, grading, dredging, or lagooning will or are likely to occur.

- d. The size and location of any land owned or controlled by the owner of the proposed subdivision, which is contiguous with the proposed land division, even though it is not included in the proposed land division.
- e. Indication of the relationship of the proposed land division to existing highways, streets, utilities, and similar features together with distances and direction to the nearest water and sewer lines.

C. Preliminary Plat

1. **Applicability.** A preliminary plat shall be prepared for all land divisions that meet the criteria specified in *Section 9.1, C., 1: Subdivision Plat*.
2. **Required information to be shown on the preliminary plat.** A preliminary plat shall be prepared based on a survey by a Wisconsin registered land surveyor. The preliminary plat shall be prepared at a scale of not more than one (1) inch equals one hundred (100) feet and shall include the following information, except as may be waived by the Zoning Administrator, Public Works Director, or other Designated Authorized Agent:

a. General information.

- (1) Proposed name of the subdivision and location by section, township, and legal description.
- (2) Name and address of the owner, subdivider, or agent and surveyor.
- (3) Location map.
- (4) Date, graphic scale, and north arrow.

b. Existing conditions.

- (1) The location and names of existing adjacent subdivisions, parks, and cemeteries, and owners of record of abutting property that has not been platted.
- (2) Existing zoning on and adjacent to the proposed subdivision.
- (3) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of utility holes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the proposed plat and/or immediately adjacent to the proposed plat. The nearest such sewer or water mains that might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the proposed plat and their size and invert elevations.
- (4) Type, width, and elevation of existing street pavement within the proposed plat and/or immediately adjacent thereto, together with any legally established centerline elevation.
- (5) Location, right-of-way width, and names of all existing streets, alleys, or other public ways, easements, railroad and utility right-of-ways, and all U.S. Public Land Survey section and quarter section lines within the boundaries of the proposed plat and/or immediately adjacent thereto.
- (6) Location, delineated extent, and elevations of all lakes, ponds, streams, flowages, wetlands, and floodplains.
- (7) Existing topographic contours.

- (8) Existing natural and physical features including structures, driveways, rock outcrops, land cover, vegetation, and similar features that may affect the subdivision.

c. Proposed conditions.

- (1) All required setbacks including building setbacks, wetland buffers, and similar required setbacks.
- (2) Exact length and bearing of the boundaries of the proposed subdivision.
- (3) Location, width, and names of all proposed streets and public right-of-ways, such as alleys and easements.
- (4) Street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Zoning Administrator, Public Works Director, or other Authorized Agent.
- (5) Dimensions and size of each lot together with proposed lot and block numbers.
- (6) Location, dimensions, and size of all sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public uses.
- (7) Site plan and dimensions of all proposed pedestrian walkways and bicycle routes.

3. Additional required information.

- a. Narrative. A narrative shall be submitted with the preliminary plat that describes the existing zoning and any zoning changes that are contemplated. However, the indication of such information shall not constitute an application for rezoning. The narrative shall also describe the proposed use of the parcels, the type of buildings, the number of dwelling units per parcel, the proposed density, and any other information that would assist the Plan Commission in making a decision on the preliminary plat request.
- b. Testing. Testing as required by the Public Works Director or other Authorized Agent to ascertain subsurface soil, rock, water, and other pertinent conditions affecting the subdivision.
- c. Other related plans. Other related plans as required by this Ordinance or the Plan Commission, including, but not limited to an erosion control plan, storm water management plan, a market analysis plan, or any other plan as may be required to adequately review the proposed subdivision.
- d. Declaration of covenants and easements. The City Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowner's associations, and shall approve said instruments as to form.
- e. Staged development plan. Whenever a portion of a tract of land is proposed for subdividing and the balance of the tract is of a size that would allow future subdivision, the Plan Commission may require a tentative plan for such future subdivision.

D. Final Plat

1. **Applicability.** Final plat approval shall be required within six (6) months of the last required approval of the preliminary plat.
2. **Required information.** The final plat shall comply in all respects with the requirements of [Section 236.20 of the Wisconsin Statutes](#). The affidavits and certificates required by [Section 236.21 of the Wisconsin Statutes](#) shall be lettered or printed legibly with black durable ink on the final plat. Additional information may be required as requested by the Zoning Administrator, Public Works Director (or other Designated Authorized Agent), the Plan Commission, or the Common Council in order to adequately review the final plat.
3. **Recording the final plat.** The final plat shall be recorded as provided in [Section 236.25 of the Wisconsin Statutes](#).

E. Certified Survey Map

1. **Applicability.** A certified survey map may be prepared in lieu of a platted subdivision for land divisions that meet the criteria specified in [Section 9.1, C., 2: Certified Survey Map](#).
2. **Review and approval authorities.** If the proposed certified survey map does not involve dedications to the public, the certified survey map may, at the discretion of the Zoning Administrator or other Designated Authorized Agent, be reviewed and approved administratively pursuant to [Section 3.39: Certified Survey Map without Public Dedication](#). If the proposed certified survey map involves dedication to the public, it shall be reviewed and approved following similar procedures relating to plat review and approval.
3. **Required information.** A certified survey may be submitted to the Zoning Administrator or other Designated Authorized Agent pursuant to the certified survey map application procedures described in [Section 3.39: Certified Survey Map without Public Dedication](#). In addition to the information required by [Section 236.34 of the Wisconsin Statutes](#), the certified survey map shall include the following information:
 - a. Date, graphic scale, and north arrow.
 - b. Name and address of the owner, subdivider, and land surveyor preparing the certified survey map.
 - c. All existing structures, together with an identification of the type of structure; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within one hundred (100) feet thereof. The proposed use of the existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within fifty (50) feet of the exterior boundaries of the map, shall be shown.
 - d. Location, approximate dimensions, and area of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, open space, or other public use.
 - e. Location and names of adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record abutting unplatted lands shall also be shown.
 - f. The lengths and bearing of the centerline of all streets shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and

radius lengths, and the chord bearing, together with the bearing of the radii of the ends of the arcs and chords, shall be given for all curved lines.

- g. Street width along the line of any obliquely intersecting street line shall be given to the nearest 0.01 foot.
 - h. Active and abandoned railroad right-of-ways within and abutting exterior boundaries of the proposed certified survey map, and the right-of-way of existing and proposed trails, sidewalks, and bicycle paths.
 - i. Easements for any public sanitary sewers, water supply mains, storm water management facilities, drainage ways, or access ways.
4. **Additional information that may be required.** The Zoning Administrator or other Authorized Agent may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:
- a. Topographic features including existing and proposed contours.
 - b. Soil types as shown on existing soil survey maps.
 - c. The square footage and elevation of the first floor of all buildings proposed to remain on the site.
 - d. The results of any required soil borings.
 - e. Other information as required by the Zoning Administrator, Public Works Director, or other Designated Authorized Agent.

F. Condominium Plats

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of [Section 703.11 of the Wisconsin Statutes](#), and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in this Ordinance for preliminary and final plats. A condominium plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats.

G. Replats

When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in [Section 236.40 through 236.44 of the Wisconsin Statutes](#). If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall follow the procedures for preliminary and final plat as specified in this Ordinance.

Section 9.3 Infrastructure Design Standards

A. Streets

1. **Street layout to comply with Official Map and/or adopted plans.** In any new subdivision, certified survey map, or condominium, the street layout shall generally conform to the arrangement, width, and location indicated on the adopted City of Ashland

Official Map, the adopted City of Ashland Comprehensive Plan, or any other adopted plans of any applicable jurisdiction relating to streets in Ashland.

2. **Street layout in areas with no Official Map or adopted plans.** In areas where no Official Map or other applicable plans have been adopted related to streets, the street design and layout shall recognize the functional classification of the various types of streets as specified in this Ordinance, shall be designed consistent with *Table 9.3.A: General Street Design and Layout Standards* (except as allowed otherwise pursuant to *Section 9.3, A., 3.*), and shall be developed and located in proper relation to the following:
 - a. Existing and proposed streets;
 - b. The topography;
 - c. Natural features, such as bodies of water and woodlands;
 - d. Public convenience and safety;
 - e. The proposed use of land to be served by such streets; and
 - f. The most advantageous development of adjoining areas.

Table 9.3.A: General Street Design and Layout Standards				
Street Type	Minimum Right-of-Way	Minimum Pavement Width	Minimum Radius of Curvature	Maximum Grade
Arterial	120 feet	36 feet	300 feet	6 percent
Collector	80 feet	36 feet	200 feet	6 percent
Local	60 feet	26 feet where no parking is allowed 36 feet where parking on both sides	100 feet	12 percent
Marginal Access	50 feet	26 feet	100 feet	12 percent
Rural Residential	66 feet	24 feet with six-foot wide crushed aggregate shoulders		
Rural Ag/Undeveloped	80 feet	30 feet wide crushed aggregate		
Alley	20 feet	10 feet	100 feet	12 percent
Pedestrian Way	10 feet	5 feet		
Multi Use Trail	20 feet	8 feet		

Note: Data in Table 9.3.A is to be updated by the typical cross-sections developed by the City of Ashland's Department of Public Works and the Engineering Department.

3. Alternative street design and layout standards.

- a. **Intent.** It is the first and foremost intent of this Section to ensure that streets function safely and properly. However, in certain situations, the standards specified in *Table 9.3.A: General Street Design and Layout Standards* may require greater right-of-way and pavement width than necessary. Therefore, it is also the intent of this Ordinance to allow flexibility in the design and layout of streets so as to use land efficiently, reduce construction and maintenance costs, reduce storm water runoff, and reduce the impact of streets on natural features.
- b. **Applicability.** Alternative street and design and layout standards may be incorporated into planned unit developments (PUDs), conservation subdivisions, and traditional neighborhood design developments, without a variance, upon review by the Plan Commission and approval

Sustainability Tip.

When properly designed, streets with reduced right-of-ways and pavement widths can be more economical, more environmentally sensitive, and more pedestrian oriented than conventional streets.

by the Common Council.

4. **Functional classification.** Consistent with the Wisconsin Department of Transportation (WisDOT), the street classifications specified in this Ordinance are based on the function they are intended to perform. In general, street layout shall be consistent with the following:
 - a. Arterial streets. Arterial streets, as hereafter defined, shall be arranged so as to move relatively large volumes of traffic on reasonably direct routes to activity centers in the city, such as centers of employment, centers of governmental activity, and regional shopping areas. They shall also be properly integrated with regional and state highways.
 - b. Collector streets. Collector streets, as hereafter defined, shall be arranged to provide ready collection from neighborhoods or locally defined areas, and conveyance of this traffic to arterial streets or highways. Collector streets shall be properly related to the public transportation system, to special generators of traffic, such as schools, religious institutions, retail centers, and high density residential areas, and to the arterial streets and highways to which they connect.
 - c. Local streets. Local streets shall encourage interconnections with other local streets, but shall also discourage larger volumes of through traffic generally associated with collector and arterial streets.
 - d. Alleys. Alleys provide secondary access to residential properties and shall be encouraged where streets are relatively narrow with limited on-street parking. Alleys also provide delivery and service access or alternate parking access to non-residential properties.
5. **Relation to topography and natural resources.** Streets shall be logically related to and respectful of the topography and natural resources, while also allowing for the development of usable parcels.
6. **Access.** Access shall be given to all parcels within a subdivision and, where applicable, to adjacent lands, unless existing conditions make such a connection unfeasible.
7. **Reserve strips.** Reserve strips, which intentionally prevent access to a public street from abutting property, shall not be provided as part of any land division to control access to streets or alleys.
8. **Half streets or partial streets.** Half streets or partial streets shall not be permitted, except where essential to reasonable subdivisions of land in conformance with all other provisions of this Ordinance and where satisfactory assurance for dedication of the remaining part of the street can be secured. Wherever land to be divided borders an existing half street or partial street, the land to be divided shall provide the other half of the street.
9. **Inadequate width of existing streets.** Where a proposed land division abuts or contains an existing street of inadequate width or right-of-way, sufficient additional width shall be provided pursuant to the street width and right-of-way requirements of this Ordinance. Except that extension of existing streets with lesser width or right-of-way than required by this Ordinance shall be permitted if a variance is granted pursuant to the variance procedures of this Ordinance.
10. **Additional street width or right-of-way width.** Additional street width and/or right-of-way beyond that required by this Ordinance shall be required whenever public safety, convenience, or special conditions (such as parking in the public right-of-way) require it.

11. Street intersections.

- a. Angle of intersection. Street centerline intersections shall be at right angles or at as near to right angles as practical. No intersection shall be at an angle of less than sixty (60) degrees.
- b. Continuous alignment of streets at intersections. Street shall not necessarily continue across perpendicular streets. A tee intersection is permissible. However, where the centerline of a street intersection is less than one hundred twenty-five (125) feet from the centerline of another street intersection, the streets shall be adjusted to the maximum extent possible, to provide a continuous alignment that avoids a jog.
- c. Minimum distance between intersections on arterial streets. The number of intersections along arterial streets and highways shall be kept to a minimum. Wherever practical, the distance between intersections on arterial streets and highways shall be at least twelve hundred (1,200) feet.

12. Street names. The naming of streets shall follow the City of Ashland's "*Policy for Naming Public Improvements*."

13. Access restriction to arterial streets or highways. Whenever a proposed land division contains or is adjacent to an arterial street or highway, access to said parcels shall, to the maximum extent practical, be by a frontage road or adjacent collector or local street.

14. Cul-de-sac streets.

- a. Length. Cul-de-sac streets, permanently designed as such, shall not exceed eight hundred (800) feet in length, unless a variance is granted pursuant to the procedures specified in this Ordinance. A variance shall only be granted if it is found to be consistent with all the required criteria for approval and if it is clearly found that by unreasonable land form, or irregular shape of the plat, that a normal street pattern cannot be established, or that an unreasonable amount of wasted land would occur unless the variance is granted. Consideration of a variance from the maximum allowable length of a cul-de-sac should consider the need for efficient adequate public safety, emergency access, snow plow maneuverability and service vehicle access.
- b. Radius of turn-around. Cul-de-sac streets shall terminate in a circular turn-around having a minimum radius to the outside edge of the finished street or curb line of not less than fifty (50) feet.
- c. Potential future extension. Unless future extension is impractical or undesirable, the turn-around right-of-way shall terminate at the property line of the development in such a way as to permit future extension of the street into an adjoining tract. At such time as such street is extended, the overage created by the turn-around outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the temporary turn-around.

15. Bicycle lanes. Where shown on the official map or a plan adopted by the City of Ashland, or where required by the Plan Commission and Common Council, streets shall incorporate designated bicycle lanes.

16. Where conflicts occur between this ordinance and City of Ashland [Ordinance 612](#), the street design standards in Ordinance 612 shall govern.

B. Private Streets

1. Private streets serving new development containing three (3) or more parcels and a single common developer where the new development and private street originate from the public right-of-way, may be allowed when approved by the Plan Commission and Common Council, provided that the following conditions are met:
 - a. The private street shall be approved through a conditional use permit, planned unit development plan, or subdivision plan pursuant to the provisions of this Ordinance.
 - b. Ownership and maintenance of said street shall be the responsibility of the property or homeowner's association.
 - c. An easement shall be granted to the City of Ashland that allows the City to use the private street and rights-of-way for any reasonable public purpose, including but not limited to travel by emergency vehicles and installation of public utilities and conveniences.
 - d. New private streets that originate from graveled public streets shall be constructed to the minimum standard shown in *Figure 9.3 B-1b: Private Road Section (Gravel)*.
 - e. New private streets that originate from a paved or concrete public street shall be constructed to the minimum standard shown in *Figure 9.3 B-1a: Private Road Section (Asphalt)*.
 - f. The Plan Commission and Common Council may require that the entire street be brought up to a higher standard by the developer whenever the potential exists for additional development off the private street.
 - g. A private street that serves five (5) or more building sites shall be designated as a public street and shall be required to comply with the construction standards specified in City of Ashland [Ordinance 612](#).
 - h. Private streets shall not connect two (2) or more existing public streets or public rights-of-way, unless authorized by the Public Works Director or Designated Authorized Agent and the Plan Commission.
 - i. Should the abutting property owners request that the City take ownership and maintenance of a private street, said street shall be constructed by the abutting property owners to meet or exceed City standards for a public street as specified in City of Ashland [Ordinance 612](#). The City may, at their option and through mutual agreement with the abutting property owners, assess abutting property owners for any improvements or decline to assume any ownership or liability of such street.
 - j. No person shall sell any parcel of land abutting a private street unless the property deed states that the street is not a public street and is not required to be maintained by the City of Ashland.
 - k. Upon approval of a private street, the Council resolution shall be recorded at the Ashland County Register of Deeds.
 - l. If necessary, the private street may be required to include some means of turnaround for emergency and service vehicles – for example, a hammerhead.
 - m. The City shall not assume responsibility for any liabilities resulting from the private street.
2. Use of existing private streets (created prior to the adoption date of this Ordinance) intended to serve new development of a single parcel or multiple parcels located along or at

the end of the existing private street may be allowed when approved by the Plan Commission and Common Council, provided that the following conditions are met:

- a. The private street shall be approved through a conditional use permit, a planned unit development plan, or subdivision plan pursuant to the provisions of this Ordinance.
 - b. Ownership and maintenance of said street shall continue to be the sole responsibility of the property owners abutting the private street, or a homeowner's association of abutting property owners.
 - c. Proof of legal access and/or an easement, to the new development site, on the existing private street, shall be provided by the developer to the City, and shall be recorded with the Register of Deeds.
 - d. Any private street that is extended shall meet or exceed the construction standards for private streets as shown in Figure 9.3 B-1b: *Private Road Section (Gravel)* and Figure 9.3 B-1a: *Private Road Section (Asphalt)*. The Plan Commission and the Common Council may, through this permitting process, allow the private street to be constructed to an average width and cross section of the private street section lying between the public right-of-way and the proposed private street extension. The Plan Commission and the Common Council may require that the entire private street be brought up to a higher standard by the developer whenever the potential exists for additional development of the private street.
 - e. Private streets shall not connect two (2) or more existing public streets or street rights-of-way, unless authorized by the Public Works Director or Designated Authorized Agent and Plan Commission.
 - f. Should the abutting property owners request that the City take ownership and maintenance of a private street, said street shall be constructed, by the abutting property owners, to meet or exceed City standard for a public street cross-section pursuant to City of Ashland [Ordinance 612](#). The City may, at their option and through mutual agreement with the abutting property owners, assess abutting property owners for any improvements or decline to assume any ownership or liability for such street.
 - g. No person shall sell any parcel of land abutting a private street unless the property deed states that the street is not a public street and is not required to be maintained by the City of Ashland.
 - h. If necessary, the private street may be required to include some means of a turnaround for emergency and service vehicles – for example, a hammerhead.
 - i. The City shall not assume responsibility for any liabilities from the private street.
3. **Private street permit fee.** The City may charge a permit fee to recuperate costs associated with the review of the proposed construction specifications of the private street and with the inspection of the street construction. The fee shall be charged as specified in the City's fees schedule.

C. Blocks

The widths, lengths, and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, the need for convenient access, control and safety of traffic, and the constraints of the natural environment. In addition, the design and layout of blocks shall comply with the following standards:

1. **Block length.** The length of blocks in residential areas shall not be less than three hundred (300) feet nor more than fifteen hundred (1,500) feet in length unless specified otherwise in this Ordinance or dictated by topography, natural resource features, or other limiting factors of good design. In no case shall a block be longer than fifteen hundred (1,500) feet unless approved in writing by the Police Chief, Fire Chief and Public Works Director or their Designated Authorized Agent.
2. **Block width.** The width of blocks shall be wide enough to provide for two (2) tiers of parcels of appropriate depth except where otherwise required to separate residential development from through traffic or where blocks abut railroads, bodies of water, or other limiting features. Width of parcels reserved or laid out for non-residential use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
3. **Pedestrian way at the center of blocks.** Pedestrian ways (easement of dedicated public right-of-way) of not less than ten (10) feet in width may be required near the center and entirely across the width of any block over eight hundred (800) feet in length if deemed essential by the Plan Commission or Common Council.

Sustainability Tip.
Pedestrian ways at the center of long blocks help tie neighborhoods together and encourage pedestrian activity.

D. Pedestrian, Bicycle, and Multi-Use Trail Circulation Layout

General criteria for requiring sidewalks (pedestrian ways). The Common Council, in consultation with the Plan Commission, the Public Works Director, the Zoning Administrator, and other Authorized Agents, shall determine if sidewalks (pedestrian ways) shall be provided and, if so, where they should be provided. Placement shall be consistent with all City ordinances, including Ordinance 530, and all sidewalk plans approved by the Common Council.

E. Parcels

The size, shape, and orientation of parcels shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The parcels should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition, the design and layout of parcels shall comply with the following standards:

1. **Parcel lines.** Parcel lines shall not cross municipal boundaries. Where possible, side parcel lines shall be perpendicular to the public right-of-way and tangent at a parcel corner or a curved street.
2. **Through parcels or double frontage parcels.** Through parcels or double frontage parcels shall be prohibited except where otherwise required to separate residential development from through traffic or where blocks abut railroads, bodies of water, or other limiting features.
3. **Required frontage on a public street.** All parcels shall front on a public street, except when the Plan Commission deems that the subdivision would be better served by a private street. In such case, a private street shall be consistent with the private street provisions of this Section.
4. **Minimum frontage on a street.** No parcel shall have a frontage on a street of less than thirty-five (35) feet as measured at the right-of-way line, and in the case of a cul-de-sac, measured along the length of the arc of the right-of-way line.

5. **Area and dimensional requirements of parcels.** Areas and dimensions of all parcels shall conform to the zoning district requirements as specified in this Ordinance. In addition, parcels not served by public sanitary sewer and/or water shall be of sufficient area to permit onsite sewer and/or water in a manner consistent with all state and local laws and regulations.
 6. **Parcel depth.** Parcels shall have sufficient depth to allow reasonable development that is consistent with this Ordinance. The preferred ratio of parcel depth to width for most parcels is approximately two to one (2:1).
 7. **Parcel width.** The width of parcels shall comply with the parcel requirements of the applicable zoning district. Parcel width shall be measured at the required front building setback line.
 8. **Corner parcels.** Corner parcels shall have extra width (beyond the minimum width required by the zoning district) to allow reasonable development that complies with the setback requirements from all streets and that complies with all other applicable ordinances.
 9. **Potential future subdivision of large parcels.** The City may require that large parcels be laid out in such a manner as to allow for their future subdivision if so desired. To this extent, the City may require additional footage or other dimensional requirements so as not to preclude future subdivision.
 10. **Land remnants.** All land remnants that do not comply with the area and dimensional requirements of this Ordinance shall be avoided. If this requirement cannot be met, the remnants shall be platted as outlots that may be combined with adjacent lots or parcels in the future.
 11. **Flag lots.** The creation of flag lots as defined by this Ordinance shall be prohibited in the City of Ashland.
- F. Easements**

The Plan Commission or applicable approval authority shall require drainage and utility easements at rear and side parcel lines and at other locations as deemed necessary. Easements shall be no less than ten (10) feet in width and may be split evenly along common property lines.

PART 10

NONCONFORMITIES

Part 10: Nonconformities, specifies required standards and procedures for addressing nonconformities as defined by this Ordinance. Additional requirements relating to specific nonconformities may also be found in other parts of this Ordinance.

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Section 10.1 General Provisions

A. Intent

Within this Ordinance, or amendments thereto, situations may occur where as a result of the provisions of this Ordinance, an existing use, parcel, structure, site feature, sign, or similar situation does not conform to one or more of the provisions of this Ordinance. It is the intent of this Ordinance to regulate such nonconforming situations to accomplish the following:

1. Recognize the existence of uses and dimensional and intensity characteristics of structures, parcels, site features, and signs that were lawful when established before the effective date of this Ordinance, but that no longer conform to all of the provisions of this Ordinance.
2. Regulate the enlargement, expansion, intensification, or extension of any nonconformity or any increase in the impact of a nonconformity on adjacent properties.
3. Encourage the elimination of nonconformities or their reduction of their impact on adjacent properties and the community.

B. Prior Construction Approved

Nothing contained herein shall require any change in the plans, construction, or designated use of a building legally under construction, or for which a permit for construction has been issued, at the time of the passage of this Ordinance or amendments thereto.

C. Nonconformities Due to Governmental Acquisition of Right-of-Way

Where a lot, parcel, or tract is occupied by a lawful structure, and where acquisition of right-of-way by eminent domain, dedication, or purchase by a city, county, state, or federal agency creates a nonconforming situation regarding any provision of this Ordinance, then such situation shall be deemed lawful.

D. Certificate of Occupancy

Certificates of occupancy for nonconformities existing on the effective date of this Ordinance may be issued by the Building Inspector or other Designated Authorized Agent provided that such certificates state that the nonconformity does not conform with the provisions of this Ordinance.

E. Relief from Nonconforming Status

The owner of a nonconformity may seek relief from the provisions of this Ordinance pursuant to the applicable procedures specified in [Part 3: Applications, Review and Approval Procedures](#) of this Ordinance relating to variances, conditional uses, and amendments.

Section 10.2 Nonconforming Uses

A. Applicability

A nonconforming use may be continued subsequent to the effective date of this Ordinance, provided that such continuance is in accordance with the criteria for continuance as specified in this Section and all other applicable regulations necessary to ensure adequate protection and safety of adjacent property and the users and occupants of such nonconforming use.

B. Criteria for Continuance of Nonconforming Use

Continuance of a nonconforming use shall be permitted provided that all of the following criteria are met:

1. No nonconforming use of land shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of this Ordinance. No nonconforming use of land shall continue if it ceases for any reason (except where governmental action impedes access to the property) for a period of more than twelve (12) consecutive months or for twelve (12) months during any three (3) year period. No nonconforming land use shall be moved in whole or in part to any portion of the parcel or lot other than that occupied by such use on the effective date of this Ordinance.
2. No nonconforming use of a structure shall extend to any part of the structure that was not manifestly arranged or designed for such use on the effective date of this Ordinance and no such use shall be extended to occupy any land outside the structure. Moreover, such use or structure shall not be enlarged, extended, constructed, or reconstructed, moved, or structurally altered except for a permitted use. No nonconforming use of a structure shall continue if it is discontinued for twelve (12) consecutive months.
3. Any nonconforming use that requires a license, permit, or other evidence of City approval, initially issued lawfully prior to the nonconformity, shall be conducted in accordance with the terms of the City's approval, provided that the use has not been abandoned for a continuous period of one (1) year or more. The license, permit, or other evidence of City approval ceases at the time the nonconformity ceases to exist.
4. If a structure housing a nonconforming use requires repairs or alterations, is removed, or damaged to the extent that the cost of repair, alteration or replacement exceeds fifty (50) percent of the appraised market value as determined by the City Assessor, excluding land value, the damaged structure shall not be repaired, or replaced, except in conformity with this Ordinance or as allowed by Wisconsin Statutes.

C. Change in Nonconforming Uses

1. A nonconforming use shall not be changed to another nonconforming use.
2. When any nonconforming use has been changed to a conforming use, it shall not be later changed to a nonconforming use.
3. A nonconforming use may be changed to reduce the nonconformity, but once reduced, the use may not be changed to increase the nonconformity.

D. Elimination of Nonconforming Uses

The owner of a nonconforming use may employ one or more of the following mechanisms in an attempt to eliminate the nonconformity:

1. Replace the existing nonconforming use with a conforming use.
2. Apply for a conditional use permit, provided that the use is listed as a conditional use in the applicable zoning district.
3. Apply for a Zoning Map amendment to rezone the property to a zoning district in which the existing use is permitted. Or request an amendment to the Unified Development Ordinance to allow the nonconforming use to be a permitted use in the existing zoning district. An application for a map or text amendment shall be approved or denied based on the criteria specified in [Section 3.3: Zoning Map Amendment](#) or [Section 3.4: Unified Development Ordinance Text Amendment](#).

Section 10.3 Nonconforming Parcels

A. Applicability

Any parcel that was legally created and is of record with Ashland County Register of Deeds Office, but that does not comply with the minimum parcel requirements for the current zoning district in which it is located, may continue to be used for the legal use for which it is zoned in accordance with the criteria for continuance as specified in this Section and all other applicable provisions of this Ordinance.

B. Criteria for Continued Use of Nonconforming Parcels

1. Any existing conforming use or conforming structure on a nonconforming parcel existing on the effective date of this Ordinance may be enlarged, extended, constructed, or moved provided such change does not increase the degree of nonconformity and is consistent with all applicable provisions of this Ordinance. However, a multi-family use may not be constructed, extended, or enlarged on a nonconforming lot.
2. A vacant parcel not served by public sanitary sewer may be used as permitted by the provisions of the applicable zoning district provided that it has at least one (1) acre of buildable area and it is demonstrated that a safe and adequate onsite sewage system can be installed to serve such use. The development shall meet all other applicable provisions of this Ordinance.
3. A nonconforming parcel shall not be altered to increase the nonconformity.
4. If in the case of two (2) or more contiguous parcels under single ownership, any individual parcel does not meet the minimum requirements of this Ordinance, such individual parcel shall not be considered as a separate parcel of land for purposes of sale or development, but shall be combined with a contiguous parcel or parcels so that the combination of parcels will equal one or more parcels of land meeting the full requirements of this Ordinance.
5. Nonconforming parcels may be combined for tax purposes with a contiguous parcel or parcels under single ownership, but shall not be divided into nonconforming parcels, even if the division is consistent with the original parcel configuration.
6. A development permit may be issued for construction of a single-family detached residence on a nonconforming parcel of record if the parcel is under separate ownership from all contiguous parcels and was created prior to the effective date of this Ordinance. Single-family detached residences shall not be developed on nonconforming parcels of record less than twenty-five (25) feet in width. Setbacks from interior parcel lines may be reduced to three (3) inches per foot of parcel width on these nonconforming parcels. A Certified Survey Map of the parcel may be required.

C. Elimination of Nonconforming Parcels

The owner of a nonconforming parcel may employ one or more of the following mechanisms in an attempt to eliminate the nonconformity.

1. Combine the existing nonconforming parcel with a contiguous parcel to form a single, new conforming parcel.
2. Request an amendment to the Unified Development Ordinance to allow the characteristics of the existing nonconforming parcel to conform to the provisions of the applicable zoning district. An application for a text amendment shall be approved or denied based on the criteria specified in [Section 3.4: Unified Development Ordinance Text Amendment](#).

D. Exception to limits on development of nonconforming parcels.

A nonconforming parcel may be used as a building site if:

1. The parcel does not have structures placed partly upon an adjacent parcel, and
2. The parcel is developed to comply with all other city ordinances.

Section 10.4 Nonconforming Structures

A. Applicability

Any structure existing on the effective date of this Ordinance, which is not in conformity with the provisions of this Ordinance, shall be allowed to continue subject to the criteria for continued use as specified in this Section and all other applicable provisions of this Ordinance.

B. Criteria for Continued Use of Nonconforming Structures

1. A nonconforming structure may be continued provided that it remains otherwise lawful pursuant to the provisions of this Ordinance.
2. No nonconforming structure shall be enlarged or altered in any way that increases its nonconformity except as permitted pursuant to the applicable conditional use procedure as specified in this Ordinance.
3. If a nonconforming structure is destroyed by any means to an extent of more than fifty (50) percent of its replacement cost exclusive of foundations, at the time of destruction, it shall not be reconstructed except in conformity with this Ordinance. A nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, shall be allowed to be restored provided the structure is restored to the size and use it had immediately before the damage or destruction. An increase in size shall only be permitted if necessary to comply with applicable State or Federal requirements.
4. If a nonconforming structure is moved for any distance, it shall thereafter conform to the applicable provisions of the zoning district in which it is located after it is moved.
5. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

C. Elimination of Nonconforming Structures

A nonconforming structure may be altered to bring it into conformity. However, once brought into conformity, it shall not be allowed to revert back to a nonconforming situation.

Section 10.5 Nonconforming Site Features

A. Applicability

Nonconforming site features, including parking lots, screening, landscaping, and similar features, shall be allowed to continue subject to the criteria for continued use as specified in this Section and all other applicable sections of this Ordinance.

B. Criteria for Continued Use of Nonconforming Site Features

1. Upon any change in occupancy, nonconforming site features may be continued without improvements, except that if the improvements exceed fifty (50) percent of the value of the existing feature, the feature shall be brought into full conformance with this Ordinance.
2. When expansion of an existing nonconforming site feature is required or planned, the newly constructed portion shall be in conformance the provisions of this Ordinance.
3. In the case of a nonconforming fence or wall, the fence or wall shall lose its nonconforming status and shall be brought into compliance or removed if one or more of the following occurs:
 - a. The fence or wall is structurally altered in any way, except for normal maintenance or repair, which tends to make the fence less in compliance with the requirements of this Ordinance than it was before the alteration;
 - b. The fence or wall is relocated;
 - c. The fence or wall fails to comply with the Ordinance in regard to maintenance and repair; or
 - d. The fence or wall endangers the health, safety, or welfare of the public.

Section 10.6 Nonconforming Signs

A. Intent

This Ordinance is intended to encourage the eventual elimination of signs that do not comply with this Ordinance. However, it is also the intent of this Ordinance to avoid unreasonable invasion of property rights while accomplishing removal of nonconforming signs. Nonconforming signs shall be allowed to continue subject to the criteria for continued use as specified in this Section and all other applicable sections of this Ordinance.

B. Criteria for Continued Use of Nonconforming Signs

1. A nonconforming sign shall only be allowed to continue if it was installed consistent with the applicable ordinances and regulations in place at the time of the installation.
2. Alterations involving a change in the information on the face of a sign may be made to an existing nonconforming sign if the change does not increase the area of the sign or the sign's compatibility with properties in the area. However, any nonconforming sign shall either be eliminated or made to conform to the provisions of this Ordinance if an alteration, modification, or improvement to the sign exceeds fifty (50) percent of the cost of installing a new sign of the same type and at the same location. It shall not be reestablished after damage or destruction by natural causes if the Zoning Administrator or Designated Authorized Agent determines that the estimated cost of construction exceeds fifty (50) percent of the estimated replacement cost.
3. Nothing in this Ordinance shall relieve the owner or user of a nonconforming sign or the property owner on which the sign is located from the provisions of this Ordinance regarding safety, maintenance, and repair of signs, except that such repair shall not extend or intensify the nonconforming features of the sign.
4. An abandoned sign that endangers the health, safety, or welfare of the public shall be abated by the owner within sixty (60) days of receiving notice. After sixty (60) days, the sign may be removed by the City at the owner's expense.

C. Loss of Legal Nonconforming Status

A nonconforming sign shall lose its legal nonconforming status and shall be removed or brought into conformance with the provisions of this Ordinance if any of the following occurs:

1. The sign is structurally altered in any way, except for normal maintenance or repair, that increases the nonconformity.
2. The sign is relocated.
3. The sign fails to comply with the provisions of this Ordinance relating to maintenance, repair, abandonment, or dangerous or defective signs.
4. Within two weeks of receipt of written notice from the Zoning Administrator or other Authorized Agent of occurrence of any of the above, the sign shall be brought into compliance with this Ordinance pursuant to the issuance of a sign permit, or shall be removed.

PART 11

VIOLATIONS AND REMEDIES

Part 11: Violations and Remedies, describes general requirements for compliance with this Ordinance and general remedies for actions that are not in compliance with this Ordinance. Specific enforcement and penalty standards are specified in various Sections throughout this Ordinance.

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Section 11.1 Violations

A. General Compliance Required and Responsibilities for Compliance

1. Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Ordinance, and any use of any land or building that is conducted, operated, or maintained contrary to the provisions of this Ordinance, shall be, and the same is hereby declared to be, unlawful.
2. The City shall take action in accordance with this Ordinance and Wisconsin law to remedy any such violation of this Ordinance known to the Building Inspector, Zoning Administrator, Public Works Director, or Designated Authorized Agent.
3. Any person aggrieved by a violation of this Ordinance may request that the Common Council, Zoning Administrator, Building Inspector, Public Works Director, or Designated Authorized Agent act in his or her behalf to prevent unlawful development; to restrain, correct, or abate such violations; to prevent the occupancy of a building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such property. Such procedures may also be instituted by any property owner and shall not limit taking action in a court of law.
4. The owner of any building or land, or part thereof, where a violation of this Ordinance exists, and any other responsible party in connection therewith, shall be responsible for violations of this Ordinance.

B. Compliance Required for Issuance of Permits and Utility Connections

1. No building permit, development permit, certificate of occupancy, or other permit required by this Ordinance shall be issued that is not in compliance with this Ordinance.
 - f. The City shall not connect City water or sewer to any property to which the provisions of this Ordinance apply, unless the subject property is in compliance with this Ordinance.
 - g. It is a violation of this Ordinance for any person to undertake an activity for which a permit or approval under this Ordinance is required without first obtaining such permit or approval.
 - h. It is a violation of this Ordinance for any person to undertake any activity for which a permit or approval under this Ordinance is required without strictly complying with any such permit or approval.

Section 11.2 Remedies

A. Types of Remedies

Remedies and enforcement powers of the City shall include, but not be limited to, the following:

1. **Withhold permits.** The Building Inspector, Zoning Administrator, Public Works Director, or Designated Authorized Agent may deny or withhold permits, certificates, or other forms of authorization on any land, structure, or improvement thereon for which there is an uncorrected violation of this Ordinance or for which there is a violation of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. In lieu of withholding or denying an authorization, the City may grant such

authorization subject to the condition that the violation be corrected within a reasonable amount of time. This provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. **Revoke permits.** The City may revoke a permit or other authorization as follows:
 - a. Any permit may be revoked when the Building Inspector, Zoning Administrator, Public Works Director, or Designated Authorized Agent determines one or more of the following conditions exist:
 - (1) There is a departure from the plans, specifications, or conditions as required under the terms of the permit;
 - (2) The permit was procured by false representation or was issued by mistake; or
 - (3) Any provision of this Ordinance is being violated.
 - b. Before revocation pursuant to the provisions of this Ordinance, the Building Inspector, Zoning Administrator, Public Works Director, or Designated Authorized Agent shall give notice of intent to suspend or revoke permits or approvals specifying a reasonable time for compliance with this Ordinance. If notice of intent is given, suspension or revocation shall not occur before the time for compliance has expired.
 - c. If compliance has not been met in the specified time, revocation of any permit may, upon notice to the applicant and other known parties in interest (including any holder of building or use permits affected) and after a public hearing, proceed by a super-majority vote of the Common Council.
3. **Stop work.** With or without revoking permits, the Building Inspector, Zoning Administrator, Public Works Director, or Designated Authorized Agent may stop work on any building, structure, or land for which there is an uncorrected violation of the provisions of this Ordinance or of a permit or other form of authorization issued hereunder. The stop work order shall be in accordance with all applicable laws and building codes.
4. **Revoke plan or other approval.** Where a violation of this Ordinance involves failure to comply with approved plans or conditions, the final review authority may, upon notice to the applicant and other known parties in interest (including any holder of building or use permits affected) and after a public hearing, revoke the plan (or other approvals) or conditions its continuation on strict compliance.
5. **Injunctive relief.** The City may seek an injunction or other equitable relief in court to stop any violation of this Ordinance or of a permit, certificate, or other form of authorization granted hereunder.
6. **Abatement.** The City may seek a court order in the nature of mandamus, abatement, injunction, or other action proceeding to abate or remove a violation or otherwise restore the property in question to the condition that existed prior to the violation.
7. **Penalties.** Any person, firm, association, or corporation who shall violate any of the provisions of this Ordinance or any permit or approval issued hereunder shall, upon conviction thereof, forfeit not more than one thousand dollars (\$1000.00) nor less than fifty dollars (\$50.00) per violation, per day, unless specified otherwise in this Ordinance or limited by Wisconsin Statutes, plus required court costs and fees and the costs of prosecutions including reasonable attorney fees. Each day that a violation is permitted to exist shall constitute a separate offense. In any such action, the fact that a permit shall have been issued by any Authorized Agent of department shall not constitute a defense, nor shall

any oversight or error on the part of any public official, board, or department constitute a defense.

8. **Penalty for conducting work without a required permit.** A double permit fee shall be charged for work that is started before a required permit is issued. Such fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
9. **Other remedies.** The City shall have such other remedies as are and as may be from time to time provided by Wisconsin law and the City Ordinances for violation of the provisions of this Ordinance.

B. Action and Notification Procedures

1. **Non-emergency situations.** If violations of this Ordinance do not constitute an emergency situation or require immediate attention to ensure the safety of the public and/or property, then the Building Inspector, Zoning Administrator, Public Works Director, or Designated Authorized Agent shall give notice of the nature of the violation to the property owner (or to any other person who is party to the agreement or to any applicant for any relevant permit in the manner hereafter stated). Notices of violation shall state the nature of the violation and the time allowed to remedy the violation. The notice may also state the corrective steps necessary and the nature of subsequent penalties and enforcement should the situation not be corrected.
2. **Emergency situations.** If violations of this Ordinance constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, then the City may use the enforcement powers under this Ordinance without prior notice. However, the Building Inspector, Zoning Administrator, Public Works Director, or Designated Authorized Agent shall attempt to give notice the pertinent parties as soon as practical.
3. **Continuation of previous enforcement actions.** Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous and valid ordinances and laws.

PART 12

DEFINITIONS

Section 12.1 General

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this Ordinance. If questions arise as to the interpretation of common usage terms, the Zoning Administrator or Designated Authorized Agent of the City shall refer to the definitions contained in [Merriam-Webster's Collegiate Dictionary – Eleventh Edition](#) or subsequent editions. Interpretations of land use activities shall be based on the most current [North American Industry Classification System \(NAICS\)](#), [Office of Management and Budget \(OMB\)](#), or subsequent editions. Interpretations of terms related to structures shall be based on the applicable building codes.

Section 12.2 Defined Terms

For the purpose of this Ordinance, certain words as used herein are defined as follows:

A

A-Zones. Those areas shown on the Official Floodplain Zoning Map that would be inundated by the regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Abandoned vehicle. Any vehicle that has been left unattended without the permission of the property owner for more than forty-eight (48) hours. Refer to [Section 342.40 of the Wisconsin Statutes](#) for a more detailed definition.

Accessory use, structure, or building. A use, structure, or building subordinate to the principal use of a building or to the principal use of land and is located on the same parcel and serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses or structures to residential principal uses may include: Garages, carports, greenhouses established for more than ninety (90) days, manufactured fabric structures (such as those designed for storing cars, boats, or equipment but excluding various recreational tent structures pursuant to [Section 5.1, I: Recreational Vehicles, Trailers and Camping](#) other parking spaces, swimming pools, tennis courts, tree houses and tool sheds.

Accessory structure: wireless telecommunication facility. A building or cabinet like structure located adjacent to or in immediate vicinity of a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone call, voice messaging, and paging services.

Adult entertainment establishment. An establishment, including, but not limited to, an adult bookstore, adult theater, adult entertainment center, adult cabaret, adult strip club, adult steam room/bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement, sadomasochistic activity, or other related activity.

Adult family home. A facility licensed as an adult family home by the State of Wisconsin where three (3) or four (4) adults not related to the operator reside and are provided with care, treatment or services above the level of room and board. Such care and treatment may include up to seven (7) hours per week of nursing care per resident.

Adult retail establishment. An establishment in which ten (10) percent or more of the gross public floor area is devoted to, or ten (10) percent or more of the stock-in-trade consists of, the following: books, magazines, and other periodicals, movies, videotapes, compact discs, digital versatile discs, novelty items, games, greeting cards, and other materials that are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified sexual activities: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation or sodomy; or other related activity.

Affordable housing. Housing in which mortgage, amortization, taxes, insurance, and condominium and association fees, if any, constitute no more than twenty-eight (28) percent of gross household income for a household of the size which may occupy the unit. In the case of dwelling units for rent, the rent and utilities constitute no more than thirty (30) percent of gross annual household income for a household of the size which may occupy the unit.

Agent. One who is authorized to act for or in the place of another, as a representative, emissary, or official of a government agency.

Agriculture. The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Agricultural research facility. The use of land to conduct research associated with agriculture. This term includes, but is not limited to, an agricultural test plot, arboretum, and related offices, classrooms, maintenance, and storage facilities.

Agricultural services. Establishments engaged in providing services to agricultural establishments and landowners including soil preparation, crop services, veterinary services, farm management, and landscape, and horticultural services.

Alley. A public way used primarily as a secondary service access to the rear or side of a property that abuts a street.

Airport. The [*John F. Kennedy Memorial Airport*](#) located in Ashland County and annexed by the City of Ashland, Wisconsin.

Airport affected area. The area located within three (3) statute miles of the John F. Kennedy Memorial Airport property boundaries.

Airport overlay certificate of compliance. A certification that the construction and use of the land or a building, is in compliance with all provisions of this ordinance.

Airport hazard. Any structure, object, natural growth, or use of land that obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off.

Airport runway. A portion of the airport having a surface specifically developed and maintained for the taxiing, landing, and taking off of aircraft.

Animal boarding, grooming, or training. An establishment in which more than four domestic animals over the age of six (6) months may be kept for boarding, breeding, safekeeping, convalescence, humane disposal, placement, sale, bathing, trimming, training or sporting purposes. This term includes a commercial kennel.

Animal: commercial livestock. Animals or insects that are bred, raised, maintained or sold for commercial use and exceed quantities established under [Section 5.6 B. Animals: Keeping of](#). Commercial livestock animals include horses, cattle, hogs, sheep, goats, bees and poultry.

Animal: domestic. An animal, including, but not limited to a dog and cat, that is commonly referred to as a pet, and that can generally be kept inside a dwelling. This term does not include a horse, pig, or similar animal that is typically kept only on agricultural or rural properties, and is not typically kept inside a dwelling. Chickens and rabbits may be considered domestic animals pursuant to the specific use standards of this Ordinance.

Animal: family farm (small). An animal that is bred, raised, or maintained on rural residential properties for non-commercial use. Small family farm animals include poultry, rabbits, and pigeons. Specifically excluded from this definition are roosters, turkeys and geese. Family farm animals shall be specifically for use by the family living on the site and shall not be sold.

Animal: family farm (large). An animal that is bred, raised, or maintained on rural residential properties for non-commercial use. Large family farm animals include horses, ponies, donkeys, mules, llamas, emus, sheep, and goats. Specifically excluded from this definition are hogs and cattle. Family farm animals shall be specifically for use by the family living on the site and shall not be sold.

Animal processing. The cutting, grinding, manufacturing, compounding, intermixing or preparation of meat or meat food products for human consumption.

Animal: slaughter of (commercial and custom). The slaughter of food animals for human consumption on a commercial basis or as a custom service for an individual who owns the animal, and uses all the resulting products for his or her own consumption.

Antenna. Equipment used for transmitting or receiving radio frequency signals, which is attached to a tower, building, or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omni-directional “whip” antennae.

Antenna elements: television. That portion or portions of the outside antenna system for television receiving apparatus or equipment that are electrically connected to the receiver.

Antenna mast: television. That portion of the outside antenna system for television receiving apparatus or equipment to which the antenna elements are attached.

Antenna tower or mast support: television. The support or extension required to elevate the antenna mast to a height deemed necessary for adequate operation.

Antenna support system. Any building, pole, telescoping mast, tower, tripod, or any other structure that supports an antenna.

Antenna system: television. The combination of any antenna elements, mast, and tower or mast support as defined by this Ordinance.

Antenna system height. The overall vertical length of the antenna system, as defined by this Ordinance, above the ground, or if such system is located on a building, then, above that part of the level of such building, upon which the system rests.

Antique store. A retail establishment in which the display of human-made articles produced or constructed at least fifty (50) years ago, or articles collected and recognized by a formal organization established to research, promote and provide information about such articles, covers at least eighty-five (85) percent of the display floor area. (See definition of *retail establishment*.)

Apiary. A place where bee colonies are kept.

Approval authority. Any City of Ashland official or employee vested with the duty or authority to review, approve, or issue a permit, certificate, license, citation, variance, appeal, plan, amendment, plat or map requested, submitted, or applied for under this ordinance.

Approved. To give formal or official sanction to by the Building Inspector, Zoning Administrator, Plan Commission, City Council, or other responsible entity.

Area: developed. The area of a parcel upon which improvements have been made.

Area: gross. The total area of land within the established parcel.

Area: undeveloped. The area of a parcel with no development. For the purposes of this Ordinance, undeveloped area shall exclude water bodies, stream channels, delineated or mapped wetlands, and designated natural areas.

Artist studio. Work space for one or more artists or artisans, including the accessory sale of art produced on the property.

Assembly hall. An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduation parties, and business functions. This term includes, but is not limited to, a banquet hall, rental hall, meeting space for a club or membership organization. This term does not include a convention center.

Association. See *Club or association*.

Automated-teller machine (ATM). An electronic banking machine that takes the place of a human bank teller and allows the user to access basic bank services, such as making deposits and cash withdrawals from remote locations, twenty-four hours a day.

Average annual rainfall. A calendar year of precipitation, excluding snow, which is considered typical.

Awning. A shelter constructed of non rigid materials on a supporting framework projecting from and supported by the exterior wall of a building.

B

Bank or other financial institution. An establishment providing retail banking, credit, and mortgage services. This term does not include a currency exchange, a payday loan establishment, or a title loan agency. Unless specifically allowed in the district, this term does not allow for a drive-through window or an automated-teller machine (ATM) as an outright permitted use.

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on the Flood Insurance Rate Map (FIRM).

Basement. That portion of a building which is completely or partially below grade plane. A basement shall be counted as a story above grade plane where the finished surface of the floor above the basement is more than six (6) feet above grade plane or more than twelve (12) feet above the finished ground level at any point.

Batch plant: concrete or asphalt. A facility that produces or processes concrete or asphalt.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bed and breakfast establishment. An establishment that meets all of the following criteria:

- Provides eight (8) or fewer rooms for rent, to no more than twenty (20) tourists or other transients for a length of time not to exceed ten (10) nights in a twelve (12) month period;
- Is the owner's personal residence and is occupied by the owner at the time of rental;
- Meals are served only to guests; and
- Breakfast is the only meal served to guests.

Bee. Any life stage of the common domestic honey bee.

Beekeeper. A person who owns or has charge of one or more colonies of bees.

Best management practice (BMP). Structural or nonstructural measures, practices, techniques, or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

Billboard. See *Sign: billboard*

Blight. A deteriorated condition.

Block. The property abutting a street between the two (2) nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of un-subdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a "block."

Bluff. A broad-faced or steep, promontory, bank, or cliff, primarily the result of erosion or excavation and having a vertical relief greater than ten (10) feet.

Boarding or rooming home. A dwelling unit, or part thereof, occupied by a single housekeeping unit where meals and lodging may be provided for three (3) or more persons not related to the owner for compensation by previous arrangement.

Boathouse. Any permanent structure designed solely for the purpose of protecting or storing boats and related equipment for noncommercial purposes.

Building. See *Structure*.

Building coverage. The percentage of a parcel that is covered by all principal and accessory buildings on the parcel.

Building height. The vertical distance from the grade level at the front wall of the building to the highest point of the coping of a flat roof or to the highest point of a mansard roof, or to the ridgeline of a gable, hip, or gambrel roof.

Building inspector. The building inspector of the City of Ashland.

Building: principal. A building in which is conducted the main or principal use of the property on which the building is situated.

Buildable area. That part of the parcel not included within the open space areas required by this Ordinance.

Bulkhead line. A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Wisconsin Department of Natural Resources pursuant to [Section 30.11 of the Wisconsin Statutes](#) and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is limited by the floodway provisions of this Ordinance.

Business service. An establishment providing services to business establishments on a fee or contract basis, including but not limited to the following: Advertising services, business equipment and furniture sales or

rental, protective services, employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as the following: Accounting, advertising, architectural design, community planning, environmental analysis, insurance, interior design, landscape design, law, management consulting, or title research and real estate.

C

Campground. Establishments primarily engaged in providing overnight or short-term sites for recreation vehicles, trailers, campers, and tents.

Camping unit. Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including, but not limited to a tent, camping trailer, motor home, bus, van, pick-up truck, or other mobile recreational vehicle.

Car wash. An establishment providing washing, waxing, or cleaning of light motor vehicles, including access and queuing lanes.

Catering service. An establishment providing the processing, assembly, and packaging of food into servings for consumption off-premises without provision for onsite pickup or consumption. This term includes, but is not limited to, the preparation of meals by a catering businesses or by a nonprofit organization operating a meal program.

Cemetery. A place for the interment of the dead. This term includes a columbarium or mausoleum, but does not include a funeral home, crematorium, or mortuary.

Cease and desist. A court issued order to halt the activity that is being conducted without a permit or in violation of this Ordinance.

Certificate of appropriateness. A certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction, or demolition of a historic structure, historic site or any improvement in a historic district, refer to City of Ashland [Ordinance 826](#).

Certificate of Compliance. See *Airport overlay certificate of compliance* or *Floodplain certificate of compliance*.

Channel. A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water flowing within the limits of the defined channel.

Chair. The Chair of the Plan Commission, the Chair of the Zoning Board of Appeals, or other body as the context requires.

City. The incorporated City of Ashland, State of Wisconsin.

Civic uses. See *Government or community service use*.

Clinic. An establishment operated by one or more physicians, dentists, chiropractors, mental health professionals, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Club or association. A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

College. An educational institution authorized by the State of Wisconsin to award baccalaureate or higher degrees, or any campus of the State of Wisconsin vocational, technical, and adult education system. This term includes any classroom, sporting facility, music hall, office, and related uses associated with such

institution. This term does not include a dormitory.

Co-location. The location of wireless telecommunication equipment from more than one provider on a common tower or structure.

Colony (bees). A hive and its equipment and appurtenances, including bees, comb, honey, pollen and brood. One (1) colony shall have the meaning of containing only one (1) queen.

Columbarium. A vault, wall, or similar structure with niches for urns containing ashes of the dead. Also see definition of cemetery.

Combined sewer system. A system for conveying both sanitary sewage and storm water runoff.

Commercial trailer. A vehicle for transporting commercial goods. Usually associated with a semi truck.

Common open space. Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential parcels. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.

Communication equipment: major. Commercial and public radio and television transmitting antennas, public utility microwave antennas, personal wireless antennas, and satellite dishes with a diameter of greater than three (3) feet.

Communication equipment: minor. Radio and television receiving antennas, including a single satellite dish with a three (3) foot diameter or less, short-wave radio dispatching antennas, or those antennas necessary for the operation of household electronic equipment, including radio receivers, federal licensed amateur radio stations, and television receivers.

Communication service. A public or commercial facility primarily engaged in the provision of broadcasting and other information relay services. This term includes radio and television studios, cable and Internet providers, and related services and equipment. This term does not include major communication equipment.

Community garden. A single piece of land gardened collectively by members of a community, typically in an urban environment.

Community living arrangement. Refers to any of the following:

- Residential care center for children and youth. A facility operated by a child welfare agency licensed under [Section 48.60 of the Wisconsin Statutes](#) for the care and maintenance of children and youth residing in that facility.
- Group home for children. A facility operated by a person required to be licensed by the Wisconsin Department of Health Services under [Section 48.625 of the Wisconsin Statutes](#) for the care and maintenance of five (5) to eight (8) children, as provided by [Section 48.625 \(1\) of the Wisconsin Statutes](#).

Community-based residential facility. A place where five (5) or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care, reside and receive care, treatment, or services that are above the level of room and board, but that include no more than three (3) hours of nursing care per week per resident. This term does not include a convent or similar facilities.

Community service uses. See government and community service uses.

Comprehensive Plan. The long-range master plan for the desirable use and development of land in the City of Ashland as officially adopted and as amended from time to time by the Common Council after review by the Plan Commission.

Compost bin. A Compost bin is a structure built to house compost and designed so as to facilitate the decomposition of organic matter through proper aeration and moisture retention.

Composting. The biological decomposition of organic solid waste under conditions created, maintained or controlled by a person or an entity.

Composting facility: community. A public or private facility for the deposit and controlled biological reduction of organic wastes at a community or regional scale. This term does not include composting for personal use pursuant to the provisions of this Ordinance and City of Ashland's [Ordinance 750: Property Maintenance](#).

Composting facility: indoor. A public or private facility housed within a structure for the deposit and controlled biological reduction of organic wastes at a community or regional scale. This term does not include composting for personal use pursuant to the provisions of this Ordinance and City of Ashland's [Ordinance 750: Property Maintenance](#).

Conditional use permit. A document signed by the Zoning Administrator or Designated Authorized Agent specifying the requirements for which a conditional use may be permitted within a parcel. A conditional use is a use permitted within a district other than a permitted use.

Condominium. A community association combining individual unit ownership with shared use or ownership of common properties or facilities, established in accordance with requirements of the [Condominium Ownership Act, Chapter 703, Wisconsin Statutes](#). A condominium is a legal form of ownership of real estate and not a specific building type or style.

Connected imperviousness. An impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.

Conservation easement. The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

Conservation or wildlife management. Planned protection, preservation, and management of natural resources, including, but not limited to, plants, animals, and waters.

Construction site. An area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing activities may be taking place at different times and on different schedules, but under one plan.

Conservation subdivision. A housing development in a rural setting that is characterized by compact parcels and common open space, and where the natural features of the land are maintained to the greatest extent practical.

Contiguous (parcel). A neighboring parcel, which shares a boundary with or touches the parcel physically.

Contractor's shop. An establishment used for indoor maintenance, repair, or storage of a contractor's vehicles, equipment, or materials. A contractor's shop may include the contractor's business office.

Contractor's yard. An establishment used for the outdoor repair, maintenance, or storage, of a contractor's vehicles, equipment, or materials, including the stockpiling of aggregate and other materials commonly used in the construction business. This term does not include a batch plant that produces concrete or asphalt.

Convalescent home. See *Nursing home*.

Convenience store. See *Retail, convenience*.

Convent (rectory and monastery). A building used to house the staff of a religious institution or the members of a religious organization.

Corner side yard. See *Yard: corner side*.

Council. The Common Council of the City of Ashland, Wisconsin.

Courtyard. An open, unoccupied and unobstructed space, other than a yard, on the same parcel with a building or group of buildings.

Crawlspace or crawlway. An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

Cul-de-sac. A permanent street terminating at once end without connecting with another road and designed so that it cannot be further extended without taking property not dedicated as a street.

Cultural institutions. An institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, museums, art galleries, aquariums, and planetariums.

Currency exchange. In accordance with [Section 218.05 of the Wisconsin Statutes](#), any person, except banks incorporated pursuant to Wisconsin law, national banks pursuant to United States law, and any credit union operating under [Chapter 186 of the Wisconsin Statutes](#), which obtains a certificate of authority from the Wisconsin commissioner of credit unions, engaged in the business of and providing for facilities for cashing checks, drafts, money orders, and all other evidences of money acceptable to such community currency exchange for a fee, service charge, or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable, or nonnegotiable documents, jewels, or other property of great monetary value, nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in Wisconsin, who in the course of such business or profession and, as incident thereto, cashes checks, drafts, money orders, or other evidences of money.

Cutoff light fixture. See *Shielded or cutoff light fixture*.

D

Day care: licensed family home. A dwelling unit licensed as a family day care center by the State of Wisconsin, pursuant to [Section 48.65 of the Wisconsin Statutes](#), and [Chapter DCF 250 of the Wisconsin Administrative Code](#), where a resident of the dwelling provides care for not more than eight (8) children at any given time for less than twenty-four (24) hours at a time.

Day Care: licensed group child care center. Licensed group child care center by the State of Wisconsin, pursuant to [Section 48.65 of the Wisconsin Statutes](#), and [Chapter DCF 251 of the Wisconsin Administrative Code](#), where a person for less than twenty four (24) hours a day provides care and supervision for nine (9) or more children who are not related to the provider.

Day care: unlicensed family home. A dwelling unit where a resident of the dwelling provides care for not more than three children for less than twenty-four (24) hours at a time.

Day care center: commercial. A facility in which the operator is provided compensation in return for providing individuals with care for less than twenty-four (24) hours at a time. This term includes, but is not limited to the following: day nursery, nursery school, adult day care center, or other supplemental care facility. This term also includes a day care center that is accessory to another use and that is intended for use by the employees of the principal uses and their immediate family. This term does not include family home

day care in which the operator resides.

Deck. An unenclosed exterior structure that has no roof or walls, but has a permeable floor that allows the infiltration of precipitation.

Density. The number of dwelling units per net acre of land after land for streets and other public purposes is removed.

Designated Authorized Agent. An employee of the City who has been designated by the department's established approval authority, and has been given the power to act on behalf of said approval authority.

Developer. A person, company, or a property owner's authorized agent who develops real estate, especially by preparing a site for residential, industrial or commercial use in order to build or sell.

Development. Any human made changes to improved or unimproved real estate, including, but not limited to the construction of buildings, structures, or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of manufactured homes or mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations, and the deposition or extraction of earthen materials.

Development envelope. An area within which grading, lawns, pavement, and building will be located.

Development: pedestrian oriented. Pedestrian-friendly development with an emphasis primarily on providing safe and efficient opportunities for people of all ages and abilities to access commercial and residential destinations, to encourage people to walk rather than drive to destinations so as to reduce traffic congestion and environmental impacts from automobiles, and to promote economic, environmental and personal health and well-being.

Dormitory. A building used as a group living quarters for students associated with a college, university, boarding school, or similar institution.

Drainage system. One or more artificial ditches, tile drains, similar devices that collect surface runoff of groundwater and convey it to a point of discharge.

Drive-in restaurant. See *Restaurant: drive-in*.

Drive-through window. An establishment that allows patrons in a vehicle to drive up to a window for service. A drive-through window is typically associated with fast food restaurants, banks or other financial institutions and pharmacies.

Driveway. Private access from a public way to one (1) or two (2) parcels.

Drop-in center. See personal care services or drop-in center.

Dry cleaning and laundry drop off and pick up. An establishment that launders or dry cleans articles dropped off on the property directly by the customer, or where articles are dropped off, sorted, and picked up, but where laundering or cleaning is done elsewhere.

Dryland access. A vehicular access route that is above the regional flood elevation and that connects land located in the floodplain to land outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Duplex. See *Dwelling: two-family (duplex)*.

Dwelling, accessory. An attached or detached dwelling unit with a maximum gross floor area of eight hundred sixty-four (864) square feet that is located on the same parcel as a single-family dwelling.

Dwelling: multi-family. A residential structure located on a single parcel, containing three (3) or more dwelling units. This term includes a condominium. This term does not include lodging establishments, boarding houses, or guesthouses.

Dwelling: single-family attached. A residential structure with one dwelling unit located on a parcel, wherever such dwelling unit has at least two (2) exposed exterior walls and is attached by a common vertical wall (not over twenty-five (25) feet in height) to an adjacent dwelling unit that is located on another parcel and has at least two (2) exposed walls.

Dwelling: single-family detached. A residential structure containing one dwelling unit on a single parcel, sharing no common walls with another dwelling unit. This term includes modular homes and manufactured homes, but does not include mobile homes as defined by this Ordinance.

Dwelling: two-family (duplex). A residential structure located on a single parcel, that contains two dwelling units, either side-by-side, or upstairs and downstairs.

Dwelling: twinhome. A residential structure containing two dwelling units in which each dwelling unit is located on a separate parcel, but where each dwelling unit has at least two (2) exposed exterior walls and is attached by a common vertical wall (not over twenty-five (25) feet in height) to the adjacent dwelling unit. Also referred to a single-family attached dwelling with two (2) units.

Dwelling unit. A residential unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, cooking, eating, and sanitation.

E

Emergency residential shelter. A facility, other than a community living arrangement, that provides short-term housing and a protective sanctuary for victims of fire, natural disaster, economic hardship, domestic abuse or neglect, including emergency housing during crisis intervention for victims of rape, child abuse, or physical beatings, and which contains individual or group sleeping rooms and may or may not have food preparation facilities and private shower or bath facilities.

Equipment. The implements used in an operation or activity.

Erosion. The process by which the land's surface is worn away by action of wind, water, ice, or gravity.

Erosion and sediment control plan. A comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

Essential services. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies, of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, storm water conveyance, or other comparable utilities. Essential services include such above surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and stand pipes. Essential services do not include larger utility facilities such as electric substations, wastewater treatment plants, well houses, water reservoirs, wind energy facilities, and microwave and telecommunication towers.

Event: civic. An established and planned event which is of civic or public benefit, sponsored by a governmental organization, educational institution or related civic organization, and promotes celebration, well-being, community pride, culture or history.

Exceptional resource waters. Waters, which provide valuable fisheries, hydrologically or geologically unique features, outstanding recreational opportunities, unique environmental settings, and which are not significantly impacted by human activities. [*Chapter NR 102.11 of the Wisconsin Administrative Code*](#) provides a list of exceptional resource waters.

Extractive industries. This group includes the mining, quarrying, excavation, processing, storing,

separating, cleaning, or marketing of natural resources such as sand, gravel, earth, peat, coal, minerals, gas, and oil.

F

Façade. Any side of a building facing a public way or space.

Family. A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, motel, hotel, club, fraternity, or sorority house, or other group, provided that unless all members except one are related by blood, adoption, marriage, or are legally cared for, no such group shall contain over five persons.

Federal Emergency Management Agency (FEMA). The federal agency that administers the National Flood Insurance Program.

Fence. A structure intended to mark a boundary, provide screening, and/or prevent escape or intrusion. This definition shall include a structure of stonework, cement or other masonry usually referred to as a “wall” in *Section 6.5: Fences* and other relevant sections.

Festival grounds. An outdoor facility, including accessory structures, used primarily for the accommodation of periodic or seasonal cultural or entertainment programs or events.

Filling station/convenience store. An establishment providing retail sale of fuel for motor vehicles, but not motor vehicle maintenance or repair. This term includes accessory retail sales, commonly referred to as a convenience store, but does not include a fast food/carry-out restaurant, nor does it include a car wash.

Final stabilization. All land disturbing construction activities at the construction site have been completed and a uniform perennial vegetative cover has been established, with a density of at least seventy (70) percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

Financial guarantee. A performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the City of Ashland by the responsible party to assure that the requirements of this Ordinance and the applicable permits are carried out in compliance with the approvals and requirements.

Flag lot. A parcel of land shaped like a flag where the staff is a narrow strip of land providing access to a street, with the bulk of the property lying to the rear of other parcels and containing no frontage.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters;
- The rapid accumulation or runoff of surface waters from any source;
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Superior; or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency. The probability of a flood occurrence that is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

Flood Insurance Rate Map (FIRM). A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can be amended by the Federal Emergency Management Agency.

Flood fringe. That portion of the floodplain outside the floodway that is covered by flood waters during the regional flood and is generally associated with standing water rather than flowing water.

Flood hazard boundary map. A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study (FIS) and a Flood Insurance Rate Map (FIRM).

Floodplain. The land that has been or may be hereafter covered by the flood water during the regional flood. The floodplain includes the floodway and the floodfringe as those terms are defined in [Chapter NR 116 of the Wisconsin Administrative Code](#).

Floodplain certificate of compliance. A certification that the construction and use of land or a building, the elevation of fill or the lowest floor of a structure, is in compliance with all the provisions of this Ordinance.

Flood profile. A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing. A combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, primarily for the reduction or elimination of flood damages.

Flood protection elevation. An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood.

Flood storage. Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway. The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.

Floor area: gross (GFA). The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include all habitable area in a building including, mechanical rooms, storage rooms, and restrooms.

Floor area: net. The sum of the gross horizontal areas of the several of floors of the building measured from the interior side of exterior walls, excluding stairwells, mechanical rooms, toilet rooms, and similar areas.

Food center. A distribution center for food to persons where prepared food is distributed for immediate consumption, or where on-premise consumption of the food occurs. A food center is not a "restaurant" as elsewhere defined. One characteristic of a food center is that food is distributed primarily for no charge or for less than fair market value, such as in an establishment frequently known as a "soup kitchen."

Food store. A store intended for the sale of food and related items including, but not limited to, bakery goods, groceries and convenience foods, fruit and vegetable markets, candy or confections, dairy products, meats, health or organic foods and coffee or specialty drinks. Food stores, as defined, shall not involve containment or the slaughter of animals nor shall they include stores elsewhere defined.

Food store: local. A food store, as defined, providing retail food sales to a local or neighborhood population rather than a regional population, and is compatible with surrounding residential uses.

Footcandle. The illumination of a surface one foot distance from a source of light equivalent to one (1) candle.

Forb. A broad-leaved herb other than a grass.

Forestry. Establishments engaged primarily in the operation of timber tracts, tree farms, forest nurseries, and related activities.

Foster care: family home. A facility, licensed by the State of Wisconsin, a county agency, or a child welfare agency, where one (1) to not more than four (4) children reside and are provided with care and maintenance in the primary dwelling of a foster parent.

Fraternity/sorority. A building used as a group living quarters for members of a general or local chapter of a regularly organized college fraternity or sorority formed chiefly to promote friendship and welfare among members.

Frontage. All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

Frontage: abutting. The part of a parcel that abuts or fronts an improvement.

Frontage: long. The long dimension of a corner parcel regardless of the principal building orientation.

Frontage: short. The short dimension of a corner parcel regardless of the principal building orientation.

Funeral home. An establishment providing services involving the care, preparation, or disposition of deceased humans. This term includes, but is not limited to, a crematorium or a mortuary. This term does not include cemetery.

G

Garage. An accessory building or portion of a building in which vehicles, boats, trailers, and other implements are housed. An attached garage shall be defined as part of the principal building.

Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Gardening. Plantings on a parcel that are intended for the production of food for the primary occupants of the parcel. This term is intended to include a typical vegetable garden associated with a dwelling. This term does not include agriculture.

Garden supply or landscaping center. An establishment providing the retail sale of plants and the sale or rental of garden and landscape materials and equipment. This term includes outdoor storage of plants, materials, or equipment.

Government or community service use. A government or non-profit community service (civic) use that provides services to the community. Examples include a library, police station, fire station, teen center, community center, public museum or art gallery, post office, public garden, and similar uses. This term does not include a public works yard.

Group home for children. See *Community living arrangement*.

Graffiti. Graffiti shall mean any drawing, inscription, writing, figure or mark made upon a wall or other exposed surface, including but not limited to any house, garage, rock, bridge, fence, gate, tree, monument, motor vehicle, sidewalk, street, lamp post, street sign, underpass or retaining wall, whether publicly or privately owned, with paint, chalk, dye, ink, pencil, wax or other similar substance or by etching, scratching, cutting, burning or carving without the express consent of the owner of said wall or other exposed surface.

Grain elevator. A structure for elevating, storing, and discharging grain. This term includes related

processing of grain.

Grass lawn. A lawn consisting primarily of Kentucky bluegrass, perennial rye grass, fescues, and/or other grasses generally associated with mowed and maintained grass lawns.

Green building and site design techniques. Techniques that significantly reduce or eliminate the negative impact of building and site development on the environment and on the building occupants. Green building and site design and construction practices address: sustainable site planning, safeguarding water and water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality. All development in the City of Ashland is strongly encouraged to use green building and site design techniques.

Greenhouse: local. A temporary facility for the sale of plants and produce to a local or neighborhood population rather than a regional population and is compatible with surrounding residential uses.

Gross floor area (GFA). See *Floor area: gross*.

Growth: natural. Any object of natural growth, including trees, shrubs, or foliage, except farm crops that are cut at least once a year.

H

Habitable room. A room or enclosed floor space arranged for living, eating or sleeping purposes, not including bathrooms, water closet compartments, laundries, pantries, foyers, hallways, and other accessory floor spaces.

Hard surface parking area. Hard surfaced parking areas shall be defined as having asphalt, concrete, paving brick, block, compacted gravel or limestone, or pervious pavers.

Hazardous waste. Any solid, liquid, or gaseous waste materials, usually a by-product of manufacturing, medical, scientific, or consumer use that, if improperly managed or disposed of, may pose substantial hazards to human health and the environment. A waste is considered hazardous if it exhibits one or more of the following characteristics: ignitability, corrosivity, reactivity, and toxicity.

Historic district. An area designated locally, or on the State or Nationally register, containing historic structures, improvements or sites.

Historic site. Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of humans, or upon which a historic event has occurred.

Historic structure. Any improvement that has a special character or specific historic interest or value as part of the development, heritage, or cultural characteristics of Ashland, state, or nation.

Hive. A structure intended for the housing of bees.

Holiday lighting. Temporary, low wattage lighting commonly identified as a string or rope of individual lamps, installed in connection with holiday or religious observances and removed thereafter.

Home improvement center. An establishment providing the sale or rental of building supplies, construction equipment, or home decorating fixtures and accessories. This term includes a lumber yard or a contractor's building supply business, and may include outdoor storage or tool and equipment sales or rental. This term does not include an establishment devoted exclusively to the retail sale of paint, wallpaper, or hardware, or activities classified under vehicle/equipment sales and services, including vehicle towing services.

Home occupation. Any occupation for financial gain or support conducted only by members of the immediate family residing on the property, provided that the specified use is incidental to the residential use.

Homeowners association. A community association incorporated or not incorporated, combining individual home ownership with the shared use or ownership of common property or facilities.

Hospital. A state-licensed institution providing primary health services and medical, psychiatric, or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions, and as an integral part of the institution, related accessory uses or facilities, including, but not limited to, laboratories, central service facilities for inpatient or outpatient treatment, as well as training, research and administrative services for patients and employees. Also included are health services and care, which are shared with other hospitals or other health care providers.

Household goods. Products used in the home that are necessary for, or supplemental to, normal household activities, including small appliances, but excluding furniture and major appliances.

Household maintenance and repair. An establishment providing the repair or servicing of household goods, furniture, appliances, or lawn and garden equipment.



Illumination level. The intensity of light measured in foot candles from a point facing the light source.

Impervious coverage or impervious surface. An area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Roofs, sidewalks, driveways, concrete slabs, patios, parking lots, and streets are examples of areas that are typically impervious. Pervious pavers and pervious pavement are not considered impervious.

Implements. A device used in the performance of a task.

Improvement. Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Improvement parcel. The unit of property that includes a physical betterment constituting an improvement and land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term “improvement parcel” shall also include any unimproved area of land that is treated as a single entity for such tax purposes.

Incinerator. A device for burning permitted substances in which the combustion factors: temperature, retention time, turbulence and combustion air, may be controlled.

Industrial park. A planned, coordinated development of a tract of land with two (2) or more separate industrial buildings. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design, and orientation.

Industry: green. An industry/business that balances environmental, social and economic interests in its operation.

Industry: heavy. A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted raw materials or a use engaged in storage of or manufacturing processes using flammable or explosive materials or storage of manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry: light. A use engaged in the manufacture, predominantly from previously prepared materials, or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but exclusively basic industrial processing. This term also includes a facility that is engaged primarily in mass printing and publishing of printed materials, such as

newspapers, magazines, books, greeting cards, and similar materials for the wholesale market or direct distribution. This term does not include a commercial photo copy or printing shop.

Infestation. The presence of insects, rodents, vermin or other pests within or contiguous to a structure or property.

Infill development. An undeveloped area of land located within an existing development.

Infiltration. The entry of precipitation or runoff into or through the soil.

Infiltration system. A device or practice such as a basin, trench, rain garden, or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of roof downspouts onto lawns, or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

Informational meeting. An informal meeting of the Plan Commission, Common Council, or other elected or appointed bodies to obtain comments from the public, or other agencies on certain matters, that do not require a public hearing, prior to a decision regarding a proposed project. The proceedings may be recorded and a report or recommendation may be included in the project file.

Institution. A nonprofit organization of a public character, or a building occupied by such organization.

Invasive Species. [Section 23.22\(1\)\(c\), of the Wisconsin State Statutes](#) states that “invasive species” means nonindigenous species that cause or are likely to cause economic or environmental harm or harm to human health.

J

Junkyard. See *Salvage operation, outdoor*.

K

Karst feature. An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may included caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, or swallets.

Kennel, commercial. See *Animal boarding facility*.

L

Land. Soil, the ground surface itself, a subdivision, a tract or parcel, a lot or an open space, together with any structures or improvements on it, extending above and below the surface.

Land disturbing construction activity. Any human made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative cover, that may result in runoff and lead in an increase in soil erosion and movement of sediment into the waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.

Landmark. Any identified improvement that has a special character, special historic interest, or cultural value as part of the heritage of the City.

Landmark site. Any parcel of historic significance having value in tracing the history of aboriginal man or upon which a historical event has occurred. A landmark site includes the parcel upon which a landmark has been built.

Landfill: construction debris. A landfill for the exclusive use of construction debris, including but not limited to concrete, masonry, and lumber.

Land filling and/or excavation. The action or process of filling, cutting, digging, scooping, or otherwise altering the existing land.

Land filling: temporary. Temporary placement and use of land filling material, including sand, soil, gravel, rock or other similar material, typically on a separate parcel from the development.

Landscaping. Plantings intended to enhance the aesthetic and/or environmental qualities of a parcel.

Laundromat. An establishment providing washing, drying, or dry cleaning machines on the property for rental use by the general public for laundering or dry cleaning purposes.

Leadership in Energy and Environmental Design (LEED). LEED provides a green building rating system that is a voluntary, consensus-based national rating system for developing high-performance, sustainable buildings. LEED addresses all building types and emphasizes state-of-the-art strategies in five areas: sustainable site development, water savings, energy efficiency, materials and resources selection, and indoor environmental quality.

Light trespass. Stray light or spill light flowing across the property boundary.

Loading space. A dust-free and durable, hard surfaced area of adequate size for delivery vehicles expected to be used, logically and conveniently located for bulk pickup and delivery, readily accessible when required parking spaces are filled, which shall be located totally outside of any street or alley right-of-way.

Lodging establishment: short stay. Any temporary residential use of a room or suite of rooms in a building or group of buildings by an individual or a group not to exceed thirty (30) days in a calendar year. Hotels, motels, resorts, and other lodging facilities are included in this definition.

Lodging establishment: extended stay. A lodging establishment in which at least seventy (70) percent of the accommodations are regularly used or available for occupancy of continuous periods of thirty (30) days or more by persons who use the lodging establishment as their primary residence.

Long-term housing. Housing designed to accommodate individuals or families for greater than six (6) months and support services for the purpose of facilitating the movement of the residents to independent living. Housing is typically provided a little or no cost and food/meals may or may not be provided.

Lumber yard. See *Home improvement center*.

M

Machinery. Machines in general or as a functioning unit; a mechanically, electrically, or electronically operated device for performing a task.

Maintenance agreement. A legal document that provides long term maintenance of storm water management practices.

Major street. A highway, road, or street designated on the official Master Street Plan of the City.

Manufactured (or modular) home. A structure, constructed after June 15, 1976, pursuant to the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis

and designed to be used as a permanent single-family dwelling, is installed pursuant to the manufacturer's instructions, is properly connected to all applicable utilities, and is set on an enclosed foundation pursuant to [Section 70.043\(1\) of the Wisconsin Statutes](#) and [Wisconsin Administrative Code COM 21](#).

Manufactured home community. Any plot or plots of ground upon which three (3) or more manufactured homes that are occupied for dwelling or sleeping purposes are located. This term does include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother, or sister of the farm owner or operator, or where the occupants of the manufactured homes work on the farm.

Manufactured home dealer, sales and display. Establishment engaged in the sale and service of manufactured and mobile homes, which may be displayed on the dealer lot for purpose of sale.

Manufacturing. Establishments engaged in the mechanical or chemical transformation of material or substances into new products.

Manufacturing: heavy. See *Industry: heavy*.

Manufacturing: light. See *Industry: light*.

Marina. A facility providing mooring of recreational boats in water, or piers, anchorage areas, launching facilities, boat storage areas, or boat sales and service. This term does not include a ship terminal or passenger terminal.

Mausoleum. A building for entombment of the dead above ground. Also see *Cemetery*.

Maximum extent practical. A level of implementing best management practices to achieve a performance standard specified in this Ordinance, which takes into account the best available technology, cost effectiveness, and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties, and geographic features. Maximum extent practical allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

Meteorological tower. A tower used for the measurement of wind speed.

Mining. The process of digging, quarrying, excavating, processing, storing, separating, cleaning, and/or transporting natural resources such as sand, gravel, and earth. For the purpose of this Ordinance, mining shall not include the excavation, removal, or storage of rock, sand, dirt, gravel, clay, or other material for the following purposes:

- Excavation for the foundation, cellar, or basement of pending construction for which a permit has been issued and which is to be erected immediately following the excavation, removal, or storage.
- On-site construction of approved roads, sewer lines, storm sewers, water mains, surface water drainage, agriculture or conservation purposes, sod removal, or other public utilities.
- Landscaping purposes on a parcel used or to be used as a building site.
- Grading/excavation of less than one acre of land in conjunction with improvement of a site for development, providing activities will be completed in one year.
- The removal of excess materials in accordance with approved plats or highway construction.

Mini warehouse. See *Warehouse: self-storage*.

Mobile home. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid, uncollapsible construction, which has an overall length in excess of forty five (45) feet. This term includes the mobile home structure, its plumbing, heating, air

conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Model home. A model home is a dwelling manufactured, prefabricated, or otherwise erected or installed upon a parcel for purposes of temporarily exhibiting the same as a sample, rather than for occupancy as a residence.

Modular home. See *Manufactured (or modular) home*.

Monastery. See *Convent*.

Mural. A large scaled painting or artwork applied to and made integral with the surface of an exterior or interior wall or other large permanent surface, which depicts a scene or event of natural, social, cultural, or historical significance.

N

NAICS Group. The statistical classification standards for businesses and industries that appear in the [North American Industry Classification System Manual](#), published by the U.S. Office of Management and Budget.

Natural landscape. Any land managed to preserve or restore primarily native Wisconsin grasses, forbs, wildflowers, shrubs, trees, and aquatic plants.

Nonconforming parcel. A parcel that does not comply with the minimum parcel area or width requirements of the district in which it is located.

Nonconforming structure. A structure that does not comply with the bulk, yard, setback, or height regulations of the district in which it is located.

Nonconforming use of land. Any use of a parcel that does not conform to the applicable use regulations of the district in which it is located.

Nonconforming use of a structure. A use of a structure that does not conform to the applicable use regulations of the district in which it is located.

Nonprofit conservation organization. Any charitable corporation, charitable association, or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

North American Industry Classification System. See *NAICS Group*.

Nuisance. A use of property or course of conduct, that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

Nursing home. A facility where five (5) or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to twenty-four (24) hour nursing services, including limited nursing care, intermediate level nursing care, and skilled nursing services, as defined in [Section 50.01 of the Wisconsin Statutes](#).

O

Occupant. Any person living, sleeping, occupying, or having possession of a space, in a building, structure, or on a parcel of land.

Occupancy. The purpose for which all or a portion of land, a building, or a structure is used or intended to be used.

Office. Use of a building for government, business, professional, or administrative office. A general office is characterized by a relatively low proportion of vehicle trips attributable to visitors or clients in relationship to employees. Examples include, but are not limited to, offices of firms or organizations providing professional services, such as accounting, insurance, architectural, and legal. This term does not include a bank or other financial institution or the office of a physician, dentist, optometrist, chiropractor, and similar professions.

Off-premise sign. See *Sign: off-premise*.

Off-street parking. The parking of vehicles on a parcel, as opposed to a street right-of-way.

On-street parking. The parking of vehicles on a street right-of-way, as opposed to a parcel.

Open space, private or public. Private or public land or water, or a combination of land and water, that is free of development, including agriculture uses. This term includes wildlife areas and conservation areas, but it does not include public parks or commercial outdoor recreation facilities.

Open space: common. An area of land or water, or a combination of land and water within the site designated for a Planned Unit Development, and designed and intended for the use or enjoyment of residents.

Open space: public. An area of land or water or both on the Comprehensive Plan or Official Map designated as park, beautification, or land to be kept free of development.

Operator. Any person who has charge, care, or control of a structure or property, which is let or offered for occupancy.

Ordinary high water mark (O.H.W.M.). The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Outdoor mechanical and electrical equipment. Equipment used onsite for the regular operation of a building or use. This term includes air conditioning units, power vents, and similar equipment. This term does not include an outdoor wood-fired furnace, solar equipment, or a wind energy system.

Outdoor merchandise sales or storage. Retail sales or storage of merchandise listed in the definition of retail establishment, primarily outside an enclosed structure, for more than ninety (90) days in any calendar year.

Outdoor wood-fired furnace. Any furnace, stove, or boiler designed to burn wood, where the furnace is not located within a building intended for human or domestic animal habitation.

Outstanding resource waters. National or state wild and scenic rivers. [Chapter NR 102.10 of the Wisconsin Administrative Code](#) provides a list of outstanding resource waters.

Owner. The owner or owners of the freehold estate of the property or lesser estate therein, a mortgagee or vendee in possession, an assignee of rents, a receiver, a personal representative, a trustee.

P

Parcel. A parcel of land means any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, that is designated by its owner or developer as land to be used or developed as a unit, or that has been used or developed as a unit. Parcel includes an

easement supporting or related to a primary parcel, and a condominium unit. Only one such designation by the owner shall be allowed under this Ordinance.

Parcel: corner. A parcel abutting upon two or more public rights-of-ways at their intersection or upon two (2) parts of the same right-of-way, such that the rights-of-way or parts of the same right-of-way form an interior angle of less than one hundred thirty five (135) degrees. The point of intersection of the street lines is the "corner."

Parcel: depth. The mean horizontal distance between the front and the rear parcel lines.

Parcel: double frontage. See *Parcel: through*.

Parcel: interior. A parcel other than a corner parcel.

Parcel: irregular. A parcel within a subdivision abutting a cul-de-sac or curbed street approximately equal in area to the other parcels within the subdivision; however, having unusually short abutting frontage in comparison to the other parcels.

Parcel line: front. The line separating the parcel from the street right-of-way.

Parcel line: rear. The parcel line opposite and most distant from the front parcel line.

Parcel line: side. Any parcel line other than a front or rear parcel line. A side parcel line separating a parcel from a street right-of-way is called a side street parcel line. A side parcel line separating a parcel from another parcel or parcels is called an interior side parcel line.

Parcel: parent. The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this Ordinance.

Parcel of record. A parcel that is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Ashland County.

Parcel: remote. Parcels without abutting frontage that receive benefit from the improvement.

Parcel: through. A parcel having frontage on two parallel or approximately parallel streets. Also referred to as a double frontage parcel.

Parcel width. The mean width of the parcel measured at right angles to its depth.

Park. Public or private land, including accessory structures, used primarily for outdoor recreation or for the enjoyment of open space. This term does not include a private campground, community center, museum, commercial outdoor recreation facility, commercial indoor recreation facility, or similar use.

Parking lot (or area). An area specifically designed and intended for the parking of vehicles.

Parking lot (or area): interior. All areas within the perimeter of a parking lot (or area), including planting islands, curbed areas, corner lots, parking spaces and all interior driveways and aisles except those with no parking spaces located on either side.

Parking space (or stall). A durable, hard surfaced area adequate for parking a motor vehicle with room for opening doors on both sides, together with a clear, properly related access to a public street or alley, and maneuvering room that shall be located totally outside of any street or alley right-of-way.

Passenger terminal. A facility for passenger transportation operations including, but not limited to, a passenger rail station, bus terminal, airport terminal, or passenger ship terminal.

Patio. A level surfaced area adjacent to a principal building which is constructed on finished grade, without walls or a roof. May be constructed of brick, concrete, stone, or other impervious materials.

Pay day loan establishment. An establishment providing loans to individuals in exchange for personal checks as collateral.

Pawn shop. A retail business where a lender pays money for a fee and holds some of the borrower's personal goods for collateral to be sold to the public in the event of default.

Performance standard. A narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

Permit. A written authorization made by the approval authority to the applicant to conduct an activity for which a permit is required.

Person. An individual, firm, corporation, association, partnership or other group acting as a unit.

Personal care services or drop-in center. A facility that provides a daytime communal atmosphere open to the public, or by membership, for the provision of services to persons in need of assistance due to age, physical or mental disability, illness or injury including but not limited to supervision of self-administered medication, aid in personal hygiene, eating and drinking, or recreation. Services may or may not be provided by licensed or certified professionals, shall not include any over-night stays nor contain overnight sleeping facilities.

Personal service. An establishment providing services that are of a recurring and personal nature to individuals. This term includes, but is not limited to, the following:

- Barber shop;
- Beauty salon;
- Shoe repair shop;
- Seamstress or tailor;
- Tanning salon;
- Massage establishment; or
- Body piercing or tattoo establishment.

This term does not include the following:

- Portrait studio;
- Dry cleaning and/or laundry establishment, drop-off and pick-up only;
- Laundromat;
- Photocopy center;
- Health club; or
- Repair shop for household items.

Personal storage building as a principal use. A principal building (as opposed to an accessory building) used primarily for the storage of goods and materials by the property owner.

Personal wireless service. Licensed commercial wireless communication service, including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging, and similar services.

Pervious surface. An area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests, or other similar vegetated areas are examples of surfaces that typically are pervious.

Place of worship. See *Religious institution*.

Play equipment. Equipment, including swing sets, play structures, and similar equipment, intended primarily for the recreational use of children.

Plat: final. The final map or drawing on which the subdivider's plan of subdivision is presented for final approval and which, if approved, shall be submitted to the Ashland County Register of Deeds.

Plat: preliminary. A drawing showing the salient features of a proposed subdivision prepared in the manner and containing the data, documents, and information required by this Ordinance and submitted to the applicable review and approval authorities for preliminary consideration.

Plumbing or plumbing fixtures. Water heating facilities, water pipes, gas pipes, garbage and disposal units, waste lavatories, bathtubs, shower baths, installed clothes washing machines or other similar equipment, catch basins, drains, vents or other similarly supplied fixtures, together with all connections to water, gas, sewer or vent lines.

Pollutant. As it relates to storm water and erosion control, any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sludge, munitions, chemical wastes, biological materials, radioactive substances, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural wastes discharged into water.

Pollution. As it relates to storm water and erosion control, human made or human induced alteration of the chemical, physical, and biological, or radiological integrity of water.

Porch. A covered projection, with or without walls, extending from the main wall of a building, usually with a separate roof, providing a covered entrance and not intended for use as a livable space.

Post-construction site. A construction site following the completion of land disturbing construction activity and final site stabilization.

Power generation plant. A facility that converts one (1) or more energy sources, including, but not limited to a coal or wood burning plant or an ethanol plant.

Pre-development condition. The extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

Printing and publishing. A facility that is engaged primarily in mass printing and publishing of printed materials, such as newspapers, magazines, books, greeting cards, and similar materials for the wholesale market or direct distribution. This term does not include a commercial photocopy or printing shop.

Private Road. A road providing access from a public right-of-way to three (3) or more properties.

Property. A lot, plot, or parcel of land including the buildings or structures thereon.

Protective area. An area of land that commences at the Ordinary High Water Mark of lakes, streams, and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the O.H.W.M. or delineated wetland boundary to the closest impervious surface. This term does not include any area of land adjacent to any stream enclosed within a pipe or culvert, such that runoff cannot enter the enclosure at this location.

Public art. Any visual works of art including but not limited to, murals, sculptures, monuments, fountains, paintings, frescoes, stained glass or ceramics, which are located on public or private property and open to the view of the public at no charge. Public art does not include that which contains characteristics of an advertising sign, or identify or draw attention to an existing business, profession, or industry. Any private visual works of art (not open to the view of the public) shall be defined and regulated as accessory structures.

Public park. Land owned or leased by a government entity for the purpose of providing public recreation and/or open space.

Public way. All or any part of a road, street, slip, pier, lane, or paved alley.

Public works yard. Municipal, county, state, and federal administrative buildings; warehouses; garages; storage yards; and shops that are owned and operated by a governmental unit.

R

Railroads. Railroad rights-of-way but not including terminals, transfer and storage tracks not accessory structures except those incidental to minor communications and switching equipment.

Rain barrel. A barrel used as a cistern, an artificial reservoir, to hold rainwater.

Raze (a structure). To demolish and remove a structure and to restore the site to a dust-free and erosion free condition.

Recreation facility, commercial indoor. A commercial facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, skating rink, billiard hall, video game center, archery or shooting range, basketball court, indoor soccer, fitness center, and similar uses.

Recreation facility, commercial outdoor. A commercial facility primarily for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more related buildings and structures. This term includes, but is not limited to a golf facility, tennis, basketball, volleyball, soccer, baseball, amusement or water park. This term does not include a campground or outdoor shooting range.

Recreational vehicle. All types of recreation vehicles or devices normally used by adults, including but not limited to such items as travel homes, camper trailers, pick-up camper attachments, all-terrain vehicles, snowmobiles, boats, flotation devices, motor bikes, and including go-carts and stock cars.

Rectory. See *Convent*.

Recycling facility. A facility for the deposit, sorting, or batching, but not processing, of post-consumer recyclable materials. This term includes, but is not limited to, a residential self-help, drop-off facility or a transfer station that receives residential rubbish.

Regional flood. A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a water body because of like physical characteristics once in every one hundred (100) years.

Regulation. An authoritative rule dealing with details or procedure.

Rehabilitation center/transitional living facility. A facility in which persons live while receiving therapy and counseling for any of the following purposes: to assist them to recuperate from the effects of drugs or alcohol; to assist them to adjust to living with the handicaps of emotional or mental disorder, or mental retardation; to assist them to adjust to living with the handicaps of physical disability; to assist them to be housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, pre-release, work-release, and probationary programs.

Religious institution. A facility where people regularly assemble for religious worship and any incidental religious education, which is maintained and controlled by a religious body organized to sustain public worship. This term does not include an elementary or secondary school, a specialty or personal instruction school, or a college. This term is also known as a place of worship.

Rent-to-own establishment. An establishment that allows, between a consumer and a seller, renting of furniture, appliances and other goods with the intention of future ownership of such goods.

Repair shops. Establishments engaged in miscellaneous repair of household items and smaller business equipment for the general public and business.

Research and development. At an establishment that conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale, or laboratories conducting educational or medical research or testing. This term includes, but is not limited to, a biotechnology firm or a manufacturer of nontoxic computer components.

Residential care center for children and youth. See *Community living arrangement*.

Responsible person or party. The owner, operator, manager, occupant, or tenant of any structure or property.

Restaurant: drive-in. A retail outlet where food or beverages are sold to a substantial extent for consumption in parked motor vehicles.

Restaurant: fast food or carry-out. A restaurant, other than a sit-down restaurant, where the establishment offers quick food, which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are generally not taken at a customer's table and food is generally served in disposable wrapping and containers. Food and beverages may be taken off the property for consumption. This term does not automatically include nor preclude the use of a drive-through window. Refer to the district provisions for information on drive-through windows.

Restaurant: sit down. A restaurant where food and beverage orders are generally taken at tables and food and beverages are consumed at tables located on the property, where taking food or beverages from the property is purely incidental, where food or beverages are normally served using non-disposable containers and utensils, and where the consumption of food or beverages in vehicles on the property in which the building is located does not regularly occur. This term does not automatically include nor preclude the use of a drive-through window. Refer to the district provisions for information on drive-through windows. This term does not include a tavern.

Retail. Sale to the ultimate customer for direct consumption and not for resale.

Retail establishment, convenience. Any retail establishment serving primarily the surrounding neighborhood and offering for sale prepackaged food products, household items, and other goods commonly associated with the same. Convenience stores do not include the sale of gasoline. This term does not automatically include nor preclude the use of a drive-through window. Refer to the district provisions for information on drive-through windows.

Retail establishment: general. An establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products. This term does not automatically include nor preclude the use of a drive-through window. Refer to the district provisions for information on drive-through windows. Retail establishments include, but are not limited to, the following:

- General merchandiser;
- Hardware store;
- Paint, glass, and wallpaper store;
- Food stores and local food stores;
- Apparel stores;
- Home furnishing and equipment store;
- Eating and drinking places;
- Used merchandise store;
- Miscellaneous retail;

This term does not include the following:

- Adult retail establishment or adult entertainment establishment;
- Lumber yard, building supply, or home improvement center;
- Garden center or landscaping center;

- Manufactured home dealers;
- Automotive dealers and service stations; or
- Pawn shop.

Right-of-way. An area of land over which people and goods have the right to pass or travel. A public right-of-way grants passage to all and provides the right to park registered vehicles in accordance with local parking restrictions.

Rubbish. Combustible and noncombustible waste materials, including but not limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials. For the purpose of this ordinance, rubbish shall also include all other household waste not defined as garbage.

Runoff. Storm water or precipitation, including rain, snow or ice melt, or similar water that moves on the land surface via sheet or channelized flow.

S

Salvage operation: indoor. An area where waste or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, used lumber, and bottles in an entirely enclosed building. An indoor salvage operation may include used auto parts sales and installation of used auto parts from an auto wrecking yard. It excludes establishments for the sale or purchase of used operable automobiles and the processing of used, discarded, or salvaged materials as part of those manufacturing operations that conform to this Ordinance.

Salvage operation: outdoor. An open area where waste or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, used lumber, and bottles. An outdoor salvage operation includes used implement storage yards, automobile wrecking yards and, only where operated on the same parcel as said auto wrecking yard, an outdoor salvage operation may also include the following associated uses: used auto parts sales and installation of used auto parts from said auto wrecking yard. An outdoor salvage operation includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but excludes uses established entirely within enclosed buildings in nonresidential districts. It also excludes establishments for the sale or purchase of used operable automobiles and the processing of used, discarded, or salvaged materials as part of those manufacturing operations that conform to this Ordinance.

Sanitary station. A facility used for removing and disposing of wastes from a recreational vehicle holding tank.

School: primary or secondary. A public, parochial, or private school that provides an educational program for one or more grades between kindergarten and grade twelve (12), inclusive, and which is commonly known as an elementary school, grade school, middle school, junior high school, or senior high school.

School: specialty or personal instruction. A business, professional, or other specialty school. This term includes, but is not limited to, a school offering instruction in music, art, dance, martial arts, computer use or programming, and cosmetology.

Sculpture. A three (3) dimensional (3-D) object fashioned, shaped and formed by hand or machine into a work of art, generally for the purpose of decoration or artistic expression.

Seasonal market. A temporary facility used to conduct retail trade, including seasonal markets, farmer's

markets, fish markets, produce stands, and horticultural nurseries.

Seasonal or temporary commercial sales/rentals. The sale or rental of seasonal or temporary items such as rentals for activities like skating and bicycling, and seasonal refreshment stands.

Sediment. Solid material, capable of settling, that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

Senior housing. Multi-family dwellings designed and intended to be used for persons who are fifty-five (55) or older, plus the spouse of such persons. This term does not include community-based residential facilities.

Separate storm sewer. A conveyance or system of conveyances, including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels, or storm drains, which meet all of the following criteria:

- Is designed or used for collection water or conveying runoff;
- Is not part of a combined sewer system;
- Is not draining to a storm water treatment device or system; and
- Discharges directly or indirectly into waters of the state.

Service building. In the context of a manufactured home community, mobile home park, or recreational vehicle campground, a service building means a structure housing toilet, lavatory, and such facilities as required by Wisconsin Department of Health Services.

Services: business. Establishments engaged primarily in rendering services to business establishments such as advertising agencies, mailing services, employment agencies, and computer software companies.

Services: personal. Establishments engaged in providing services primarily to individuals and households, such as laundry, dry cleaning, copy shops, beauty shops.

Services: professional. Establishments engaged in providing the general public and businesses with professional services in an office setting. Including:

- Security and Commodity Brokers;
- Insurance Agents and Brokers;
- Real Estate Services;
- Holding and Other Investment Offices;
- Professional Health Services;
- Legal Services;
- Engineering, Accounting, Research, Management, and related services;
- Educational Services.

Services: social. Establishments engaged in providing social services. Including but not limited to:

- Child day care services;
- Food center;
- Individual and Family Social Services;
- Job Training;
- Long-term housing;
- Personal care services;
- Residential care services;
- Short-term / emergency housing or shelter facilities;
- Supply pantry;
- Vocational Rehabilitation.

Setback. The minimum distance a building or structure must be separated from a street or alley right-of-way or parcel line.

Shelter. See Short-term / emergency housing or shelter facility.

Shelter care facility. An unsecure place of temporary care and physical custody for children, including a holdover room, licensed by the State of Wisconsin under [Section 48.66 of the Wisconsin Statutes](#).

Shielded or cutoff light fixture. An exterior lighting fixture that uses a flat, clear lens with no refractorizing element and that operates in a horizontal position with non-adjustable mounting hardware or brackets. Such a fixture distributes light by means of an internal reflector only. The light source is totally concealed by the fixture housing when the position of observation is at angle of less than fifteen (15) degrees from horizontal. No light is permitted at an angle of more than four (4) degrees above horizontal.

Ship terminal. See *Terminal: ship*.

Shopping center. A preplanned group of retail stores with common use areas for access, pedestrian, auto and service circulation, common parking, and landscaping.

Shorelands. Lands within the following distances from the ordinary high water mark of navigable waters: one thousand (1,000) feet from a lake, pond, or flowage; three hundred (300) feet from a navigable river or stream, or to the landward side of the floodplain, whichever distance is greater.

Short-term / emergency housing or shelter facility. A facility that is designed to provide housing to individuals or families for less than six (6) months and support services for the purpose of facilitating the movement of the residents to independent living or transitional housing. Housing is typically provided at little or no cost, may or may not provide food/meals, and shower/bathroom facilities may or may not be shared.

Sign. Any emblem, painting, banner, pennant, placard, design, identification, description, illustration or device, illuminated or non-illuminated, to advertise, identify, convey information or direct attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise. For the purpose of removal, signs shall also include all sign structures.

Sign: abandoned. A sign that for more than sixty (60) days has no longer correctly advertised a public service message, bona fide business, lessor, owner, product, or activity conducted or a product available on the property where the sign is displayed or elsewhere.

Sign: animated. A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. Animated signs include the following types:

- **Naturally energized.** Signs whose motion is activated by wind or other atmospheric impingement. Wind-driven signs include flags, banners, pennants, streamers, spinners, metallic disks, or other similar devices designed to move in the wind.
- **Mechanically energized.** Signs manifesting a repetitious pre-programmed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives. Signs with physically moving components visible from the public right-of-way are not permitted except for those which revolve around a vertical axis at speeds less than seven (7) revolutions per minute.
- **Electrically energized.** Illuminated signs whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized signs include (but are not limited to) changeable message signs, electronic message signs, and other signs that are animated by means of flashing, scintillating, blinking, or traveling lights.

Sign: area identification. A sign using a single label and/or logo to identify a group of structures or a single structure, such as a residential subdivision, apartment complex, industrial park or shopping center, consisting of a freestanding sign, fence, wall or archway with letters or symbols affixed thereto.

Sign: area of. The area of the largest single face of the sign within a perimeter that forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled. Any irregular shaped sign area shall be computed using the actual sign face surface. In the case of wall signs, the area of copy will be used.

Sign: awning. A sign painted on, or attached flat against the surface of an awning.

Sign: banner. A sign made of fabric or any non rigid material with no enclosing framework.

Sign: billboard. A sign that is designed for changeable copy, so the characters, letters, or illustrations can be changed or rearranged within a fixed sign face which advertises a business, organization, event, person, place or thing not located on the same premise (or property) as the billboard.

Sign: business identification. Any sign that promotes only the name and type of business on the property where the business is located.

Sign: canopy. Any sign attached to or constructed in, on, or under a canopy or marquee.

Sign: changeable message. A sign, or part of a sign, such as a manual, electronic or electric controlled time and temperature sign, message center or reader board, whether electronic, electric, or manual, where copy changes.

Sign: construction. A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Sign: copy. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

Sign: double-faced. A sign with copy on two (2) faces that is back to back, v-shaped, stacked, or side by side.

Sign: electric. Any sign containing internal electrical wiring that is attached or intended to be attached to an electrical energy source.

Sign: electronic message. A changeable message sign whose message is electrically activated, such as with light bulbs or mechanical flip discs.

Sign: freestanding. A sign supported permanently upon the ground and not attached to any building.

Sign: illuminated. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Sign: incidental. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the property; for example, a credit card sign, or a sign indicating hours of business.

Sign: informational. An on-premise sign containing no other message, copy, or advertisement other than providing instruction, direction, or assistance to pedestrians or vehicles. Such signs include parking only and no parking, loading and unloading, self-service, restrooms, telephone, entrances and exits, walkways, or directional arrows and symbols.

Sign: joint. A freestanding sign as defined in this ordinance which uses multiple subunits to identify two (2) or more persons, businesses, or organizations operating on one parcel or contiguous parcels (e.g. shopping center, office complex, etc.). Such sign may include the logo and/or name of persons or businesses included but shall carry no other advertising matter.

Sign: low profile. A sign mounted directly to the ground with a maximum height not to exceed six (6) feet.

Sign: maintenance. The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Sign: menu board. A drive-up sign that lists items in conjunction with a business serving customers in a car.

Sign: monument. A freestanding sign mounted on a continuous, solid, opaque structural base, which base length is at least sixty (60) percent the length of the sign face and which base depth is not narrower than the structure containing the sign face or twelve (12) inches, whichever is greater.

Sign: neon. A sign where chemically inert gas such as neon is used to illuminate bent glass tubes when electrified.

Sign: nonconforming. A sign that does not meet the provisions of this Ordinance.

Sign: off-premise. A billboard, poster panel, painted bulletin board, or other communicative device that is used to advertise products, goods, services, ideas, or noncommercial speech that is not exclusively related to the parcel or the owner of the parcel on which the sign is located.

Sign: on-premise. Any sign identifying or advertising a business, person, activity, goods, products, or services located on the parcel where the sign is installed and maintained.

Sign: pole (enclosed). A freestanding sign, that is not a low profile sign, supported on the ground by metal or concrete poles, braces, or other supports, unless the support system is enclosed in a decorative material such that the support enclosure has a width that is at least equal to one-half (1/2) the length of the sign face.

Sign: portable. Any sign not permanently attached to the ground or a building and designed to be moved easily.

Sign: projecting. A sign, normally double-faced, which is attached to and projects from a structure of building fascia.

Sign: real estate. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign: roof. A sign erected upon, against, or above a roof.

Sign: sandwich. A hinged or unhinged A-frame portable sign that is generally temporary in nature and placed near a roadway.

Sign: sidewalk. A non-illuminated sign, not permanently affixed to the ground or a building, and is designed to be displayed during the daytime hours for business identification and to advertise the onsite sale of products and services. Sidewalk signs may be of an A-frame design (for example, a sandwich sign) or of another portable sign type that is displayed on the sidewalk or near the business's entrance and complies with the provisions of this Ordinance relating to sidewalk signs.

Sign: swinging. A sign installed on an arm, mast, or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole.

Sign: temporary, off-site. A sign that is installed for a limited time that is used to advertise products, goods, services, ideas, or noncommercial speech that is not exclusively related to the property or the owner of the property on which the sign is located.

Sign: temporary, on-site. A sign installed on the property for a limited time in accordance with the provisions of this Ordinance. For the purpose of this Ordinance, a temporary sign shall not refer to a real estate sign, a political sign, or a sidewalk sign.

Sign: wall. A sign attached to a wall or building, with the face in parallel plane to the plane of the building or wall.

Sign: window. A sign installed on a window for purposes of viewing from outside a building.

Sign contractor. Any person, partnership, or corporation engaged in whole or in part of the erection or maintenance of signs, excluding the business that the sign advertises.

Sign determination: joint. An action by the Plan Commission to provide for the combination of multiple freestanding signs into one multi-part sign structure. Under a Joint Sign Determination, existing and future freestanding signage on said parcels shall be subject to the terms of the Determination.

Sign structure. Any device or material which supports, has supported, or is capable of supporting a sign in a stationary position, including decorative covers.

Sign subunit: joint. That portion of a larger Joint Sign structure dedicated to an individual business or parcel.

Site. The entire area including the legal description of the land on which the activity is proposed or being conducted.

Slope. An incline from the horizontal expressed in an arithmetic ratio of horizontal magnitude to vertical magnitude. (Example: 3:1 slope is 3 feet horizontal and 1 foot vertical.)

Sorority. See *Fraternity/sorority*.

Sport court. An outdoor play surface intended for use in sports. This term includes outdoor tennis courts, basketball courts, volleyball courts, and similar uses.

Standard Industrial Classifications (SIC). The SIC Group is no longer in use. See *NAICS Group*.

Standard: performance. A criterion established in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases, and other objectionable or dangerous elements generated by and inherent in or incidental to land use.

Standard. Something set up and established by authority as a rule for the measure of quantity, weight, extent, value, or quality.

State. The State of Wisconsin.

Stop work order. An order issued by the Building Inspector or their Designated Authorized Agent that requires all construction activity on the site be stopped.

Storage canopy. A shelter for outdoor storage having a frame made of metal, plastic or combination thereof, having fabric or plastic roof and walls, and not attached to any structure, building, fence or anything permanently located on the ground.

Storm water management plan. A comprehensive plan designed to reduce the discharge of pollutants from storm water after the site has undergone final stabilization following completion of the construction activity.

Storm water management system plan. A comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

Stories above grade. That portion of a building included between the surface of any floor and the surface of the floor directly above it, or if there is no floor above, then space between the surface of such floor and the ceiling or roof above it. A basement shall only be considered a story above grade if the finished surface of the floor above the basement is: 1) more than six (6) feet above grade plane; 2) more than six (6) feet above the finished grade level for more than fifty (50) percent of the building perimeter; or 3) more than twelve (12) feet above the finished ground level at any point.

Street. A public right-of-way, approved and accepted by public authority, that provides a primary means of public access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street: arterial. A major carrier of traffic within the City.

Street: collector. A street that serves as a connection between an arterial street and local, residential, or minor streets. The term may include the principal entrance into a residential development and streets for major circulation within such development.

Street: deteriorated existing bituminous or concrete surfaced. Street opened to travel prior to January 1, 1985, where the surface has deteriorated to a stage requiring new construction.

Street: existing. Street or highway open to travel prior to January 1, 1985.

Street: marginal access. A street or service road parallel to and adjacent to an arterial street that provides access from the arterial street to abutting properties.

Street: new. Street or highway not open to travel prior to January 1, 1985.

Street: private. A purported street, way, or strip of land reserved for the use of a limited number of persons or purposes as distinguished from a publicly dedicated street.

Street: residential. A street that provides access to individual parcels.

Street: surfaced. A street or highway with existing bituminous or concrete pavement surfacing.

Structure. That which is built or constructed, including, without limitation because of enumeration, buildings, fences, pergolas and arbors, canopies, signs, billboards, satellite dishes, fire escapes, chute escapes, railings, water tanks, towers, open-grade steps, sidewalks, stairways, tents and anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground, including a mobile home, manufactured home, modular home or travel trailer.

Subdivider. Any person, corporation, partnership, association, individual, firm, trust, or agent dividing or proposing to divide land.

Subdivision. As defined in [Chapter 236, Wisconsin Statutes](#).

Substantially complete. The date at which the work or building project, or a designated portion of the work or building project thereof is sufficiently complete, in accordance with the construction contract documents, so that the owner may use or occupy the work or building project or designated portion thereof for the intended use for which it is originally designed and intended for. Partial use or occupancy shall not necessarily result in the project being deemed substantially complete and shall not be evidence of substantial completion.

Super-majority vote. A vote of three fourths ($\frac{3}{4}$) or greater of the entire membership of the voting body.

Supplied. Installed, furnished, or provided by the owner or operator.

Supply pantry. A distribution center for food, clothing and other essential items to persons at no charge or for less than fair market value where no on-premise consumption of the items occurs. A supply pantry does not include *Retail Establishment: Used Merchandise Stores* as elsewhere defined.

Sustainability. Meeting the needs of the present without compromising the ability of future generations to meet their own needs. (Brundtland Commission, 1987)

Swimming pool. An above or below ground tank or container intended for swimming, wading, or sitting in. For the purpose of this Ordinance, a swimming pool shall mean any pool, hot tub, or similar device, with a water depth of more than twenty-four (24) inches at any point and a water surface area of more than one hundred fifteen (115) square feet.

T

Tavern. An establishment providing alcohol beverages by the drink to the public, where food or packaged alcohol beverages may be served or sold only as accessory to the primary use. This term does not include an assembly hall or a recreation facility.

Technical standard. A document that specifies design, predicted performance, and operation and maintenance specifications for a material, device, or method.

Temporary construction building. A temporary office, including a manufactured building, used onsite for management of a construction project.

Temporary real estate sales office. A temporary office, including a manufactured building, for marketing, sales, or rental of residential, commercial, or industrial development for a specified period.

Terminal: freight, commercial. A facility for truck, air, or railway freight service and operations, including but not limited to pickup, sorting, preparing, packaging, crating, terminal and facility operations, line-haul loading and unloading, scaling, and delivery. This term includes the onsite storage of materials, trucks and semi-trailers and the installation of a scale. Industrial freight terminals include but are not limited to grain/farm, food, garbage, recyclables, forestry products, hazardous materials, machinery, equipment and vehicles.

Terminal: freight, local. A facility for local freight service and operations, including, but not limited to local pickup, local storing and terminal operations, line-haul loading and unloading, destination sorting and terminal operations, and local delivery. This term includes the temporary onsite storage of trucks and semi-trailers outdoors. Local freight terminals include but are not limited to postal, people, linen, and furniture.

Terminal: ship. A facility for the docking, loading, or unloading of ships, barges, or boats, that primarily transport freight.

Theater. An establishment for presenting motion pictures or live performances for observation by patrons. This term includes a movie theater, an outdoor stage, band shell, or amphitheater, but does not include an adult entertainment establishment.

Through lot. See *Lot: through*.

Title loan agency. An establishment providing loans to individuals in exchange for receiving title to the borrower's motor vehicles as collateral.

Tool and equipment rental facility. An establishment providing the rental of tools, lawn and garden equipment, party supplies, and similar goods and equipment, including storage and incidental maintenance. This term does not include a motor vehicle rental facility.

Top of the channel. An edge, or point on the landscape, landward from the ordinary high water mark of a surface water of the state, where the slope of the land begins to be less than twelve (12) percent continually for at least fifty (50) feet. If the slope of the land is twelve (12) percent or less continually for the initial fifty (50) feet, landward from the ordinary high water mark, the top of the channel is the ordinary high water mark.

Tourist home. A rooming house operated in conjunction with a bed and breakfast establishment licensed under [Chapter HSS 197 of the Wisconsin Administrative Code](#) that is located at its nearest point no more than one hundred (100) feet away from the building housing the bed and breakfast or on the same parcel.

Tower. Any pole, spire, structure, or combination thereof, to which an antenna could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires, and braces.

Traditional neighborhood design. A comprehensive planning system that includes a variety of housing types and land uses in a defined area and permits educational facilities, civic buildings and commercial

establishments to be located within walking distance of private homes. The design is served by a network of paths, streets and lanes suitable for pedestrians as well as vehicles, where public and private spaces have equal importance, creating a balanced community.

Transitional living facility. See *Rehabilitation center*.

Tree. Any object of natural growth, except farm crops that are cut at least once a year, and except shrubs, bushes, or plants that do not grow to a height of more than twenty (20) feet.

Tree: significant. Trees that are in good health, on the City of Ashland's preferred species list, and meet the following minimum sizes. Deciduous trees that are a minimum of one and one-half (1-1/2) caliper inches, measured at four and one-half (4-1/2) feet above the root collar, and Coniferous trees or multi-trunk deciduous trees that measure at least six (6) feet in height.

Turf-grass. Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue, and rye grass blends.

Two-family dwelling. See *Dwelling: two-family (duplex)*.

Twin home. See *Dwelling: twin home*.

Type II distribution. A rainfall type curve as established in the *United States Department of Agriculture, Soil Conservation Service, Technical Paper 149*, published in 1973, the Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

U

Underlying zone. The zoning district classification within an overlay district determining requirements including, but not limited to permitted, conditional, and prohibited uses.

Uniformity ratio. The ratio between the average illumination and the minimum illumination as determined by measurements taken on a four (4) foot grid throughout the area to be lighted.

Use. The purpose for which land or a building or structure is arranged, designed, or intended or for which either land or a building or structure is, or may be, occupied or maintained.

Use, principal. The main use to which a parcel is devoted and the main purpose for which the property exists.

Use, accessory. See: *Accessory use*.

Utility facilities. Utility equipment including, but not limited to, electric utility substations, water reservoirs, water treatment plants, sewer treatment plans, transformer stations, booster stations, transmitters, and other comparable utility facilities.

V

Variance. A variance is a relaxation of the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Variance: area. A variance from the provisions of this Ordinance governing area, setbacks, frontage, bulk, density, and similar requirements.

Variance: use. A variance from the provisions of this Ordinance governing a permitted, conditional, and

accessory uses.

Vehicle. A machine propelled by power, other than human power and designed to travel along the ground, air or water by use of wheels, treads, runners or slides and used to transport persons or property or to pull machinery, including, without limitation because of enumeration, automobiles, trucks, trailers, motor homes, motorcycles, tractors, buggies, wagons, boats and aircraft.

Vehicle sales and/or rental. Any property or structures used for the display, sale and/or rental of vehicles, implements, trailers or recreational vehicles in operable condition.

Vehicle repair and/or service. An establishment providing the repair or servicing of vehicles, including the sale, installation, and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of batteries, tires, mufflers, brakes, shocks, transmissions, or engines, and it includes paint and body work. This term includes, but is not limited to, an auto repair shop, auto body shop, wheel and brake shop, or tire sales and installation shop.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Veterinary clinic: large animal. An establishment providing medical and surgical treatment of all domestic animals (including dogs and cats) and all farm animals (including horses, cattle, and hogs), including grooming and boarding for not more than thirty (30) days if incidental to the medical care. This term includes an animal crematorium.

Veterinary clinic: small animal. An establishment providing medical and surgical treatment of household animals including dogs, cats, birds, and similar animals. Large farm animals including cattle, horses, hogs, and similar animals shall not be treated at a small animal veterinary clinic. This term includes grooming and boarding for not more than thirty (30) days (if incidental to the medical care) and an animal crematorium.

Visual screen. A permanent fence or wall that permits no view into the area to be screened; or plantings or vegetation that permit no view into the area to be screened and that admit a maximum penetration of light through no more than an evenly distributed twenty five (25) percent of their vertical surface during any season of the year.

W

Wall. An upright structure of masonry serving to enclose, divide, or protect an area.

Warehouse: general. A building used primarily for the storage of goods and materials.

Warehouse: self-storage. Warehouses serving primarily the general public with separate access for each storage stall, one-story, less than ten thousand (10,000) square feet per building; total area less than sixty thousand (60,000) square feet.

Waterfront, commercial. Commercial uses that cater to people using the waterfront or commercial uses that have a direct benefit from being located on the waterfront. Examples of waterfront commercial uses may include boat rental, restaurants, conference facilities, and similar uses.

Water-oriented research facility. Research facilities that utilize the waterfront for research purposes.

Waters of the state. Those portions of Lake Superior and Lake Michigan within the boundaries of Wisconsin, and all bays, rivers, streams, ponds, springs, wells, impounding reservoirs, marshes, water courses, drainage systems, and other surface water and groundwater, natural or artificial, public or private, within the State of Wisconsin or its jurisdiction.

Wetland: highly susceptible. Includes the following types of wetlands: fens, sedge meadows, bogs, low prairies, conifer swamps, shrub swamps, other forested wetlands, fresh wet meadows, shallow marshes, deep

marshes, and seasonally flooded basins.

Wetland: less susceptible. Includes degraded wetlands that are dominated by invasive species, such as reed canary grass.

Wholesale and distribution facility. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, construction contractors, and professional business users; or to other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies.

Wildlife management area. An area specifically managed for wildlife and related uses.

Wind energy facility. Equipment that converts and then stores or transfers energy from wind into usable forms of energy as defined by [Section 66.0403\(1\)\(m\) of the Wisconsin Statutes](#). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system.

Wind generator. Blades and associated mechanical and electrical conversion components mounted on top of the tower.

Workmanlike. Executed in a skilled manner; for example, plumb, level, square, in line, undamaged, done without marring adjacent work and done by using materials that match adjacent work.

Y

Yard. All areas of a parcel not covered by a principal building.

Yard: corner side yard. The yard extending from the front yard to the rear yard and lying between an open public right-of-way and the principle structure.

Yard: front. The area extending the full parcel width and situated between the front parcel line and the face of the principal building that is parallel to, or most nearly parallel to, the front parcel line.

Yard: rear. The area extending the full parcel width and situated between the rear parcel line and the face of the principal building that is parallel to, or most nearly parallel to, the rear parcel line.

Yard: side. The area extending between the front yard and the side yard and situated between the side parcel line and the face of the principal building that is parallel, or most nearly parallel to, the side parcel line.

Yard waste. All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

Z

Zoning Board of Appeals. The Zoning Board of Appeals of the City Ashland.

UNIFIED DEVELOPMENT ORDINANCE

TABLE OF APPENDICES

This table of appendices lists additional information to aid the reader in understanding the goals and intent of the Unified Development Ordinance and/or comparing uses, dimensions, standards, and districts. These appendices are intended for general reference only. If a conflict exists between the information presented in these appendices and the information specified in the text of the Unified Development Ordinance or on the Official Zoning Map (in the Office of the Zoning Administrator), the text and the Official Zoning Map shall take precedence.

Appendix A Resolutions

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APPENDIX A

RESOLUTIONS

APPENDIX A-1

Ashland Eco-municipality Resolution

RESOLUTION No. 1017

RESOLUTION TO ADOPT ECO-MUNICIPALITY DESIGNATION FOR THE CITY OF ASHLAND, WISCONSIN

Adoption of Sustainable Community Development Policy

WHEREAS, the City of Ashland has adopted a Comprehensive Plan (2004 - 2024) that calls for "The Making of an Exceptional City", and includes dozens of references to sustainable practices; and

WHEREAS, the adoption of the four specific conditions of the Natural Step can provide a framework that will assist city employees and elected officials in moving in a more sustainable direction; and

WHEREAS, the willingness of the city to move in the direction of becoming an eco-municipality can serve as a model for others and encourage economic development along similar lines in our city and region; and

WHEREAS, the City of Ashland has a place of support through mentorship and counseling from The National Association of Swedish Eco Municipalities; and

WHEREAS, the following four guidelines were developed by the American Planning Association to help communities implement sustainable practices:

1. Reduce dependence upon fossil fuels, and encourage independent energy and transit.
2. Reduce dependence on chemicals and other manufactured substances that are toxic or persistent in nature.
3. Reduce dependence on water due to unsustainable consumption.
4. Meet the needs of present and future generations fairly and equitably.

NOW THEREFORE BE IT RESOLVED that the City of Ashland hereby endorses the principles of sustainable community development described herein, and agrees to apply these principles whenever possible in its planning, policy making, and municipal practices.

PASSED: July 27, 2010

ATTEST: Dee M. Brinkman
Dee M. Brinkman, City Clerk

APPROVED AS TO FORM: Frank P. Schmeck
Frank P. Schmeck, Mayor

Shirley Chalmers
Shirley Chalmers, City Attorney

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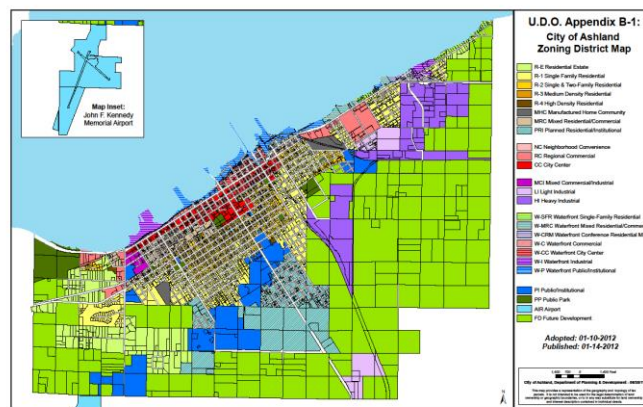
TO VIEW THE PDF VERSION OF THE RESOLUTION

APPENDIX B

MAPS

APPENDIX B-1

Zoning Districts Map



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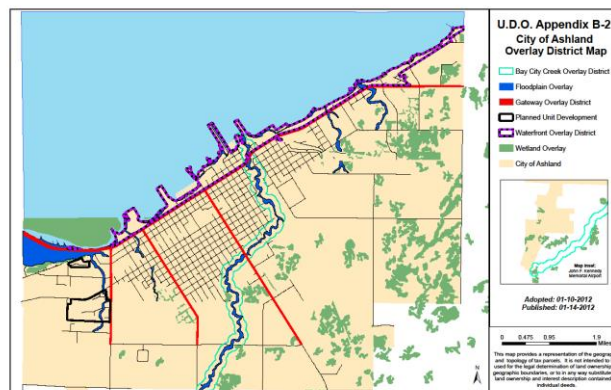
TO VIEW THE PDF VERSION OF THE
11 x 17 ZONING DISTRICTS MAP

ZONING MAP AMENDMENTS
(Click on Amendment to view the PDF)

[Seq. Ordinance 1789](#) – Adopted 06-26-2012

APPENDIX B-2

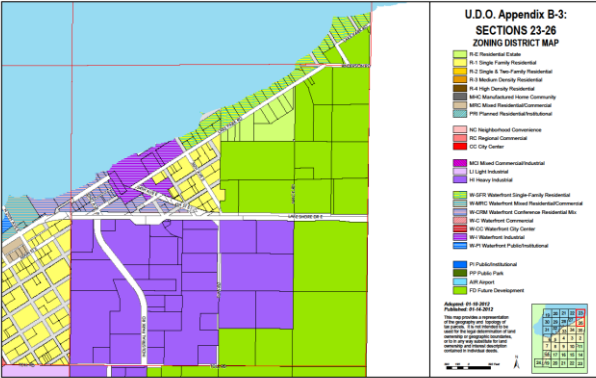
Overlay Districts Map



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TO VIEW THE PDF VERSION OF THE
11 x 17 OVERLAY DISTRICTS MAP

APPENDIX B-3 **District Map Section Plates**



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TO VIEW THE PDF VERSION OF THE
11 x 17 DISTRICT MAP SECTION PLATES

APPENDIX C

TABLES

APPENDIX C-1

Land Use Table

APPENDIX C-1: LAND USE TABLE

Adopted: January 10, 2012

This table can be used to assist the reader in identifying if a use is a permitted use (P), a conditional use (C), or a prohibited use (-).
*If a conflict exists between the uses presented in this appendix and those identified in Part 4, zoning districts, the uses listed in Part 4 shall prevail.

USE	RESIDENTIAL DISTRICTS							COMMERCIAL DISTRICTS				INDUSTRIAL DISTRICTS				WATERFRONT DISTRICTS								SPECIAL DISTRICTS			
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	NC	CC	CC	CC	MO	I-1	I-2	I-3	W-1	W-2	W-3	W-4	W-5	W-6	W-7	W-8	W-9	W-10	W-11	W-12
Family Residential Uses	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Bed and breakfast	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Day care, family home, licensed or unlicensed	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, accessory	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, detached or permitted use	-	-	-	-	-	-	-	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling, single-family, 2 or 4 units	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, single-family, 2 to 4 units per building	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, single-family, more than 4 units per building	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, single-family, attached, 2 units per building	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, single-family, attached, 2 to 4 units per building	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, single-family, attached	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, single-family, for rental	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, single-family, attached or a conversion addition	P	P	P	P	P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Dwelling, detached or duplex	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Mobile home, mobile home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupation, open-air use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Home occupation, if the use is not a home occupation, as defined in Section 3.2.2.2	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Manufactured home, mobile home, manufactured home	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Mobile home, mobile home	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Mobile home	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

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TO VIEW THE PDF VERSION OF THE
LAND USE TABLE

APPENDIX C-2

Dimensional Requirements Table

APPENDIX C-2: DIMENSIONAL REQUIREMENTS

Approved: January 10, 2012

(A) refers to "Acres." (SqF) refers to "Square Feet." (Ft) refers to "Linear Feet." (SDP) refers to "See District Provisions for Requirements."

*If a conflict exists between the requirements presented in this appendix and those identified in Part 4: Zoning Districts, the requirements in Part 4 shall prevail.

DIMENSIONAL REQUIREMENTS	RESIDENTIAL DISTRICTS						COMMERCIAL DISTRICTS				INDUSTRIAL DISTRICTS				WATERFRONT DISTRICTS						SPECIAL DISTRICTS			
MINIMUM PARCEL AREA	R-1	R-2	R-3	R-4	W-C	P	NC	RC	CC	MC	LI	SE	W-SE	W-C	W-C	W-4	W-1	P	FD	A	S	A	S	
All Uses for area Minimum	1/4A	-	-	-	1/4	-	14,000 SqFt	20,000 SqFt	SDP	3A	1A	2A	-	14,000 SqFt	SDP	1A	14,000 SqFt	1A	0	0	0	0	0	0
Dwelling Single-Family Detached	-	7,000 SqFt	7,000 SqFt	-	-	-	-	-	-	-	-	-	7,000 SqFt	-	-	-	-	-	-	-	-	-	-	-
Dwelling Single-Family Attached	-	7,000 SqFt	5,000 SqFt	4,000 SqFt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling Two-Family Attached	-	-	10,000 SqFt	10,000 SqFt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling Multi-Family	-	-	-	5,000 SqFt	2,500 SqFt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Residential Use	-	10,000 SqFt	10,000 SqFt	10,000 SqFt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Principal Use	-	14,000 SqFt	14,000 SqFt	14,000 SqFt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
MINIMUM PARCEL WIDTH	R-1	R-2	R-3	R-4	W-C	P	NC	RC	CC	MC	LI	SE	W-SE	W-C	W-C	W-4	W-1	P	FD	A	S	A	S	
All Uses for area Minimum	100 Ft	-	-	-	-	-	100 Ft	100 Ft	SDP	100 Ft	100 Ft	100 Ft	-	100 Ft	SDP	100 Ft	100 Ft	100 Ft	0	0	0	0	0	0
Dwelling Single-Family Detached	-	50 Ft	50 Ft	-	-	-	-	-	-	-	-	-	50 Ft	-	-	-	-	-	-	-	-	-	-	-
Dwelling Single-Family Attached	-	50 Ft	30 Ft	30 Ft	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling Two-Family Attached	-	-	75 Ft	75 Ft	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling Multi-Family	-	-	-	100 Ft	100 Ft	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Residential Use	-	75 Ft	75 Ft	75 Ft	75 Ft	-	-	-	-	-	-	-	100 Ft	-	-	-	-	-	-	-	-	-	-	-
Other Principal Use	-	100 Ft	100 Ft	100 Ft	100 Ft	-	-	-	-	-	-	-	100 Ft	-	-	-	-	-	-	-	-	-	-	-

DOUBLE CLICK ON THE BLUE TAG

TO VIEW THE PDF VERSION OF THE
DIMENSIONAL REQUIREMENTS TABLE

Sign Standards Table

APPENDIX C-3: SIGN STANDARDS TABLE			Adopted: January 10, 2012						
This table can be used to assist the reader in identifying sign standards in each Zoning District.									
(A) Allowable, (P) Prohibited, (C) Not Applicable									
Per a conflict exists between the requirements presented in this appendix and those identified in Part 6: General Development Standards, the requirements in Part 6 shall prevail.									
FREETRAFFIC SIGNS		R-E, R-E2, R-E3, R-E4, R-E5, R-E6, R-E7, R-E8, R-E9, R-E10, R-E11, R-E12, R-E13, R-E14, R-E15, R-E16, R-E17, R-E18, R-E19, R-E20, R-E21, R-E22, R-E23, R-E24, R-E25, R-E26, R-E27, R-E28, R-E29, R-E30, R-E31, R-E32, R-E33, R-E34, R-E35, R-E36, R-E37, R-E38, R-E39, R-E40, R-E41, R-E42, R-E43, R-E44, R-E45, R-E46, R-E47, R-E48, R-E49, R-E50, R-E51, R-E52, R-E53, R-E54, R-E55, R-E56, R-E57, R-E58, R-E59, R-E60, R-E61, R-E62, R-E63, R-E64, R-E65, R-E66, R-E67, R-E68, R-E69, R-E70, R-E71, R-E72, R-E73, R-E74, R-E75, R-E76, R-E77, R-E78, R-E79, R-E80, R-E81, R-E82, R-E83, R-E84, R-E85, R-E86, R-E87, R-E88, R-E89, R-E90, R-E91, R-E92, R-E93, R-E94, R-E95, R-E96, R-E97, R-E98, R-E99, R-E100, R-E101, R-E102, R-E103, R-E104, R-E105, R-E106, R-E107, R-E108, R-E109, R-E110, R-E111, R-E112, R-E113, R-E114, R-E115, R-E116, R-E117, R-E118, R-E119, R-E120, R-E121, R-E122, R-E123, R-E124, R-E125, R-E126, R-E127, R-E128, R-E129, R-E130, R-E131, R-E132, R-E133, R-E134, R-E135, R-E136, R-E137, R-E138, R-E139, R-E140, R-E141, R-E142, R-E143, R-E144, R-E145, R-E146, R-E147, R-E148, R-E149, R-E150, R-E151, R-E152, R-E153, R-E154, R-E155, R-E156, R-E157, R-E158, R-E159, R-E160, R-E161, R-E162, R-E163, R-E164, R-E165, R-E166, R-E167, R-E168, R-E169, R-E170, R-E171, R-E172, R-E173, R-E174, R-E175, R-E176, R-E177, R-E178, R-E179, R-E180, R-E181, R-E182, R-E183, R-E184, R-E185, R-E186, R-E187, R-E188, R-E189, R-E190, R-E191, R-E192, R-E193, R-E194, R-E195, R-E196, R-E197, R-E198, R-E199, R-E200, R-E201, R-E202, R-E203, R-E204, R-E205, R-E206, R-E207, R-E208, R-E209, R-E210, R-E211, R-E212, R-E213, R-E214, R-E215, R-E216, R-E217, R-E218, R-E219, R-E220, R-E221, R-E222, R-E223, R-E224, R-E225, R-E226, R-E227, R-E228, R-E229, R-E230, R-E231, R-E232, R-E233, R-E234, R-E235, R-E236, R-E237, R-E238, R-E239, R-E240, R-E241, R-E242, R-E243, R-E244, R-E245, R-E246, R-E247, R-E248, R-E249, R-E250, R-E251, R-E252, R-E253, R-E254, R-E255, R-E256, R-E257, R-E258, R-E259, R-E260, R-E261, 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APPENDIX D

ILLUSTRATIONS & DIAGRAMS

APPENDIX D-1

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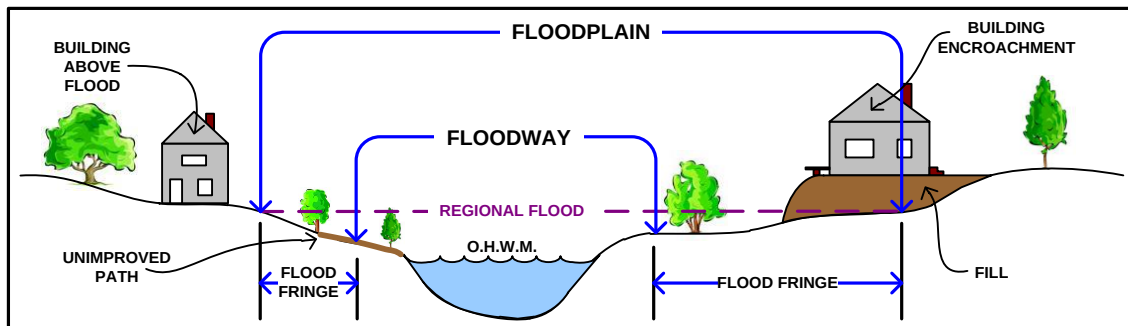


Figure 4.50 A-1: Floodplain

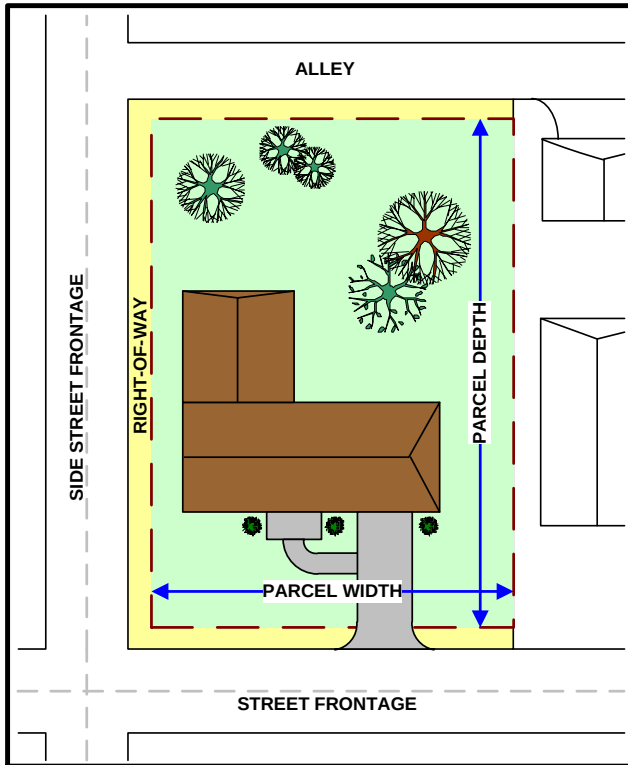


Figure 6.1 A-1a: Parcel Width & Depth (Corner Parcel)

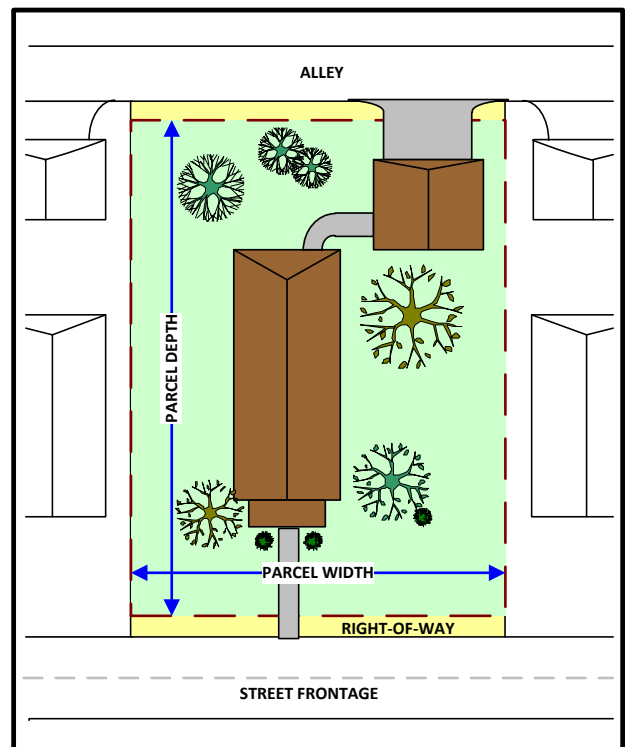


Figure 6.1 A-1b: Parcel Width & Depth (Interior Parcel)

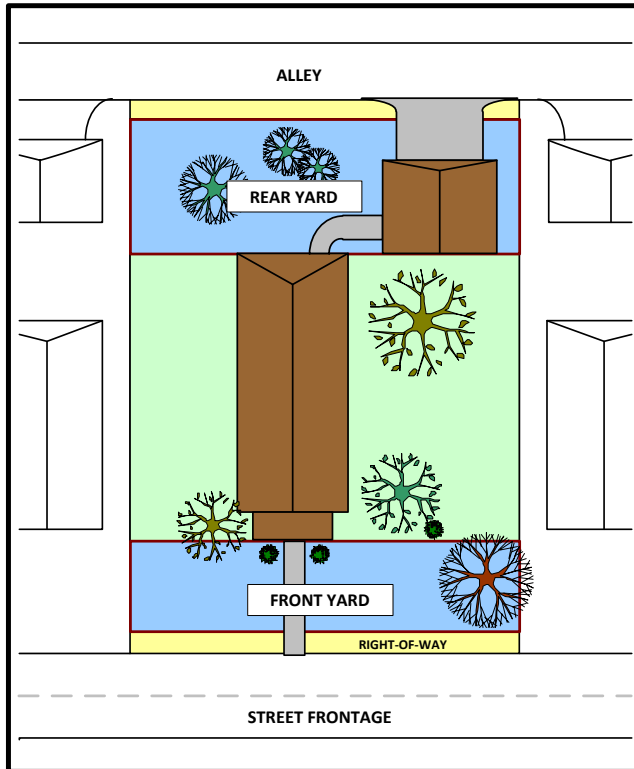


Figure 6.1 A-2b: Front & Rear Yard (Interior Parcel)

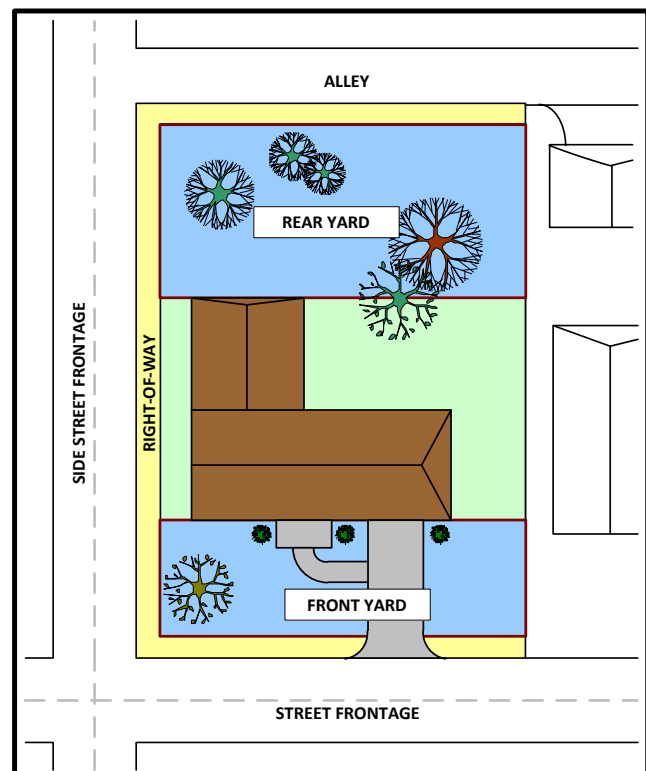


Figure 6.1 A-2a: Front & Rear Yard (Corner Parcel)

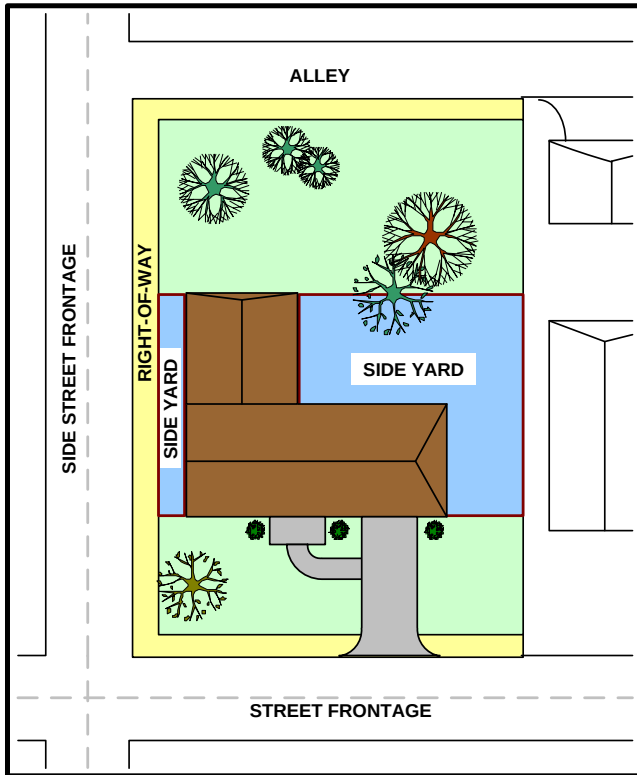


Figure 6.1 A-3a: Side Yard (Corner Parcel)

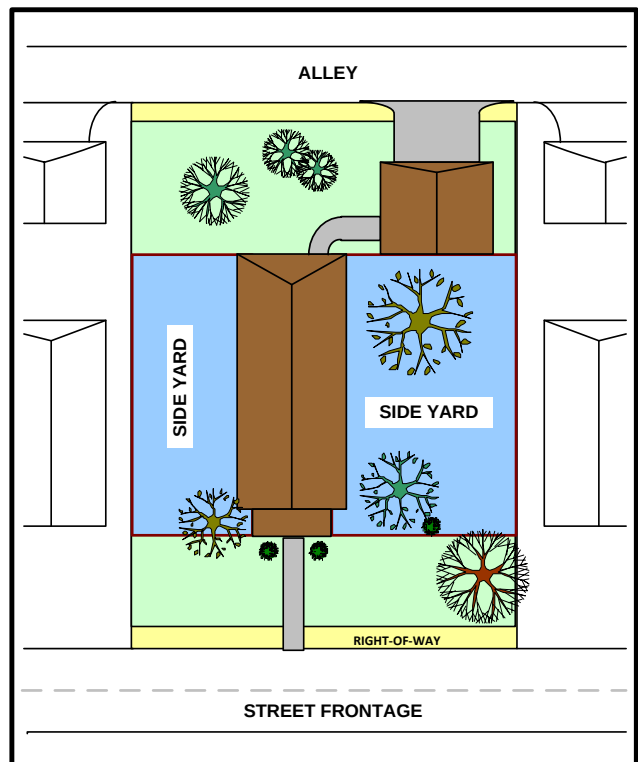


Figure 6.1 A-3b: Side Yards (Interior Parcel)

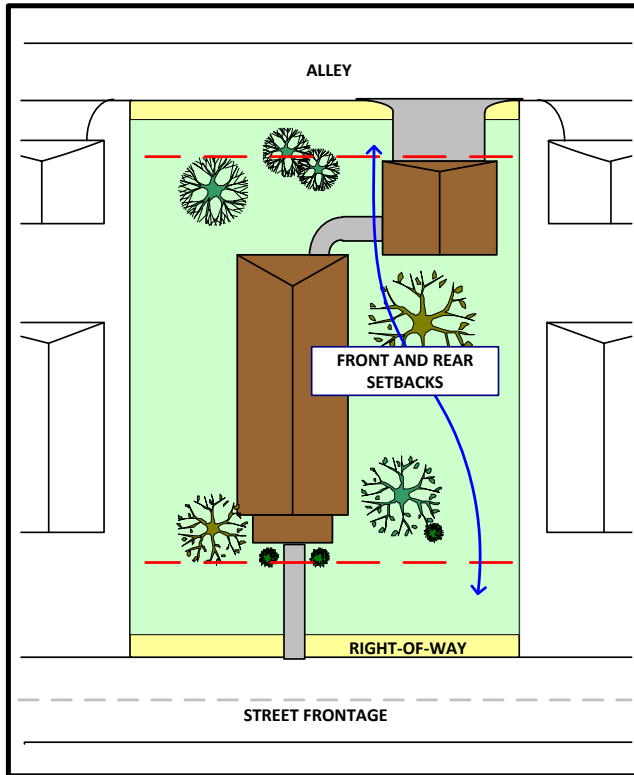


Figure 6.1 B-1b: Front & Rear Setbacks (Interior Parcel)

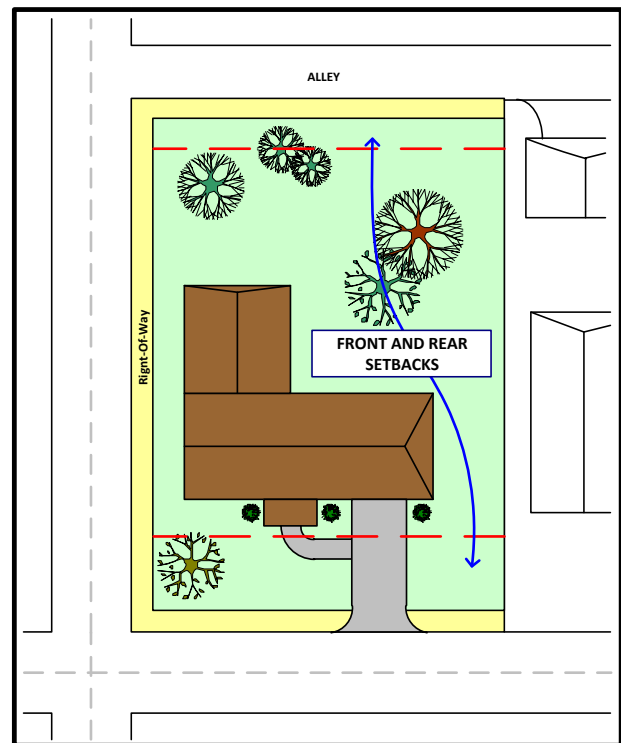


Figure 6.1 B-1a: Front & Rear Setbacks (Corner Parcel)

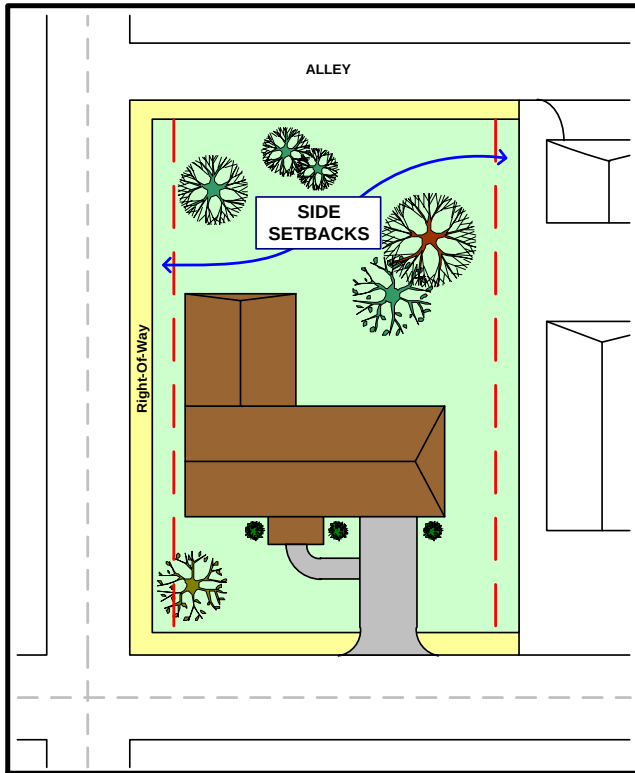


Figure 6.1 B-2a: Side Setbacks (Corner Parcel)

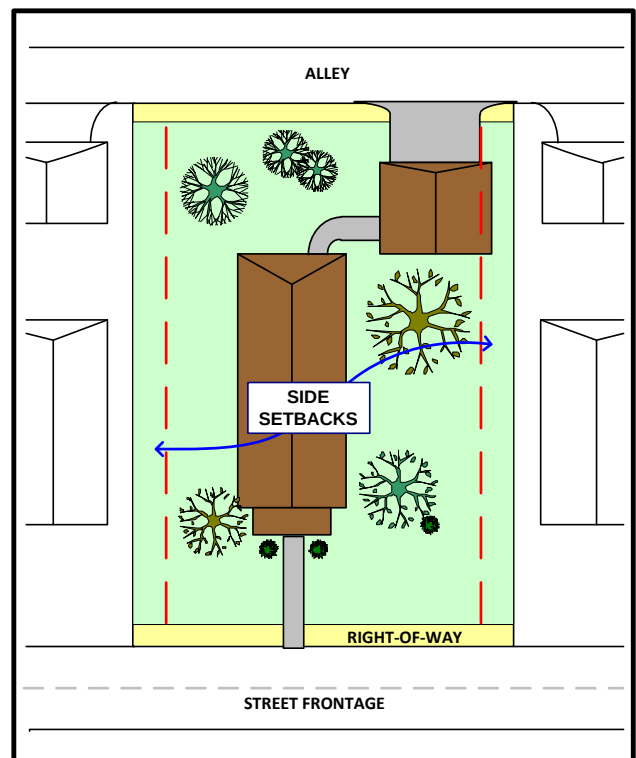


Figure 6.1 B-2b: Side Setbacks (Interior Parcel)

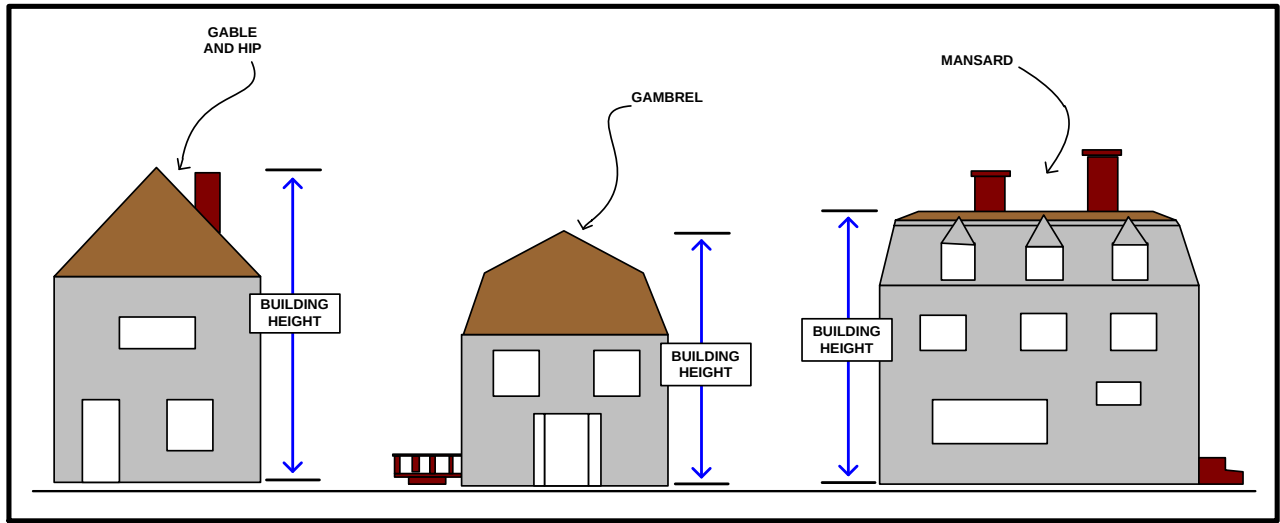


Figure 6.1 C-1: Building Heights for Different Roof Types

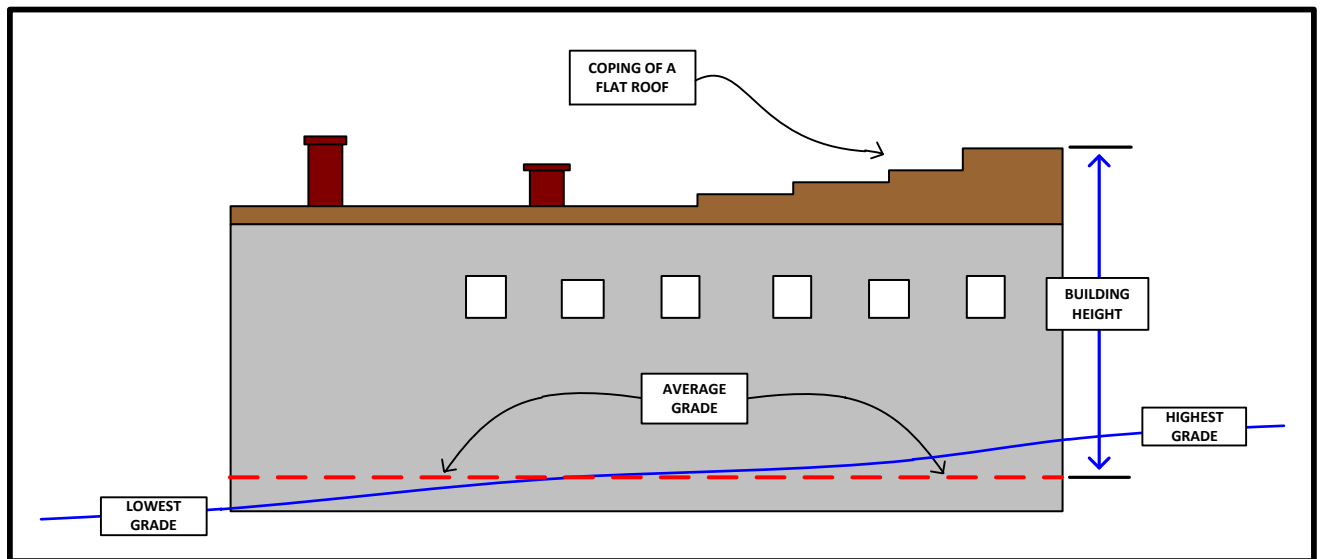


Figure 6.1 D-1: Building Height for a Flat Roof & Uneven Grade

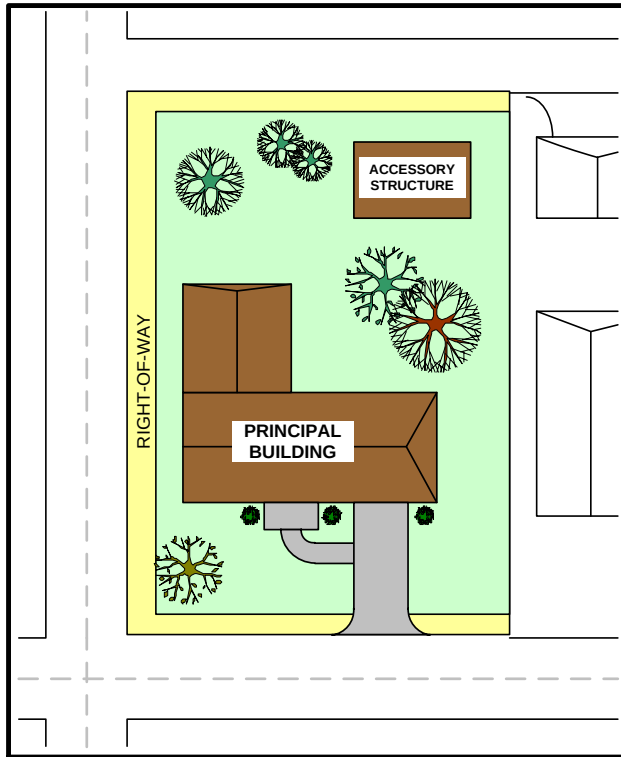


Figure 6.1 E-1a: Corner Lot Principal & Accessory Building

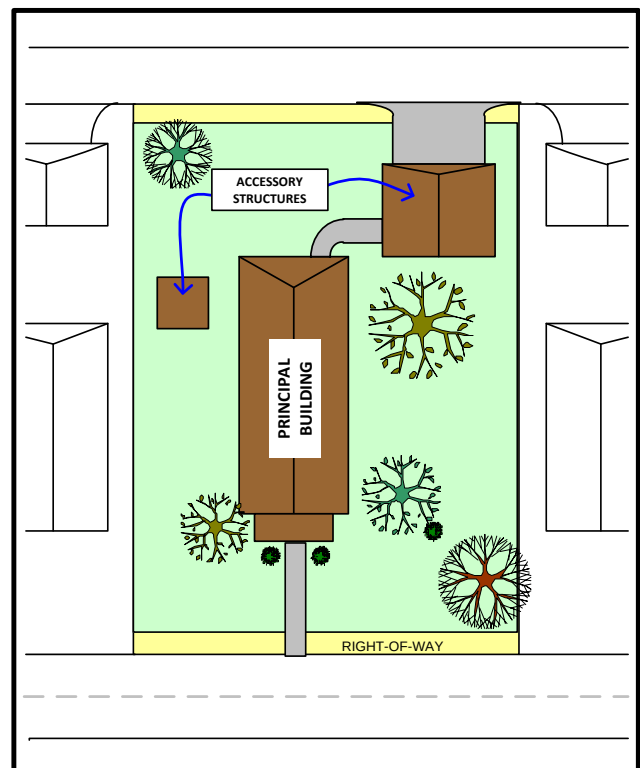


Figure 6.1 E-1b: Interior Lot Principal & Accessory Building

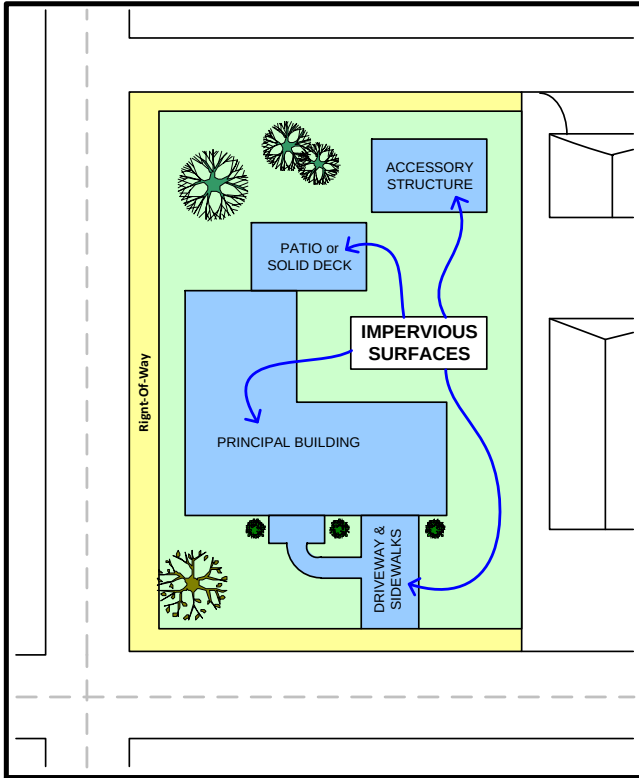


Figure 6.1 D-1: Impervious Surfaces

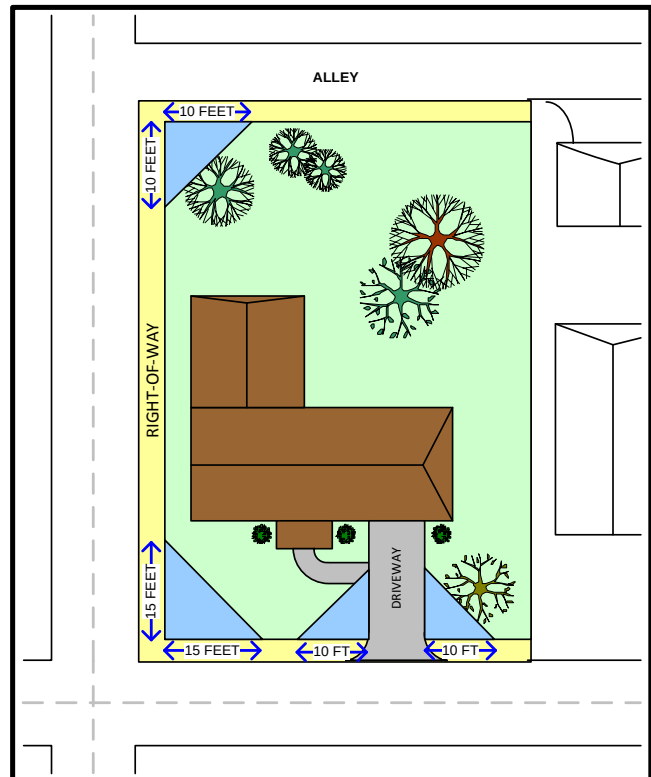


Figure 6.1 G-1: Vision Triangles

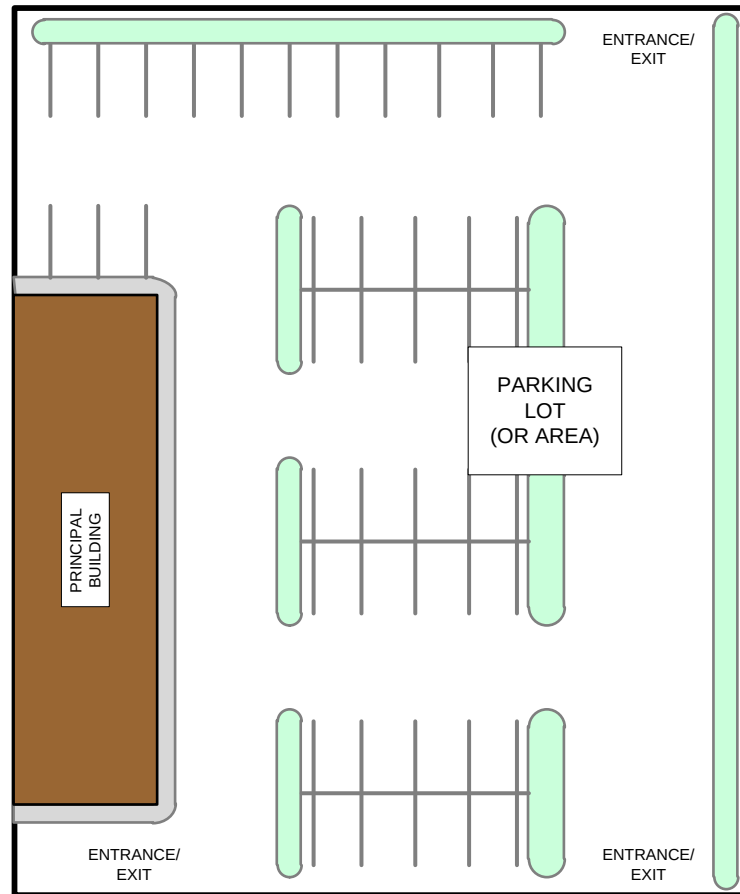


Figure 6.3 F-1: Parking Lot (or Area)

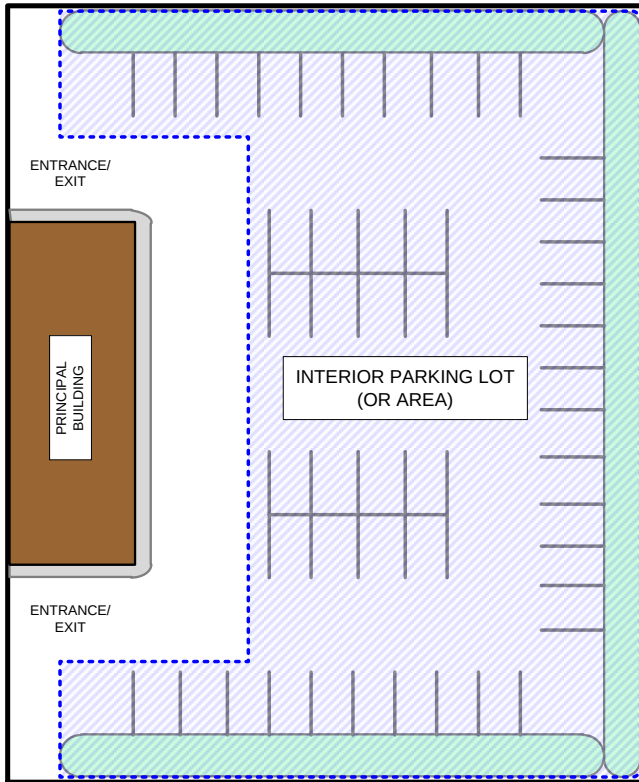


Figure 6.3 F-2b: Interior Parking Lot (or area)

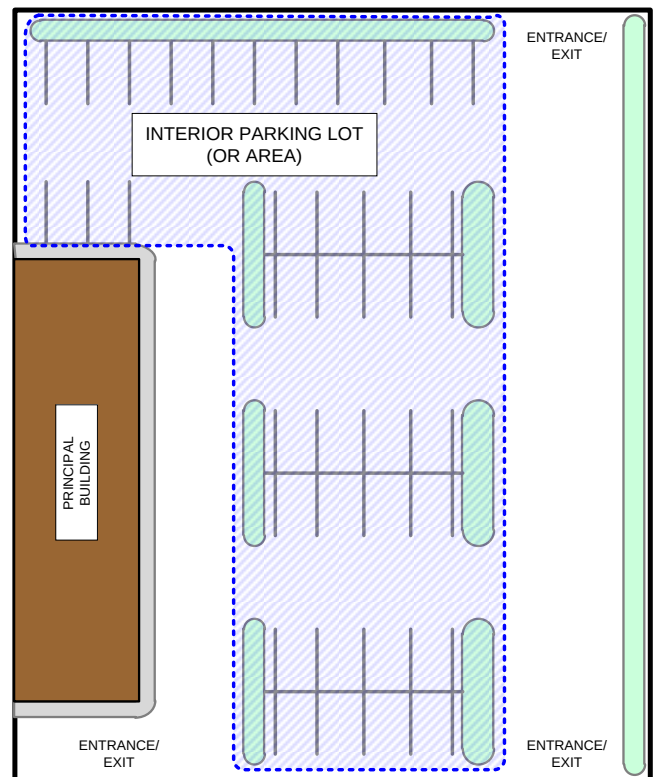


Figure 6.3 F-2a: Interior Parking Lot (or area) with Islands

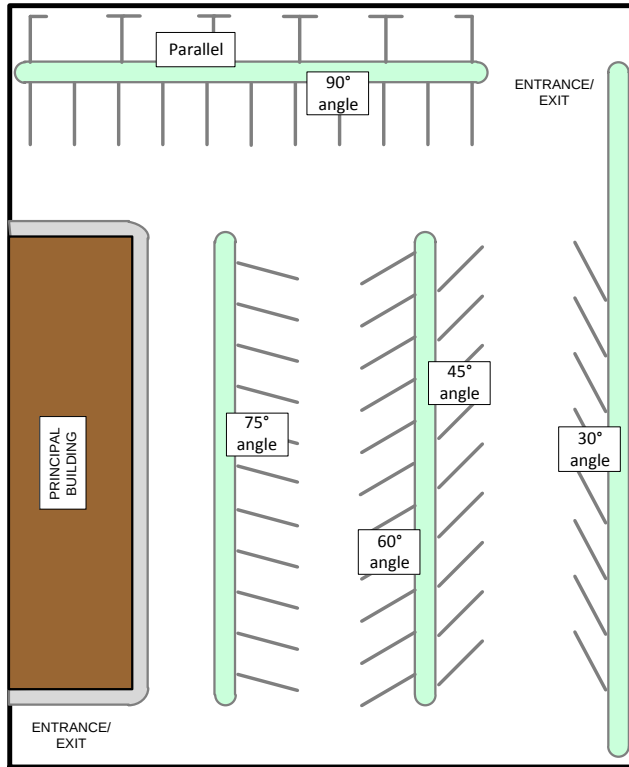


Figure 6.3 F-3: Parking Lot (or Area) Angles

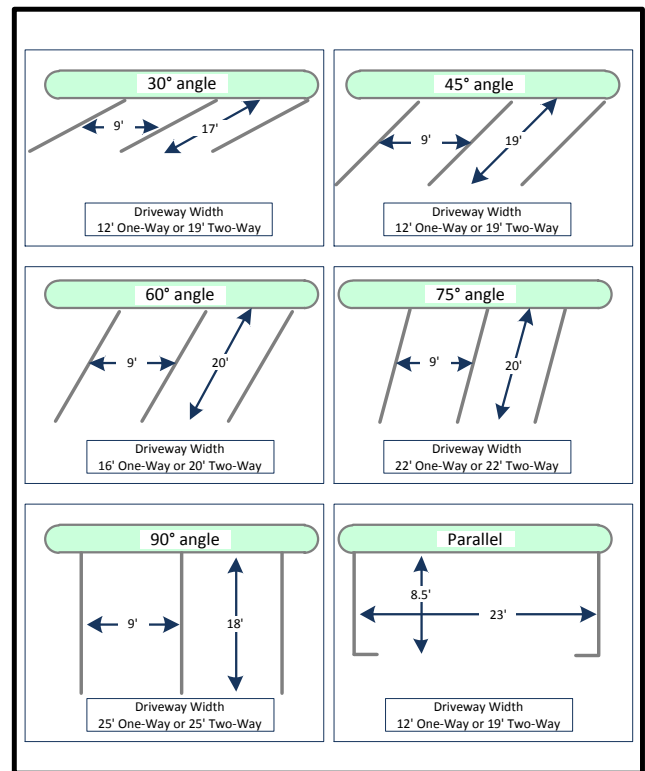


Figure 6.3 F-4: Parking Lot (or area) Space Dimensions

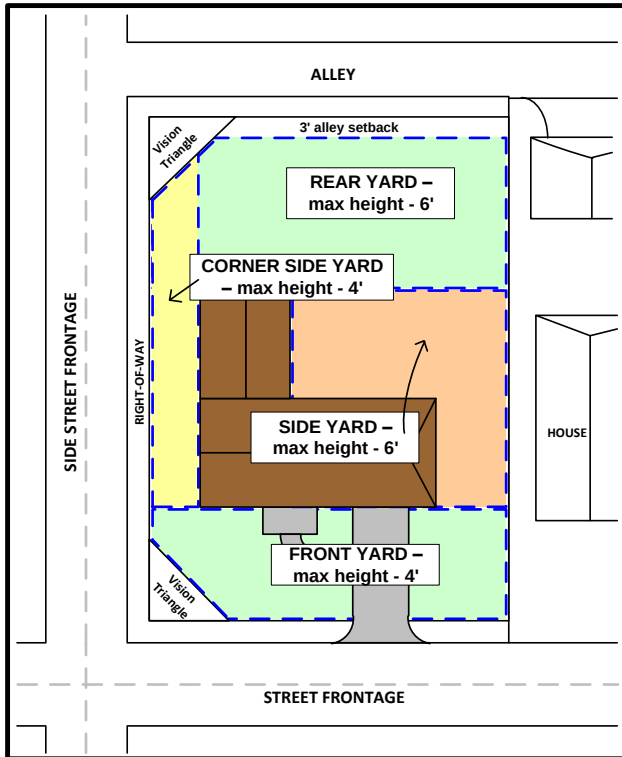


Figure 6.5 C-1a: Fences with Vision Triangles (Corner Parcel)

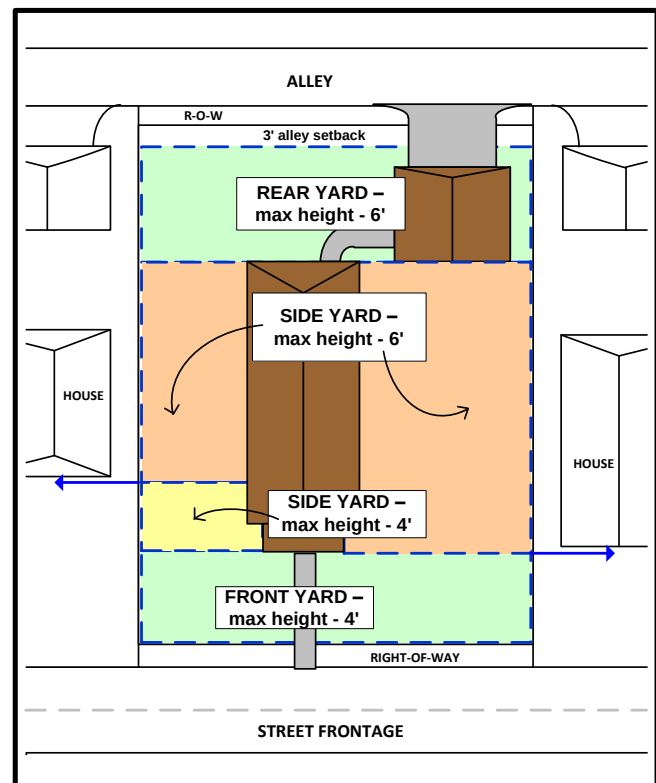


Figure 6.5 C-1b: Fences (Interior Parcel)

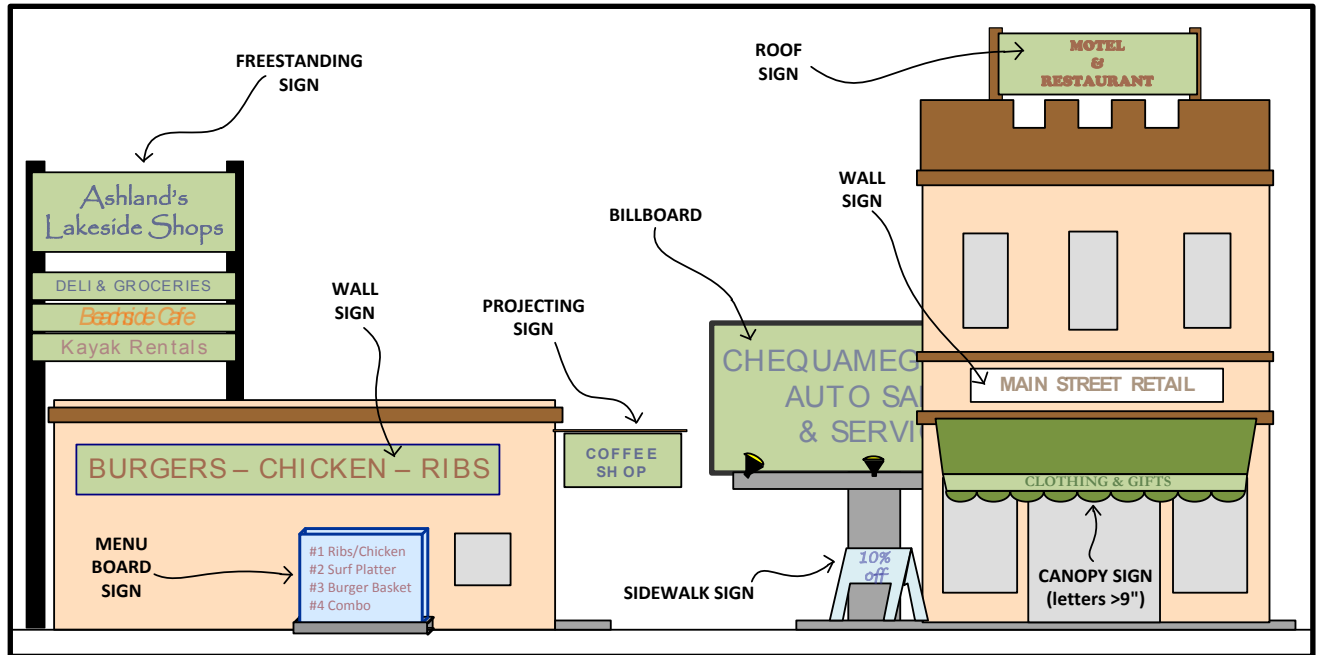


Figure 6.6 F-1: Types of Signs Requiring a Permit

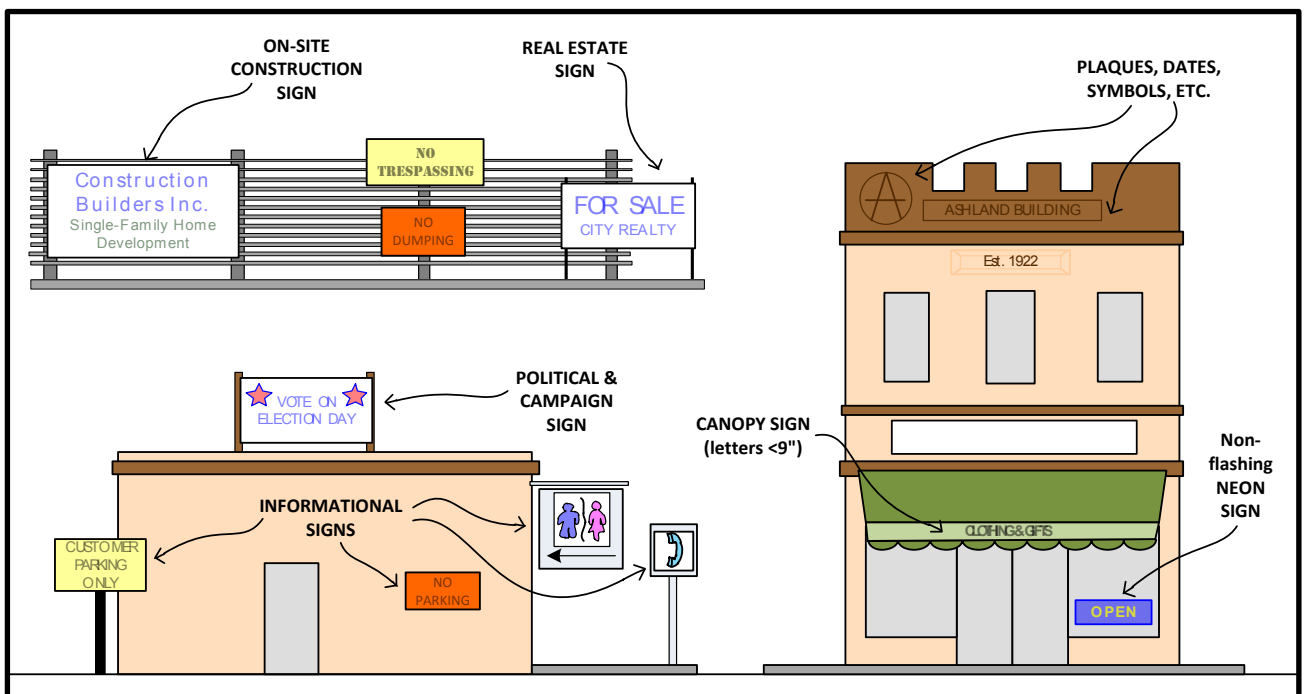


Figure 6.6 C-1: Types of Signs Not Requiring a Permit

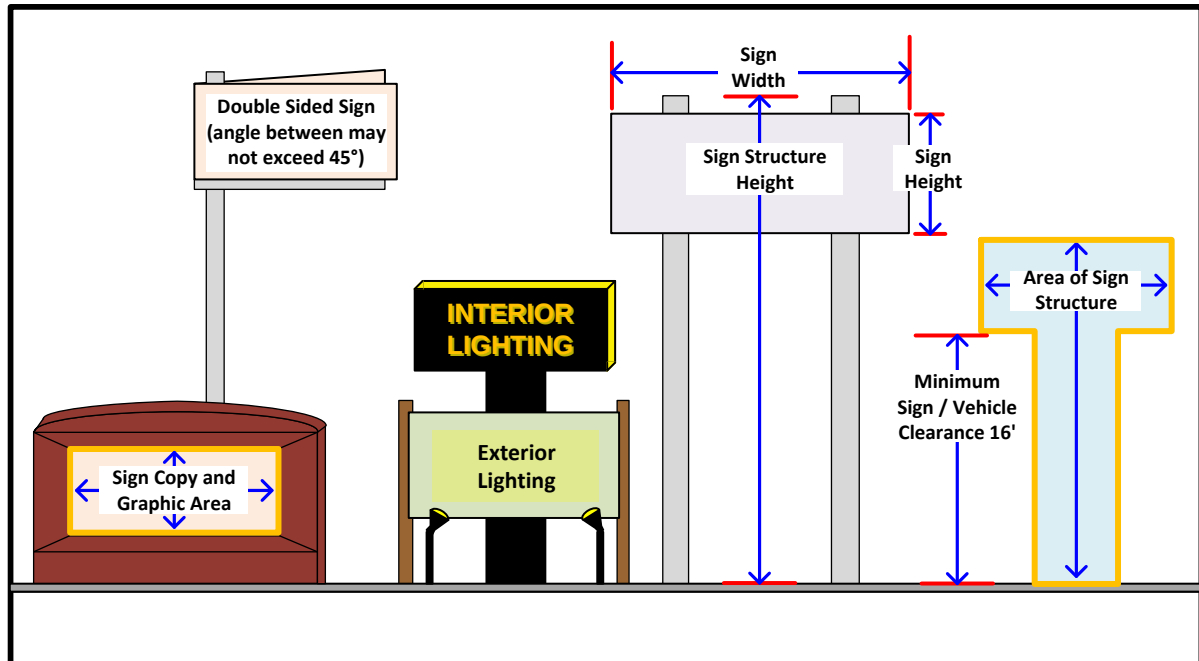


Figure 6.6 E-1: Sign Design

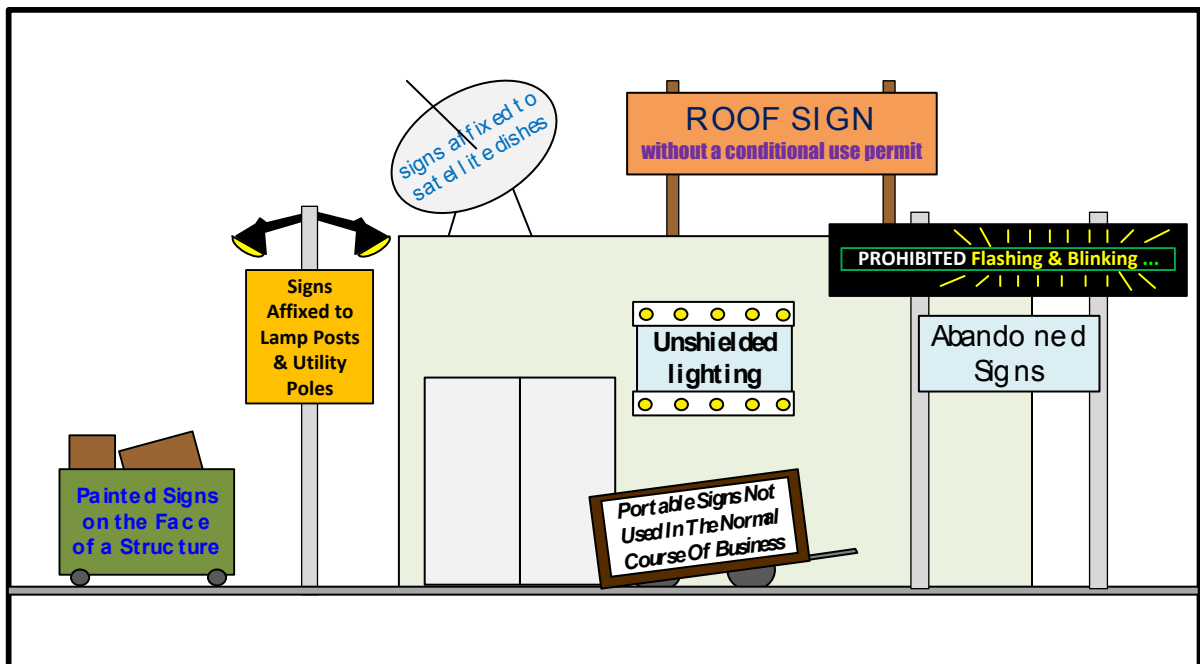


Figure 6.6 D-1: Prohibited Signs

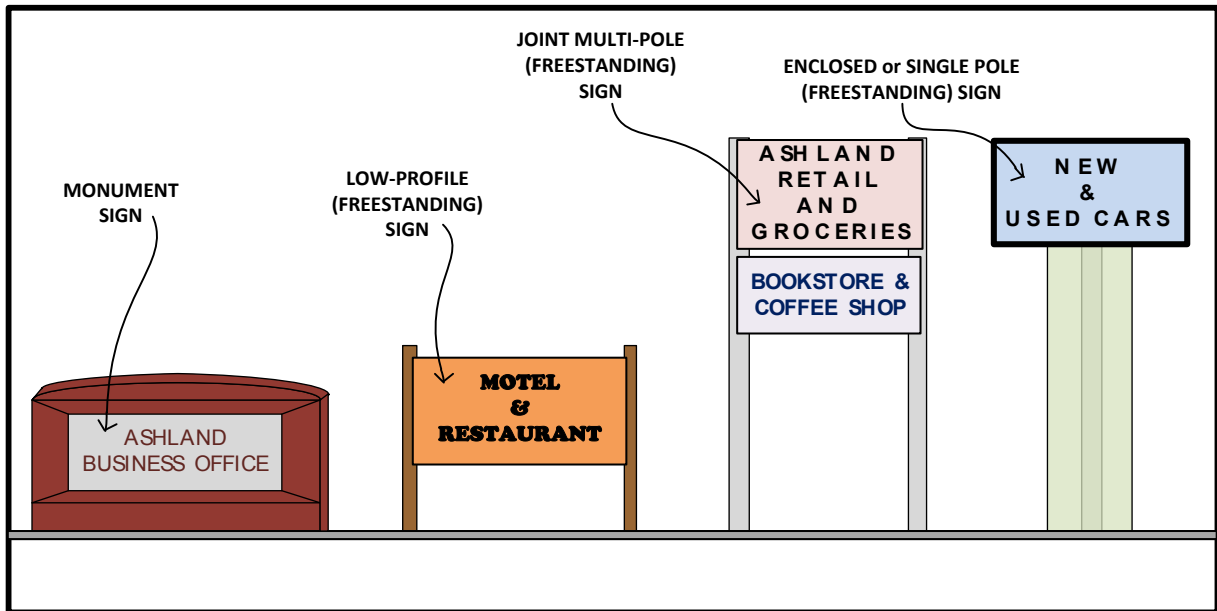


Figure 6.1 F-2a: Types of Freestanding Signs

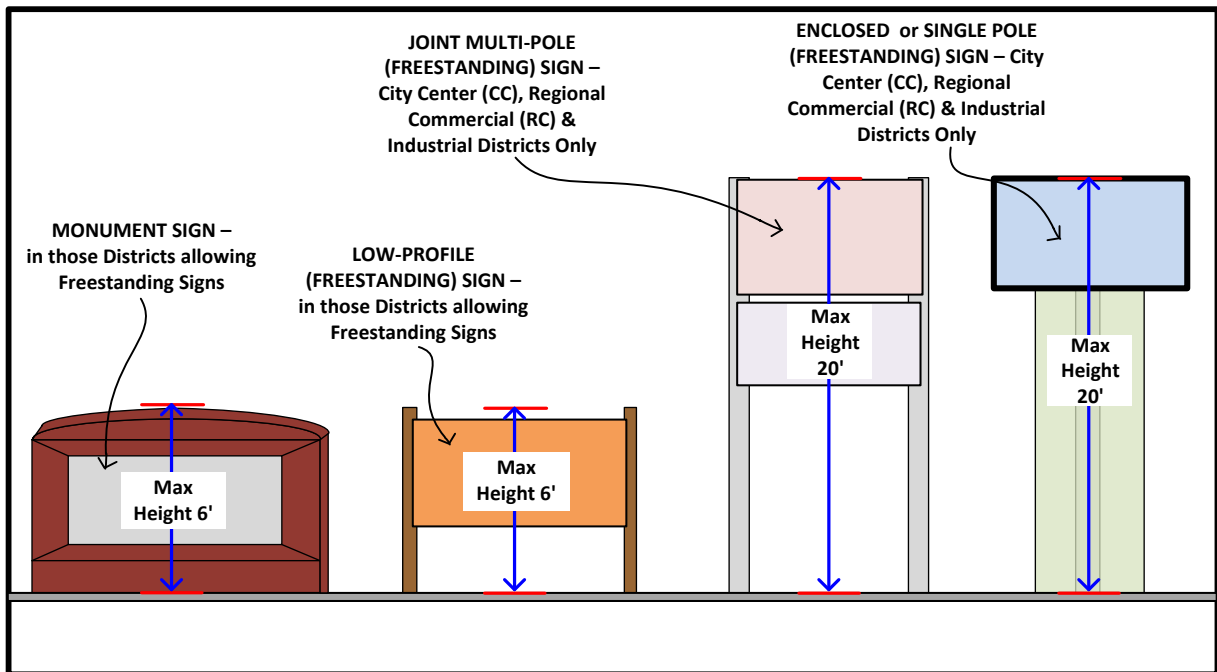


Figure 6.6 F-2b: Freestanding Sign Heights

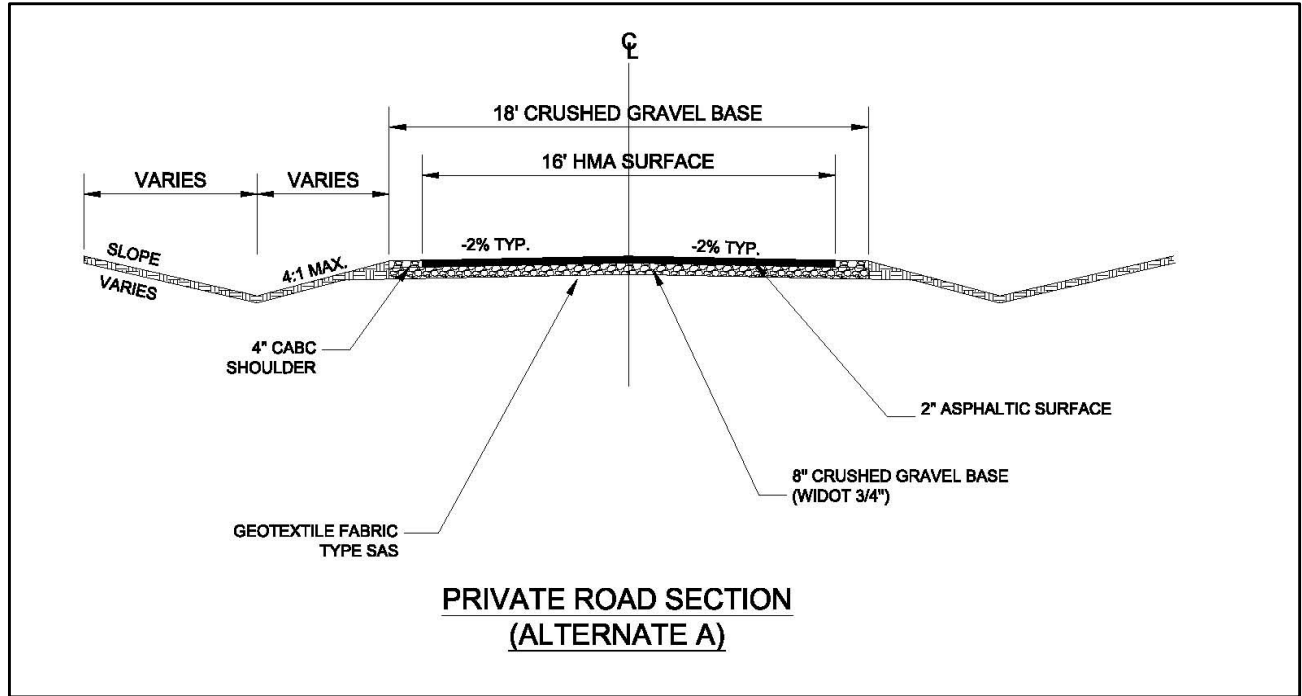


Figure 9.3 B-1a: Private Road Section (Asphalt)

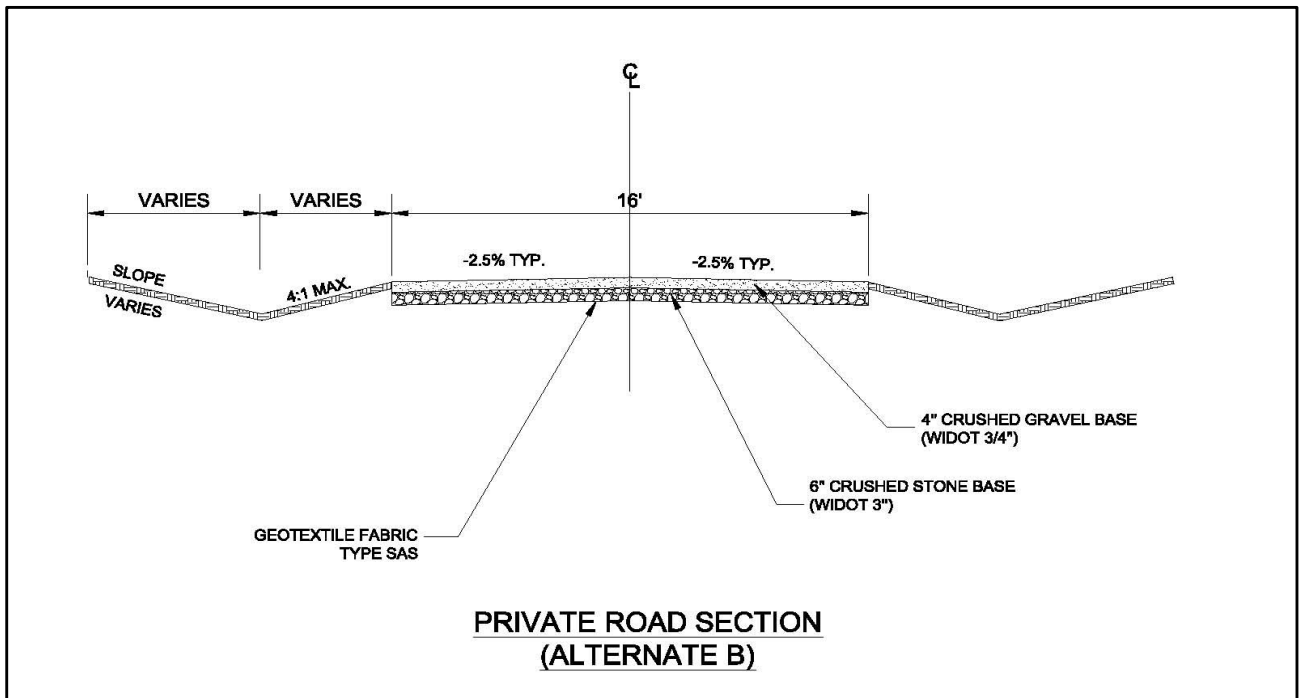


Figure 9.3 B-1b: Private Road Section (Gravel)