

CITY OF PRESCOTT

**MEETING NOTICE
ORDINANCE COMMITTEE**

MONDAY, APRIL 22, 2019

5:30 PM

PRESCOTT MUNICIPAL BUILDING

800 BORNER ST.

PRESCOTT, WI 54021

Website: prescottwi.org

1. Call to Order
2. Roll Call
3. Approve Minutes for April 11, 2019
4. Tented carports as Accessory Structure
5. Ordinances regarding Boulevard & Terrace
6. Ordinance regarding Off-street parking restrictions in residential areas Section C.
Vehicle Limitation (2) one ton capacity
7. Other Business
8. Adjourn

NOTICE

**ACCESS TO THE MUNICIPAL BUILDING FOR THE DISABLED IS
AVAILABLE THROUGH THE MUNICIPAL BUILDING PARKING LOT
ENTRANCE. ALL THOSE WITH SPECIAL NEEDS SHOULD CALL CITY
HALL OFFICES (715-262-5544) IF ASSISTANCE IS REQUIRED.**

**CITY OF PRESCOTT, WISCONSIN
APRIL 1, 2019 ORDINANCE COMMITTEE MEETING MINUTES**

Pursuant to due call and notice thereof, a meeting of the Ordinance Committee was held Monday, April 1, 2019 at the Municipal Building, 800 Borner St. Prescott, WI 54021

Aldersperson Ruona called the meeting to order at 5:35 p.m. Members present were Bailey Ruona and Galen Seipel. Dar Hintz was absent. Code Enforcement Officer Sanjeev Dhawan and City Administrator Jayne Brand represented staff.

Seipel/Ruona motion to approve the minutes for February 11, 2019 passed without a negative voice vote.

The committee discussed the ordinance regarding items in boulevards and terrace. The current ordinance addresses residential but not commercial or industrial. Code Enforcement Officer Dhawan informed the Committee he has notified an industrial business about having large wood piles in the boulevard. Aldersperson Seipel suggested they park their vehicles in the boulevard and move the wood piles back on their property. City staff was asked to look at other communities ordinances to see how they handle commercial and industrial boulevards.

The committee discussed building permits and inspections. The Mayor made a recommendation that permits should not be needed for doors and windows which are being replaced and put back into the same size should not need permits. Aldersperson Seipel suggested that roofs and siding should also not be required to get a permit. The city would like to see residents keep up their property. Staff will make changes in ordinance and bring back to Council

The exterior maintenance of commercial buildings was discussed. The committee feels the ordinance addresses the issues which have been brought to their attention. Code Enforcement Officer Dhawan was directed to make contact with businesses especially those with outside storage.

Tented carports were discussed. Last year the ordinance committee was in favor of allowing tented carports but staff feels it should be added to the ordinances to make it clearer for everyone. No side setbacks to another structure will be required but all other setbacks should be met.

Off street parking restrictions which currently limit the parking to two (2) one ton trucks was discussed. It was felt there are trucks which are over the one ton limit. The committee wants to leave the ordinance at one ton.

There appears to be a number of vehicles which are being tarped. With the tarp we are unable to determine if the vehicle is licenses. Aldersperson Ruona stated there are residents who have collector vehicles who tarp the vehicles. If the staff has concerns then a letter should be sent to the resident requesting a copy of the registration.

Ruona/Seipel motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand
City Administrator

City of Prescott, WI
Friday, March 29, 2019

Chapter 635. Zoning

Article X. Accessory Uses and Structures; Fences and Hedges

§ 635-84. Accessory uses or structures.

- A. Building permit required. No owner shall, within the City of Prescott, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the City Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this section, the application shall be approved.
- B. Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided. If an accessory structure is placed before a principal structure, a site plan must be provided with the application showing where the principal structure and accessory structure will be placed. The accessory structure must be placed in either the rear or side yard and meet all setbacks and other requirements set forth within that zoning district. A principal structure must be built within three years of the application for the accessory structure.
- C. Placement restrictions, residential district. An accessory use or structure in a residential district may be established subject to the following regulations:
[Amended 9-12-2011 by Ord. No. 06-11; 11-12-2012 by Ord. No. 13-12; 3-11-2013 by Ord. No. 03-13]
 - (1) Accessory building number limits. In any residential district, in addition to the principal building, no more than two accessory building uses and one children's play structure may be placed on a lot.
 - (2) Attached accessory buildings. All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
 - (3) Detached accessory buildings.
 - (a) Lot area coverage. No detached accessory building shall occupy any portion of the required front yard. Garages and other detached accessory buildings shall

be 25 feet or less in height. Detached accessory building(s) shall not occupy, in total, more than 30% of the required rear yard. No detached accessory building shall be located within five feet of any other accessory building. Galvanized exterior finishes are not permitted on detached accessory structures. Setbacks shall be as prescribed by district regulations. The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures. An accessory building shall not be nearer than 10 feet to the principal structure unless the applicable building code regulations in regard to one-hour fire-resistive construction are complied with. All detached structures over 150 square feet in size, in a residential district, must have a finished fascia and soffit on all sides, unless an alternative option is approved by the Plan Commission. In no event can the accessory uses or structures be forward of the front line of the principal structure.

[Amended 11-9-2015 by Ord. No. 13-15]

(a.1) Residential accessory structure setbacks.

- (1) Front yard: No accessory structure may be forward of the front line of the principal structure unless a conditional use is approved.
- (2) Rear yard: Five feet to any rear and/or rear yard side lot line if structure is 144 square feet or less; 25 feet from rear yard and five feet from the rear yard side lot line if structure is greater than 144 square feet. Accessory structures larger than 144 square feet may be placed five feet from the rear lot line upon receipt by the City of a signed document indicating that all adjoining property owners have reviewed the plans and location of said structure and approve such structure and location.
- (3) Side yard: Accessory structure allowed in a side yard shall be an accessory building where the setback will be the same as the principal structure.

[Amended 4-9-2018 by Ord. No. 02-18]

- D. Use restrictions in residential district. Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Detached buildings shall not be used for residential purposes.
- E. Placement restrictions in nonresidential districts. An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall not be nearer than five feet to any side or rear lot line.
- F. Landscaping uses; lawn accessories. Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, decorative pools, fountains, statuary, bird baths, trees, shrubs and flowers and gardens; although such structures are permitted in setback areas, they shall not be located closer than two feet to an abutting property line other than a street line. Under no circumstances may a tent be used as a dwelling or an accessory structure.

G.

Temporary uses. Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.

- H. Garages in embankments in front yards. Where the mean natural grade of a front yard is more than eight feet above the curb level, a private garage may be erected within the front yard, provided that:
 - (1) Such private garage shall be located not less than five feet from the front lot line;
 - (2) The floor level of such private garage shall be not more than one foot above the curb level; and
 - (3) At least 1/2 the height of such private garage shall be below the mean grade of the front yard.
- I. Outdoor lighting. Outdoor lighting installations shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height and shall be adequately shielded or hooded so that no more than 1/2 footcandle at the property line.
- J. Retaining walls. Retaining walls may be permitted anywhere on the lot; provided, however, that no individual wall shall exceed six feet in height, and a terrace of at least three feet in width shall be provided between any series of such walls. The setback from side or rear lot lines for retaining walls shall be a distance equal to the height of the wall (s).
- K. Children's play structures. For purposes of this section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this section, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- L. Terrace area restrictions. In addition to the definitions and restrictions contained in Chapter **506**, Article II, of this Code, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

Carport/Canopy means a structure consisting of a wooden, plastic, or metal frame with a cover of cloth, rubber, or plastic fabric attached to the ground only by tie-downs or attached by means of concrete or buried structural members and open on all sides. The carport shall be used solely for the parking of not more than two (2) vehicles, and not for any other purpose including storage of any type. Carport/Canopy require a building permit and verification that the proposed carport/canopy will adhere to the required zoning setback requirements. All canopies must be kept in good repair at all times.

*City of Prescott, WI
Tuesday, April 16, 2019*

Chapter 506. Streets and Sidewalks

Article II. General Regulations

§ 506-12. Terrace areas.

- A. Definition. As used in this section, the following terms shall have the meanings indicated:

BOULEVARD

The same meaning as "terrace."

TERRACE

Shall be as defined in § 545-15A(3).

- B. Noxious weeds; paving. All that part of the terrace in residential areas not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Common Council or its designee. Gravel-surfaced parking stalls may be approved in the terrace area following authorization from both the Chief of Police and Director of Public Works; the City reserves the right to rescind such authorization if deemed necessary. Basketball backstops, statuary, structures, flagpoles and other objects shall not be placed in the terrace area.
- C. Responsibility to maintain. Every owner of land in the City whose land abuts a terrace is required to maintain, or have maintained by his/her tenant, the terrace directly abutting such land as provided in this section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

City of Prescott, WI
Tuesday, April 16, 2019

Chapter 635. Zoning

Article VI. Traffic Visibility, Loading, Parking and Access

§ 635-58. Off-street parking restrictions in residential areas.

- A. Where permitted. Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
- (1) A rear yard.
 - (2) A side yard not adjoining a street.
 - (3) A front yard, but only on one paved or graveled driveway not exceeding 24 feet in width and for not more than three vehicles parked not nearer than five feet to a front property line or three feet to a side lot line.
- B. Additional permitted areas. Regardless of the provisions of Subsection A above, the Common Council may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Common Council, is substantially improved thereby, as compared to where off-street parking is limited by Subsection A above, and where sole access from such development is to local and collector streets. In this subsection, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after a conditional use proceeding under Article IV of this chapter. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.
- C. Vehicle limitations.
- (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants or employees and not more than two trucks limited to one ton capacity.
 - (2) Only two vehicles licensed as trucks may be parked on a residential lot. Such vehicles are limited in size to a maximum of one ton capacity.
 - (3) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.

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