



**PUBLIC NOTICE & AGENDA
BELOIT PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, June 8, 2022**

1. CALL TO ORDER AND ROLL CALL
2. MINUTES
 - 2.a. Consideration of the minutes of the May 18, 2022 Plan Commission meeting
[Attachment](#)
3. PUBLIC HEARINGS
No public hearings will be held.
4. REPORTS
 - 4.a. Consideration of a Resolution approving Plan Commission Initiatives
[Attachment](#)
5. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS
*Conditional Use Permit - Drive-through for Scooter's
Annexation for 1014 Masters Street*
6. FUTURE AGENDA ITEMS
Tiny Homes Ordinance
7. ADJOURNMENT

** Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information to request this service, please contact the City Clerk's Office at 364-6680, 100 State Street, Beloit, WI 53511.

MINUTES
PLAN COMMISSION
City Hall Forum - 100 State Street, Beloit, WI 53511
7:00 PM
Wednesday, May 18, 2022

1. CALL TO ORDER AND ROLL CALL

Vice-Chairperson Finnegan called the meeting to order at 7:00 PM. Chairperson Weeden, Commissioners Janke, Ramsden, Toral, Jacobsen, and Councilor Dunkin were present. Commissioner Anderson was absent.

2. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

2.a. Commissioner Ramsden made a motion to elect Chairperson Weeden as Chairperson, seconded by Commissioner Janke. Commissioner Jacobsen moved to approve, seconded by Commissioner Finnegan. Motion prevailed, voice vote (6-0).

2.b. Commissioner Finnegan made a motion to elect Commissioner Ramsden as Vice-Chairperson, seconded by Commissioner Janke. Commissioner Janke moved to approve, seconded by Commissioner Jacobsen. Motion prevailed, voice vote (6-0).

3. MINUTES

3.a. Consideration of the minutes of May 4, 2022 Plan Commission meeting

Motion was made by Commissioner Finnegan seconded by Commissioner Ramsden to approve the minutes. Motion prevailed, voice vote (6-0).

4. PUBLIC HEARINGS

4.a. Consideration of a Resolution approving an Extraterritorial Preliminary Plat of Tall Trees for two parcels located on the 5000 block in Shopiere Road in the Town of Turtle

Julie Christensen, Community Development Director, presented the staff report and recommendation.

Chairperson Weeden asked who is responsible for identifying and enforcing how the environmental constraints are dealt with under the platting process. Ms. Christensen said that Town of Turtle is. Commissioner Toral said that he went to the DNR website and said that there are specific measures that the applicant needs to abide by, and it was listed that no one could live there. Ms. Christensen said that that Plan Commission does not have authority over that, only the Town of Turtle does, and the Subdivision Ordinance requires Plan Commission to review the application.

Commissioner Jacobsen asked what the purpose of Plan Commission review is. Ms. Christensen said that at this point it is in the Subdivision Ordinance, and she will discuss with the City Manager to see if Plan Commission should continue reviewing Plats and CSMs. Commissioner Finnegan asked if Plan Commission approves these items if there could be some liability if they approve something. Ms. Christensen said there is no liability to the City and that the law stipulates that only the Municipality the land division is located in can make conditions related to public improvements.

Commissioner Weeden asked if the Town of Turtle Building Inspector is accountable to the Wisconsin Department of Natural Resources (DNR), and working around the constraints. Ms. Christensen said that she is not sure who does.

Chairperson Weeden opened the public hearing.

Ryan Combs, 109 W Milwaukee St, Janesville, representing Combs Associates, stated that the DNR looked at this project and everything has been cleared. Mr. Combs said that the Town of Turtle has hired an Engineer, and they are working through them. Commissioner Weeden said he has concerns about the slopes over 12 percent, wetlands, woodlands, and threatened plant species. Mr. Combs said they resolved all those issues with DNR.

Commissioner Toral said his biggest concern is that the DNR website recommends avoiding the areas where endangered plant species are, and endangered plants are located where they plan to build. This would be a violation of federal law. Mr. Combs said in the study they look for the plants, and they did not locate them at the time. Commissioner Toral asked if they plan to develop where the plant area is. Mr. Combs said that there is a wetland there, and a permit to take the road through it. Commissioner Toral said it is not a wetland plant, and the DNR has identified as being endangered. Mr. Combs asked what plant he is asking about. Commissioner Toral said that he was not sure, but it is in the Southern part of Wisconsin in the woods. Mr. Combs said the only trees that would need to be taken down are the ones for the road, and they will be leaving all the trees on the lot until the lot is developed.

Commissioner Toral said that he plans to vote against the item based on the information that would violate federal law. Ms. Christensen said that when there are endangered plants, they show a bigger place purposely, so the plants are not narrowed down to find the plant and she does not think it will violate federal law.

Chairperson Weeden closed the public hearing.

Commissioner Janke moved to approve the Resolution, seconded by Commissioner Finnegan. Motion carried, roll call vote (5-1).

5. REPORTS

5.a. Consideration of a Resolution approving an Extraterritorial two-lot Certified Survey Map for the properties located at 7042 and 7220 E State Highway 67 in the Town of Turtle

Julie Christensen, Community Development Director, presented the staff report and recommendation.

Commissioner Ramsden moved to approve the Resolution, seconded by Commission Jacobsen. Motion carried, roll call vote (6-0).

5.b. Consideration of Plan Commission Initiatives

Chairperson Weeden said that the Plan Commission could move ahead based on similar language to what is contained in the Historic Preservation Ordinance which Plan Commission could modify to include other projects that require Architectural Review.

Chairperson Weeden said they would need to change some of the general and specific criteria to broaden out the Architectural Review Ordinance. Chairperson Weeden wanted input from the Commissioners to see if that is something that they would want to pursue and move forward.

Commissioner Ramsden said he likes that Chairperson Weeden broaden out the Architectural Review status, and narrowed down what they want to go forward with as far as the items that would come through with the Architectural Review. Chairperson Weeden asked the Commissioners if anyone would want to review sign permits. He mentioned that it seems that the exceptions have disappeared since they added the sign bonuses. Plan Commissioners did not think they wanted to take on signs.

Commissioners and Ms. Christensen discussed how they would put together a resolution for the Architectural Review Ordinance in a report for the City Manager for her consideration. Chairperson Weeden said that he would work with Ms. Christensen on developing the resolution.

6. STATUS REPORT ON PRIOR PLAN COMMISSION ITEMS

Ms. Christensen updated the Plan Commission on the actions taken by City Council related to a variety of items previously reviewed by Plan Commission. Ms. Christensen said the next Plan Commission meeting is scheduled for June 8, 2022.

7. FUTURE AGENDA ITEMS

Julie Christensen outlined the future agenda items.

8. ADJOURNMENT

Commissioner Jacobsen moved to adjourn the meeting, seconded by Commission Janke at 7:35 PM. Motion carried, voice vote (6-0).

Tim Weeden, Chairperson



REPORT TO THE PLAN COMMISSION

Plan Commission Meeting Date: June 8, 2022

Agenda Item: 4.a.

Overview

On November 3, 2021, Plan Commission held a workshop to discuss the specific and future roles of the Plan Commission. On November 17, 2022, the Plan Commission invited the City Council President, Clinton Anderson, and the City Council Vice President, Brittany Keyes, to a workshop to discuss the roles and responsibilities of the Commission. After that meeting, Plan Commission Chairperson asked the Plan Commissioners to submit the initiatives they thought Plan Commission could/should undertake or be involved in to Julie Christensen, Community Development Director.

The summary of Plan Commission initiatives submitted by Commissioners was compiled and e-mailed to Commissioners on December 12, 2021.

On March 23, 2022, the Commission discussed the initiatives and asked that an item be added to formally take action on the initiatives presented. The items suggested to be added as initiatives for Plan Commission consideration included the following: Plan Commission approval of Conditional Use Permits, implementing initiatives contained in the Comprehensive Plan, and some level of Architectural Review for new buildings.

On April 6, 2022, the Commission discussed the initiatives. They decided to they would like Plan Commission to be the approving authority for Conditional Use permits, to take on initiatives contained in the Comprehensive Plan which will be determined later, and they would like to take on Architectural Review in some capacity.

On April 20, 2022, the Commission discussed the idea of public review of architectural review certificates. At the end of the discussion, the Commission discussed having a procedure to review the larger developments, but to leave minor projects to staff.

On May 4, 2022, Tim Weeden introduced the idea of modifying the Architectural Review Ordinance to be similar to the Historic Preservation ordinance which will outline that minor projects like roofs, gutters, chimneys, window replacement, fences and ramps were staff-approved but that major projects would be approved by the Commission. The Commission asked that staff work with the Chairperson to put together the resolution and recommendation that would be made to the City Council President and City Manager. It is attached.

There was also a suggestion to add general review criteria for Architectural Review Certificates. There is some language already included in the existing ordinance (see attached Sections 34.11-34.16).

STAFF ANALYSIS:

Although it was noted during the meeting, that this change would result in only one additional item per meeting, that statement is not quite accurate. Architectural Review certificates tend to be submitted in greater numbers during the construction season and less during the winter. Therefore, you could have multiple Architectural Review Certificates at each meeting.

Another issue that has not been discussed is the delay this will cause for the development and business community. Staff typically reviews and approves Architectural Review certificates within a week, and this will delay approval of these requests.

ATTACHMENTS: Resolution and Attachment A, Architectural Review Ordinance

RESOLUTION

APPROVING PLAN COMMISSION INITIATIVES

WHEREAS, Plan Commission is a group of residents with a variety of skills that could be better utilized; and

WHEREAS, Plan Commissioners submitted possible ideas for additional duties and initiatives that could be completed by the Commissioners, and

WHEREAS, the Commission reviewed the initiatives at multiple meetings in 2021 and 2022 and discussed a number of possible initiatives that could be completed by the Commission.

NOW, THEREFORE, BE IT RESOLVED THAT the Plan Commission of the City of Beloit does hereby approve the initiatives identified in Attachment A and directs staff to present the approved Initiatives to the City Council President and City Manager for their consideration.

Adopted this 6th day of June, 2022.

Plan Commission

Timothy Weeden, Chairperson

ATTEST:

Julie Christensen
Community Development Director

ATTACHMENT A
PLAN COMMISSION INITIATIVES

1. City Council will initiate a Zoning Ordinance amendment that would allow for the approval/denial of Conditional Use Permits by Plan Commission.
2. The Plan Commission shall appoint a subcommittee or have the full Commission work on implementing a portion(s) of the City's adopted Comprehensive Plan.
3. City Council will initiate an amendment to the Architectural Review and Landscape Code to require Plan Commission approval of Architectural Review certificates for major construction projects as outlined below.

Section 34.08 of the Architectural Review shall be modified as provided below.

34.08 - ISSUANCE OF ARCHITECTURAL REVIEW CERTIFICATE AND BUILDING PERMITS.

The applicant for an architectural review certificate shall pay a fee established by City Council resolution in effect at the time of the filing of the application. No fee shall be required for a permit for work done in connection with a public works contract or other contract issued by the United States, the State of Wisconsin, the County of Rock or the City of Beloit.

- (1) **AUTHORITY TO ISSUE ARCHITECTURAL REVIEW CERTIFICATES.** The Plan Commission and, in certain limited cases described below, the Community Development Director, or designee, may issue an Architectural Review Certificate in accordance with this section. The Community Development Director, or designee, may issue an Architectural Review Certificate for the following types of projects:
 - (a) Roof and gutter repair/replacement.
 - (b) Minor façade projects such as painting and siding replacement
 - (c) Window or door repair or replacement.
 - (d) Installation of fences.
 - (e) Installation of a ramp that is compliant with the Americans with Disability Act and any subsequent amendments thereto.
 - (f) Signs
 - (g) Cellular facility projects, such as new antennae and cabinets.
 - (h) Lighting plans

CHAPTER 34
ARCHITECTURAL REVIEW AND LANDSCAPE CODE
(Cr. #3142)

34.01	Purpose of Architectural Review and Landscape Regulations
34.02	Applicability of Architectural Review and Landscape Regulations
34.03	Interpretation and Conflicts
34.04	Severability
34.05	Definitions
34.06	Application for Architectural Review Certificate
34.07	Application Fee for Architectural Review Certificate
34.08	Issuance of Architectural Review Certificate and Building Permits
34.09	Administration of Architectural Review Certificate by the Division of Planning and Building Services
34.10	Lighting Requirements
34.11	Architectural Style
34.12	General Building Requirements
34.13	Building and Site Requirements
34.14	General Building Material Requirements
34.15	Building Material for Non-Industrial Buildings
34.16	Building Material for Industrial Buildings
34.17	Substitution of Building of Materials
34.18	Mechanical Equipment, Utility Hardware and Other Items to Be Screened
34.19	Miscellaneous Structures and Street Hardware to Be Part of Design Concept
34.20	General Planning and Design Factors Relating to Maintenance
34.21	Landscaping
34.22	Application for an Exception to Ordinance Regulations
34.23	Appeals of Decisions of City Officials
34.24	Violations, Penalties and Remedies

34.01 PURPOSE OF ARCHITECTURAL REVIEW AND LANDSCAPE REGULATIONS.

- (1) Architectural review regulations set forth in §§34.06 to 34.20 of this chapter are intended to:
- (a) Serve the aesthetic needs and requirements of the City;
 - (b) Promote greater interest in the appearance, development and redevelopment of all properties as it relates to each specific project, its surroundings and the community by giving encouragement, guidance and direction;
 - (c) Protect property owners, residents and tenants against improper development as it relates to appearance; to encourage and promote attractiveness, cohesiveness and compatibility of buildings and sites in order to achieve harmonious appearance and function;

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- (d) Provide open areas and parking areas which are aesthetically designed and landscaped;
 - (e) Identify and preserve significant natural features, all of which will serve to guide the future development of our City in a manner that will protect our natural resources and facilitate the integration of development projects into our existing environment;
 - (f) Protect the quality of life existing within the City;
 - (g) Maintain property values;
 - (h) Promote the public health, safety and welfare of residents, tenants and owners of buildings and sites.
- (2) Landscape regulations set forth in §34.21 of this chapter are intended to:
- (a) Safeguard property values, protect public and private investments and to promote high-quality development within the City of Beloit with landscaping that enhances the physical and visual environment of the City of Beloit for its citizen's use and enjoyment;
 - (b) Reduce the unsightly or offensive views, noise, pollution and glare created by parking lots and other outdoor land uses through the use of trees and landscape plantings;
 - (c) Reduce the incompatibility between different adjacent land uses and zoning districts and to lessen the adverse impact a more intense land use may have upon residential areas and other areas of less intense use through the use of landscape buffers and plantings; and
 - (d) Foster the preservation and stabilization of the community's existing natural resources, its ecological balance, and promote a healthier environment by preserving and planting trees and plants to mitigate the ill effects associated with certain land uses, including the filtering of noise, dust and fumes, buffer winds, modify the rate of stormwater runoff and soil erosion, reduce heat and glare from the sun, screen vehicle headlights and parking lot area lighting.

Historic Note: In *State ex rel. Saveland Park Holding Corp. v. Wieland*, 269 Wis. 262, 69 N.W.2d 217 (1955), the Wisconsin Supreme Court stated: "We have no difficulty in arriving at the conclusion that the protection of property values is an objective which falls within the exercise of the police power to promote the 'general welfare', and that it is immaterial whether the ...ordinance is grounded solely upon such objective or that such purpose is but one of several legitimate objectives. Anything that tends to destroy property values of the inhabitants of the village necessarily adversely affects the prosperity, and therefore the general welfare, of the entire village ..." In *Berman v. Parker*, 348 U.S. 26, 75 S. Ct. 98, 102, 99 L. Ed 27 (1954), the United States Supreme Court stated: "The concept of the public welfare is broad and inclusive.... The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well-balanced as well as carefully patrolled...."

34.02 APPLICABILITY OF ARCHITECTURAL REVIEW AND LANDSCAPE REGULATIONS.

- (1) ARCHITECTURAL REVIEW REGULATIONS. An architectural review certificate shall be required for every new use, structure or sign and for the renovation of the exterior of any existing structure or development, except residential buildings containing one or 2 dwelling units. The architectural review regulations apply to:
- (a) Residential developments in excess of 2 dwelling units.
 - (b) Business and commercial developments.
 - (c) Industrial developments.
 - (d) All planned unit developments.

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- (e) Municipal and other public institutional facilities and land development.
 - (f) Private institutional facilities and land developments.

Except as otherwise provided in this section, the architectural review regulations in this chapter do not apply to buildings, structures, signs or uses existing at the time that these architectural review regulations took effect.

(2) LANDSCAPE REGULATIONS.

- (a) Applicability. Unless otherwise expressly exempted, the landscape regulations in this section apply to all zoning lots in all zoning districts that have outdoor parking lots containing 5 or more parking spaces. The landscape regulations also apply to outdoor sales and storage lots, loading docks, truck terminals, equipment yards and paved areas containing more than 2,500 square feet. The landscape buffer regulations apply to all zoning lots that are located adjacent to a less intensive zoning district.
- (b) Exemptions. The following uses are exempt from the landscape regulations in §34.21:
 - 1. All residential buildings containing less than 3 dwelling units.
 - 2. Paved areas for airport runways or public recreational uses, such as tennis courts, playgrounds and basketball courts.
 - 3. Seal coating or overlaying an existing paved area.
 - 4. Buildings, structures, improvements and uses that were legally established before July 19, 1999. Such properties shall be brought into full compliance with the landscape regulations of this section when:
 - a. A new building, parking lot or outside storage area is constructed.
 - b. The floor area of an addition to an existing building exceeds 25 percent of the existing floor area.
 - c. The area of an addition to an existing parking lot or paved outdoor storage area exceeds 25 percent of the area of the existing parking lot or paved storage area.
 - d. When 25 percent or more of the surface of an existing parking lot is removed and replaced.

34.03 INTERPRETATION AND CONFLICTS.

The provisions of this chapter shall be held to be the minimum requirement for the promotion of the public health, safety and welfare with regard to the establishment and maintenance of aesthetic standards within the community. These regulations are not intended to interfere with, abrogate or annul any other regulation or restriction relating to the construction of buildings or the development of land. Whenever this chapter imposes requirements different from those imposed by any other ordinance, regulation, covenant or restriction, the more restrictive or higher standards shall apply.

34.04 SEVERABILITY.

If any part of this chapter is for any reason held by a court of competent jurisdiction to be invalid, such finding will not affect the validity of the remaining provisions of this chapter which shall remain in full force and effect.

34.05 DEFINITIONS. (Rep. & recr. #3343)

When used in this chapter, the following words and phrases shall have the meanings set forth below:

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- (1) APPEARANCE. The external visible aspect.
 - (2) ARCHITECTURAL REVIEW CERTIFICATE. A document issued by the Community Development Director certifying that a site plan and other submittals required by Section 34.06 comply with the architectural review requirements of this chapter.
 - (3) APPLICANT. The person who applies for an architectural review certificate or approval of a landscape plan, tree protection and preservation plan, or other plans required by this code.
 - (4) APPURTENANCES. Visible objects accessory to and/or part of buildings and sites.
 - (5) ARCHITECTURAL CHARACTER. The composite or aggregate of the components of structure, form, materials and functions of a building or group of buildings and other architectural and site elements.
 - (6) ARCHITECTURAL FEATURE. The basic aesthetic and functional design ideas of a building or group of buildings or structures, including the site and landscape development.
 - (7) ARCHITECTURAL STYLE. The characteristic form and detail for buildings of a particular period.
 - (8) ATTRACTIVENESS. The relationship of compositional qualities of commonly accepted design parameters such as scale, mass, volume, texture, color and line, which are pleasing and interesting to the reasonable observer.
 - (9) AXIS. The major geometric imaginary lines about which a project, or portions of a project, is generally symmetrical.
 - (10) BERM. An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.
 - (11) BIORETENTION AREA. A depression or bowl planted with trees, shrubs and grasses, which temporarily holds and filters stormwater runoff from impervious surfaces.
 - (12) BUILDING FOOTPRINT. The area of the lot or site included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.
 - (13) CIRCULATION. The horizontal and vertical movement of people and vehicles through, around or about a space, structure or site.
 - (14) CITY. City of Beloit, Wisconsin.
 - (15) CODE. City of Beloit Code of General Ordinances, including this chapter, as amended from time-to-time.
 - (16) COHESIVENESS. Unity of composition between design elements of a building, a group of buildings, site, landscape characteristics and appurtenances.
 - (17) COMMISSION. The Plan Commission.
 - (18) COMPATIBILITY. Harmony in the appearance of 2 or more buildings, structures and landscape developments in close proximity.
 - (19) CONFORMANCE. Corresponding and compliant in form, character and intent.
 - (20) CRITICAL ROOT ZONE. The area within a circle around the trunk of a tree. In the case of a mature tree, the diameter of the circle will be 1 foot for every 1 inch of the tree trunk's diameter as measured 4 feet above grade. In the case of an immature tree, the diameter of the circle will be 1 foot for every 1 inch of the tree trunk's diameter as measured 12 inches above grade.
 - (21) DETENTION BASIN. A structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a body of water with a fixed minimum and maximum water elevation between runoff events.

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- (22) DWELLING UNIT. One or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.
 - (23) EXTERIOR BUILDING COMPONENT. Any visible part of the exterior of a building.
 - (24) EXTERIOR DESIGN FEATURE. The architectural character and general arrangement of such portion of a building or structure that is to be open to view from a street, place or way, including the kind, color and texture of building materials of such portion which includes the type of windows, doors, lights, signs and other fixtures appurtenant to such portion. This includes all exterior building components.
 - (25) EXTERIOR SPACE UTILIZATION. The use of space outside of an enclosed structure including space above, below or around a structure.
 - (26) FENCE. An unroofed structure, solid or otherwise, which is a barrier and typically used as a boundary or means of protection, confinement, or concealment. (Am. #3359)
 - (27) FENCE, SIGHT-OBSCURING. A fence which is designed to be 100 percent opaque and is constructed so as to be completely solid and completely screen one's view from any angle. Slatted chain-link fencing is not considered a sight-obscuring fence because they are not 100 percent opaque.
 - (28) FENCE, SIGHT-OBSTRUCTING. A fence that is more than 50 percent opaque when viewed from an angle perpendicular to the fence.
 - (29) FRONTAGE. The length of all the property of a lot fronting on a street, measured between side lot lines.
 - (30) GRAPHIC ELEMENT. A letter, illustration, symbol, trademark, logotype or other device employed to express and illustrate a message or part thereof.
 - (31) GROUND COVER. Grasses or other plants and landscaping grown to hold and stabilize the soils.
 - (32) HARMONY. A quality which produces an aesthetically pleasing whole as in an arrangement of varied architectural and landscape elements.
 - (33) INDUSTRIAL BUILDING. A building located in an M-1 or M-2 zoning district used for manufacturing products or for distribution of products at wholesale.
 - (34) LANDSCAPE UNITS. A numerical value assigned to landscape materials based on their size, screening and spacing characteristics.
 - (35) LANDSCAPING. A combination of trees, shrubs, plants, lawns, ground cover, berms, fences and topography arranged in harmonious and attractive groupings around buildings and other man-made improvements to real estate.
 - (36) LOGIC OF DESIGN. Generally accepted principles, parameters and criteria of validity in the solution of design problems.
 - (37) LUMINAIRE. A complete lighting unit.
 - (38) MAINTENANCE. The manner in which buildings, sites, landscaping and other surface treatments are protected to prevent deterioration.
 - (39) MATERIAL SELECTION. The process of gathering products with the general intent of composing them in a generally accepted aesthetic fashion.
 - (40) MATURE TREE. Any tree having a trunk with a diameter of 6 inches or more when measured at 4 feet above grade.
 - (41) MECHANICAL EQUIPMENT. Equipment, devices and accessories, the use of which relates to water supply, drainage, heating, ventilating, air conditioning, electrical service, communications, earth stations, conveying and similar purposes.

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- (42) MISCELLANEOUS STRUCTURES. Structures, other than buildings, including but not limited to memorials, sign structures, pylons, bus shelters, stagings, antennas, windmills, water tanks or towers, meters and telephone booths.
 - (43) NON-INDUSTRIAL BUILDING. Any building other than an industrial building or a one or two-family dwelling.
 - (44) ORNAMENTAL TREE. A tree which is planted primarily for its ornamental value or screening ability and which tends to be smaller at maturity than a shade tree.
 - (45) PARKING LOT, LARGE. Parking lots with 101 parking spaces or more.
 - (46) PARKING LOT, MEDIUM. Parking lots with 26 to 100 parking spaces.
 - (47) PARKING LOT, SMALL. Parking lots with 25 or fewer parking spaces.
 - (48) PERSON. Includes natural persons, firms, corporations, associations, partnerships, limited liability companies, governmental entities and political bodies.
 - (49) PLANT MATERIALS. Live trees, shrubs, vines, ground covers, grass, and flowering plants.
 - (50) PLANTING BED. An unpaved, porous area devoted to the support of living plant material and having a minimum depth of two (2) feet of good loam soil.
 - (51) PROPORTION. Relationship of parts of a building, landscape structures, or buildings to each other and to the whole.
 - (52) RETENTION POND. A permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.
 - (53) SCALE. Relationship of the size of parts to one another and to the human figure.
 - (54) SCREEN. An attractive wall, fence or enclosure intended to partially or entirely cut off visibility to the area behind it.
 - (55) SHADE TREE. A woody plant, usually deciduous, that normally grows with one main trunk and has a canopy that screens and filters the sun and usually exceeds 30 feet in height at maturity.
 - (56) SHRUB. A deciduous or evergreen woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. (Mature height is usually 2 to 15 feet).
 - (57) SIGN. See Chapter 30 of this code entitled "Sign Control Regulations."
 - (58) STREET HARDWARE. Objects other than buildings or structures, including but not limited to outdoor furniture and benches, lamp posts, utility poles, traffic lights, traffic signs, street signs, litter containers, planting containers, letter boxes, fire hydrants, news stands and kiosks.
 - (59) STREETSCAPE. A scene composed of natural and man-made elements, including buildings, pavings, landscaping, street hardware and miscellaneous structures, that may be observed from a public street or highway.
 - (60) TEMPORARY. The use or installation of non-code requirements and/or components or materials which may or may not meet code requirements for a limited period of time.
 - (61) TENANT. A user of a building, partial or in total, who has a leasehold estate.
 - (62) TRANSITIONAL. The changing of one characteristic to another which may include regulations, physical characteristics and general environmental treatments.
 - (63) UTILITY HARDWARE. Devices such as poles, crossarms, transformers and vaults, gas pressure regulating assemblies, hydrants and buffalo boxes that are used for water, gas, oil, sewer and electrical services to a building or a project.

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- (64) UTILITY SERVICES. Any device, including wire, pipe and conduit which carries gas, water, electricity, oil and communications into a building or development.
 - (65) VOLUMETRIC. Measure of volume.
 - (66) ZONING LOT. A tract of land uniformly zoned and designated by its owner or developer (at the time a building permit is applied for) as land to be developed or built upon as a unit.

34.06 APPLICATION FOR ARCHITECTURAL REVIEW CERTIFICATE. (Am. #3343)

An application for an architectural review certificate must be filed in the office of the Community Development Director as part of the site plan review required by §2.6 of the Zoning Code or this section. The application shall be accompanied by the following, unless the Community Development Director or his designee determines that one or more of the required submittals are not applicable:

- (1) A current survey map of the project area, including a legal description of the project area.
- (2) A site plan which complies with §2.6 of the Zoning Code.
- (3) Building elevations and drawings and/or graphic representations sufficient in detail to portray the design concept. Written manufacturer's literature or photographic representations of sample exterior materials to be used in the project shall be included.
- (4) Drawings and specifications of any proposed signs indicating locations, colors, sizes and heights, including illumination calculations and diagrams.
- (5) Manufacturer's illustrations of exterior lighting fixtures for the site and buildings including illumination calculations and diagrams.
- (6) A landscape plan which complies with §34.21 of this chapter.
- (7) Photographs of adjacent buildings and/or sites.
- (8) Photographs or graphic representations of other buildings or sites which serve to illustrate the proposed project.
- (9) Samples of exterior materials proposed for buildings, screenings, and other improvements, showing color, texture and type.
- (10) A list of exterior materials and specifications for the exterior design features.

34.07 APPLICATION FEE FOR ARCHITECTURAL REVIEW CERTIFICATE.

The applicant for an architectural review certificate shall pay a fee established by City Council resolution in effect at the time of the filing of the application.

34.08 ISSUANCE OF ARCHITECTURAL REVIEW CERTIFICATE AND BUILDING PERMITS.(Am. #3653)

The applicant for an architectural review certificate shall pay a fee established by City Council resolution in effect at the time of the filing of the application. No fee shall be required for a permit for work done in connection with a public works contract or other contract issued by the United States, the State of Wisconsin, the County of Rock or the City of Beloit.

34.09 ADMINISTRATION OF ARCHITECTURAL REVIEW CERTIFICATE BY THE DIVISION OF PLANNING AND BUILDING SERVICES. (Am. 33481)

After the granting of an architectural review certificate, the Director of Planning and Building Services or his or her designee shall review the progress of the project to insure that there are no unauthorized deviations from the plans upon which the approval of the architectural review certificate was based.

34.10 LIGHTING REQUIREMENTS.

- (1) GENERAL. Exterior lighting shall enhance the building design, the adjoining landscape and be part of the architectural concept. Lighting standards and fixtures shall be restrained in design and excessive brightness. All lighting shall be done in conformance with the Illuminating Engineering Society's design standards, as amended from time to time. A copy of the design standards, including any amendments thereto, shall be on file with the City Engineer.
- (2) OFF-STREET PARKING. Lighting of off-street parking areas is required. Lighting used to illuminate vehicular traffic ways, buildings and sites shall be directed away from adjoining and adjacent property, streets and other public rights-of-way. All lighting units shall be of a full cut-off type. Pole heights shall be approved by the Community Development Director. Maximum pole height shall be 15 feet in residential developments, 25 feet in commercial development, and 35 feet in industrial developments.
- (3) PEDESTRIAN LIGHTING. Pedestrian lighting shall be in accordance with the lighting levels established in the Illuminating Engineering Society's Standards for Roadway Lighting, as amended. Luminaire, light source and pole design shall create a continuity and relationship to surroundings and other freestanding luminaire poles. Poles and luminaries selected shall be vandal resistant.
- (4) LANDSCAPE GROUND LIGHTING. Landscape or ground lighting shall be designed to harmonize with the overall landscape and lighting design. Fixtures used shall be vandal resistant and securely anchored to the ground.
- (5) RECESSED LIGHTING. Architectural lighting shall be recessed under roof overhangs or generated from concealed source, low-level light fixtures.
- (6) ILLUMINATION LEVEL. The illumination level for all off-street parking areas shall be a minimum of one footcandle at the property line to a maximum of 3 footcandles maintained at the paved surface. A uniformity ratio of 4:1, or better, between the average foot candle level and the minimum foot candle level is also required. All other lighting shall be in accordance with sound planning and engineering practices. All outside lighting shall be designed to use identical or compatible lighting sources.
- (7) APPROVAL. The entire lighting scheme shall be subject to the approval of the City Engineer and the Community Development Director. In no case shall site or building lighting be directed toward pedestrian or vehicular traffic or adjacent properties, in a manner producing a distracting glare or annoyance.
- (8) MISCELLANEOUS. Exterior building lighting and signage shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.

34.11 ARCHITECTURAL STYLE.

Architectural style is not restricted, except in historic districts, landmark sites or where restricted by protective covenants. No architectural style is specifically prohibited under this chapter. Evaluation of a project's appearance shall be based on the quality of its design character and other criteria as provided for in this ordinance.

34.12 GENERAL BUILDING REQUIREMENTS.

- (1) Buildings shall have good scale and be in harmonious conformance with permanent neighboring development and/or natural surroundings.
- (2) Monotony of design shall be avoided. Variation of detail, form and siting shall be used to provide visual interest; however, consistency in design is encouraged.
- (3) Incompatible designs shall not be allowed.
- (4) Building components such as windows, doors, eaves, and parapets shall have good proportions and relationship to one another. The design of all porches, balconies, patios and similar spaces shall be integral to the building design and not appear as appendages.
- (5) Harmony in material, texture, lines, color and mass is required. Colors shall not be incompatible with existing neighborhood development. Color shades shall be used to unify the development.
- (6) Multiple-building developments. Each individual building within a development shall feature predominant characteristics including, but not limited to, consistent rooflines, use of compatible proportions in building mass and outdoor spaces, complementary relationships to the street, similar window and door patterns, and the use of complementary building materials in terms of color, shades, and textures. Monotony of design in multiple building projects shall be avoided. Variation in detail, form, and siting shall be used to provide visual interest. The use of different textures, complementary colors, shadow lines and contrasting shapes may also be used to provide visual interest.
- (7) Massing. Single, large building masses shall be avoided. Structures with walls of more than 1,500 square feet must incorporate fascias, windows, canopies, arcades, building setbacks of 3 feet or more or other multidimensional design features to break up large wall surfaces on their street facing elevations. Wall surfaces must visually be divided by such features into areas of 750 square feet or less. This paragraph shall not apply to expansion walls or existing industrial buildings.
- (8) All building facade modifications or building designs for structures located in the downtown Business Improvement District (BID) shall conform to the architectural Design Guidelines approved by the Board of Directors of the Downtown Beloit Association and in effect when the facade modifications or structural designs are made.

34.13 BUILDING AND SITE REQUIREMENTS.

In relating buildings to the site, the following criteria will be used by the Community Development Director or his designee in his evaluation:

- (1) The site shall be planned to accomplish a desirable transition with functional and harmonious landscape plantings, exterior lighting, pedestrian movement, unobtrusive parking areas and continuity of a total design concept, all from an appearance standpoint.
- (2) Parking areas shall be treated with decorative elements, including building wall extensions, landscaping or other innovative means so as to largely screen parking areas/vehicles from view from public ways. In addition, all parking areas/lots must meet the requirements of the Zoning Ordinance (Article 8).
- (3) Industrial or other material storage shall be within the standards of the Zoning Ordinance and other relevant codes of the City of Beloit and shall be screened by decorative elements, building wall extensions, screen walls, or fences with approved landscaping so as to screen materials from public view.

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- (4) The height and scale of each building shall be within the standards of the Zoning Ordinance and other relevant codes of the City of Beloit and shall be compatible with its site and adjoining buildings. Spacing between buildings and heights of buildings shall be of a good transitional nature.
 - (a) Adjacent buildings of different architectural styles shall be made compatible by such means as landscape screens, site breaks and use of materials.
 - (b) Attractive landscape transition to adjoining properties shall be provided.
 - (c) Harmony in texture, lines and masses is required.
 - (5) Newly installed utility services and major service revisions necessitated by exterior alterations shall be constructed underground. All utility hardware necessary to be attached to exterior walls or above ground shall be screened or painted a color matching the building.

34.14 GENERAL BUILDING MATERIAL REQUIREMENTS.

- (1) Materials shall have good architectural character and shall be selected for harmony of the building with adjoining structures.
- (2) Materials shall be selected for suitability to the type of buildings and the design in which they are used. Buildings shall have the same materials, or those which are architecturally harmonious, used for all building walls and other exterior building components.
- (3) Incompatible materials and those which will produce inconsistency with the structure of the building shall be avoided. Arbitrary composition or change of building materials on exterior surfaces will not be allowed.
- (4) Materials shall be of durable quality with consideration given for maintenance.
- (5) In any design in which the structural frame is exposed to view, the structural materials shall meet the other criteria for materials.

34.15 BUILDING MATERIAL FOR NON-INDUSTRIAL BUILDINGS. (Am. #3205)

- (1) Metal shall only be used as an accent material on exterior walls and other exterior components of non-industrial buildings. No more than 25 percent of the exterior surface of any wall on a non-industrial building shall be metal.
- (2) A roof on a non-industrial building may be constructed of metal only if the roof is harmonious with the remainder of the building and other on-site improvements.
- (3) An expansion wall on a non-industrial building may be covered by metal panels if the wall is a side or rear wall and the color of the panels matches or complements the color of the other walls.
- (4) The following items may have a metal surface if the surface has a corrosion resistant painted finish:
 - Fascias.
 - Soffits.
 - Column enclosures.
 - Trim.
 - Other accoutrements approved by the Community Development Director.

34.16 BUILDING MATERIAL FOR INDUSTRIAL BUILDINGS. (Am. #3205; #3343)

The exterior walls of industrial buildings may be covered with metal building materials. However, the Community Development Director or his designee may require a decorative metal building material on elevations facing a public street.

34.17 SUBSTITUTION OF BUILDING MATERIAL.

If an applicant is unable to comply with an architectural review certificate because required building materials are unavailable, the Community Development Director or his designee may allow the certificate holder to use different materials provided that they will be aesthetically equal to or better than the original materials and will not conflict with the intent of the architectural review regulations. The Community Development Director or his designee shall prepare a written report of the circumstances giving rise to the change in building materials and shall submit a copy of the report to the certificate holder. The burden of proving non-availability of building materials shall be upon the applicant and his material supplier. Proof of unavailability shall be submitted in writing.

34.18 MECHANICAL EQUIPMENT, UTILITY HARDWARE AND OTHER ITEMS TO BE SCREENED FROM VIEW.

Mechanical equipment, towers and other utility hardware on building roofs shall be screened from view with materials and design harmonious with the building. All ground level mechanical equipment, trash receptacles and storage areas, service yards, work areas, parking areas, loading docks and ramps, electrical cage enclosures, electrical equipment, telephone equipment, incinerators, and similar equipment for the disposal of material storage tanks and other areas which tend to be unsightly shall be screened from view from public streets, adjacent properties and the subject property by a fence, berm, wall or landscaping material.

34.19 MISCELLANEOUS STRUCTURES AND STREET HARDWARE TO BE PART OF DESIGN CONCEPT.

- (1) Miscellaneous structures and street hardware located on private property shall be designed to be part of the architectural concept of design and landscape. Materials, scale, massing and colors shall be compatible to and enhance the continuity and relationship of building, sites and surroundings.
- (2) Miscellaneous structures and street hardware located on public rights-of-way and other public property shall be harmonious with design and adjacent buildings and other structures and City landscape.
- (3) Lighting in connection with miscellaneous structures and street furniture shall meet the criteria applicable to site, landscape, buildings and signs.

34.20 GENERAL PLANNING AND DESIGN FACTORS RELATING TO MAINTENANCE.

- (1) Continued good appearance depends upon the extent and quality of maintenance. The choice of materials and their use, together with the types of finishes and other protective measures, shall be conducive to easy maintenance and upkeep.
- (2) Provision for washing and cleaning of buildings, windows, doors and structures, and control of dirt and refuse, shall be considered in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt and rubbish shall be avoided.
- (3) Through the careful selection of plant material for their hardiness and appropriateness as well as their beauty, planting areas shall be maintained free of species of weeds or plant growth which are noxious,

detrimental to the public health or unsightly. This shall include not only planting areas within the property, but also those planting areas in the rights-of-way adjacent to the property.

34.21 LANDSCAPING. (Rep. & recr. #3343)

- (1) **LANDSCAPE PLANS.** Landscape plans shall be submitted to the Community Development Director as part of a site plan required by §2.6 of the Zoning Code. A landscape plan shall be drawn to scale using an engineering scale (preferably 1 inch = 20 feet) and shall show in detail the proposed landscaping improvements including plant species, variety, quantity and size. A landscape plan shall also show in detail the location of all existing and proposed plant materials, earth berms, walls, fences, existing and proposed buildings, and other landscape improvements. The landscape plan shall also show the location of lighting, sidewalks, parking lots, driveways, concrete curbing and other protective barriers required or proposed. A landscape plan shall contain a list of the names of all plant materials by species and variety, the proposed size of the materials at time of planting, the quantity of each plant, the landscape unit values for each plant, a summary of the landscape units proposed and required for the site and any special comments regarding the proposed development. A landscape plan shall also be subject to the following:
 - (a) The landscape plan shall not include plants (excluding shade and ornamental trees) which violate the provisions of §8.4 of the Zoning Ordinance relating to vision triangles.
 - (b) In locations where plant material will be exposed to winter salt or high volumes of automobile fumes and emissions, a landscape plan should include plant material which is resistant to damage from salt and automobile emissions.
 - (c) A landscape plan for an automobile sales lot may use shrubs whose height does not exceed 24 inches at maturity and required shade trees in the landscape strip located between the auto display lot and a public street. In such cases, the intent is not to screen the vehicles displayed for sale from public view, but to meet the landscaping requirements of this chapter by providing an attractive landscape area in front of the vehicles and along the public way.
- (2) **REQUIRED LANDSCAPE ELEMENTS.** Landscape plans shall include the following elements: shade trees, open green space, landscape strips, landscape buffers, interior landscaping, and foundation plantings.
 - (a) **Shade Trees.** Shade trees are a primary design element and receive primary consideration in the design and layout of a site plan. The location of light poles, signs, and shade trees shall be coordinated to complement the overall site design. The number of shade trees required shall be rounded down to the nearest whole number when the requirement results in a fraction of one-half or less and shall be rounded up to the nearest whole number when the fraction is greater than one-half.
 1. Shade trees must be planted and maintained on zoning lots as follows:
 - a. One shade tree shall be planted for every 10 parking spaces.
 - b. One shade tree shall be planted for every 10,000 square feet of paved land area which is not used for parking.
 - c. One shade tree shall be planted for every 20,000 square feet of building footprint for the first 200,000 square feet of building footprint. An additional shade tree shall be planted for every 50,000 square feet of building footprint between 200,001 and 400,000 square feet of building footprint. An additional shade tree shall be planted for every 100,000 square feet of building footprint over 400,000 square feet of building footprint.
 - d. One shade tree shall be planted for every 90 linear feet of right-of-way frontage and shall be located within 25 feet of the nearest right-of-way. The Community Development

Director or his designee may approve another location for the required shade trees and/or permit the planting of ornamental or evergreen trees in lieu of shade trees.

2. In large parking lots, shade trees shall be planted in planting beds having a minimum area of 300 square feet and minimum lengths and widths of 18 feet. In small or medium parking lots, shade trees shall be planted in planting beds having a minimum area of 150 square feet and minimum lengths and widths of 9 feet. (See §34.21(2)(e) entitled "Interior Landscaping," for regulations pertaining to interior planting islands.)
3. Shade trees provided on the landscape plan may be counted towards both the shade tree requirement and the landscape unit requirements for the other landscape elements.
4. Existing mature trees shall be counted toward the shade tree requirements if they are located on the subject property in close proximity to the area requiring shade trees and are of an acceptable quality and species. The Community Development Director or his designee may only allow an existing mature tree to be counted as a shade tree if the existing mature tree is protected during construction and grading activities.
5. In new developments, existing mature trees may not be damaged or removed until a site plan is submitted to and approved by the Community Development Director or his designee. An existing mature tree shall count as one new shade tree. If the diameter of the trunk of an existing mature tree exceeds 6 inches when measured at 4 feet above grade, one additional shade tree credit shall be given for each additional 6-inch increment in the diameter of the trunk of the existing mature tree.
 - a. *Tree Preservation and Protection Plan.* To receive credit for preservation of mature trees during the development process, a plan must be submitted which shows the location, size and variety of all existing mature trees located on the site. This plan shall also indicate which trees are to be removed, which trees are to be preserved, and what preservation techniques will be used to preserve and protect the trees that will remain on the site. The plan shall be reviewed by the Community Development Director or his designee during the site plan review process. Preservation techniques include, but are not limited to, the following:
 - i. Temporary fencing must be installed around the critical root zone of all trees to be preserved at a distance specified by the approved tree protection and preservation plans. The fencing must be installed prior to the start of any work, including grading or tree removal.
 - ii. Digging, trenching and filling is not permitted inside the critical root zone of any existing mature tree or other tree to be preserved. The existing grade around the base of any tree to be preserved shall not be altered in any manner except as provided in an approved tree protection and preservation plan.
 - iii. No building or road construction materials or equipment may be stored on or transported over any critical root zone of any tree to be preserved as part of the approved tree protection and preservation plan.
 - b. *Removal of Trees Designated for Preservation.* In the event a tree is removed, damaged or destroyed by an act of man without receiving approval from the Community Development Director or his designee, it shall be replaced with a new tree which shall meet the following requirements:
 - i. The minimum diameter of the trunk of a replacement tree shall be 3 inches when measured at 12 inches above grade.

- ii. A landscaping plan must be submitted and approved, if required by the Community Development Director or his designee, prior to planting any of the replacement trees.
- c. *Tree Replacement/Penalties.* Any person who removes a tree in violation of this section and fails to replace the tree as required by this section shall, upon conviction of the violation, be subject to a forfeiture as provided below:

Total Diameter of Tree(s) Removed When Measured at 12 Inches Above Grade	Minimum Number of Replacement Trees	Minimum Diameter of Replacement Trees When Measured 12 Inches Above Grade	Amount of Forfeiture (exclusive of court costs)
6—9"	4	3"	\$500
9—12"	6	3"	\$500
12—18"	8	3"	\$750
18—24"	10	3"	\$1,000
24—30"	12	3"	\$1,500
30—36"	14	3"	\$2,000
36—42"	16	3"	\$2,500
42—48"	18	3"	\$3,000
48"+	20	3"	\$3,500

- (b) Open Green Space. Open green space around the interior side and rear of a site shall include areas suitable for planting of trees, storage of snow, swales for stormwater control and utilities. Open green space is required in order to prevent large expanses of pavement, which flow uninterrupted from one lot to another creating a continuous sea of pavement.
 1. Open Green Space must be provided along the interior side and rear property lines. Open green space must be at least 5 feet wide in order to create a combined 10-foot-wide open green space when 2 adjacent properties are conforming to these landscape regulations. The green space must be covered with lawn or living ground cover. For properties located adjacent to a Residential or Public Lands and Institutions District, §34.21(d) shall also apply.
 2. No structures, buildings, paving, or outside storage facility of any kind may be located within the required open green space area, except for an approved access drive which does not exceed 30 feet in width.
 3. Trees, fences, utilities and light poles are permitted in the area required for open green space.
 4. The open green space requirement shall not apply to properties located in the central business district where buildings with zero setbacks are existing or proposed. The open green space provisions may be applied to properties located in the central business district in areas of a lot that will not be occupied by a building, such as parking lots or other outdoor uses.
 5. The Community Development Director or his designee may waive the open green space requirement if there is a cross access easement between the two adjacent properties.

Additionally, the open green space requirement may be waived on an existing developed site where the space is already used for a required drive lane around the property.

- (c) Landscape Strips. Landscape strips shall be installed along those portions of the perimeter of the zoning lot located adjacent to a public street or alley as specified in this section.
1. Landscape strips located between a parking lot and the street or alley shall have at least 10 landscape units per linear foot of street or alley frontage. Landscape strips not located adjacent to a parking lot are only required to contain grass or other ground cover and the required shade trees.
 2. A landscape strip must be a minimum of 10 feet wide, except as noted in subparagraph (3) below.
 3. A landscape strip may be reduced in size if it meets the requirements of this paragraph. When a reduced landscape strip is allowed, the landscape strip must be planted so that a total landscape unit value of 10 units per linear foot of frontage is achieved. However, if the landscape strip is proposed to include a fence, the fence must be sight-obstructing and shall not be a chain-link fence or be constructed of wood. A reduced landscape strip may be approved by the Community Development Director or his designee only when one of more of the following conditions exist:
 - a. The site involves physical space limitations or is an unusually shaped parcel of land that makes it impractical to provide the minimum 10-foot-wide landscape strip;
 - b. Existing topography, vegetation to be preserved, or other site conditions are such that full compliance is impossible or impractical;
 - c. Due to a change of use of an already developed site, the required landscape strip is larger than can reasonably be provided given the existing conditions.
 4. The amount of landscape units provided in the landscape strip may be reduced by 25 percent, if the landscape units are provided elsewhere on site.
- (d) Landscape Buffers. Landscape buffer requirements are intended to provide dense screening and a physical separation between a more intense land use and an adjacent, less intense land use through landscape plantings, fencing and walls. Landscape buffers are required on all zoning lots which have buildings or structures used for commercial, industrial or institutional purposes, and which have a property line that is also a boundary line of an adjacent zoning district which is less intense than the zoning of the site. Also, a developer of new residential subdivisions which are located adjacent to a principal arterial street or state, county, or interstate highway shall provide a Type "A" landscape buffer, or greater, to effectively buffer the residential subdivision from the street or highway.
1. The type of buffer required is determined by using the following schedule of buffer requirements:

Zoning of Subject Property	Zoning of Adjacent Property	Required Buffer
C-1, C-2	R-1A, R-1B, R-2, PLI, R-3, R-4	Type "A"
C-3, M-1, M-2	R-1A, R-1B, R-2, PLI, R-3, R-4	Type "B"

2. Developments, which depend upon the issuance of a conditional use permit, may be required to provide a more intense landscape buffer than required by this section as a condition of the granting of the permit.

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3. The applicant or owner may choose to increase the buffer's width in order to reduce the amount of required plantings. For each additional 5 feet of buffer width the landscape unit requirements may be reduced by 10 percent.
 4. The buffer required by paragraph (1) above may be waived or reduced by the Community Development Director or his designee if the required buffer is adjacent to a park or open space use.
 5. The following types of landscape buffers meet the minimum requirements of this section:
 - a. *Type "A" Buffer.* The Type "A" Buffer must be 15 feet wide and shall consist of 15 landscape units per linear foot of a zoning district boundary line.
 - b. *Type "B" Buffer.* The Type "B" Buffer must be 20 feet wide and shall consist of 20 landscape units per linear foot of a zoning district boundary line.
 6. The required landscape buffer may be reduced in size if the Community Development Director or his designee determines that the proposed buffer area is needed to meet the requirements of Article 8 of the Zoning Ordinance or the fire code. However, if the buffer area is reduced, a sight-obscuring fence, built to the maximum height allowed by City Code, shall be required along the entire length of the buffer area.
- (e) Interior Landscaping. The interior landscaping requirements are intended to break up large expanses of pavement with islands of landscaping and shade trees within parking lots, paved outdoor storage areas and other paved outdoor uses. All zoning lots that have parking lots with more than 25 parking spaces shall be required to provide interior planting islands within those areas. The total area of interior planting islands must equal at least 6 percent of the total land area of the parking lot.
1. *Interior Planting Islands.* An interior planting island is bounded on at least 3 sides by paving, not including adjacent drives or streets external to the area in question. Planting beds located at the corners of parking lots and bound on only 2 sides by pavement may also be counted toward the square footage requirements. All interior planting islands shall be protected as provided in §34.21(5)(c).
 2. *Plantings.* All interior planting islands shall be planted with at least one tree and live low-growing plant materials (under 30 inches in height) in sufficient quantity to provide 5 landscape units per 10 square feet of planting island area. These plantings may consist of a combination of lawn, ground covers, perennial plants, dwarf shrubs and trees. A mulch 2 to 3 inches in depth, such as shredded bark or wood chips, is recommended to aid plant growth and improve the health of plants. Inorganic mulch (such as stone, gravel or decorative rock) of a size greater than one-quarter-inch in diameter, may not be used as a mulch or ground cover because of safety concerns associated with large stone mulch. Large stones may be used for vandalism, and can become a tripping hazard when spilled out of the planting beds onto sidewalks or parking lots. Bioretention areas may be allowed within the required interior planting islands.
 3. *Location.* The interior planting islands shall be located and designed to break up long expanses of parking bays, protect parked vehicles, assist with vehicular and pedestrian traffic circulation, snow storage, and stormwater drainage. Interior planting islands shall also be used as traffic control islands and shall be located at the ends of parking bays and at intersections of interior traffic aisles and access drives for this purpose.
 4. *Size.* Interior planting islands in large parking lots shall be a minimum of 300 square feet in land area and not less than 18 feet wide in order to provide adequate land area to support the growth of one or more trees. The minimum size of all interior planting islands in medium size parking lots shall be 150 square feet, with a minimum width of 9 feet to provide adequate land area to support the growth of at least one tree. If a parking lot requiring interior planting islands cannot

provide these minimum dimensions due to unique site constraints, the Community Development Director or his designee may approve a plan with reduced interior planting islands. In no case may an interior planting island be less than 5 feet wide and 80 square feet in area.

- (f) Foundation Plantings. Foundation plantings are required on any side of a building with an entrance accessible by the general public. Required foundation plantings should conceal the building foundation, should accentuate and beautify the front facade and may not include shade or evergreen trees. Foundation planting areas shall have at least 3 landscape units per linear feet of applicable building frontage. When required, foundation plantings shall extend the entire length of the building facade.
- (3) DUMPSTER SCREENING.
- (a) Trash dumpsters and other outdoor waste/recycling containers may only be used to service multifamily and nonresidential uses and shall be completely screened from view.
 - (b) Dumpsters or other trash receptacles shall be screened from public view on 3 sides by a solid fence or wall at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall and gate shall be architecturally compatible with other buildings and structures on the site.
- (4) STORMWATER DETENTION BASINS. Ten landscape units per linear foot shall be installed around the perimeter of stormwater detention basins fronting on any street, alley or parking lot.
- (5) COMPLETION AND MAINTENANCE OF REQUIRED LANDSCAPING.
- (a) Completion of Improvements. All landscaping and off-street parking and loading space improvements shall be completed prior to the occupancy of any building or the commencement of use of the land. The Building Inspector may issue a conditional occupancy permit when an extension of time to complete the required improvements is needed.
 - (b) Maintenance. The property owner shall maintain landscaped areas in a neat, clean and orderly manner, and shall keep plant materials in a healthy and weed-free condition. Any plants that die (and are part of an approved landscape plan) must be replaced within the same growing season with the same species, variety and size unless a change is requested in writing by the owner and approved in writing by the Community Development Director or his designee. Maintenance includes, but is not limited to, adequate watering, pruning, lawn mowing, and removal of weeds and litter not only of the zoning lot, but also the area between the property line and the street curb or pavement. Snow shall be plowed to and stored in snow storage areas, which shall consist of remote paved parking areas or lawn areas, but not landscape beds containing woody plant materials. At no time shall plowed snow be deposited on woody plant materials or on the trunks of trees.
 - (c) Protective Measures. All landscape planting beds shall be protected from damage by vehicular traffic, snow plows or other hazards with 6-inch high concrete curbing, concrete or plastic parking blocks with anchors, cut stone curbing, bollards, fencing or other similar permanent protective barriers as approved by the Community Development Director or his designee. Decomposing materials such as wooden railroad ties or landscape timbers, shall not be allowed as a substitute for this requirement since they have a short useful life, become unsightly, and require frequent replacement. Concrete or cut stone curbing must be at least 6 inches wide, 18 inches deep and 48 inches long.
- (6) EXISTING BUILDING SITES. On parcels where an existing building is located and the parking lot is being reconstructed but no expansion of the paved area or building is occurring, the Community Development Director or his designee may approve a landscape plan with a reduced landscape strip, open green space requirement, and/or interior island requirement if needed to comply with the parking and loading requirements of Article 8 of the Zoning Ordinance.

(7) PLANT MATERIALS.

- (a) Size. Shrubs used for screening purposes must reach a minimum height of 30 inches within 3 years of installation unless otherwise approved by the Community Development Director or his designee. All plants shall be at least as large as the minimum size set forth below at the time of planting.
1. *Shade Trees*. The trunks of shade trees shall be at least 2 inches in diameter when measured 6 inches above grade, and 12 feet in height or greater when planted. The trunks of shade trees required for replacement of trees removed without a tree removal permit shall be 3 inches in diameter when measured 6 inches above grade, and 14 feet in height or greater when planted.
 2. *Evergreen Trees*. Evergreen trees shall be at least 6 feet in height or greater when planted.
 3. *Ornamental Trees*. The trunks of ornamental trees shall be at least one inch in diameter when measured 6 inches above grade, and 6 feet in height or greater when planted.
 4. *Shrubs*. Dwarf and semi-dwarf shrubs shall be at least 18 to 24 inches or greater in height or spread when planted, depending on the variety of plant. Strong growing shrubs shall be at least 3 feet in height or spread when planted.
- (b) Grade. All trees shall have comparatively straight trunks, well developed leaders and tops, and roots characteristic of the species, cultivar or variety showing evidence of proper nursery pruning. All plants must be free of insects, diseases, injuries and other defects at the time of planting.
- (c) Spacing. Shade and evergreen trees shall be dispersed among the parking areas in planting islands or around the edges of the paved areas, but must be within 25 feet of the paved areas. Trees may be grouped in a grove according to a plan approved by the Community Development Director or his designee as long as it is not an attempt to avoid the interior planting island requirements of this section. All other plant materials should follow the spacing recommendations in the Schedule of Landscape Unit Values in subsection 4 of this section.
- (d) Substitutions. The Community Development Director or his designee is authorized to approve plant substitutions due to seasonal planting problems or availability of plant material, provided that the new landscape plan is submitted for review and approval and the required application fee is submitted.
- (e) Landscape Unit Values. The following schedule of landscape unit (LU) values applies to all types of landscaping.

Plant Type	Landscape Unit Value
Deciduous or Evergreen Tree	225
Ornamental Tree	150
Evergreen Shrub	20
Deciduous Shrub	20
Perennial Plant	5
Groundcover Plant	1
Berm	1 unit per foot of elevation above grade
Lawn Only	0.1 unit per square feet
Fence or Wall	Value equal to the percent of opacity of the fence times its height in feet

34.22 APPLICATION FOR AN EXCEPTION.

The Plan Commission is authorized to review and make recommendations to the City Council concerning the granting of exceptions from the provisions of this chapter. An exception is a deviation from the explicit requirements contained in this chapter.

- (1) **APPLICATION FOR AN EXCEPTION.** An application for an exception to the requirements contained in this chapter shall be filed in the Community Development Department on forms provided by the department. The fee shall be established by City Council resolution.
- (2) **COMMUNITY DEVELOPMENT DIRECTOR'S REVIEW AND REPORT.** The Community Development Director and/or his designee shall review each application for an exception and provide a report on the application to the Plan Commission.
- (3) **PLAN COMMISSION HEARING.** The Plan Commission shall hold a public hearing on the proposed exception and following the close of the public hearing, act to recommend approval, approval with conditions or denial of a request for an exception. The hearing on the application and the commission's deliberations shall be conducted in open session.
- (4) **CITY COUNCIL HEARING.** The Plan Commission recommendation shall be forwarded to the City Council which shall cause a public hearing to be held, and following the hearing the Council shall make a decision on the request for an exception.
- (5) **JUSTIFICATION FOR EXCEPTIONS.** The City Council may grant exceptions to the regulations contained in this chapter when:
 - (a) Such exceptions are in harmony with the general purpose and intent of this chapter; and
 - (b) The City Council finds that special circumstances exist involving the size, shape, topography, location or surroundings of the property referred to in the application; and
 - (c) Denial of the exception will cause unreasonable or unnecessary hardship.
 - (d) Granting the exception will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the general welfare of the neighborhood or the public.
- (6) **VOTE REQUIRED.** A favorable vote of a majority of Council members present and voting on the matter shall be required to approve an exception.
- (7) **EXPIRATION OF EXCEPTION.** Construction shall commence on any approved exception within 12 months after the date the exception is granted by the City Council or the exception shall expire and shall be considered null and void.
- (8) **APPEAL.** Any person aggrieved by the decision of the City Council may appeal that decision to the Circuit Court of Rock County by writ of certiorari within 30 days after the decision is mailed to the applicant and other parties appearing at the hearing.

34.23 APPEALS OF THE DECISIONS OF CITY OFFICIALS.

A party aggrieved by a decision of the Community Development Director or other City official regarding the issuance of an architectural review certificate or the interpretation of any provision of this chapter may request review of that decision, or appeal the same, in the manner provided in §1.15 of this Code.

34.24 VIOLATIONS, PENALTIES AND REMEDIES.

- (1) **FORFEITURES.** Any person who shall violate any provision of this chapter shall, upon conviction of such violation, be subject to a forfeiture in the amount provided by §25.04 of this Code.
- (2) **CONTINUING VIOLATIONS.** Each day that a violation continues to occur shall constitute a separate offense.
- (3) **LIABILITY FOR ACTS OF AGENTS.** Owners or occupants of real property located in the City of Beloit shall be liable for the acts or omissions of their authorized agents who commit a violation of this chapter.
- (4) **ADDITIONAL REMEDIES AND ENFORCEMENT POWERS.** The City shall have the following additional remedies and enforcement powers:
 - (a) **Withholding a Permit.**
 1. A City official may deny or withhold any permit, certificate, license or other form of authorization (including a certificate of occupancy or building permit), for any real property where there is an uncorrected violation of a provision of this chapter or an uncorrected violation of a condition or requirements of a permit, certificate, or other authorization previously granted by the City. The City official may withhold or deny the license, permit, certificate or other form of authorization regardless of whether the current owner or applicant is responsible for the uncorrected violation occurring on the subject property.
 2. A City official may deny or withhold any license, permit, certificate or other form of authorization for any real property owned or being developed by a person who has committed an uncorrected violation of a provision of this chapter or an uncorrected violation of a permit, certificate, or other authorization previously granted by the City in connection with another development or real estate parcel.
 - (b) **Permits Approved with Conditions.** A City official may grant a permit, license, certificate or other such authorization subject to the condition that a violation of this chapter be corrected.
 - (c) **Revocation of Permits.** The Community Development Director or his/her designee may revoke any permit or other form of authorization required under this chapter if the Community Development Director determines that:
 1. There is a departure from the plans, specifications, or conditions required by the permit;
 2. The permit was procured by false representations or was issued by mistake; or
 3. The person to whom the permit was issued has violated any provision of this chapter.The notice of revocation shall be in writing and shall be served upon the owner or the owner's agent or employee. If the owner, his agent or employees cannot be found, the notice shall be posted at a prominent location on the building or structure for which the revoked permit was issued. The owner may seek review of the Community Development Director's decision or may appeal that decision as provided in §1.15 of this Code.
 - (d) **Stop Work Order.** Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this chapter, the Community Development Director or his/ her designee may order the work to be immediately stopped. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Any person who violates a stop work order shall, upon conviction of such violation, be subject to a forfeiture as provided in §25.04 of this Code. The owner of the real property subject to the stop work order may

seek review of the Community Development Director's decision or may appeal that decision in the manner provided by §1.15 of this Code.

- (e) Revocation of Approved Plans. When a violation of this chapter involves a failure to comply with approved plans, or conditions upon which the plans were approved, the Community Development Director or his/her designee may, upon notice to the applicant, owner and other parties in interest, revoke the plan approval and issue a stop work order. Any person who violates a stop work order shall, upon conviction of such violation, be subject to forfeiture as provided in §25.04 of this Code. Any person aggrieved by the Community Development Director's decision to revoke plan approval may seek review of that decision or appeal that decision in the manner provided in §1.15 of this Code.