

ORDINANCE S-XXX

AN ORDINANCE TO AMEND CHAPTER 340 ZONING CODE, ARTICLES VI COMMERCIAL DISTRICTS AND XIX DEFINITIONS, OF THE CITY OF LODI MUNICIPAL CODE

WHEREAS, the Common Council of the City of Lodi desires to amend and clarify language in Chapter 340 Zoning Code, Articles VI Commercial Districts and XIX Definitions, of the City of Lodi Municipal Code regarding gas stations; and

WHEREAS, gas stations need to be added to the lists of uses in the commercial zoning districts, Zoning Code Sections 340-31, 340-32, 340-33 (C-1 General Commercial, C-2 Central Business District and C-3 Central Business District Fringe); and

WHEREAS, the phrase “automobile service station” needs to be taken out of the definition of “gas station” to avoid confusion with the “automobile repair and service” use; and

WHEREAS, on October 13, 2020, the Planning Commission of the City of Lodi held a public hearing and approved a motion to amend Chapter 340 Zoning Code, Articles VI and XIX.

NOW THEREFORE BE IT ORDAINED, by the Common Council of the City of Lodi, Columbia County, Wisconsin, as follows:

Articles VI and XIX of the City of Lodi Zoning Code shall be amended, as shown on Attachment A, and incorporated as if fully set forth herein.

This Ordinance shall take effect the day after passage and publication as provided by law.

Adopted by the Common Council of the City of Lodi, Wisconsin on this ___ day of _____, 2020 on a roll call vote as follows:

Aye: _____ Nye: _____

CITY OF LODI

Ann Groves Lloyd, Mayor

ATTEST:

Brenda Ayers, Clerk

ATTACHMENT A

Excerpts from Article VI. Commercial Districts

§ 340-31. C-1 General Commercial District.

- A. Intent. The intent of the C-1 General Commercial District is to provide a district for a broad range of business uses that are not appropriately located within other more specialized commercial districts. The C-1 General Commercial District is the most inclusive business district and should be applied judiciously where a potential C-1 General Commercial District would abut a residential district.
- B. Permitted uses:
- (1) Amusement and recreation services.
 - (2) Automobile service and repair.
 - (3) Automotive sales.
 - (4) Boat sales, repair and service.
 - (5) Building supply.
 - (6) Business services.
 - (7) Churches.
 - (8) Civic uses.
 - (9) Clubs and associations.
 - (10) Convenience stores.
 - (11) Day-care centers.
 - (12) Garden supplies.
 - (12)(13) Gas Stations
 - (13)(14) Hotels and motels.
 - (14)(15) Mini warehouses.
 - (15)(16) Parking.
 - (16)(17) Parks.
 - (17)(18) Personal services.
 - (18)(19) Professional offices.
 - (19)(20) Recreational facilities (indoor).
 - (20)(21) Repair shops.
 - (21)(22) Restaurants.
 - (22)(23) Retail trade.
 - (23)(24) Schools: SIC 7911, dance studios, schools and halls.
[Amended 9-17-2013 by Ord. No. A-461]
 - (24)(25) Veterinary hospital and kennels.
- C. Conditional uses:
- (1) Agricultural services.
 - (2) Bed-and-breakfasts and tourist homes.
 - (3) Boardinghouses.
 - (4) Contractors - building construction.
 - (5) Contractors - heavy construction.
 - (6) Guest homes.
[Amended 10-10-2006 by Ord. No. A-361]
 - (7) Manufactured home dealers.
 - (8) Residential uses above street level.
 - (9) Utility facilities.
 - (10) Wholesale trade.
 - (11) Wireless communication facilities, including towers.
[Added 10-10-2006 by Ord. No. A-361]
 - (12) Unenclosed smoking area.
[Added 9-6-2011 by Ord. No. A-422]

§ 340-32. C-2 Central Business District Core.

- A. Intent. The intent of the C-2 Central Business District Core is to provide a district that encourages and fosters the further development of the downtown business district core area. The district requirements recognize the unique characteristics of the downtown business district that differ from other commercial districts in the City. The intent of the requirements is to retain the existing "Main Street" characteristics of the core blocks on Main Street.
- B. Permitted uses:
- (1) Automotive sales.
 - (2) Automotive service and repair.
 - (3) Business services.
 - (4) Civic uses.
 - (5) Clubs and associations.
 - (6) Convenience stores.
 - (7) Day-care centers.
 - (8) Essential service structures.
 - (9) Parking.
 - (10) Parks.
 - (11) Personal services.
 - (12) Professional offices.
 - (13) Repair shops.
 - (14) Residential uses above street level.
 - (15) Restaurants.
 - (16) Retail trade.
 - (17) Schools: SIC 7911, dance studios, schools and halls.
[Amended 9-17-2013 by Ord. No. A-461]
 - (18) Artisan retreat facility.
[Added 9-17-2013 by Ord. No. A-460]
- C. Conditional uses:
- (1) Amusement and recreation services.
 - (2) Bed-and-breakfasts and tourist homes.
 - (3) Boardinghouses.
 - (4) Building supply stores.
 - (5) Churches.
 - (6) Family day care.
 - (7) Funeral homes and mortuaries.
 - (8) Garden supply stores.
 - (9) Gas Stations.
 - ~~(9)~~(10) Guest homes.
[Amended 10-10-2006 by Ord. No. A-361]
 - ~~(10)~~(11) Lodging establishments.
 - ~~(11)~~(12) Utility facilities.
 - ~~(12)~~(13) Wireless communication facilities, including towers.
[Added 10-10-2006 by Ord. No. A-361]
 - ~~(13)~~(14) Unenclosed smoking area.
[Added 9-6-2011 by Ord. No. A-422]

§ 340-33. C-3 Central Business District Fringe.

- A. Intent. The intent of the C-3 Central Business District Fringe is to provide for a district that recognizes the unique characteristics of the transitional commercial area adjacent to the downtown core area. The district requirements reflect the residual residential characteristics of the fringe area, while allowing the uses permitted in the C-2 Central Business District.
- B. Permitted uses:
- (1) Business services.
 - (2) Churches.
 - (3) Civic uses.
 - (4) Clubs and associations.
 - (5) Convenience stores.
 - (6) Day-care centers.
 - (7) Essential service structures.
 - (8) Parking.
 - (9) Parks.
 - (10) Personal services.
 - (11) Professional offices.
 - (12) Repair shops.
 - (13) Residential use above street level.
 - (14) Restaurants.
 - (15) Retail trade.
 - (16) Schools: SIC 7911, dance studios, schools and halls.
[Amended 9-17-2013 by Ord. No. A-461]
 - (17) Single-family and two-family residences.
 - (18) Artisan retreat facility.
[Added 9-17-2013 by Ord. No. A-460]
- C. Conditional uses:
- (1) Amusement and recreation services.
 - (2) Automobile service and repair.
 - (3) Automotive sales.
 - (4) Bed-and-breakfast and tourist homes.
 - (5) Boardinghouses.
 - (6) Building supply stores.
 - (7) Family day care.
 - (8) Funeral homes and mortuaries.
 - ~~(9)~~ Garden supply stores.
 - ~~(9)~~~~(10)~~ Gas Stations.
 - ~~(10)~~~~(11)~~ Guest homes.
 - [Amended 10-10-2006 by Ord. No. A-361]
 - ~~(11)~~~~(12)~~ Lodging establishments.
 - ~~(12)~~~~(13)~~ Multiple-family residences.
 - ~~(13)~~~~(14)~~ Utility facilities.
 - ~~(14)~~~~(15)~~ Wireless communication facilities, including towers.
[Added 10-10-2006 by Ord. No. A-361]
 - ~~(15)~~~~(16)~~ Unenclosed smoking area.
[Added 9-6-2011 by Ord. No. A-422]

Excerpt from Article XIX. Definitions

§ 340-117. Definitions; interpretation.

Unless the context otherwise requires, the following definitions shall be used in the interpretation of this chapter. If questions arise as to the interpretation of common usage terms, the Zoning Administrator should refer to the definitions contained in Webster's Ninth New Collegiate Dictionary or subsequent editions. Interpretations of land use activities should be based on the 1987 Standard Industrial Classification Manual, Executive Office of the President, Office Management and Budget, or subsequent editions. Interpretations of terms related to structures should be based on State of Wisconsin Uniform Building Code.

ACCESSORY USE OR STRUCTURE

A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same parcel and serving a purpose customarily incidental to the use of the principal building or land use. Accessory uses or structures to residential principal uses may include garages, carports, other parking spaces, swimming pools, tennis courts, and toolsheds. Accessory uses in residential districts shall not involve the conduct of any business, trade, or industry, except as defined as a home occupation, and shall not include the commercial boarding of animals or the keeping of fowl or farm animals.

ADMINISTRATOR

The Zoning Administrator who is designated as the enforcement officer of this chapter.

AGRICULTURAL SERVICES

Establishments engaged in providing services to agricultural establishments and landowners, including soil preparation, crop services, veterinary services, farm management, and landscape and horticultural services. SIC Group 07.

AGRICULTURE

The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities. SIC Group 01 and 02.

AIRPORT

The Lodi Lakeland Airport located in the Town of Lodi, Columbia County, Wisconsin.

AIRPORT HAZARD

Any structure, object, natural growth, or use of land that obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing and taking off.

ALLEY

A thoroughfare less than 80 feet in width and for the purpose of providing access to the rear of buildings in a platted City block.

AMUSEMENT AND RECREATION SERVICES

Establishments, not defined elsewhere, engaged in providing indoor and outdoor amusement, entertainment, and recreation to the general public. Includes both indoor and outdoor activities. SIC Group 79.

AREA VARIANCE

Variance from the conditions of this chapter dealing with area setbacks, frontage, height, bulk and density.

[Added 10-16-2007 by Ord. No. A-381]

ARTISAN RETREAT FACILITY

Establishments providing not more than six guest rooms for lodging on a less than weekly basis, potentially in a converted single-family residence, to be used as a retreat for the exchange of ideas between artisans or persons associated with applied arts and crafts, including the incidental instruction of classes, which may provide meeting and working space as well as living and dining facilities for participants.

[Added 9-17-2013 by Ord. No. A-460]

AUTOMOBILE REPAIR AND SERVICES

General repair, rebuilding or reconditioning of engines, motor vehicles, or trailers; collision services, including body, frame, or fender straightening or repair; overall painting or paint shop; and vehicle steam cleaning. Automotive services include car washes, except for single-stall car washes incidental to the sale of gasoline. SIC Group 75.

~~AUTOMOBILE SERVICE STATION or GAS STATION~~

~~A place where gasoline, kerosene, or any other motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale and delivered directly into motor vehicles, including greasing, oiling, and single-stall car washes incidental to the sale of gasoline. SIC Code 554.~~

AUTOMOTIVE, IMPLEMENT AND RECREATIONAL VEHICLE SALES

An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles, implements or trailers in operable condition and where no repair work is done. SIC Codes 551, 552, 555, 556, 557 and 559.

BASEMENT

That portion of a building between the floor and ceiling having at least 1/2 of its height below grade.

BED-AND-BREAKFAST ESTABLISHMENT

Any place of lodging that provides eight or fewer rooms for rent, for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast. SIC Code 7011.

BLOCK

The property abutting a street between the two nearest intersecting or intercepting streets. A railroad right-of-way, the boundary line of unsubdivided acreage, or a body of water shall be regarded the same as an intersecting or intercepting street for the purpose of defining a block.

BOARD

The Zoning Board of Appeals of the City.

BOARDING HOME

A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are

provided for three or more persons not related to the owner for compensation by previous arrangement, excluding transients. SIC Code 702.

BUILDABLE LOT AREA

That part of the lot not included within the open space areas required by this chapter.

BUILDING

See "structure."

BUILDING HEIGHT

The vertical distance from the grade level at the front wall of the building to the highest point of the coping of a flat roof or to the declivity of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

BUILDING INSPECTOR

The Building Inspector of the City of Lodi.

BUILDING SUPPLY STORES

Retail establishments engaged primarily in the selling of lumber and other building materials. SIC Group 521.

CAMPGROUNDS

Establishments primarily engaged in providing overnight or short-term sites for recreation vehicles, trailers, campers and tents. SIC Code 7033.

CERTIFICATE OF APPROPRIATENESS

A permit for restoration or change of a landmark, landmark site, or historic preservation district site that shall accompany a building or demolition permit and is issued upon direction of the Plan Commission.

CHAIR

The Chair of the Plan Commission or the Chair of the Zoning Board of Appeals as the context requires.

CHANNEL

A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is that water which is flowing within the limits of the defined channel.

CITY

The incorporated City of Lodi, Columbia County, State of Wisconsin.

CIVIC USES

Community center, public library, public museum, public art gallery, public recreation, post office, fire station, public botanical garden, and similar public uses, each without outdoor storage. SIC Codes 823, 83, 841, 91, 92, 93, 94, 95, 96 and 97.

CLUB and ASSOCIATION

A nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. SIC Code 86.

COMMISSION

The City Plan Commission of Lodi, Wisconsin.

COMMUNITY-BASED RESIDENTIAL FACILITY

A place where three or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility. Same as the definition of "community-based residential facility" (CBRF) defined in § 50.01(1g), Wis. Stats.

COMMUNITY RECREATION FACILITIES

Public or privately owned recreation facilities that provide sites for large public gatherings, such as fairgrounds, zoos, racetracks, and golf courses. SIC Codes 794, 7996, 7997 and 842.

COMPREHENSIVE PLAN

The long-range master plan for the desirable use and development of land in the City as officially adopted and as amended from time to time by the Plan Commission and certified to the Common Council.

CONDITIONAL USE PERMIT

A document signed by the Zoning Administrator specifying the requirements for which a conditional use may be permitted within a parcel. A conditional use is a use permitted within a district other than a permitted use.

CONDOMINIUM

An estate in real property consisting of an undivided interest in common with other purchases in a portion of a parcel of real property, together with separate interest in space. A condominium may include, in addition, separate interest in other portions of such property.

CONTRACTORS - BUILDING CONSTRUCTION

General and special trade contractors who undertake activities related to building construction, including general construction, electrical work, painting, plumbing, heating, air conditioning, roofing, and sheet metal work. SIC Groups 15 and 17.

CONTRACTORS - HEAVY CONSTRUCTION

General contractors engaged in heavy construction other than buildings, such as highways, bridges, sewers, railroads, and airports. SIC Group 16.

CONVALESCENT HOME

See "nursing home."

CONVENIENCE STORE

Any retail establishment serving primarily the surrounding neighborhood and offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area less than 5,000 square feet. Convenience stores do not include the sale of gasoline. SIC Group 541 (under 5,000 square feet).

COUNCIL

The Common Council of the City of Lodi, Wisconsin.

COURT

An open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

DAY-CARE CENTER

A licensed facility where a person other than a relative or guardian provides care and supervision for four or more children under seven years of age, for less than 24 hours a day and for compensation. Same as definition in § HFS 55.04(10), Wis. Adm. Code. SIC Code 835.

A. FAMILY DAY-CARE CENTER

A center that provides care and supervision for five to eight children.

B. GROUP DAY-CARE CENTER

A center that provides care and supervision for nine or more children.

C. ADULT DAY-CARE CENTER

Establishments primarily engaged in the care of senior citizens or infirm or impaired individuals, where medical care or delinquency correction is not a major element.

D. NIGHT-CARE CENTER

A group day-care center or family day-care center which operates during any period of time between 7:00 p.m. and 6:00 a.m.

DENSITY

The number of dwelling units per net acre of land after land for streets and other public purposes is removed.

DEVELOPMENT REGULATIONS

The part of a zoning ordinance that applies to setback, height, lot coverage and side yard.

[Added 8-21-2012 by Ord. No. A-434]

DRIVE-IN RESTAURANT

A retail outlet where food or beverages are sold to a substantial extent for consumption in parked motor vehicles.

DWELLING, MULTIFAMILY

A building containing three dwelling units or more. Any multifamily dwelling where units are available for rental periods of less than one week shall be considered a hotel, boardinghouse, or guest house.

DWELLING, SINGLE-FAMILY

A building containing only one dwelling unit.

DWELLING, TOWNHOUSE

A townhouse consists of three to five attached single-family residences, each having a private individual access with no shared internal access. Each dwelling unit shares at least one common wall, not over 25 feet in height, with one or more adjacent dwelling units. Each townhouse unit may share the same lot or be located on a separate lot via a zero-lot-line. Zero-lot-line townhouses include interior units that share common walls with up to two adjacent units and have two side yards with zero setbacks. Zero-lot-line townhouses are possible under the R-3 Multiple-Family Zoning District, with City approval of a Certified Survey Map.

[Amended 4-16-2013 by Ord. No. A-451; 8-20-2013 by Ord. No. A-459]

DWELLING, TWO-FAMILY

A building containing two dwelling units.

DWELLING UNIT

One room, or suite of private or interconnecting rooms, designed for independent occupancy by one family for living and sleeping purposes for a weekly or longer basis and having cooking, toilet, and bathing facilities.

ENCLOSED INDOOR AREA

All space between a floor and a ceiling that is bounded by walls, doors or windows, whether open or closed, covering more than 50% of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door or other physical barrier, whether temporary or permanent. A 0.011-gauge screen with a mesh count of 18 by 16 is not a wall.

[Added 9-6-2011 by Ord. No. A-422]

ESSENTIAL SERVICES

The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground and overhead lines and pipes for gas, electric, telephone, communications, cable television, steam, public water supply, sanitary sewage collection, stormwater conveyance, or other comparable utilities. Essential services include such above-surface facilities as poles, guide wires, fire alarm boxes, water hydrants, utility posts, police call boxes, and standpipes. Essential services do not include larger utility facilities such as electric substations, wastewater treatment plants, well houses, water reservoirs, and microwave and telecommunication towers. Essential services are permitted in all zoning districts without permits.

EXCEPTIONAL CIRCUMSTANCES

Circumstances or conditions which are unique to the parcel and do not extend more than 200 feet in any direction from the boundaries of the parcel. The circumstances or conditions must be natural and not caused by the actions or inaction of the property owner.

[Added 10-16-2007 by Ord. No. A-381]

EXTRACTIVE INDUSTRIES

This group includes the mining, quarrying, excavation, processing, storing, separating, cleaning, or marketing of natural resources such as sand, gravel, earth, peat, coal, minerals, gas, and oil. SIC Codes Major Groups 10, 11, 12, 13 and 14.

FAMILY

A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boardinghouse, motel, hotel, club, fraternity or sorority house, or other group, provided that unless all members except one are related by blood, adoption or marriage or are legally cared for, no such group shall contain over five persons.

FAMILY HOME

See "day-care center — family day-care center."

FLOOD

A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

FLOODPLAIN

The areas adjoining a watercourse which have been or hereafter may be covered with the regional flood.

FLOODPROOFING

A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages.

FLOODWAY

The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwater or flood flows of any river or stream, including but not limited to flood flows associated with the regional flood.

FLOOR AREA

For the purpose of determining the floor area ratio, the floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall include the occupied or usable floor area in a building but not including space occupied by columns, walls, partitions, mechanical shafts or ducts.

FLOOR AREA RATIO (FAR)

The ratio of the total floor area of both principal and accessory buildings to the area of the lot.

FORESTRY

Establishments engaged primarily in the operation of timber tracts, tree farms, forest nurseries, and related activities. SIC Group 08.

FOSTER HOME

A state-licensed facility providing care and supervision in a home setting for four or fewer children under the age of 18 or older adults.

FRONTAGE

All the property abutting on one side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of a dead-end street, or City boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

GARAGE

An accessory building or portion of a building in which one but not more than four motor vehicles, boats, or trailers are housed.

GARDEN SUPPLY STORES

Establishments engaged primarily in the sale of lawn and garden supplies, including plant materials, fertilizers, garden tools, and garden supplies.

GAS STATION

A place where gasoline, kerosene, or any other motor fuel, lubricating oil, or grease for operating motor vehicles is offered for sale and delivered directly into motor vehicles, including greasing, oiling, and single-stall car washes incidental to the sale of gasoline. SIC Code 554.

GROUP HOME

A state-licensed facility located in a residential community providing shelter and/or rehabilitation for five or more children under the age of 18 years or older adults who, for various reasons, cannot reside in their natural home.

GUEST HOME

A dwelling or part thereof occupied by a single housekeeping unit where meals and/or lodging is provided for transient guests for compensation by previous arrangements.