



Neighborhood Services Department  
Planning, Zoning, Code Enforcement, GIS  
and Building Inspections

[www.whitewater-wi.gov](http://www.whitewater-wi.gov)  
Telephone: (262) 473-0540

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## MEMORANDUM

To: Plan Commission Members

From: Chris Munz-Pritchard, Neighborhood Services Director/City Planner

Review of the New Zoning Code by the Plan and Architectural Review Commission (item #12) at the September 8<sup>th</sup> 2014 meeting. The package includes topics and examples of what other municipalities have uses.

1. R3-A Why is this 20%. How to measure density & R2-A, Max number

I have found two print outs on this matter. One is the Status of supplementary planning guidance on housing density and the second is the King County Residential Density calculation worksheet. I have also attached the City of Oshkosh Municipal Code.

2. P.D. (Planned Development District)

Planned Unit Development Regulations- This approach breaks away from the traditional density control in order to promote more comprehensive and integrated large-scale residential development. It is now also applied to commercial development. The regulation controls only the overall land use character and density leaving the exact locational mix of land uses, housing types, lot layouts, and building designs more flexible and responsive to market and site conditions. (pg 233 of *Land Use Planning Made Plain*)

3. Parking & Pavement vs. gravel

These will be addressed in the Parking Study that is being done by Graef. More information will be available during the November meeting. This may be a joint meeting with the Plan and Architectural Review Commission and the Council.

4. Height of the Buildings & Skyline

I have attached a height of building or structure example and zoning code.

5. Structures in the front yard setback

I think the below language or something similar would work great for what the city is trying to accomplish.

No accessory structure or use, except a statue, basketball standard or flagpole, shall be located

(a) in any minimum required front yard on any lot or

(b) in any front yard on any lot containing 36,000 square feet or less.

(source: <http://www.fairfaxcounty.gov/dpz/zoning/setbacks.htm>)

6. Projects that haven't been complete before requesting new projects & Enforcement consistency

A second NSO is being proposed on the next budget to help with enforcement. This may help with enforcement consistency. I don't know that consistency is the issue rather than the lack of man power to get to all the issues. As for project completion I discussed this with the building inspector and this can be tricky. We can implement a "permit renewal" process or something to that effect. However this will need to be applied across the board and could affect the do it yourself home owners or home owners that may be on a strict budget that are trying to make improvements to their homes.



**King County**  
**Department of Permitting**  
**and Environmental Review**  
35030 SE Douglas Street, Suite 210  
Snoqualmie, WA 98057-9266  
**206-296-6600** TTY Relay: 711  
www.kingcounty.gov

**Residential Density  
Calculation Worksheet**

For alternate formats, call 206-296-6600.

This worksheet will assist you in correctly applying specific portions of the zoning code related to allowable density and will be used to determine if a proposal meets the density provisions of the King County Zoning Code (Title 21A).

NOTE: Use this worksheet **ONLY** if your proposal is for a residential development on an existing legal lot or for a residential development associated with a residential condominium binding site plan. A separate density worksheet is available for residential subdivision proposals. This worksheet is prepared to assist applicants, and does not replace compliance with adopted local, state and federal laws.

**A pre-application conference is required for all Type 1 development proposals if the property will have 5,000 square feet of development site or right-of-way improvements, the property is in a critical drainage basin, or the property has a wetland, steep slope, landslide hazard, erosion hazard, or coal mine on site. A pre-application conference is required for all Type 2, 3 or 4 development proposals.** Exempt from the requirement for a pre-application conference are 1.) single family residences and their accessory buildings; and 2.) other structures where all work is in an existing building and no parking is required or added. You may call 206-296-6600 to find out if a pre-application conference is needed for your proposal and how a pre-application conference can be arranged.

DATE: \_\_\_\_\_  
NAME OF DEVELOPMENT: \_\_\_\_\_ FILE NO. \_\_\_\_\_  
COMPREHENSIVE PLAN LAND USE DESIGNATION: \_\_\_\_\_  
ZONING DESIGNATION(S): \_\_\_\_\_  
COMMUNITY OR SUBAREA PLAN: \_\_\_\_\_

If more than one zone designation exists on the property, the architectural site plan must show the boundary between the zones and the area within each. In such cases, the transferring of density across zones on the lot may be permitted subject to the provisions of KCC 21A.12.200.

**Please complete only the applicable portions of the form.**

**I. Site Area (KCC 21A.06.1172):**

Site area (in square feet) is the gross horizontal area of the project site, less submerged lands as defined by KCC 21A.06.1265, less areas which are required to be dedicated on the perimeter of a project site for public rights-of-way.

\_\_\_\_\_ square feet in submerged land (any land below the ordinary high water mark  
- see KCC 21A.06.1265 and 21A.06.825.)  
+ \_\_\_\_\_ square feet in perimeter rights-of-way which will be required to be dedicated  
(area 30 feet from center line of road)  
= \_\_\_\_\_ **Total**

Calculation:

\_\_\_\_\_ gross horizontal area of the project site  
- \_\_\_\_\_ Total submerged lands and rights-of-way  
\_\_\_\_\_ Site area in square feet NOTE: To continue calculations, convert site area in  
square feet to acres by dividing by 43,560  
\_\_\_\_\_ Site area in acres

**II. Base Density (KCC 21A.12.030 - .040 tables):**

The base density is determined by the zone designation(s) for the lot.

\_\_\_\_\_ du/acre

**III. Allowable Dwelling Units, Floor Area and Rounding (KCC 21A.12.070):**

The base number of dwelling units is calculated by multiplying the site area by the base density in dwelling units per acre (from KCC 21A.12.030 - .040 tables).

$$\text{_____ site area in acres (see Section I)} \times \text{_____ base density (see Section II)} = \text{_____ allowable dwelling units}$$

The allowed floor area, which excludes structured or underground parking areas and areas housing mechanical equipment, is calculated by multiplying the site area by the floor to lot area ratio (from KCC 21A.12.040).

$$\text{_____ site area in square feet (see Section I)} \times \text{_____ floor to lot area ratio (KCC 21A.12.040)} = \text{_____ allowed floor area in square feet}$$

When calculations result in a fraction, the fraction is rounded to the nearest whole number as follows:

1. Fractions of .50 or above shall be rounded up; and
2. Fractions below .50 shall be rounded down.

**IV. Required On-site Recreation Space (KCC 21A.14.180):**

A proposal is required to provide recreation space when more than four dwelling units are proposed in any residential development in the UR and R zones, stand-alone townhouses in the NB zone on property designated Commercial Outside of Center in the urban area, or within any mixed use development of more than 4 units. When recreation space is required, the total recreation space area must be computed by multiplying the recreation space requirement per unit type by the proposed number of such dwelling units (KCC 21A.14.180). NOTE: King County has the discretion to accept a fee in lieu of all or a portion of the required recreation space per KCC 21A.14.185.

Apartments and townhouses developed at a density greater than eight units per acre, and mixed use must provide recreational space as follows:

|                              |   |   |   |         |
|------------------------------|---|---|---|---------|
| 90 square feet               | X | _____ proposed number of studio and one bedroom units |   |         |
| 170 square feet              | X | _____ proposed number of two or more bedroom units    | + | _____   |
| Recreation space requirement |   |   |   | = _____ |

Townhouses and single family detached proposals developed at a density less than eight units per acre must provide recreational space as follows:

$$390 \text{ square feet} \times \text{_____ proposed number of units} = \text{_____}$$

Mobile home parks shall provide recreational space as follows:

$$260 \text{ square feet} \times \text{_____ proposed number of units} = \text{_____}$$

**V. Net Buildable Area (KCC 21A.06.797):**

The net buildable area is the site area (see Section I) less the following areas:

- \_\_\_\_\_ areas within a project site which are required to be dedicated for public rights-of-way in excess of sixty feet (60') of width
- + \_\_\_\_\_ critical areas and their buffers, to the extent they are required by King County to remain undeveloped
- + \_\_\_\_\_ areas required for above ground stormwater control facilities including, but not limited to, retention/detention ponds, biofiltration swales and setbacks from such ponds and swales
- + \_\_\_\_\_ areas required by King County to be dedicated or reserved as on-site recreation areas (see Section IV)
- + \_\_\_\_\_ regional utility corridors, and
- + \_\_\_\_\_ other areas, excluding setbacks, required by King County to remain undeveloped
- = \_\_\_\_\_ **Total reductions**

Calculation:

$$\begin{aligned} &\text{_____ site area in square feet (see Section I)} \\ &- \text{_____ Total reductions} \\ &= \text{_____ net buildable area in square feet} \quad \text{NOTE: convert site area in square feet to acres by dividing by 43,560} \\ &= \text{_____ net buildable area in acres} \end{aligned}$$

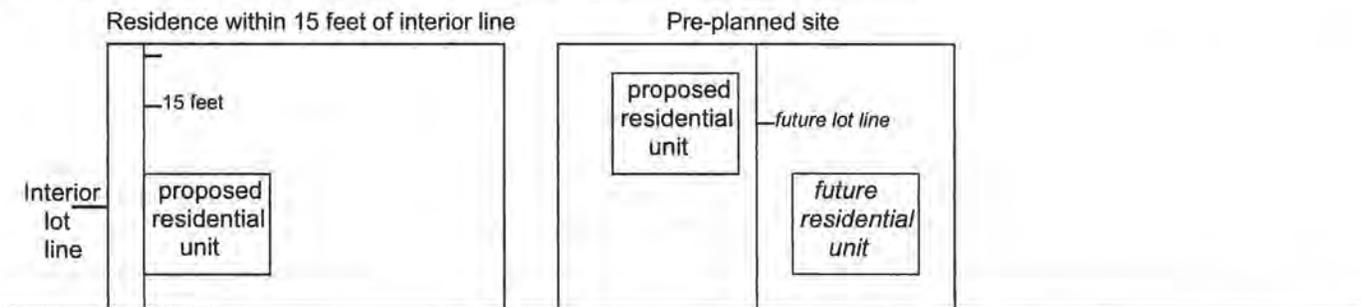
**VI. Minimum Urban Residential Density (KCC 21A.12.060):**

The minimum density requirement applies only to the R-4 through R-48 zones. Minimum density is determined by multiplying the base density in dwelling units per acre (from KCC 21A.12.030 table) by the net buildable area of the site in acres and then multiplying the resulting product by the minimum density percentage from the KCC 21A.12.030 table. The minimum density requirements may be phased or waived by King County in certain cases. See KCC 21A.12.060(A-B).

Calculation:

\_\_\_\_\_ base density in du/ac (see Section II) X \_\_\_\_\_ net buildable area in acres (see Section V)  
 = \_\_\_\_\_ X minimum density % set forth in KCC 21A.12.030 or as adjusted in Section VII.  
 = \_\_\_\_\_ minimum dwelling units required.

A proposal to locate a single residential unit on a lot is exempt from the minimum density requirements if the residential unit is located within 15 feet of one or more interior lot lines or the site is pre-planned to demonstrate that the proposed residential unit is compatible with future division of the site to meet the minimum density requirements.



**VII. Minimum Density Adjustments For Moderate Slopes (KCC 21A.12.062):**

Residential developments in the R-4, R-6 and R-8 zones may modify the minimum density factor in KCC 21A.12.030 based on the weighted average slope of the net buildable area of the site (see Section V). To determine the weighted average slope, a topographic survey is required to calculate the net buildable area(s) within each of the following slope increments and then multiplying the number of square feet in each slope increment by the median slope value of each slope increment as follows:

|              |                        |   |                          |   |                          |
|--------------|------------------------|---|--------------------------|---|--------------------------|
| _____ sq. ft | 0 - 5% slope increment | X | 2.5% median slope value  | = | _____                    |
| +            | _____ sq. ft           |   | 5 - 10% slope increment  | X | 7.5% median slope value  |
| +            | _____ sq. ft           |   | 10 - 15% slope increment | X | 12.5% median slope value |
| +            | _____ sq. ft           |   | 15 - 20% slope increment | X | 17.5% median slope value |
| +            | _____ sq. ft           |   | 20 - 25% slope increment | X | 22.5% median slope value |
| +            | _____ sq. ft           |   | 25 - 30% slope increment | X | 27.5% median slope value |
| +            | _____ sq. ft           |   | 30 - 35% slope increment | X | 32.5% median slope value |
| +            | _____ sq. ft           |   | 35 - 40% slope increment | X | 37.5% median slope value |
| _____        | Total square feet      |   |                          |   | _____                    |
|              | in net buildable area  |   |                          |   | Total square feet        |
|              |                        |   |                          |   | adjusted for slope       |

Calculation:

\_\_\_\_\_ total square feet adjusted for slope divided by \_\_\_\_\_ total square feet in net buildable area  
 = \_\_\_\_\_ weighted average slope of net buildable area  
 = \_\_\_\_\_ % (Note: multiply by 100 to convert to percent - round up to nearest whole percent)

Use the table below to determine the minimum density factor. This density is substituted for the minimum density factor in KCC 21A.12.030 table when calculating the minimum density as shown in Section VI of this worksheet.

| Weighted Average Slope of Net Buildable Area(s) of Site: | Minimum Density Factor:                                      |
|--|--|
| 0% - less than 5%  | 85%  |
| 5% - less than 15%                                       | 83%, less 1.5% for each 1% of average slope in excess of 5%  |
| 15% - less than 40%                                      | 66%, less 2.0% for each 1% of average slope in excess of 15% |

**EXAMPLE CALCULATION FOR MINIMUM DENSITY ADJUSTMENTS FOR MODERATE SLOPES:**

|               |   |                          |   |                          |   |              |                                      |
|---------------|---|--------------------------|---|--------------------------|---|--------------|--------------------------------------|
| _____         | sq. ft                                  | 0 - 5% slope increment   | X | 2.5% median slope value  | = | _____        |                                      |
| + 10,000      | sq. ft                                  | 5 - 10% slope increment  | X | 7.5% median slope value  | = | 750          | +                                    |
| + 20,000      | sq. ft                                  | 10 - 15% slope increment | X | 12.5% median slope value | = | 2,500        | +                                    |
| + _____       | sq. ft                                  | 15 - 20% slope increment | X | 17.5% median slope value | = | _____        | +                                    |
| + _____       | sq. ft                                  | 20 - 25% slope increment | X | 22.5% median slope value | = | _____        | +                                    |
| + _____       | sq. ft                                  | 25 - 30% slope increment | X | 27.5% median slope value | = | _____        | +                                    |
| + _____       | sq. ft                                  | 30 - 35% slope increment | X | 32.5% median slope value | = | _____        | +                                    |
| + _____       | sq. ft                                  | 35 - 40% slope increment | X | 37.5% median slope value | = | _____        | +                                    |
| <u>30,000</u> | Total square feet in net buildable area |                          |   |                          |   | <u>3,250</u> | Total square feet adjusted for slope |

\_\_\_\_\_ 3,250 total square feet adjusted for slope divided by \_\_\_\_\_ 30,000 total square feet in net buildable area  
 = \_\_\_\_\_ .108333 weighted average slope of net buildable area  
 = \_\_\_\_\_ 11 % (Note: multiply by 100 to convert to percent - round up to nearest whole percent)

Using the table above, an 11% weighted average slope of net buildable area falls within the 5% - less than 15% range which has a minimum density factor of 83%, less 1.5% for each 1% of average slope in excess of 5%. Since 11% is 6% above 5%, multiply 6 times 1.5 which would equal 9%. Subtract 9% from 83% for an adjusted minimum density factor of 74%. This replaces the minimum density factor in KCC 21A.12.030 table.

**VIII. Maximum Dwelling Units Allowed (KCC 21A.12.030 - .040):**

This section should be completed only if the proposal includes application of residential density incentives (KCC 21A.34) or transfer of density credit (KCC 21A.36). Maximum density is calculated by adding the bonus or transfer units authorized to the base units calculated in Section III of this worksheet. The maximum density permitted through residential density incentives is 150 percent of the base density (see Section II) of the underlying zoning of the development or 200 percent of the base density for proposals with 100 percent affordable units. The maximum density permitted through transfer of density credit is 150 percent of the base density (see Section II) of the underlying zoning of the development.

\_\_\_\_\_ base density in dwelling units per acre (see Section II) X 150% = \_\_\_\_\_ maximum density  
 \_\_\_\_\_ maximum density in dwelling units per acre X \_\_\_\_\_ site area in acres = \_\_\_\_\_  
 maximum dwelling units allowed utilizing density incentives (KCC 21A.34)

\_\_\_\_\_ base density in dwelling units per acre (see Section II) X 200% = \_\_\_\_\_ maximum density  
 \_\_\_\_\_ maximum density in dwelling units per acre X \_\_\_\_\_ site area in acres = \_\_\_\_\_  
 maximum dwelling units allowed utilizing density incentives with 100 percent affordable units(KCC 21A.34)

\_\_\_\_\_ base density in dwelling units per acre (see Section II) X 150% = \_\_\_\_\_ maximum density  
 \_\_\_\_\_ maximum density in dwelling units per acre X \_\_\_\_\_ site area in acres = \_\_\_\_\_  
 maximum dwelling units allowed utilizing density transfers (KCC 21A.36)

Calculation:

\_\_\_\_\_ base allowable dwelling units calculated in Section III  
 + \_\_\_\_\_ bonus units authorized by KCC 21A.34  
 + \_\_\_\_\_ transfer units authorized by KCC 21A.36  
 \_\_\_\_\_ total dwelling units (cannot exceed maximums calculated above)

**Check out the Permitting Web site at [www.kingcounty.gov/permits](http://www.kingcounty.gov/permits)**

## STATUS OF SUPPLEMENTARY PLANNING GUIDANCE ON HOUSING DENSITY

### **Status**

This Planning Guidance, which is supplementary to Policy HSG19 of the Woking Borough Local Plan 1999, has been formally adopted by Woking Borough Council. In this respect the Supplementary Guidance has the status of a material consideration in the determination of planning applications by this Authority and in its defence of its decisions at appeal.

### **Statement of Public Consultation**

In accordance with the advice set out in Annex A (A3) of Planning Policy Guidance Note 1 (PPG1) on General Policy and Principles, the Supplementary Guidance has been the subject of wide public consultation with a total of 94 consultees, as follows:

i) Professional Practitioners

All developers and professional practitioners who had submitted planning applications for at least one residential dwelling during the previous two years, together with the House Builders Federation, which number 60 in total.

ii) Local Resident's and Amenity Groups

The Byfleet Parish Council and all resident's and amenity groups within the Borough which are known to the Council, together with the Surrey Police, which number 34 in total.

The period of public consultation allowed over 6 weeks for the above individuals and organisations to make comments on the Draft Supplementary Guidance. Altogether nine responses were received. After careful consideration of these representations the Guidance was amended to address the valid points of concern. These amendments were considered at the Council's Planning and Environment Committee on 9 March 2000, when the Guidance was formally adopted. Full details of the representations made to the Council, together with the Council's response can be obtained on request by contacting 01483 743443.

## HOUSING DENSITY

(Adopted March 2000)

### 1.0 INTRODUCTION AND POLICY CONTEXT

1.1 This document sets out Supplementary Planning Guidance on the methods of calculating and assessing the suitable density for a housing site.

1.2 **This guidance is supplementary to policy HSG19 of the Woking Borough Local Plan** and should be considered by applicants and developers before submitting a planning application for residential development. (The policy is set out in Appendix 1). The Council will also use the guidance in helping to determine planning applications. The guidance will be applied flexibly having regard to the circumstances and other material considerations of each case. Housing density provides an established method of quantifying the intensity of development and is a crude indicator of amenity and environmental quality. However, compatibility of density is only one of many criteria used to assess the suitability of a housing proposal and other factors will often have overriding importance in determining an application.

(i) In general terms Local Plan Policy HSG19 requires that the density of any proposed development should maintain the prevailing character of the immediate area.

(ii) Arithmetic compliance does not necessarily mean that a proposal will be acceptable as a number of criteria are used to assess the suitability of a scheme, including;

- |                                     |                           |
|-------------------------------------|---------------------------|
| üsize, shape and topography of site | üform of layout           |
| üspacing between buildings          | übuilding form and design |
| üamenity and privacy                | üaccess and parking       |
| üretention of trees and shrubs      |                           |

(iii) Exceeding the density criterion will only result in refusal of planning permission if “demonstrable harm” is caused to the character or amenity of the area, but is not usually sufficient reason on its own.

(iv) Higher densities will be favourably considered on central sites in or near the Town Centre and within larger Village Centres which have a range of facilities and good access to public transport.

(v) The Local Plan has designated part of the urban area of Woking for high density housing under Policy HSG13.

(vi) On sites which are sufficiently large( over 1 hectare) it may be possible to provide a range of densities without impacting on the character or amenity of existing residential areas, particularly where the site has an enclosed environment.

(vii) The Local Plan has also designated a number of areas as being of Special Residential Character under Policy HSG20. These are low density areas where compatibility of housing density will be required to maintain their character. Separate supplementary guidance is available on this matter.

### 2.0 CALCULATION AND ASSESSMENT OF DENSITY

2.1 It is the volume and extent of development which is of main concern when assessing housing density.

2.2 For planning purposes, density assessment will be made on the basis of both the number of dwellings and the number of habitable rooms per hectare. However, the plot ratio (gross floorspace to site area) should also be used for more dense urban sites. Each method of measurement and when it should be applied is explained below.

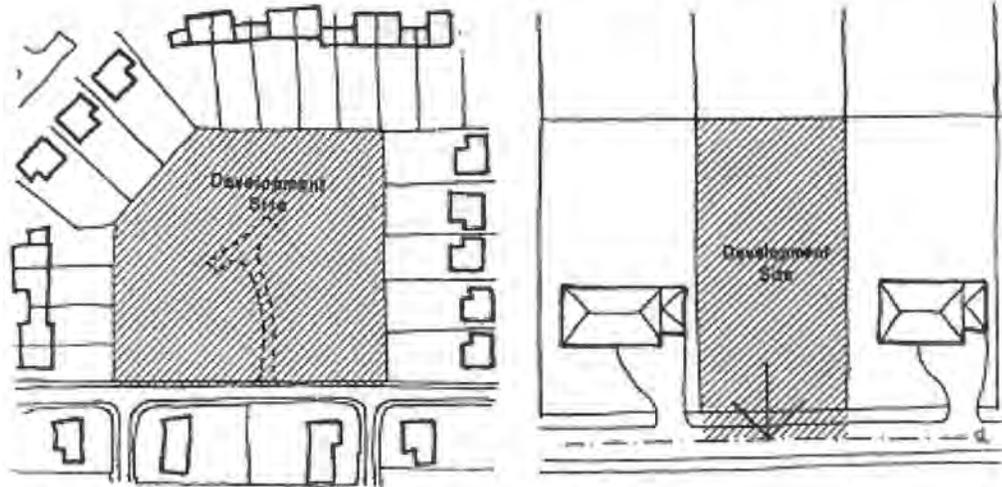
2.3 Information on the number and type of dwellings must always be referred to in order to determine the amount of parking provision required.

- 2.4 In sub-divided properties the extent of the site given over to hard surfaced parking areas must also be considered as this may impact on the character and amenity of the area.

### 3.0 METHODS OF CALCULATION

#### Site Area

- 3.1 On larger sites for multiple dwellings the whole site including areas used for access roads will contribute to the site area. On smaller sites, such as individual house plots the site area will include up to the mid point of the road frontage. Measurements should be in hectares.



larger housing sites

individual house plots

- 3.2 Number of Dwellings per Hectare/Acre (for use in lower density)

This is the most widely used method of measurement, but should only be used for lower density developments as dwellings can vary widely in size and accommodation.

$$\text{Number of Dwellings per Hectare} = \frac{\text{Number of Dwellings}}{\text{Site Area (Hectares)}}$$

- 3.3 Number of Habitable Rooms per Hectare (for use in medium to high density)

The amount of habitable accommodation provides a useful measure of potential population and indicates intensity of land use (Habitable rooms are mostly used in Census data). This measure also provides an approximation of the comparative size of the development. Only habitable rooms are included in the assessment.

$$\text{Habitable Rooms per Hectare} = \frac{\text{Number of Habitable Rooms}}{\text{Site Area (Hectares)}}$$

- For the purpose of assessment Habitable Rooms do not include small kitchens under 2 metres wide, bathrooms, or toilets, but do include larger kitchens over 2 metres wide, bedrooms, dining rooms and living rooms together with all other rooms used for living accommodation. Very large rooms over 19 sq.m. (200 sq.ft.) which are capable of subdivision count as 2 habitable rooms.
- Where it is not possible to ascertain accurate information on the number of habitable rooms in adjoining houses it may be acceptable to make an approximation based on similar house types with known characteristics.

- 3.4 Plot Ratio (for use in higher density such as town centre sites)

Normally expressed as a representative fraction, percentage or decimal ratio; i.e. 1/4, 0.25/1, 25%, or 0.25:1. Provides a comparative measure of the volume of building development in relation to the area of site. The gross floorspace of all accommodation

(measured from the outside dimension) is used for the measurement including ancillary accommodation.

$$\text{Plot Ratio} = \text{Gross Floorspace} / \text{Total Site Area (m}^2\text{)}$$

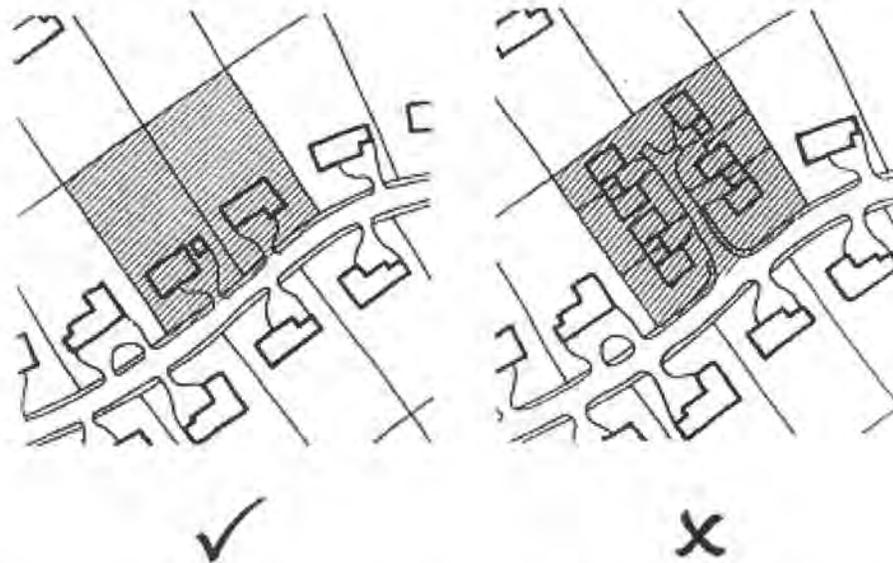
### Comparison of Density

- 3.5 Areas selected for comparative density should have a direct relationship with the site. For small sites such as individual plots, only sites adjoining or opposite the plot and within the same street should normally be assessed. For larger sites for multiple dwellings a wider area for comparison should be taken but this should be related to the size of the proposal site.
- 3.6 The table below sets out examples of comparative density measurements expressed in habitable rooms, dwellings per hectare and plot ratios for a range of different densities.

| Comparative Housing Densities |  |
|-------------------------------|--|
| High                          | 173 - 247 + habitable rooms per hectare<br>49 - 74 dwellings per hectare<br>> 0.5 : 1 + plot ratio |
| Medium                        | 100 - 173 habitable rooms per hectare<br>25 - 50 dwellings per hectare<br>0.2 - 0.5 : 1 plot ratio |
| Low                           | < 100 habitable rooms per hectare<br>< 25 dwellings per hectare<br>< 0.2 : 1 plot ratio            |

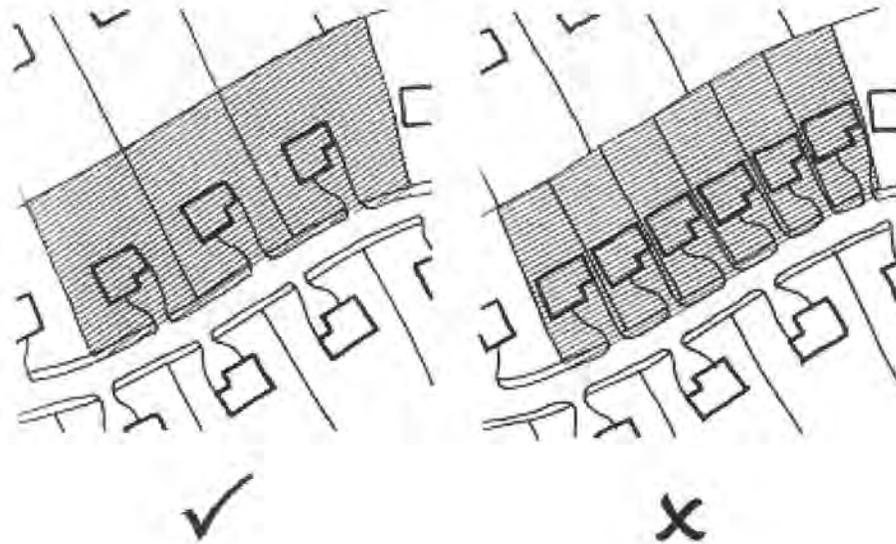
### 4.0 EXAMPLES

- 4.1 Redevelopment's which replace existing large dwellings in large plots with smaller dwellings in small plots will not normally be permitted where the increase in density would alter the areas character, unless this is an established pattern in the area or an approved policy objective; such as the Woking Higher Density Residential Area - policy HSG13.

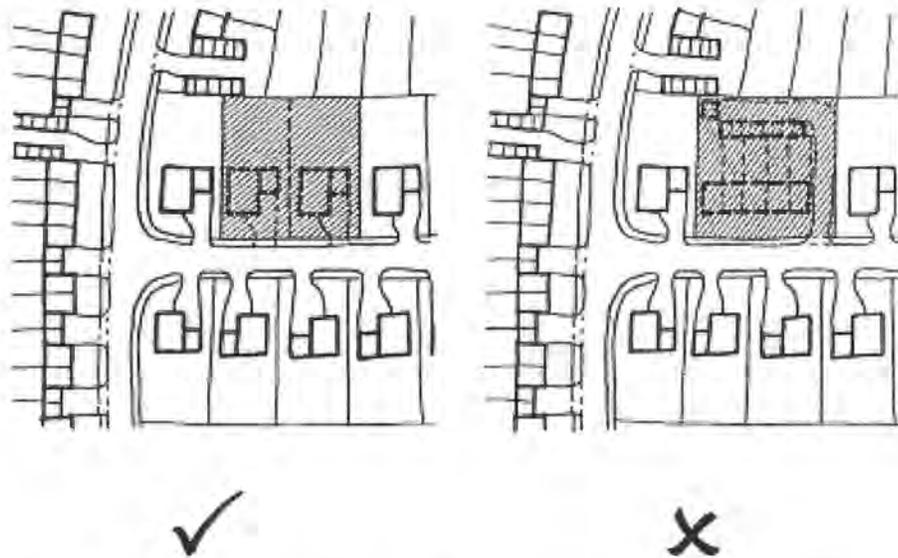


- 4.2 Redevelopments which replace large dwellings in large plots with similar sized dwellings in cramped plots will not normally be permitted because of the increase in density and

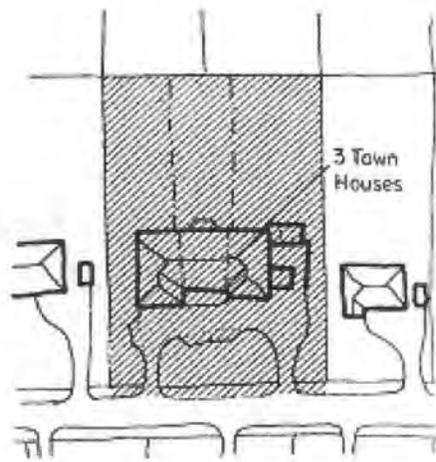
consequent harm to the character and appearance of the street through the reduced spacing of buildings and the proliferation of new accesses.



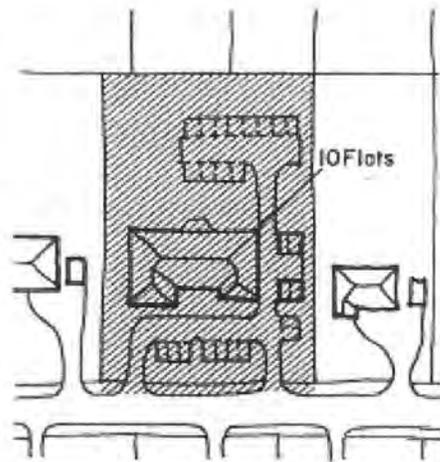
- 4.3 In areas of mixed density the redevelopment should reflect the prevailing character of the immediate street frontage which could restrict the housing density.



- 4.4 The sub-division of an existing property into a greater number of dwellings is likely to be unacceptable unless the site is large enough to accommodate the area required for additional parking provision without impacting on the character and amenity of adjoining residential areas. Significant parking areas in rear gardens should normally be avoided where they adjoin family housing. Less stringent controls may be appropriate in the Town Centre, larger Village Centres and identified high density housing areas.

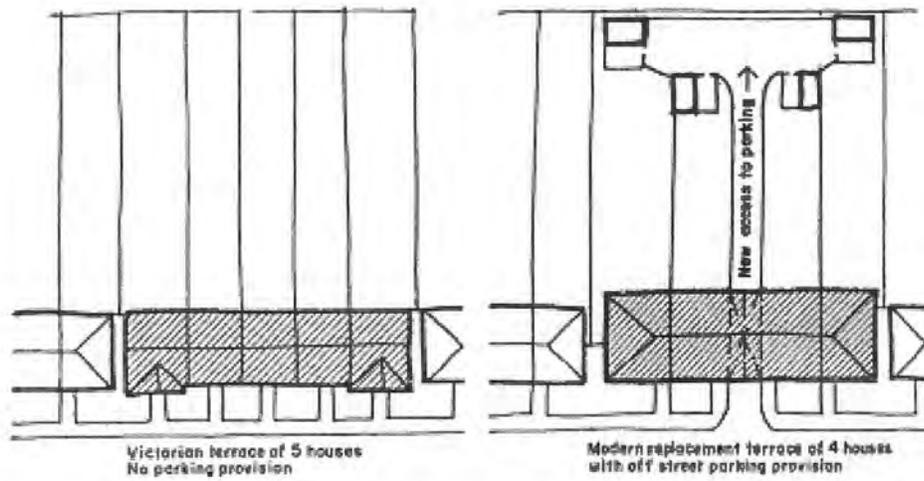


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- 4.5 When redeveloping sites in older housing areas, such as Victorian terraces, it may not be possible to achieve similar levels of density because of the requirement to provide off-street parking and other modern amenities.



**Appendix 1**  
**Woking Borough Local Plan 1999 – Policy HSG19**

**HSG19 ü DENSITY AND SITE COVERAGE**

THE APPROPRIATE DENSITY AND EXTENT OF INDIVIDUAL DEVELOPMENTS WILL BE ESTABLISHED BY REFERENCE TO THE FOLLOWING FACTORS:

- (i) THE LOCATION, SIZE, TOPOGRAPHY AND SHAPE OF THE SITE;
- (ii) THE NEED FOR DEVELOPMENT TO REFLECT THE HEIGHT, FORM, EXTENT AND PATTERN OF SURROUNDING DEVELOPMENT, INCLUDING SITE COVERAGE BY HARD SURFACED AREAS, TO MAINTAIN THE CHARACTER OF THE AREA;
- (iii) THE NEED FOR SCHEMES TO RETAIN EXISTING SITE FEATURES, INCLUDING MATURE TREES, SHRUBS, HEDGEROWS AND SOFT AMENITY AREAS TO MAINTAIN THE CHARACTER OF THE AREA;

THIS POLICY IS CONCERNED WITH THE VOLUME AND EXTENT OF THE DEVELOPMENT PROPOSAL TOGETHER WITH THE INTENSIFICATION OF SITE USE. DENSITY WILL BE MEASURED BOTH AS THE RATIO OF GROSS FLOORSPACE TO SITE AREA (THAT IS, OF BUILDINGS WITHIN THE CURTILAGE) TOGETHER WITH THE NUMBER OF HABITABLE ROOMS PER HECTARE.

**JUSTIFICATION**

- 6.85 The density of a proposed development is only one of a number of criteria used to assess the acceptability of a scheme. Other factors such as the spacing between buildings, the layout and design of the proposal and the loss of trees or other soft amenity will have equal importance in assessing the impact of a development on the character of an area.
- 6.86 The fact that a development proposal exceeds the density of development in the adjoining area is not normally on its own sufficient reason to warrant a refusal as demonstrable harm in terms of the impact on amenity will also need to be shown. In particular, the location of a development site close to the town centre or a village centre, where there are a range of facilities and good public transport is available nearby, can be a material consideration justifying a higher density, provided there would be no demonstrable harm to amenity. In order to assess the scope for development on certain sites, the Council may request indicative layouts to be submitted with outline schemes.
- 6.87 In assessing housing density the main concern will be the volume and extent of the building mass in relationship to the building plot and surrounding developments. However, in the case of a building sub-divided to form flats or terraced housing there will also be an assessment of the area of the site required to provide off-street parking and circulation in comparison to the surrounding area. To help in this assessment information will be required on the proposed building floorspace and plot ratio together with the number of dwellings and habitable rooms.

**CHAPTER 16**

**HOUSING**

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**ARTICLE I. HOUSING IN GENERAL**

***DIVISION 1. BASEMENT HOUSES.*****SECTION 16-1 BASEMENT-HOUSE.**

Basement-house shall mean an uncompleted building whose floor line is below grade at any entrance of exit and whose ceiling is less than five (5) feet above grade at any such entrance or exit. "Dwelling" shall mean any building which is wholly or partially used or intended to be used for living or sleeping by human occupants.

**SECTION 16-2 BASEMENT-HOUSE AS DWELLING.**

No person shall use a basement-house as a dwelling.

***DIVISION 2. FAIR HOUSING*****SECTION 16-3 DEFINITIONS**

- (A) "Commission" shall mean the Oshkosh Commission on Equal Opportunities in Housing and "Commissioner" shall mean a member thereof.
- (B) "Complainant" shall mean any person who files a complaint with the Commission pursuant to this Division.
- (C) "Dwelling" shall mean any building, structure, or portion thereof which is occupied as, or designated or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease by the construction or location thereon of any such building, structure, or portion thereof.
- (D) "Familial status" shall mean one or more individuals who have not reached the age of 18 living with a parent or another person having legal custody of such individual or individuals, or the designee of such parent or other person having such custody with the written permission of such parent or other person. This shall also apply to any person who is pregnant or is in the process of securing legal custody of any individual who is not 18 years of age.
- (E) "Handicap" means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities, a record of such impairment, or being regarded as having such impairment.
- (F) "Housing" shall include any room, apartment, house, building or trailer or structure any part of which is used or offered for use for human habitation on a temporary or permanent basis, or land, whether or not vacant.
- (G) "Owner" shall include a person who has any part of the fee interest, including a person who has a life estate.
- (H) "Owner occupied dwelling" shall mean housing in which the owner thereof maintains his permanent living quarters.
- (I) "Persons" shall include any individual, partnership, labor or other association, corporation, legal representative, receiver, trustee, trustee in bankruptcy or other fiduciary, or the lessee, proprietor, manager, employee or any other agent of such person.

- (J) "Respondent" shall mean any person named in any complaint filed, against whom an allegation of prohibited discriminatory practice under this Division.

#### **SECTION 16-4 ACTS PROHIBITED BY THIS DIVISION**

- (A) It Shall Be a Prohibited Discriminatory Practice for Any Person to:

- (1) Discriminate in real property transactions.  
Refuse to sell, lease, sublease, rent or in any other manner deny, withhold, or impair the transfer of title, leasehold or any other interest in any part of any housing, when such refusal is based upon race, color, sex, religion, ancestry, national origin, familial status, or handicap of the person refused.
- (2) Discriminate in lending money for purchase or improvement of Property.  
Refuse to lend money, guaranty any loan, accept any mortgage or in any other manner make available any funds or resources for the construction, acquisition, purchase, rehabilitation, repair or maintenance of any housing when such refusal is based upon race, color, sex, religion, ancestry, national origin, familial status, or handicap of the person refused; or
- (3) Discriminatorily refuse to furnish services.  
Refuse to furnish for any housing such facilities or services ordinarily provided pursuant to legal duty, when such refusal is based upon race, color, sex, religion, ancestry, national origin, familial status, or handicap of the person refused.
- (4) To coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of having exercised or enjoyed, or on account of having aided or encouraged any other person in the exercise or enjoyment of any right protected by this Division.
- (5) For an owner of residential rental property to refuse to permit a handicapped tenant to make reasonable modification, at the tenant's own expense, of the premises if the proposed modifications are necessary for the full use of the premises by the tenant.

- (B) Public Communication Indicating Intent to Violate Paragraph (A) Above Prohibited

It shall be prohibited discriminatory practice of any person to print, publish, circulate, issue, display, post, mail or communicate in any other way any announcement, statement, advertisement, publication or sign, the import of which indicates a decision or purpose to do any act prohibited under Section (A).

- (C) Rights of Owner

- (1) Nothing in this Division shall be deemed to prohibit an owner or the agent from requiring that any person who seeks to buy, rent or lease any housing supply information concerning family, marital, financial and business status.
- (2) Nothing in this Division shall be deemed to prohibit an owner or the agent from refusing to sell, rent or lease any housing to any person on the basis of treatment of any property formerly occupied by the person or on the basis of the person's record in paying rent or other obligations when due.
- (3) When it is reasonable to do so, permission granted by an owner to permit a handicapped tenant, at the tenant's expense, to make reasonable modifications to a premises may be conditioned upon the renter or lessee agreeing to restore the premises to the condition that

existed prior to the modification, reasonable wear and tear excepted.

**SECTION 16-5 EXEMPTIONS**

(A) No prohibition in this Division shall apply to an offer or advertisement to lease or rent, or to the lease or rental of, rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other where the owner occupies one of the living quarters.

(B) The prohibition in this division against discrimination based on familial status does not apply to housing for older persons.

(1) As used in this subdivision, "housing for older persons" means housing:

(a) Provided under any State or Federal program that is specifically designed and operated to assist elderly persons (as defined in the state or federal program); or

(b) Intended for, and solely occupied by, persons 62 years of age or older; or

(c) Intended and operated for occupancy by at least one person 55 years of age or older per unit. Housing for older persons under this paragraph shall contain at least the following factors:

(I) Significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, the provider may demonstrate that such housing is necessary to provide important housing opportunities for older persons; and

(II) At least 80 percent of the units are occupied by at least one person 55 years of age or older per unit; and

(III) The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.

(2) Housing shall not fail to meet the requirements for housing for older persons by reasons of:

(a) Persons residing in such housing as of the date of enactment of this Ordinance who do not meet the age requirements of subparagraph (b) or (c) above, provided that new occupants of such housing meet the age requirements of subparagraph (c) above.

(b) Unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of subparagraph (c) above.

**SECTION 16-6 REPEALED**

**SECTION 16-7 POWERS AND DUTIES OF COMMISSION**

The Commission on Equal Opportunity in Housing shall have the following powers and duties:

(A) Adopt Rules

To adopt, amend, publish and rescind rules for governing its meetings and hearings; and for implementation of this Division.

- (B) Receive and Investigate Complaints  
To receive and authorize staff investigation of all complaints alleging any discriminatory practice prohibited by this Division.
- (C) Promote Settlement Agreements  
The Commission shall seek a settlement agreeable to both the complainant and the respondent by means of informal conferences.
- (D) Hearings  
To hold hearings, if necessary, after efforts at settlement based on complaints made against any person, to administer oaths and take testimony, to compel the production of books, papers and other documents relating to any matter involved in the complaint, and to subpoena witnesses and compel their attendance.
- (E) Recommend Enforcement Measures  
To make recommendations for enforcement of this Division to the City Attorney.
- (F) Recommend Legislation to Council  
To recommend to the City Council any legislation necessary to promote further the purposes of this Division and to file annual written reports of its work with the City Council.

## **SECTION 16-8      ENFORCEMENT PROCEDURES**

- (A) Complaint  
Any complaint alleging any discriminatory practices prohibited by this Division shall be reduced to writing and verified by the complainant. Such complaints may be initiated by any person having personal knowledge of the facts constituting the alleged discriminatory practice. All complaints shall contain the following:
  - (1) The name and address of the complainant, and of the person allegedly discriminated against, if different.
  - (2) The name and address of the respondent or respondents.
  - (3) A statement setting forth the facts constituting the alleged discriminatory practice, and
  - (4) The date or dates of the alleged discriminatory practice.
- (B) Where Filed  
Complaints shall be filed with the City Clerk who shall transmit the same to the Commission Chairperson and Secretary.
- (C) When Filed  
Complaints alleging any discriminatory practice prohibited by this Division shall be filed no later than 1 year from the termination or occurrence of an alleged discriminatory practice.
- (D) Notice to Respondent  
The Commission shall provide a copy of the complaint to the respondent within ten (10) days of said filing. The respondent shall have ten (10) days after receipt of the complaint to file a response with the Commission.
- (E) Amendment and Withdrawal  
A complaint may be amended or withdrawn by the complainant at any time with and subject to the

approval of the Commission or its designated agent and under such terms as the agent shall direct.

(F) Investigation, Conciliation and Hearings

- (1) The Chairperson shall direct the Secretary, or the Secretary's designee, to promptly investigate all duly filed complaints. Within thirty (30) days of such filing, the Secretary or the Secretary's designee shall file a report of said investigation with the Commission.
- (2) Conciliation may be undertaken by the Secretary or the Secretary's designee who shall file a report of said conciliation with the Commission. The action authorized by subsection (3) below may be delayed, on order of the Chairperson, pending a report of such conciliation which shall be filed within sixty (60) days of appointment of the conciliator.
- (3) Upon filing the report of the investigation and/or conciliation, and within seventy (70) days of filing of the complaint, the Commission shall by majority vote of the members present and voting, make a preliminary determination whether there is probable cause to believe that discrimination did occur. If there is no finding of probable cause, the case will be closed and the claimant and respondent promptly notified.
- (4) If the Commission determines probable cause exists to believe discrimination occurred, then the Commission shall conduct a hearing to determine facts upon which to base a recommendation for prosecution to the City Attorney. Said hearing shall be conducted within eight-five (85) days of filing the complaint. The complainant and respondent may but need not be represented at said hearing by an attorney. The Commission may subpoena witnesses and compel testimony.
- (5) At the conclusion of the hearing, the Commission shall by majority vote of those members present and voting, make a final determination whether there is probable cause to believe that discrimination did occur. If there is no finding of probable cause, the case will be closed and the claimant and respondent promptly notified. If there is a finding of probable cause, the Commission shall promptly notify the claimant and respondent of the finding and no later than one hundred (100) days of filing the complaint, recommend to the City Attorney that prosecution be commenced.
- (6) No Commissioner who has filed a complaint on the Commissioner's own initiative or who has a material or personal interest in a complaint, shall participate in any subsequent hearing or proceeding except as a witness, nor shall said Commissioner participate in the deliberation of the Commission in such case.
- (7) If any person fails to attend such hearing or to testify when subpoenaed, the Commission may refer such refusal to the City Attorney who shall seek judicial enforcement of such subpoena.

**SECTION 16-9 LIBERAL CONSTRUCTION; SEVERABILITY**

- (A) The provisions of this division shall be liberally construed in order to promote the purposes and provisions contained herein.
- (1) It is the intention of the City Council that this be interpreted consistently with Title VIII of the Civil Rights act of 1968 (42 USC Sec. 3601-3619) as amended, and with regulations applicable thereto (24 CAR Parts 14, 100, 103, 110, 115 and 121) except where the language of this subsection clearly requires a different interpretation.

- (B) The provisions of this Division are severable and if any provision, sentence, clause, section or part thereof is held illegal, invalid, unconstitutional or inapplicable to any person or circumstance, such illegality invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, Sections or parts of the Division or their application to other person or circumstances. It is hereby declared to be the legislative intent that this Division would have been adopted if such illegal, invalid, unconstitutional or inapplicable provision, sentence, clause, Section or part thereof had not been included therein, and if the person or circumstances to which the Division or any part thereof is inapplicable had been specifically exempted therefrom.

### ***DIVISION 3. MOBILE HOMES AND MOBILE HOME PARKS.***

#### **SECTION 16-10 DEFINITIONS.**

- (A) "Accessory Structure" means all structures constructed on a mobile home lot apart from the basic mobile home unit, and shall include awnings, cabanas, storage cabinets (or sheds), carports, windbreaks, attached porches and garages.
- (B) "Common Area" means any area or space designed for joint use of tenants occupying the mobile home park.
- (C) "Dependent Mobile Home" means a mobile home which does not have complete bathroom facilities.
- (D) "Driveway" means a minor private way used by vehicles and pedestrians on a mobile home lot or used for common access to a small group of lots or facilities.
- (E) "License" means a written license issued by the City allowing a person to operate and maintain a mobile home park under the provisions of this Division and regulations issued hereunder.
- (F) "Lot Area" means the total area reserved for exclusive use of the occupants of a mobile home.
- (G) "Mobile Home" means a manufactured transportable single-family dwelling unit suitable for year-round occupancy, containing water supply, waste disposal and electrical conveniences, and is ready for occupancy, except for minor and incidental unpacking and assembly operations at the site; and as defined in Wisconsin Statutes, Chapter 66, Section 66.058(l)(e) and (g).
- (H) "Mobile Home Lot" means a parcel of land located in a Mobile Home Park for the placement of a single mobile home and the exclusive use of its occupants.
- (I) "Mobile Home Park" means a parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.
- (J) "Mobile Home Stand" means that part of an individual lot which has been reserved for the placement of one (I) mobile home unit.
- (K) "Non-dependent Mobile Home" is the same as Subsection (g).
- (L) "Park Management" means the person who owns or has charge, care or control of the mobile home park.
- (M) "Park Street" means a private way which affords principal means of access to individual mobile home lots or auxiliary buildings.

- (N) "Permit" means a written permit or certification issued by the City permitting the construction, alteration and extension of a mobile home park under the provisions of this division and regulations issued hereunder.
- (O) "Person" means any individual, firm, trust, partnership, public or private association or corporation.
- (P) "Tenant Storage Area" means an enclosed space designed to provide auxiliary general storage space for an individual mobile home.

#### **SECTION 16-11 PERMITS.**

- (A) It shall be unlawful for any person to construct, alter or extend any mobile home park within the limits of the City unless he holds a valid permit issued by the City Council in the name of such person for the specific construction, alteration or extension proposed.
- (B) All applications for permits shall be filed with the City Clerk, reviewed by the Planning Commission and shall contain the following:
  - (1) Name and address of applicant.
  - (2) Location and legal description of the mobile home park.
  - (3) Complete engineering plans and specifications of the proposed park showing but not limited to the following:
    - (a) The area and dimensions of the tract of land.
    - (b) The number, location and size of all mobile home lots, and the location of common areas.
    - (c) The location and width of roadways and walkways.
    - (d) The location of the mobile home stand within the mobile home lot.
    - (e) Plans and specifications of all utilities including: sewage collection and disposal, storm water drainage, water distribution and supply, refuse storage and collection, lighting, electrical, telephone and TV antenna systems.
    - (f) Landscaping plans for the entire park, including a planting plan for the buffer strip.
    - (g) Plans and specifications of all buildings to be located within the park.
    - (h) Such other plans and specifications and information as may reasonable be required by the City Council.
- (C) No permit shall be issued for the construction of a mobile home park unless said development shall contain a minimum of twenty (20) acres.

#### **SECTION 16-12 LICENSES**

- (A) It shall be unlawful for any person to operate any mobile home park within the limits of the City unless he holds a valid license issued annually by City Council in the name of such person for the

specific mobile home park. All applications for licenses shall be made to the City Clerk who shall issue a license upon compliance by the applicant with provisions of this Division.

- (B) Every person holding a license shall give notice in writing to the City Clerk within three (3) days after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and deposit of a fee of Ten Dollars (\$10.00), the license shall be transferred in the mobile home park is in compliance with all applicable provisions of this Division.
- (C) (1) Application for original licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of Twenty-five Dollars (\$25.00) for each fifty (50) lots, or fraction thereof, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.
- (D) In addition to the above license fee, the licensee, or the owner, or the occupant of every mobile home shall pay and be jointly and severally liable for the payment of a monthly parking permit fee to the City. Such monthly parking permit fee shall be collected by the licensee who is primarily liable for the payment thereof. The determination of the amount of such fee, the review thereof, and the enforcement of the payment and the disposition of such fee shall be in accordance with Section 66.0435(3) and Section 66.0435(8) of the Wisconsin Statutes.
- (E) Whenever, upon inspection of any mobile home park, the City Manager or his authorized agent, find that conditions or practices exist which are in violation of any provision of this Division, the City Manager shall give notice in writing in accordance with Section 16-14 to the person to whom he license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the City manager, the license shall be suspended. At the end of such period the City Manager or his authorized agent shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park except as provided in Subsection (b).

#### **SECTION 16-12.1 CERTAIN HEALTH CODES ADOPTED**

Except as otherwise specifically provided for in this Chapter, the provisions of Chapter 14, Article IV of the Oshkosh Municipal Code pertaining to adoption of certain provisions of the Wisconsin Administrative Code relative to mobile home parks, inspections by the City Health Officer and inspection fees, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein.

#### **SECTION 16-13 INSPECTION OF MOBILE HOME PARKS.**

- (A) The City manager or his authorized agent is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Division.
- (B) The City manager or his authorized agent shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Division.
- (C) The City Manager or his authorized agent shall have the power to inspect the register containing a record of all residents of the mobile home park.

- (D) It shall be the duty of the park management to give the City Manager or his authorized agent free access to all lots at reasonable times for the purpose of inspection.

#### **SECTION 16-14 NOTICES AND ORDERS.**

- (A) Whenever the City Manager determines that there are reasonable grounds to believe that there has been a violation of any provision of this Division, he may order the discontinuance of such violation and shall give notice of such alleged violation to the person to whom the permit or license was issued. Such notice shall: (1) be in writing; (2) include a statement for the reason of its issuance; (3) allow a reasonable time for the performance of the act it requires; (4) contain an outline of remedial action, which if taken, will effect compliance with the provisions of this Division. Such notice and order shall have been properly served when a copy thereof has been sent by certified U.S. Mail to the last registered post office of the permittee or licensee as registered with the City Clerk, or when the same has been personally served upon the attorney-in-fact of such permittee or licensee, or when the same shall have been served in any other manner as provided by the Wisconsin Statutes for the service of process.
- (B) Whenever the City Manager finds that an emergency exists which requires immediate action to protect the public health, he may, without notice of hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Division, such order shall be effective immediately.

#### **SECTION 16-15 GENERAL REQUIREMENTS.**

- (A) Any person making application for a permit to construct a mobile home park shall meet the following design and system requirements:
- (1) Environmental Requirements:
- (a) Density: The maximum allowable density in a mobile home park development shall be seven units, or lots, per acre.
- (b) Minimum lot size: Individual lots within the mobile home park must contain an area of not less than four thousand (4,000) square feet, and a minimum lot width of forty (40) feet at the building setback line.
- (c) Requirement Separation Between Mobile Homes: Mobile homes shall be separated from each other and from other buildings and structures by at least fifteen (15) feet. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch attached to the mobile home shall, for purposes of separation requirements be considered a part of the mobile home. Detached accessory structures shall be allowed only if included and approved as part of the original or revised mobile home park plan.
- (d) Setback and buffer strip: Each mobile home shall be located at least five (5) feet from any mobile home lot line.

There shall be a minimum distance of twenty (20) feet between the mobile home stand and the back of curb of the abutting park street.

All mobile homes shall be located at least twenty-five (25) feet from any park property boundary line including public streets.

No mobile home shall be located closer than forty (40) feet from any community building, including any washroom, toilet, or laundry facilities within the park.

- (e) **Screening:** All mobile home parks shall be provided with screening of trees or shrubs along the property boundary line separating the park and such adjacent properties, except where the adjoining property is also a mobile home park. The planting area shall have a minimum width of fifteen (15) feet. Within such a planting area, there shall be established within six (6) months after issuance of the license for the occupation of such mobile home park the following plantings:

A permanent planting of trees and shrubs so arranged and in sufficient numbers so as to form a solid wall of plant material. Such planting shall be grown or maintained at a height of not less than fifteen (15) feet except where line of sight vision is necessary for pedestrians or vehicular traffic safety.

- (f) **Recreation areas:** Each mobile home park shall devote at least ten percent (10%) of its total area to common space provided for the recreational use and enjoyment of the occupants of the park. Such open space should, where conditions permit, be centrally located so as to be free from traffic hazards.
- (g) **Allowable uses:** Single family mobile homes as defined Division shall be allowed, and any approved accessory structures included in the original plans and specifications, or revisions thereof. Dependent mobile homes shall specifically be prohibited from placement within mobile home parks.

Parks, playgrounds and open-space shall be allowed, as well as the following commercial uses when they are for the exclusive use of park residents:

- (i) Mobile home park office.
- (ii) Laundromat.
- (iii) Clubhouse and facilities for private social or recreation clubs.
- (iv) Storage building.

Signs pertaining to the lease, hire or sale of individual mobile homes, not more than two (2) square feet in area shall be allowed, as well as one (1) mobile home park identification sign not more than fifty (50) square feet in area, to be located in proximity to the park entrance.

(2) **Access Requirements.**

- (a) **General Requirements:** All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Such access shall be provided by streets, driveways or other means.
- (b) **Park Entrance:** Entrances to mobile home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.
- (c) **Internal Streets:** Surfaced roadways shall be of adequate width to accommodate anticipated traffic and in any case shall meet the following minimum requirements.
- (i) Roadway width, all streets 24 feet.
  - (ii) Dead end streets (cul-de-sacs) shall be limited in length to 1,000 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least sixty (60) feet.

- (d) **Street Construction and Design Standards:**
- (i) **Design Standards:** All interior streets shall be designed and located with the requirements of Section 30-37 of this Code pertaining to Land Subdivision Regulations.
  - (ii) **Pavements:** All parks streets shall be provided with a minimum of 9" crushed stone base covered with a 3" asphalt surface. Concrete curb and gutter shall be required on all streets.
- (e) **Parking Requirements:**
- (i) **Occupant Parking:** A minimum of two (2) parking spaces shall be provided for occupant parking purposes. Such spaces shall be located within two hundred fifty (250) feet of the mobile home lot to be served.
  - (ii) **Visitor Parking:** A minimum of one space for every four (4) mobile home lots shall be provided for visitor parking purposes.
  - (iii) **Parking Space:** Each parking space shall contain a minimum of two hundred (200) square feet. The space shall be paved with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions.
  - (iv) **Parking Restrictions:** Parking of boats, trailers, campers, snowmobiles or other similar vehicles shall be restricted to an area provided by the park management specifically for said purpose.
- (f) **Walkways:** All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile homes, the park streets and all community facilities provided for park residents.
- (i) **Common Walk System:** A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three and one-half (3 1/2) feet.
  - (ii) **Individual Walks:** All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connected to a paved street or roadway. Such individual walks shall have a minimum width of two (2) feet.
- (3) **Mobile Home Stand.** For the purpose of this Division, a mobile home stand shall be defined as an area of fifteen (15) feet by seventy (70) feet. The area of the mobile home stand shall be improved to provide adequate support for the placement and tie-down of the mobile home, thereby securing the super structure against uplift, sliding, rotation and overturning.
- Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.
- (4) **Site Suitability and Storm Water Drainage.**
- Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants.
- (a) **Soil and ground cover requirements:** Exposed ground surfaces in all parts of the mobile home park that are not paved, covered with stone screenings, or other solid material, shall be protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

- (b) Site drainage requirements: The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- (5) Water Supply and Sewerage Disposal System. The mobile home park shall make connection to the City water supply and sewerage disposal systems at the boundary of the site. The mobile home park water distribution system shall provide 6" water mains and these mains shall be looped wherever possible. The mobile home park sewer system shall be constructed and maintained according to standards set by the Department of Health and Social Services (Chapter H62, Wisconsin Administrative Code).
- (6) Refuse Storage and Collection System.
- (a) All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than two hundred fifty (250) feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- (b) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleansing around them.
- (c) All refuse containing garbage shall be collected at regular intervals. Where suitable collection service is not available from public or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.
- (d) In no instance may disposal of the waste be carried out through incineration on the mobile home park site.
- (7) Public Utility System.  
All utility service systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- (a) Public utility service outlets shall be provided at each mobile home stand for electric, telephone and gas.
- (b) All utility service lines shall be located underground within the mobile home park.
- (8) Street and Public Walkway Illumination Requirements. All parks shall be furnished with lighting units so spaced and equipped with luminaires placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
- (a) Fires shall be made only in barbecue pits, fireplaces, stoves or other equipment intended for such purposes. Incinerators shall be prohibited.
- (b) Portable fire extinguishers rated for Class A, B and C fires shall be kept in service buildings and shall be maintained in good operating condition. Their capacity shall not be less than two and one-half (2 1/2) pounds.
- (c) Fire hydrants shall be located within three hundred (300) feet of any mobile home, service building or other structure in the park.

**SECTION 16-16 MISCELLANEOUS REQUIREMENTS.****(A) Responsibility of the Park Management.**

- (1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Division and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The park management shall notify park occupants of all applicable provisions of this Division and inform them of their duties and responsibilities under this Division.
- (3) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- (4) The park management shall maintain a register containing the names of all park occupants identified by lot number or street address. A copy of such register, listing all of such information, and all monthly charges as of the first day of each month, shall be mailed to the City Clerk by the park management on or before the tenth day of each month.
- (5) The park management shall collect the monthly parking permit fee provided for in Section 16-12(d).

**(B) Responsibilities of Park Occupants.**

- (1) The park occupant shall comply with all applicable requirements of this Division and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- (2) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (3) Pets, if permitted in the park, shall be prohibited to run at large or to commit any nuisance within the limits of any mobile home lot.
- (4) The undercarriage, supports and stabilizing devices of the mobile home shall be skirted to maintain an attractive community appearance.
- (5) Porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed, they shall be maintained in good repair. The space immediately underneath a mobile home shall be used for storage only if permitted by the park management. If permitted, the following conditions shall be satisfied:
  - (a) The storage area shall be provided with a base of impervious material.
  - (b) Stored items shall be located so as not to interfere with the underneath inspection of the mobile home.
  - (c) The storage area shall be enclosed by skirting.
- (6) The park occupant shall store and dispose of all his rubbish and garbage in a clean, sanitary and safe manner. The garbage container shall be rodent-proof, insect-proof and water-tight.

**SECTION 16-17 LOCATION OF MOBILE HOMES.**

- (A) Mobile homes intended for purposes of human habitation are prohibited within the corporate limits of the City, except as licensed for mobile home park use in compliance with this Division or except as provided in Subsections (b) and (c) of this Section.
- (B) The City Health Department when satisfied that proper sanitation and health standards will be met, may issue permits for the parking of not more than one (1) trailer on private premises where such parking is in connection with a bona fide visit of the owner or occupant of the trailer with individuals living within the City and such stay will not exceed fourteen (14) days. The fee for a temporary parking permit shall be Five Dollars (\$5.00).
- (C) The City Clerk is authorized to issue temporary permits for the parking of trailers to be used as field offices during the construction of a building project on the construction site only; provided that such is not used for over-night lodging nor connected to the City water or sewer system. Application for such permit shall be made on the forms prepared and furnished by the Clerk and shall be accompanied by a fee of Five Dollars (\$5.00). The permit shall not exceed twelve (12) months from the issuance thereof, but may be renewed on a month-to-month basis until the completion of the building project or the removal of the trailer.

#### **SECTION 16-18 VARIANCES.**

The City Manager or his authorized agent, may in appropriate cases and subject to appropriate conditions and safeguards make special exceptions to the terms of this division in harmony with its general purpose and intent so that the spirit of this Division shall be maintained, public safety and welfare secured and substantial justice done.

#### **SECTION 16-19 PENALTIES.**

Any person who shall violate any provision of this Division shall, upon conviction thereof, forfeit not less than Seventy-five Dollars (\$75.00) nor more than Five Hundred Dollars (\$500.00) together with the costs of prosecution. Each day's failure of compliance with any such provision shall constitute a separate violation.

### ***DIVISION 4. PENALTIES***

#### **SECTION 16-20 PENALTIES.**

- (A) Any person who violates the Fair Housing Division shall for each violation, except the actual refusal to sell, forfeit not less than Seventy-five Dollars (\$75.00) nor more than Two Hundred Dollars (\$200.00). For refusal to sell the owner shall forfeit not less than One Hundred Twenty-five Dollars (\$125.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof shall be imprisoned in the County Jail until such fine and costs are paid but not exceeding thirty (30) days.
- (B) Any person who is convicted of violating any of the provisions of Division 3 (Mobile Homes and Mobile Home Parks) shall be subject to a fine not less than One Hundred Twenty-five Dollars (\$125.00), nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof, imprisonment not to exceed sixty (60) days.

## **ARTICLE II. MINIMUM HOUSING CODE**

**DIVISION 1. PURPOSE; POLICY AND CONSTRUCTION SCOPE.**

**SECTION 16-21 TITLE; PURPOSE; POLICY AND CONSTRUCTION SCOPE.**

(A) Title  
This Article shall be known and cited as the Minimum Housing Code of the City of Oshkosh.

(B) Purpose  
The purpose of this Article is to prevent the deterioration of residential units and neighborhoods and to insure a minimum level of housing standards for the residents of the City.

Such units or neighborhoods could become so dilapidated and neglected that they jeopardize or are detrimental to the health, safety, morals and general welfare of the people of the City, or to the economic values of adjoining property.

The adoption and subsequent enforcement of this Article is therefore deemed essential to the public interest. It shall be reasonably construed to maintain a pleasant, safe and healthful environment, and to help insure the maintenance of property values within the City.

(C) Scope  
This Article shall pertain to all dwellings in the City except one-family owner-occupied dwellings as defined in Section 16-22.

**SECTION 16-21.1 PUBLIC INFORMATIONAL MEETINGS**

Before revising, repealing, recreating, creating, or otherwise amending the provisions of this Article, a public informational meeting shall be held at which parties in interest and others shall have an opportunity to be heard. Such meeting shall be held not less than 10 days nor more than 30 days prior to the first date upon which Council may act upon the issue. At least 7 days prior to the holding of such informational meeting notice of the time and place of the meeting shall be published as a class 1 notice, under ch. 985 of the Wisconsin Statutes.

**SECTION 16-22 DEFINITIONS.**

(A) The following definitions shall apply in the interpretation and enforcement of the Minimum Housing Code:

- (1) APARTMENT HOTEL. Same as "Hotel".
- (2) APPROVED. "Approved" shall mean in accordance with regulation established by City ordinance or Code and authority designated by law to enforce such ordinance or Code.
- (3) BASEMENT. See Section 30-1.
- (4) BATH. "Bath" shall mean a bathtub or shower stall properly connected with both hot and cold water lines.
- (5) BATHROOM. "Bathroom" shall mean a non-habitable room with a dwelling unit which is used, or intended to be used, primarily for bathing and/or toilet purposes, and which contains a toilet, lavatory, bathtub or shower facilities.
- (6) BEDROOM. "Bedroom" shall mean a habitable room within a dwelling unit which is used, or

intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room. Bedroom, however, shall not be interpreted so as to prohibit efficiency apartments.

- (7) CITY. "City" shall mean the City of Oshkosh, Wisconsin.
- (8) COMMUNAL. "Communal" shall mean used or shared by, or intended to be used or shared by, the occupants of two or more rooming units or two or more dwelling units.
- (9) DEADBOLT LOCKING DEVICE. "Deadbolt Locking Device" shall mean any keyed, mortised lockset with at least a 3/4 inch bolt capable of being opened from the inside by a single turn of a knob.
- (10) DWELLING. See Section 30-1.
  - (a) DWELLING, SINGLE FAMILY. See Section 30-1.
  - (b) DWELLING, TWO-FAMILY. See Section 30-1.
  - (c) DWELLING, MULTIPLE OR APARTMENT BUILDING. See Section 30-1.
  - (d) MOBILE HOME. See Section 30-1.
- (11) DWELLING UNIT. See Section 30-1.
- (12) EFFICIENCY APARTMENT. "Efficiency Apartment" shall be a dwelling unit consisting of one habitable room.
- (13) EXTERMINATION. "Extermination" shall mean the control and elimination of insects, rodents or other pests by elimination of their harborage places, by removing or making inaccessible material that may serve as their food, by poisoning, spraying, trapping or by any other recognized and legal elimination methods approved by the Health Department of the City.
- (14) FAMILY. See Section 30-1.
- (15) GARBAGE. "Garbage" shall mean the animal and vegetable waste resulting from the preparation, handling, cooking and consumption of food.
- (16) HABITABLE ROOM. "Habitable Room" shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, laundries, pantries, foyers, communicating corridors, closets and storage spaces.
- (17) HOTEL. See Section 30-1.
- (18) INFESTATION. "Infestation" shall mean the presence of any insects, rodents, or other pests within a dwelling or on the dwelling premises.
- (19) INOPERABLE VEHICLE. "Inoperable vehicle" shall mean any unregistered vehicle, or any vehicle unable to move under its own power or any vehicle not able to be used legally on any public street in accordance with the provisions of Chapters 347 and 348 of the Wisconsin Statutes and/or Trans 305 of the Wisconsin Administrative Code.
- (20) KITCHEN. "Kitchen" shall mean a habitable room or area used or intended to be used for cooking or the preparation of meals.
- (21) NUISANCE. "Nuisance", for the purposes of the Minimum Housing Code, shall be defined as follows:

- (a) Any attractive nuisance which may prove detrimental to children whether in a building or upon a lot. This includes any abandoned wells, shafts, basements, and excavations; or any abandoned refrigerators and inoperable motor vehicles; or any structurally unsound structures; or any lumber, trash, debris or vegetation which may prove a hazard for inquisitive minors.
  - (b) Whatever is dangerous to human life or is detrimental to health.
  - (c) Overcrowding a room with occupants.
  - (d) Insufficient ventilation or illumination.
  - (e) Inadequate or unsanitary sewerage or plumbing facilities.
  - (f) Uncleanliness.
  - (g) Whatever renders air, food or drink unwholesome or is detrimental to the health of human beings.
  - (h) Unsafe or dangerous electrical wiring.
- (22) OCCUPANT. "Occupant" shall mean any person living, sleeping or eating, or having actual possession of a dwelling unit or rooming unit.
- (23) OPERATOR. "Operator" shall mean any person who is in charge or control of a building or part thereof in which dwelling units or rooming units are let.
- (24) OWNER. "Owner" shall mean any person who alone or jointly or severally with others shall be the legally recorded holder of the title with or without actual possession thereof, or who has charge, care or control of any dwelling or dwelling unit as agent or owner or as executor, administrator, trustee or guardian of the estate of the owner. The term "owner" under this Article shall also include the legally recorded holder of a land contract vendee interest.
- (25) PERSON. "Person" shall mean and include any individual, firm, corporation, partnership or association.
- (26) PLUMBING. "Plumbing" shall mean and include the following: all piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof or a water pressure system other than municipal systems as provided in Chapter 144 of the Wisconsin Statutes.
- (27) PREMISES. "Premises" shall mean a lot together with all buildings and structures thereon.
- (28) ROOMER. "Roomer" shall mean an occupant of a rooming house who is not a member of the family of the operator of that rooming house, or an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
- (29) ROOMING HOUSE. "Rooming House" shall mean any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to more than four roomers.
- (30) ROOMING UNIT. "Rooming Unit" shall mean any room or group of rooms forming a single

habitable unit in a rooming house used or intended to be used for living and/or sleeping.

- (31) **RUBBISH.** "Rubbish" shall mean household waste, except garbage; and the term shall include tin cans, glass, metal, crockery, and similar household wastes; also papers, rags, lawn rakings and other combustible refuse.
- (32) **SUPPLIED.** "Supplied" shall mean paid for, furnished or provided by or under the control of the owner or operator.
- (33) **MEANING OF CERTAIN WORDS.** Whenever the words " Dwelling", " Dwelling Unit", " Rooming House", or " Premises" are used in this Article, they shall be construed as though they were followed by the words "or any part thereof".
- (B) All words other than those specifically defined herein shall have their ordinarily accepted meanings as implied by the context.

**SECTION 16-23 INSPECTION OF PREMISES - HOUSING INSPECTOR - AUTHORIZATION; TIME; NOTICE - SEARCH WARRANT - WAIVER; NON-PERTINENT DISCOVERIES CONFIDENTIAL; OBSTRUCTION - REFUSAL - CEASE AND DESIST ORDER.**

- (A) The Housing Inspector is authorized and directed to make inspection when he has valid reason to believe that a violation of this Article has occurred.
- (B) The Housing Inspector is authorized to enter and inspect all dwellings and dwelling units subject to the provisions of this Article between the hours of 8:00 A.M. and 5:00 P.M. (except Sundays and Holidays), for the purpose of determining whether there is compliance with the provisions of this Article. He shall give the occupant thereof, or if there be none, then the owner thereof, reasonable notice of his intent to inspect the premises and may then make his inspection only if he is given permission to do so. In the absence of such permission, he shall obtain a search warrant before entering the premises. However, if delay in inspection would pose a serious and imminent threat to human life, health or property, he may enter the premises without such permission or notice and with or without a search warrant as the circumstances may prescribe. The Housing Inspector and the owner or occupant in charge may agree to an inspection by appointment at a time other than during the hours specified above.
- (C) If any owner, occupant, or other person in charge of a dwelling or dwelling unit subject to the provisions of this Article refuses, impedes, inhibits, interferes with, restricts or obstructs entry and free access to any part of the structural premises where inspection authorized by this Article is sought, the Housing Inspector may seek from any court of competent jurisdiction, an order that such owner, occupant or other person in charge cease and desist with such interference.

***DIVISION 2. NOTICES; HOUSING ADVISORY AND APPEALS BOARD; ORDERS; HEARINGS; REVIEW.***

**SECTION 16-24 NOTICES - CONTENTS; SERVICE; TIME FOR REMEDIAL ACTION BY OWNER.**

- (A) Whenever the Housing Inspector determines that there has been a violation or that there are reasonable grounds to believe that there has been a violation of any provision of this Article, he shall give written notice of such violation or alleged violation to the party responsible for maintaining the premises in compliance with this Article or agent as designated in writing.
- (1) Include a description of real estate sufficient for identification.
- (2) Include a statement of the alleged violation or violations.

- (3) Include an order for remedial action.
  - (4) Allow reasonable time, of up to six (6) months, for performance of any action required.
- (B) Upon re-inspection of a violation, if the inspector finds that the violations have not been corrected, the owner, contractor or agent responsible for the violations shall pay a re-inspection fee.

#### **SECTION 16-25 APPEALS FROM ORDERS OF HOUSING INSPECTOR**

Any person feeling aggrieved by any order or ruling of the Housing Inspector may appeal from such order or ruling to the Board of Zoning Appeals as provided for in section 30-6(B) of this code. An order or ruling written under the State Building Code is not appealable under this ordinance.

|               |          |
|---------------|----------|
| SECTION 16-26 | RESERVED |
| SECTION 16-27 | RESERVED |
| SECTION 16-28 | RESERVED |
| SECTION 16-29 | RESERVED |
| SECTION 16-30 | RESERVED |

#### **SECTION 16-31 EMERGENCY ORDERS**

If the Housing Inspector shall determine that a dwelling is in such condition that it constitutes a public nuisance and that there is great danger to the public health, safety, and welfare and if the owner, or occupant if appropriate, refuses to comply with orders within the time prescribed, the Housing Inspector, or other designee shall cause such dwelling or dwelling unit or part thereof to be posted unfit for human habitation, occupancy, or use by posting a placard on the premises containing the following words:

THIS DWELLING UNIT CANNOT BE USED FOR HUMAN HABITATION, OCCUPANCY OR USE

It is the duty of the Housing Inspector, or designee to notify the owner and the occupants that such premises are unfit for human habitation, occupancy or use, and shall not be occupied until approval by the Housing Inspector or designee. The notice procedure shall be pursuant to Section 16-24, exclusive of subparagraph (A)(4).

#### **SECTION 16-32 UNAUTHORIZED REMOVAL OF NOTICE.**

No person shall interfere with, obstruct, mutilate, deface or remove the official notice or placard from any dwelling or from dwelling unit.

### ***DIVISION 3. MINIMUM STANDARDS, REQUIREMENTS AND CONDITIONS FOR OCCUPANCY.***

#### **SECTION 16-33 MINIMUM STANDARDS FOR EQUIPMENT AND FACILITIES.**

- (A) All habitable buildings subject to the provisions of this Article shall comply with the following requirements for basic equipment and facilities.
- (1) Sinks.  
Every dwelling unit shall contain a kitchen sink which shall be located in the room in which the food is cooked or prepared.
  - (2) Bathrooms

- (a) Every dwelling unit shall contain a bath, a flush toilet, and a lavatory basin, irrespective of the sink required as a kitchen facility, except that where there are apartments consisting of not more than three (3) rooms there shall be at least one (1) water closet for each two (2) such apartments.
- (b) The room wherein the toilet, lavatory and bathtub or shower required under the Section are installed, shall afford privacy to a person within. The bathtub or shower may be in a room separate from the room housing the toilet and lavatory basin, but shall afford privacy to a person within.
- (3) **Water supply.**  
Every required kitchen sink, lavatory basin, bathtub and shower shall be properly connected with both hot and cold potable water, and every flush water closet shall be properly connected to a supply of water adequate in volume and pressure for flushing purposes.
- (4) **Water heating facilities.**  
Every dwelling unit shall have automatic or manually operated water heating facilities which are properly installed, are maintained in safe and good working condition, and are connected to fixtures as required in the preceding paragraph; and are capable of heating water to a temperature of at least one hundred twenty (120) degrees Fahrenheit so as to permit an adequate amount of hot water to be drawn at every required sink, lavatory basin, bathtub, or shower even when the required dwelling space heating facilities are not in operation.
- (5) **Garbage and refuse receptacles.**  
Every owner shall supply every dwelling unit with adequate garbage and refuse disposal equipment or receptacles large enough to hold all garbage and refuse generated by that dwelling unit. Such receptacles shall comply with the requirements and standards set by the Department of Public Works and the Health Division, and shall be maintained by the owner or occupant in serviceable condition.
- (6) **Stairways in single and two family dwellings.**  
Stairways in single and two-family dwellings shall be equipped with proper handrails mounted in accordance with Sec. SPS 321.04, Wis. Adm. Code, as may be amended from time to time, and shall be equipped with treads and risers reasonably uniform. Porches in single and two-family dwellings shall be equipped with guardrails and intermediate rails installed in accordance with Sec. SPS 321.04, Wis. Adm. Code, as may be amended from time to time, if none are installed. Guardrails in place at the time of the adoption of this subparagraph will not require replacement until such time as they are deteriorated, no longer functional or deemed unsafe. Stairways and porches in other multiple family dwellings shall comply with the appropriate provisions of the Uniform Building Code, as may be amended from time to time, contained with the Wisconsin Administrative Code.
- (7) **Smoke Detectors.**  
Effective October 1, 1985, all dwelling units, vacant or occupied, subject to the provisions of this Article shall be provided with a working, approved, listed and labeled smoke detector in the basement and on each floor of the dwelling unit except in the attic or storage area of said dwelling units.

The owner or person in charge shall be solely responsible for the installation and maintenance of the smoke detectors and for battery replacement as required.

The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, including the need for a new battery.

The owner or person in charge shall immediately upon receipt of a written notice from the

tenant repair or replace the smoke detector or replace the battery.

The owner, person in charge or tenant shall not disconnect or remove batteries from smoke detectors except at the time of battery replacement.

The owner or person in charge shall replace the battery at the beginning of a new lease or new tenancy and shall replace the battery annually.

The owner or person in charge shall furnish to the tenant at the beginning of a new lease or new tenancy written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, batteries and maintenance.

(8) Natural Gas Ranges

When provided or used in any dwelling unit subject to the provisions of this Article, natural gas ranges, ovens and oven/range combinations of any type shall be installed, maintained and used or operated in a safe and non-hazardous manner, pursuant to any applicable state or national codes and regulations. Whenever such an appliance is found or determined to be or certified by the Wisconsin Public Service Corporation as unsafe or hazardous, no person shall use, nor shall any person permit others to use the appliance until all appropriate repairs have been made and the appliance is certified as safe for its intended use.

(9) Doors.

(a) Exterior entry/exit doors shall be of solid core construction and capable of affording security by the installation of deadbolt locking devices.

(b) Bedrooms shall be equipped with doors for privacy.

**SECTION 16-34 MINIMUM STANDARDS FOR HEATING, VENTILATION, ELECTRICAL SERVICE AND LIGHTING.**

(A) All habitable buildings shall comply with the following requirements for heating, ventilation, electrical service and lighting:

(1) Heating

Every dwelling shall have heating facilities which are capable of safely and adequately heating all habitable rooms and bathrooms to a temperature of at least sixty-seven (67) degrees Fahrenheit with an outside temperature of minus fifteen (-15) degrees Fahrenheit without forcing the heating facilities beyond safe capacity. All facilities shall be operated to maintain at least this minimum temperature during all occupied periods.

(2) Ventilation

(a) Every habitable room shall be provided with window and/or door areas openable to the outside equal to at least four percent (4%) of the floor area except mechanical ventilation can be provided in a kitchen in lieu of windows or doors when the ventilation system is designed and installed according to accepted engineering practices or manufacturer's written specifications.

(b) Every bathroom and toilet compartment shall have at least one (1) window directly openable to the outside or shall be equipped with mechanical exhaust ventilation directly to the outside and installed according to accepted engineering practices or manufacturer's written specifications.

(c) All windows and/or doors openable directly to the outside as required by subparagraphs (a) and (b) shall be effectively screened with untorn screens in good

serviceable condition.

- (d) All openings to a building which might provide an entry for rodents shall be effectively protected at all times so as to prevent their entry.

(3) Electrical service

- (a) Every habitable room shall contain at least two (2) separate wall-type electric convenience outlets or one (1) such convenience outlet and one (1) ceiling-type or wall-type electric fixture; and every water closet compartment, laundry room, furnace room and public hall shall contain at least one (1) ceiling or wall-type electric fixture. Every bathroom shall contain one wall convenience outlet and one wall or ceiling light fixture. Every such outlet and fixture shall be properly installed and shall be maintained in a good and safe working condition and shall be connected to the source of the electric power in a safe manner.

- (b) In every building accommodating two (2) or more dwelling units using the same corridors and stairways, adequate lighting shall be provided in such corridors and stairways when needed. Such lighting shall be operated by any of the following means:

- (i) Light switches:  
 a) Corridors – By conveniently located light switches;  
 b) Stairs – At least the equivalent of a three-way light switch system located at the top and bottom of all stairways.  
 (ii) Any automatic type of operation which will maintain adequate lighting at all time, either natural or artificial.

- (c) Electrical service panels shall be readily accessible to all occupants in a dwelling without passing through another dwelling unit as required by the National Electrical Code as may be amended from time to time.

- (d) Exterior lighting shall be required to illuminate exterior entry/exit steps in or leading to dwelling units.

(4) Natural Lighting

Every habitable room shall be provided with window areas equal to at least eight percent (8%) of the floor area.

**SECTION 16-35 REQUIREMENTS FOR MAINTENANCE.**

- (A) All habitable buildings shall comply with the following requirements for maintenance:

(1) Floors, walls, etc.

- (a) Every floor, floor covering, wall, ceiling and kitchen countertop and cupboard shall be kept in good repair. Every building shell, foundation, exterior door and roof shall be kept in good repair and weather-tight.
- (b) All rainwater shall be so drained from the roof so as not to cause dampness inside the dwelling unit and so drained as not to allow standing water, water damage or other detrimental conditions in the dwelling.
- (c) All windows shall be maintained in good repair and in a weather-tight condition.

- (d) All interior doors shall be maintained in good repair.
- (2) **Stairs and porches.**  
Every inside and outside stair, every porch, every guardrail and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use would cause to be placed thereon, and shall be kept in sound condition and good repair, and in a clean condition. Such stairs and porches shall be kept free of refuse or stored material.
- (3) **Plumbing Systems.**  
Plumbing systems shall be maintained in a sanitary and functional condition. Leaking pipes and cracked or broken fixtures shall be considered unsanitary.
- (4) **Chimney and smoke pipes.**  
Every chimney and smoke pipe shall be adequately supported, reasonably clean and maintained in good state of repair.
- (5) **Discontinuance of service**  
No owner, occupant or operator shall cause any required service, facility, equipment or utility to be removed from, shut off from or discontinued for any occupied dwelling except for such temporary interruption as may be necessary while actual repairs or alterations are in progress, or during a temporary emergency.
- (6) **Safe and clean dwelling units and premises.**  
No owner shall rent to any other person for occupancy or allow any person to occupy any dwelling unit or premises unless it is safe and clean, and complies with all provisions of this Article and with Section 18-79.1 of this Code.
- (7) **Cleanliness**  
(a) Every dwelling unit shall be kept free of any accumulation of refuse, trash, debris or other matter.

#### **SECTION 16-36 CONDITIONS OF OCCUPANCY OF DWELLINGS AND DWELLING UNITS.**

- (A) No person shall occupy or let to another for occupancy any dwelling or dwelling unit for the purpose of living therein which does not comply with the following requirements:
- (1) **Floor space.**  
Every dwelling unit except hotels and rooming houses shall contain at least one hundred fifty (150) square feet of habitable floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor space for every additional occupant thereof.
- (2) **Habitable room area.**  
Floor area shall be calculated on the basis of habitable room area. However, closet area and hall area within the dwelling unit, where provided, may count for not more than ten (10%) percent of the required habitable floor area.
- (3) **Ceiling height.**  
At least one-half (1/2) of the floor area of every habitable room shall have a ceiling height of at least seven (7) feet and the floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing floor area of the room for determining the maximum permissible occupancy thereof.
- (4) **Access to bathroom facilities.**

Every occupant of every dwelling unit shall have unrestricted access to a bath and flush toilet and to a sink or lavatory basin located within the dwelling unit. Such access shall not be through more than one (1) sleeping room.

- (5) **Basement space.**  
A basement space may be used as a living or sleeping room or a dwelling unit if floors and walls are impervious to the leakage of underground and surface runoff water, excess humidity is controlled and the space used complies with the requirements for habitable rooms.

## **SECTION 16-37 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.**

- (A) Where in this Article the obligation for observance is not otherwise clearly designated, the respective responsibility of owner, operator and occupant is as follows:
- (1) **Responsibilities of owner**  
Every owner of a dwelling shall be responsible for maintaining in a safe, clean and good condition all communal, shared or public areas of the dwelling and appurtenant premises. Yards shall be maintained by the owner according to the provisions of Article IV of Chapter 17 of this Code pertaining to Public Nuisances.
- (2) **Responsibilities of others.**  
Every occupant of a dwelling or dwelling unit shall maintain in a clean condition that part of the dwelling, dwelling unit and yard which he occupies and controls.
- (3) **Storage of garbage and refuse.**  
Every owner shall notify in writing the occupant and shall insure that garbage and refuse shall be properly stored behind and adjacent to the rear of the dwelling at a point farthest away from any public sidewalk, alley or thoroughfare, that all garbage and refuse shall be stored in proper receptacles and shall not be placed at the curb or alley line for pick-up day no earlier than 4:00 p.m. of the day preceding pick-up as established in Section 23 of this Code, and that all receptacles shall be returned by occupant to the point of storage within twelve (12) hours after collection.
- (4) **Disposal of garbage.**  
Every occupant of a dwelling or dwelling unit, who does not otherwise provide for the disposal of garbage in a sanitary and inoffensive manner, shall prepare all his garbage for collection and place it, pending collection, in a proper receptacle as provided herein. The owner shall be responsible for supplying such facilities or receptacles for all dwelling units in dwellings containing more than two (2) dwelling units. In all other cases, the occupant shall be responsible for such facilities or receptacles.
- (5) **Extermination of pests.**
- (a) Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit shall be responsible for the extermination of any insects, rodents, pigeons, or other pests therein, whenever his dwelling unit is the only one infested; provided, however, that when infestation is caused by failure of the owner to maintain a dwelling in a rodent or pigeon proof or substantially insect proof condition, or if termites infest the dwelling unit, extermination shall be the responsibility of the owner.
- (b) Every owner or operator shall be responsible for extermination of any insects, rodents, pigeons or other pests whenever infestation occurs in more than one dwelling unit in a dwelling, or in shared or public parts of a dwelling of two or more

units or in any vacant unit.

**SECTION 16-38 DWELLINGS AND DWELLING UNITS WHICH MAY BE OCCUPIED HOUSING INSPECTOR - DETERMINATIONS; ORDERS; TIME FOR COMPLIANCE - EXTENSION; BUILDING INSPECTOR - STATE LAW.**

- (A) From and after one (1) year from the date of adoption of this Article, no dwelling or dwelling unit in the City may be occupied if such dwelling unit has been inspected by the Housing Inspector and it has been determined that such dwelling or dwelling unit does not conform to the requirements of this Article.
- (B) Except as to rooming houses which shall be governed by Section 16-39, the Housing Inspector shall order compliance with this Article within a stated period of time not to exceed six (6) months. However, in case of hardship, he may grant, at his discretion, time extensions not exceeding six (6) months each, and in case, not exceeding a total of one (1) year from the time of original order. Said extensions shall be granted only upon evidence of substantial effort to, and progress in, removing the violation.
- (C) Any dwelling declared structurally unsafe shall be restored or razed according to the provisions of Section 66.0413 of the Wisconsin Statutes. The Building Inspector is hereby designated as an officer to carry out the provisions thereof.

***DIVISION 4. ROOMING HOUSES.***

**SECTION 16-39 ROOMING HOUSES - STATE ADMINISTRATIVE CODE.**

- (A) No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the Wisconsin Administrative Code, SPS 362 and in compliance with Sections 16-33(A)(3-5), 16-34(A)(3), 16-35, 16-36(A)(2-4), and 16-37 of this Article; provided, that for the purposes of interpreting the requirements of the designated Sections applicable in the enforcement of this Section the words "multiple dwelling" or "dwelling" shall be interpreted to mean "rooming house" and the words "dwelling unit" or "dwelling units" shall be interpreted to mean "rooming unit" or "rooming units".

**SECTION 16-40 ROOMING HOUSES - OPERATING LICENSE; TEMPORARY PERMIT; REQUIREMENTS AND EXCEPTIONS IN GENERAL.**

- (A) The Housing Inspector is authorized, upon application therefor, to issue operating licenses and renewals thereof, in the names of applicant owners of rooming houses.
  - (1) No such licenses shall be issued unless the rooming house in connection with which license is sought is found, after inspection, to meet the requirements of this Article.
  - (2) The Housing Inspector is authorized to issue temporary operating permits for a period of not to exceed one (1) year.
- (B) Within sixty (60) days after the effective date of this Article, anyone renting to more than four (4) roomers shall make application to the Housing Inspector or designee for an operating license.
- (C) No person shall operate a rooming house with more than four (4) roomers unless he holds a current license or temporary permit issued by the Housing Inspector in his name for the specific rooming house.

- (1) No permit shall be required where there is in effect a current State Board of Health hotel, motel or tourist home permit.

**SECTION 16-41 ROOMING HOUSE OPERATING LICENSE - TERM; FEE; FORMS; INSPECTIONS.**

- (A) Every operating license shall be issued for a period of one (1) year from the date of issuance unless sooner revoked, including any renewals thereof.
  - (1) No operating license shall be issued or renewed unless the applicant owner has first made application therefor on an application form provided by the Housing Inspector, accompanied by payment of a license fee of One Hundred Dollars (\$100.00) plus Fifteen Dollars (\$15.00) per bedroom per license. The Housing Inspector shall develop such forms and make them available to the public.
  - (2) No operating license shall be issued or renewed unless the applicant owner agrees in his application to such inspection as the Housing Inspector may require to determine whether the rooming house in connection with which such license is sought is in compliance with the provisions of this Article.
  - (3) Any property failing to secure or renew the required Rooming House License prior to operating such or prior to expiration of said license shall pay double the license fee.
  - (4) Upon re-inspection of a violation, if the inspector finds that the violations have not been corrected, the owner, contractor or agent responsible for the violations shall pay a re-inspection fee.

**SECTION 16-42 ROOMING HOUSE OPERATING LICENSE - AGENT FOR SERVICE OF NOTICE AND PROCESS.**

- (A) No operating license shall be issued or renewed for an applicant unless such applicant designates, in writing, an agent for the receipt of service of notice of violation of the provisions of this Article and for service of process pursuant to this Article. Such designation shall accompany each application form.
  - (1) The applicant may designate any person or resident in the City his agent for this purpose, or may designate the City Clerk his agent for this purpose.
  - (2) Such applicant shall immediately notify the City Clerk of any change of agent.

**SECTION 16-43 ROOMING HOUSE OPERATING LICENSE - CONTENTS; DISPLAY; TRANSFERABILITY; NOTICE OF CHANGE OF OWNERSHIP OR CONTROL.**

- (A) The license shall state the maximum number of occupants permitted on the occupied premises, and shall be displayed in a conspicuous place within the communal areas of the rooming house.
- (B) No license shall be transferable to another person or rooming house.
- (C) Every person holding an operating license shall give notice in writing to the Housing Inspector within forty-eight (48) hours after having transferred or otherwise disposed of the legal control of any licensed.

**SECTION 16-44 ROOMING HOUSE; INSPECTION - NOTICE OF VIOLATION; OPERATING LICENSE REVOCATION - REINSPECTION; HEARING BEFORE HOUSING BOARD.**

- (A) Whenever, upon inspection of the licensed rooming house, the Housing Inspector finds that conditions or practices exist which are in violation of this article, he shall serve a notice in accordance with Section 16-24. This notice shall state that, unless the requirements are complied with by a specified date, the operating license may be revoked.
- (B) At the end of the time he has allowed for correction of any violation cited, the Housing Inspector shall reinspect the rooming house, and if he determines that such conditions have not been corrected, he may issue an order revoking the operating license.
- (C) Any person who receives a notice pursuant to this Section shall be entitled, if he requests it, to a hearing before the Housing Advisory and Appeals Board as provided by Section 16-26.

**SECTION 16-45 MINIMUM REQUIREMENTS; SPECIFICATION OF MINIMUM STANDARDS.**

- (A) The regulations and standards herein prescribed are minimum standards. If any standard or regulation required by the "Minimum Housing Code" differs from a standard or regulation of some other provision of the "Minimum Housing Code" or the City Code or state regulation, the more strict provision shall take precedence.
- (B) Specification of minimum standards.
  - (1) At least one (1) flush water closet, lavatory basin and bathtub or shower shall be supplied for each ten (10) persons or fraction thereof residing in a rooming house including members of the operator's family when they share the use of the facilities.
    - (a) All rooms containing only one (1) water closet with or without a tub or shower required by this Section shall be provided with doors with operable locks to insure privacy to a person within. Where two (2) or more water closets are provided in the same room for use only by members of the same sex, each fixture shall be enclosed in accordance with SPS 362, and the door to such rooms shall not be locked.
    - (b) All rooms containing only one (1) bathtub or shower facility, with or without a water closet, shall be provided with doors with locks to insure privacy to a person within. Where two (2) or more of such bathing facilities are provided in the same room for use only by members of the same sex, each such facility shall be provided with a shower curtain or door or tub enclosure opening to a common drying and dressing area and the door to such room shall not be locked.
    - (c) Urinals where provided for use by members of the same sex shall be in addition to the number of water closets required.
    - (d) One (1) lavatory shall be provided for each water closet.
    - (e) All such facilities shall be so located within the dwelling as to be accessible from a common hall or passageway to all persons sharing such facilities.
  - (2) Communal cooking and dining facilities in a rooming house shall be kept by the owner, operator or agent designated in writing, in a safe, sanitary and orderly condition.
  - (3) Whenever bed linen and towels are furnished by the operator as part of the rental agreement

with a room occupant, the operator shall change the bed linen and towels prior to the letting of the room to the occupant, and at least once a week while the room is occupied, and the operator shall be responsible for the maintenance of all such bedding and towels in a clean condition.

- (4) The occupant or occupants of a room in a rooming house shall be responsible for maintaining the room in a clean condition and ensuring that the smoke detector installed by the owner or operator is checked periodically and is functioning properly. The owner or operator of every rooming house shall be responsible for the maintenance of a clean condition in all communal areas and unoccupied rooms of the rooming house and shall ensure that a smoke detector is installed in each sleeping room, vacant or occupied, and is in working order.
- (5) (a) Every sleeping room shall be of sufficient size to afford at least four hundred (400) cubic feet of air space for each occupant over twelve (12) years of age, and two hundred (200) cubic feet for each occupant under twelve (12) years of age, except that a minimum of one hundred fifty (150) cubic feet may be provided for infants in hospital nurseries. No greater number of occupants than the number thus established shall be permitted in any such rooms.

#### ***DIVISION 5. LEGAL ACTION AND PENALTIES.***

#### **SECTION 16-46 PENALTIES.**

Any person who shall violate any of the provisions of this Article shall upon conviction be punished by a forfeiture of not less than Seventy-five Dollars (\$75.00) for the first offense, One Hundred Twenty-five Dollars (\$125.00) for a second offense within 12 months of conviction or Two Hundred Dollars (\$200.00) for a third or subsequent offense within 12 months of conviction, nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a period not to exceed sixty (60) days. Each day of violation shall constitute a separate and distinct offense.

- (A) Smoke Detectors. Notwithstanding the foregoing, any person convicted of violating Section 16-33(A)(7) shall forfeit not less than One Hundred Fifty dollars (\$150.00) for the first offense and not less than Three Hundred Dollars (\$300.00) for the second or subsequent offense within 12 months of conviction, and not more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a period not to exceed sixty (60) days. Each day of violation shall constitute a separate and distinct offense.

## Section 6.01 PUD Planned Unit Development Overlay

### 6.0101 PURPOSE

The purpose of the Planned Unit Development Overlay (PUD) is to encourage flexibility in the development of land, creative design, more orderly development and to promote and preserve the scenic features of the site. The following criteria represent the objectives of the PUD.

- A. Environmentally sensitive design that is of a higher quality than would be possible under the regulations otherwise applicable to the property.
- B. Diversification and variation in the relationship of residential uses, open space and the setbacks and height of structures in developments intended as cohesive, unified projects.
- C. Functional and beneficial uses of open space areas.
- D. Preservation of natural features of a development site.
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- F. Rational and economically sound development in relation to public services.
- G. Efficient and effective traffic circulation, both within and adjacent to the development site.
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.

The Planned Unit Development Overlay shall not be used in the E-Estate Districts

### 6.0102 GENERAL STANDARDS AND CRITERIA

In order for the Zoning Commission and Parish Council to make competent and definitive decisions concerning a Planned Unit Development's proper makeup, the following general standards and criteria shall be applicable:

#### A. Physical Characteristics of the Site:

The site shall be ten (10) or more acres in size and suitable for development in the manner proposed without hazard to persons or property adjacent to the site, in conformance with the standards and parameters established in this Section.

#### B. Relation to Major Transit Routes:

PUD's shall be properly located with respect to interstate, major highways and major arterial streets so as not to create major shifts of traffic generation to intermediate collectors and/or minor streets.

- C. Mixed Use PUD - PUD's may incorporate non-residential uses subject to the following criteria:
1. If the underlying zoning classification is residential in nature, the non-residential uses are limited to those permitted in the NC-1, NC-2, NC-3, NC-4, NC-5, MD-1, and ED-1 Districts.
  2. If the underlying zoning classification is any other classification, the underlying classification controls the permitted land uses.

#### 6.0103 PLAN APPROVAL

- A. Prior to submitting a PUD rezoning petition, an informal pre-application conference with designated staff from the Parish Department of Planning shall be required. The purpose of this conference shall be to discuss PUD parameters and to bring the overall petition as nearly as possible into conformity with Parish regulations.

Following the PUD pre-application conference, a Conceptual Plan shall be submitted with the rezoning application. This plan shall provide the following information:

1. The title of the project and the names of the project planner and developer.
2. A legal description of the property including Township, Section and Range
3. Plat indicating scale, date, north arrow, and general vicinity map indicating existing land uses within 500 feet of all boundaries of the proposed PUD shall be designated. This plat shall include all existing physical features such as existing streets, buildings, water courses, easements, soil conditions, vegetative cover and topography.
4. Net Density shall be set based upon the underlying zoning classification utilizing one of the following options:
  - a. The number of lots/units may be established in accordance with the maximum net density of the underlying zoning classification as applied to the following formula:

$$\text{Total Area} \times .75 = \text{_____} \times \text{maximum net density} = \text{_____} \text{ lots (units)}$$

- b. The number of lots/units may be established by a yield plan consisting of conventional street layouts including but not limited to basic topography, soil conditions, drainage, vegetative cover, locations of wetlands, and 100 year flood plains. Said yield plan shall be based upon the standards of the underlying zoning district and comply with all meet all applicable development standards.

- c. Pending the comprehensive re-zoning review of un-incorporated St. Tammany Parish, the Zoning Commission shall have the authority to establish appropriate density levels for all properties zoned R-Rural and SA Suburban Agricultural at the time of the PUD request. Once the area in which the subject property is located has undergone a Comprehensive Re-zoning Review the standards of the newly adopted zoning classification shall govern, in accordance with Article 5 of these regulations
- 5. Site information including the following criteria shall be provided:
    - a. Boundaries of the property involved,
    - b. Average size and maximum number of lots,
    - c. Parcels or sites to be developed or occupied by buildings,
    - d. The general location and maximum amount of area to be developed for parking,
    - e. The general location of areas to be devoted to open space, including those areas to be dedicated or conveyed for parks, playgrounds or school sites,
    - f. Public building(s) and other common use areas,
    - g. The approximate location of ingress, egress and access streets,
    - h. The approximate location of pedestrian and vehicular ways,
    - i. The extent of landscaping and planting,
    - j. Location and/or source of water and sewer facilities, and
    - k. Front, side and rear yard setback lines.
  - 6. Tabulation of the maximum square footage of each use.
  - 7. The proposed maximum height of any building or structure.
  - 8. Maximum total land area, Minimum public and private open space, streets, off-street parking and loading areas.

Breakdown by percent of total land area devoted to each use such as:

- a. Residential uses
- b. Commercial/Institutional uses limited to those permitted in the NC-1, NC-2, NC-3, NC-4, NC-5, MD-1, and ED-1 Districts or any uses permitted in the underlying zoning district.
- c. Green space (as defined in Article 2 – Definitions)
  - 1. A minimum of 25% of open space is required for all PUD's.
  - 2. In no case shall required open space along the existing road frontage be less than 1/4 acre in area and less than 100 feet in width.
  - 3. In no case shall required open space along other boundary lines (without road frontage) be less than 1/4 acre in area and less than 50 feet in width.
  - 4. Active recreation shall include such comparable uses as playgrounds, ball fields, swimming pools, tennis courts, etc.
  - 5. Passive recreational uses shall include comparable uses such as picnic areas, permeable nature trails, undisturbed habitat, etc.
- d. access parking and loading areas

- e. Location of the existing and proposed easements to the extent they are reasonably ascertainable with the understanding that the future easements may be needed based on more complete engineering studies.
9. Restrictive Covenants including the assurance of maintenance of common areas and the continued protection of the PUD. The Department of Planning must review and approve the Restrictive Covenants prior to recordation thereof with the Clerk of Court.
  10. Circulation element indicating the proposed principal movement of vehicles, goods and pedestrians.
  11. Environmental Assessment Data Form (signed and dated).
  12. Initial wetland delineation as determined by a qualified wetlands consultant.
  13. Flood Zone demarcation lines (indicate FIRM Map and panel number).
  14. Documents indicating ultimate disposal of surface drainage.
  15. The Zoning Commission or the Parish Council may require additional material such as plans, maps, aerial photographs, studies and reports which may be needed in order to make the necessary findings and determinations that the applicable Parish standards and guidelines have been achieved.
- B. The Planning Staff shall hold a formal review of the PUD submission two (2) weeks prior to the Public Hearing by the Zoning Commission and note areas of concern to the applicant in writing within one week of the review. The purpose of this review is to provide constructive feedback to the developer on compliance with the PUD requirements.
- C. The Zoning Commission shall hold the formal public hearing on the Zoning Overlay Request and forward a recommendation to approve or deny the PUD to the St. Tammany Parish Council after the required public hearing. The Zoning Commission reserves the right to add stipulations and conditions to its approval and shall determine if the applicant has met all or part of the PUD parameters including:
1. The tract for the proposed PUD is suitable in terms of its relationships to the Parish Comprehensive Plan and that the areas surrounding the proposed PUD can continue to be developed in coordination and substantial compatibility with the PUD proposed.
  2. That the desirable modifications of general zoning regulations as applied to the particular case, justify such modifications of regulations and at least an equivalent degree the regulations modified, based on the design and amenities incorporated in the site development plan.

3. That increased open space over conventional development is provided for the occupants of the proposed PUD and the general public, and desirable natural features indigenous to the site in accordance with the Open Space Parameters as follows:
  - a. Open spaces shall be required within the PUD and should be devoted to active and/or passive recreational purposes.
  - b. Protects all flood plains and wetlands in accordance with Parish Regulation pertaining to fill.
  - c. Preserves and maintain to the extent possible mature woodlands and buffers.
  - d. Protects rural roadside character and improves public safety by minimizing development fronting and accessing directly onto the public road.
  - e. Provides for pedestrian circulation between properties and features of the site and continuity of open spaces where possible.
4. Internal Planned Unit Development Parameters:
  - a. The density of the proposal shall not exceed the density permitted in accordance with the requirements of Article 5 of these regulations.
  - b. Every dwelling unit or other use within the PUD shall have direct access to a public or private street via pedestrian ways, courts or other access related easements. It should not be construed that access for permitted uses must front on a dedicated street.
  - c. If lots and or parcels are created within the boundaries of the PUD, no minimum size or yards shall be required, except as approved as part of the individual PUD proposal.
5. Central sewerage and water systems shall be provided to all uses within this overlay. Septic tanks and individual water wells are prohibited in PUD developments.

- D. **Binding Nature of approval for PUD**  
All terms, conditions, safeguards, and stipulations made at the time of approval for PUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions, or safeguards shall constitute a violation of these zoning regulations.

1. Tentative-Preliminary-Final Development Plans  
Plans for development of land approved for PUD shall be processed in accordance with the procedures established by the St. Tammany Parish Subdivision Regulations Ordinance No. 499) - if required. The PUD approval may be substituted for the Tentative Plat Approval required by Ordinance No. 499.
2. Final Development Plan  
After approval of the Conceptual Development Plan by the Parish Council the applicant shall submit a Final Plan to the Department of Planning indicating all terms, conditions, safeguards and stipulations required by the Zoning Commission and the Parish Council.
3. Review and approval of a PUD overlay is a multi-step process, requiring Zoning Commission and Planning Commission approval (except in those cases where minor subdivision approval is authorized, or an exemption applies). Approval of a PUD overlay does not change the underlying zoning classification of the property until approval of the Preliminary Plat. PUD overlay approvals that have been granted approval by the Parish Council, after consideration by the Zoning Commission, shall remain in effect for a period of not more than two (2) years from the date of approval by the Parish Council, unless a portion or phase of the proposed development has been granted Preliminary Plat Approval by the Planning Commission in accordance with the St. Tammany Parish Subdivision Regulatory Ordinance No. 499.
4. If no portion or phase of the original PUD, which has been granted zoning approval by the Parish Council, is granted preliminary approval within two (2) years of the date of the Parish Council's original approval of the PUD, the owner/developer shall be required to submit an application for a new PUD overlay review and approval by the Zoning Commission and Parish Council, and pay all applicable fees.

#### 6.0104 AMENDMENT TO THE PLANNED UNIT DEVELOPMENT

Amendments to the PUD shall be classified as either major or minor in character.

- A. Major amendments to the PUD shall require the developer to submit revised plans to the Department of Planning. Upon review of the proposed amendments to the PUD by the staff, a public hearing shall be established for the review of the changes by the Zoning Commission. The Zoning Commission shall have the authority to review and approve all major changes to the PUD.

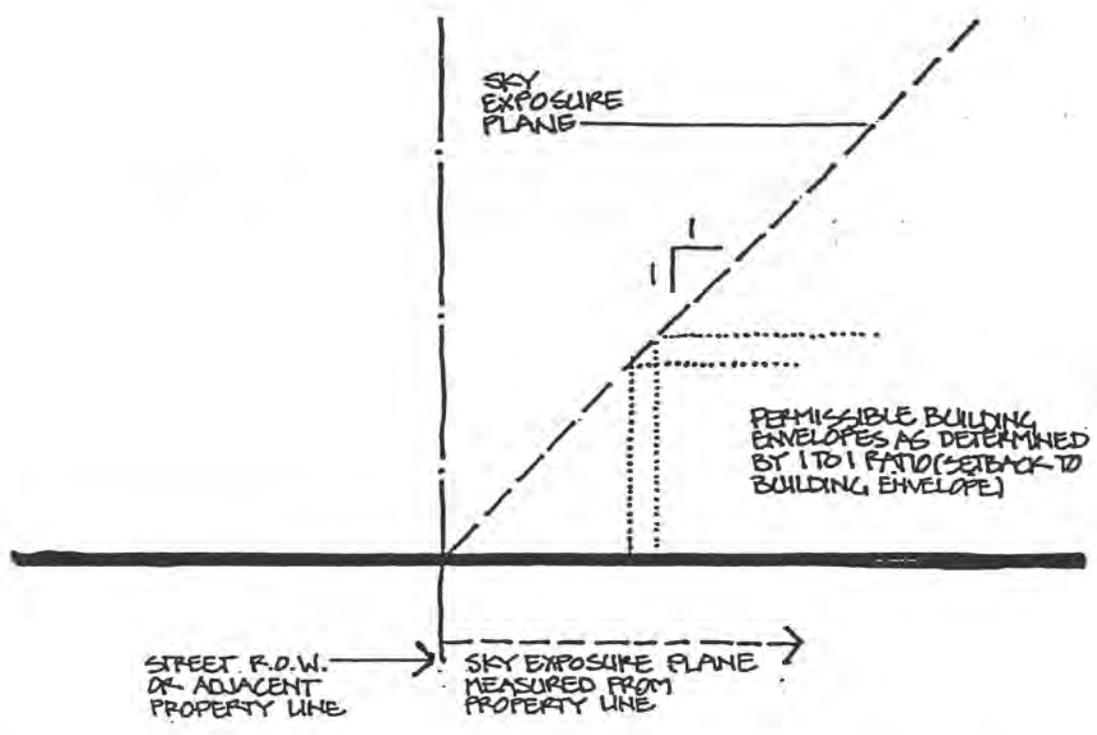
Public advertisement shall be required at least fifteen (15) days prior to the meeting date and shall run in the official journal of the Parish at least twice during that time period.

Furthermore, the developer shall pay additional fees for procurement of his proposed PUD changes. The additional fees shall be established by the Department of Planning upon initial review of the proposed amendments.

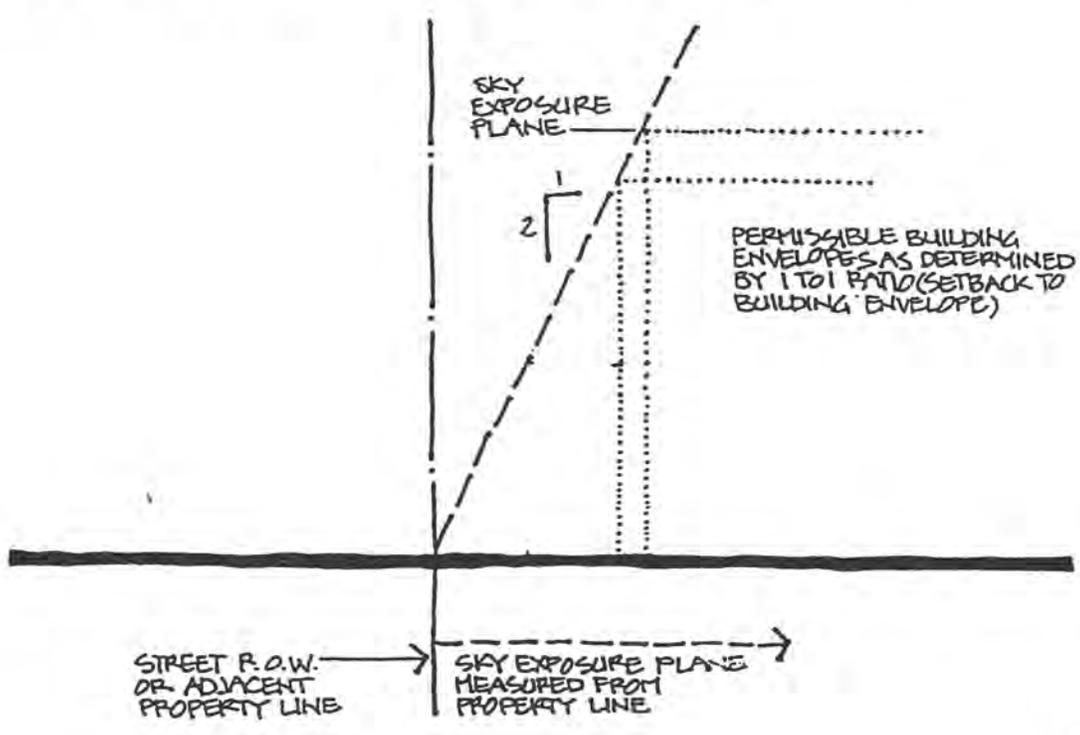
Major changes to the PUD plan include changes to:

1. The use of the land,
  2. The use, bulk and location of significant buildings and structures,
  3. The location of open spaces;
  4. A reduction in the quantity or quality of open space and
  5. An increase in the intensity of use and/or the density of a development.
- B. Minor amendments to the PUD shall be construed as all other changes not considered major amendments. Minor amendments change shall be submitted for review and approval of the Director of the Department of Planning.





BUILDING SETBACK REQUIREMENTS FOR FRONTYARD, STREET YARD AND REAR YARD SETBACKS IN R-3 ZONING DISTRICT



BUILDING SETBACK REQUIREMENTS FOR SIDE YARD

*This was voted out of the zoning code Rewrite.*

## Descripton

**Building envelope:** The three-dimensional space within which a structure is permitted to be built on a zoning lot and which is defined with respect to such bulk regulations as height, yards, building coverage, floor area ratio, and bulk plane.



**INFORMATION BULLETIN / PUBLIC - ZONING CODE**

REFERENCE NO.: LAMC Sec. 12.03

Effective: 10-29-2001

DOCUMENT NO.: P/ZC 2002-008

Revised: 02-13-2013

Previously Issued As: IB ZO-08

**DETERMINATION OF THE ZONING  
“HEIGHT OF A BUILDING OR STRUCTURE”**

(Not applicable for projects in R1, RS, RE, and RA zones subject to the Baseline Hillside Ordinance.  
See Section 12.21C.10 L.A.M.C. for height requirements)

The City of Los Angeles has many layers of regulation related to the permissible height of buildings and structures. The regulations may depend on the location of a project, the type of project, slope of the lot or proximity to residential zones. This bulletin provides the general approach that should be used in determining the permissible height of a building or structure as well as how to correctly establish what the height of a building or structure is. A complete set of all regulations on this subject is not feasible in one document. A careful review of the regulations must be done once the site and the type of project is known.

Height of Building or Structure defined here is not applicable to projects in R1, RS, RE, and RA zones subject to the Baseline Hillside Ordinance. For projects subject to the Baseline Hillside Ordinance, see LAMC Section 12.21C.10 of this Code for height requirements.

**I. General Approach to Establishing the Height of a Building or Structure**

- a. Obtain a topographic map (not a cross-section or building elevation), signed by a licensed Civil Engineer or Licensed Surveyor, with the building or the structure outlined. The use of a topographic map will result in the most accurate determination of the height. An example showing a correct and an incorrect method of establishing height is on page three.
- b. Determine the “Grade” which is defined as follows:  
**Grade (Adjacent Ground Level)** -- is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This definition does not apply to any building or structure located within the boundaries of the Century City North or Century City South Specific Plans and which is subject to LAMC Section 12.21.2.

This definition does not apply to projects subject to the Hillside Regulations (LAMC Section 12.21A.17). See Section II.a. below for the definition of grade.

- c. Locate the highest point of elevation of the building or structure (including all roof structures such as chimneys, stairway towers, etc.). See item (e) of Section 2 (Special Provisions) below regarding allowable projections for roof structures such as fireplaces, antennas, etc. Allowable projections need not be included in the height calculation.
- d. The vertical distance between the “Grade” and the “highest point of elevation,” as described in steps b and c above is the “height of the building or structure.” Note that the Zoning Code definition differs from the Building Code definition and each must be applied independently for the corresponding code section under consideration.

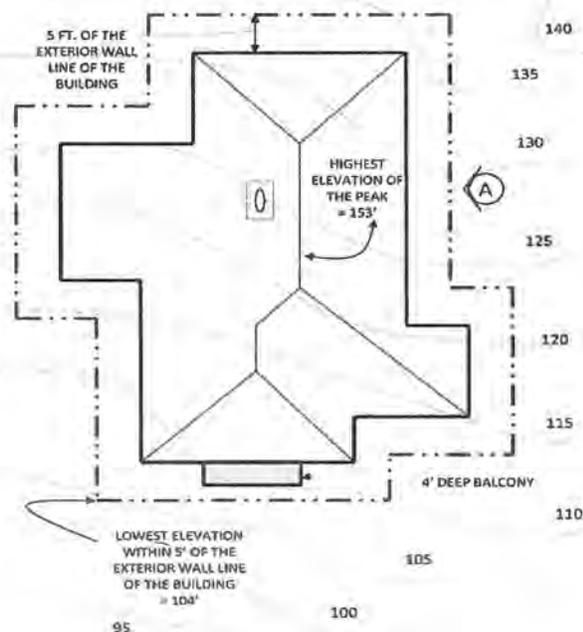
As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. For efficient handling of information internally and in the internet, conversion to this new format of code related and administrative information bulletins including MGD and RGA that were previously issued will allow flexibility and timely distribution of information to the public.

## II. Special Provisions / Exceptions

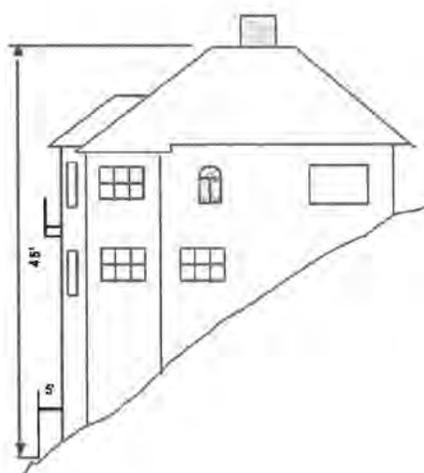
Following are some exceptions and special provisions that apply to commonly occurring situations. Since this is not a comprehensive list, consult with a plan check engineer at any of our public information counters for job specific applications.

- a. For projects subject to LAMC Section 12.21A.17, "Grade" is defined as the lower of the natural or finished grade. When a project is located in any special area (e.g., Specific Plan, Pedestrian Overlay District, Community Design Overlay District, etc.), the "Grade" definition, the height limitation, exceptions, etc. (if different from the general Code) must be applied appropriately as required by the applicable ordinance. It is always advisable to review the Specific Plans. Some Specific Plans establish height limits in reference to sea level, curb level, street level, or other points of reference.
- b. If grading is (was) done in conjunction with a Subdivision of five acres or more, then the resulting grade would be considered the "Natural Grade."
- c. Retaining walls cannot be used to raise the "Grade" and increase the allowable height of the structure. See Information Bulletin P/ZC 228-004 for additional requirements for attached decks.
- d. If the difference between the highest and the lowest grade elevation around the perimeter of the building exceeds 20 vertical feet, then the allowable height may be increased by 12 feet (provided the original height limit is not exceeded at any given "section" or "plumb line" of any part of the building). This exception is not allowed for buildings that are subject to LAMC Section 12.21A.17 of this Code.
- e. Certain roof top features & structures (e.g., antennas, chimneys, stairway towers, elevator tower, etc.) are allowed to exceed the height limit per LAMC Section 12.21.1B.3.  
LAMC Sec. 12.21A.17(c)3 provides applicable exceptions for projects subject to the requirements of LAMC Section 12.21A.17.
- f. Depressed driveways, stairwells, and light wells below grade can be exempt from building height determination. Two light wells are allowed to be maximum 3' clear from the exterior wall of the building and no more than 6' wide. This interpretation does not apply to any buildings or structures located within the boundaries of Specific Plans which specifically address height measurement, or buildings regulated by LAMC Section 12.21A.17 of this Code. Refer to the Zoning Manual for additional restrictions.
- g. Architectural projections which cantilever 5 feet or less from an exterior wall of a building are not included as part of the exterior wall line of the building when calculating height.
- h. Open rooftop guardrails on apartment buildings are not included in the height of a building when such guardrails are provided around the open space required by code. Refer to the Zoning Manual for additional restrictions.

**HEIGHT DETERMINATION EXAMPLE**  
 (Except for projects subject to the Baseline Hillside Ordinance)



**TOPOGRAPHIC MAP**



**Method #1 (correct method using a topographic map)**

- a. Use the topographic map provided.
- b. Determine Grade. From the topographic map prepared by a licensed CE or LS, the lowest elevation within 5' of the exterior wall line of the building is 104'. The balcony is an architectural projection that need not be considered since it projects less than 5' from the exterior wall.
- c. The highest elevation of the building is 155' measured to the top of the chimney. However, a chimney is allowed to project up to 5'. Therefore the highest point of the building to be used is 153'.
- d. The height is calculated by subtracting 104' (the lowest grade within 5' of the exterior wall line of the building) from 153' (the highest elevation of the peak of the roof ridge). The height is therefore 49 feet.

**Method #2 (INCORRECT method using a section or elevation)**

Looking only at a section or an elevation, for the same building, often results in an **INCORRECT** building height of 45 ft. Typically, these architectural elevations only show an approximation of the true grade contour and should not be relied upon for an accurate determination of height.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services and activities. For efficient handling of information internally and in the internet, conversion to this new format of code related and administrative information bulletins including MGD and RGA that were previously issued will allow flexibility and timely distribution of information to the public.

## Height Limitations

- a. Determine the allowable height limit according to the Height District or applicable regulation (e.g., Specific Plan, Section 12.21A.17 of this Code, etc.). Chart No. 1 represents the general code limitations based only on the Height District and zone designation. This chart can be used to determine the height limit when the site is not subject to any Specific Plan or any other Ordinance specific to the site.

Some projects are affected by more than one layer of regulations pertaining to allowable height. In addition, there are specific regulations depending on the type of development (e.g., Mini-Shopping Center Development), location (e.g., Section 12.21A.17 of this Code, Specific Plan, etc.), and/or other site-specific limitations ("Q" or "D" conditions, transitional height, etc.). Due to all these variables, it is suggested that once you have selected a site for development, you seek the assistance of a plan check engineer at any of the Department's public information counters.

Specific Plans are land use ordinances applicable in designated parts of the City. They frequently consist of regulations that prescribe permissible uses, parking requirements, setbacks, allowable height and many other requirements that are different from the general regulations of the Planning and Zoning Code. Construction projects in these areas frequently require a discretionary approval by the Director of Planning after scrutiny by a Design Review Board. These ordinances, when applicable, need to be reviewed in detail prior to designing a project.

- b. If a project is subject to more than one layer of regulations, the most restrictive will be the governing height limit.

| CHART No. 1 HEIGHT DISTRICTS LIMITATIONS |                           |                           |                           |                |                    |                    |                    |
|--|---------------------------|---------------------------|---------------------------|----------------|--------------------|--------------------|--------------------|
| ZONE                                     | 1                         | 1L                        | 1VL                       | 1XL            | 2                  | 3                  | 4                  |
| A1, A2, RZ, RMP, RW2                     | 45' (a)                   | 45' (a)                   | 45' (a)                   | 30' (a)        | No Limit (in feet) | No Limit (in feet) | No Limit (in feet) |
| RD & R3                                  | 45' (a)                   | 45' (a)                   | 45' (a)                   | 30' (a)        | 75'                | 75'                | 75'                |
| RE11, RE15, RE20, RE40, RA               | 36'<br>30' (c)<br>45' (d) | 36'<br>30' (c)<br>45' (d) | 36'<br>30' (c)<br>45' (d) | 30'            | N/A                | N/A                | N/A                |
| R1,RS, RE9                               | 33'<br>28' (c)<br>45' (d) | 33'<br>28' (c)<br>45' (d) | 33'<br>28' (c)<br>45' (d) | 30'<br>28' (c) | N/A                | N/A                | N/A                |
| R2 (e)                                   | 33'<br>45' (d)            | 33'<br>45' (d)            | 33'<br>45' (d)            | 30'            | N/A                | N/A                | N/A                |
| RU, RW1                                  | 30'                       | 30'                       | 30'                       | 30'            | N/A                | N/A                | N/A                |
| PB                                       | No Limit (in feet)        | 75'                       | 45'                       | 30'            | No Limit (in feet) | No Limit (in feet) | No Limit (in feet) |
| R4, R5                                   | No Limit (in feet)        | 75'                       | 45'                       | 30'            | No Limit (in feet) | No Limit (in feet) | No Limit (in feet) |
| C (b), M (b)                             | No Limit (in feet)        | 75'                       | 45'                       | 30'            | No Limit (in feet) | No Limit (in feet) | No Limit (in feet) |
| CR (b)                                   | No Limit (in feet)        | 75'                       | 45'                       | 30'            | 75'                | 75'                | 75'                |

Note: Height limits shown above are measured in feet. See code for other limitations (e.g., number of stories and/or floor area limits based on the buildable area of the lot, aka "Floor Area Ratio").

(a) Requirements for Single Family Dwelling projects may be more restrictive as required by Section 12.21A.17 of this Code.

(b) Portions of buildings on a C or M zoned lot shall not exceed the heights limits set forth below when located within the distances specified from a lot classified in the RW1 Zone or more restrictive zone.

| DISTANCE (ft) | HEIGHT (ft) |
|---------------|-------------|
| 0 to 49       | 25          |
| 50 to 99      | 33          |
| 100 to 199    | 61          |

(c) Height Limit applies to R1, RS, RE, and RA zones where a roof has a slope less than 25 percent, except within the Coastal Zone.

(d) Height Limit applies to R1, RS, RE, RA, and R2 Zones located within the Coastal Zone. See Coastal Project Permit for further limitations.

(e) Height Limit applies to R2 Zone located within the Hillside Area and non Hillside Area, except within the Coastal Zone.

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