



# Development Guide

## City of Fitchburg, Wisconsin

### Planning and Zoning Department

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# INTRODUCTION

## Purpose & Intent:

The purpose of this guide is to assist you in following the development processes of the City of Fitchburg. This guide is not intended to be comprehensive in explaining all of the requirements and approvals, but is meant to provide general information, general guidance, and help explain the process for obtaining approvals. Please see the [City's ordinances](#), for a comprehensive set of regulations.

## Core Principles:

While each development proposal is unique, there are core principles that should always be followed in the development process.

1. **Pre-Application Meeting:** A pre-application meeting with the Planning/Zoning Department as well as other departments (Building Inspection, Public Works, Fire Department, etc.) will help you better understand the requirements and the specific approvals that will need to be obtained. Staff may also recommend that you have a pre-application meeting with the Plan Commission to get their feedback and review of your proposal. Some actions require a pre-application meet with the Plan Commission.
2. **Neighborhood Meeting(s):** Staff strongly recommends any applicant hold at least one neighborhood meeting, prior to submitting a formal application, to identify any concerns that might be present prior to submitting for formal approval. Additional meetings may be needed depending on the complexity of and support for the project. It is important to remain engaged and transparent with the neighbors throughout the process.
3. **Timely Submittal:** The Plan Commission meets the third Tuesday of the month. Applications are typically due four weeks in advance of the meeting, although at holidays the lead time may be greater. Please check the [submission schedule](#) for deadlines.
4. **Council review** of Plan Commission items, if required, typically occurs the week following the Plan Commission meeting. You should plan your project schedule accordingly.
5. **Complete Submittal:** It is important to provide complete, accurate information to staff for their review and comment. Projects may be delayed if application submittals are incomplete.
6. **Follow Other Regulations:** It is the applicant's responsibility to determine what City, State, or Federal regulations may apply and ensure compliance with all such requirements.
7. **Public Improvements:** Determine if your project will require public improvements such as new streets, sidewalks, street lights, water main, sewer lines, water or sewer laterals, etc. If there are public improvements you will need to work with Public Works on infrastructure improvement requirements, plan review and a public improvement agreement; most projects that require public improvements have its approval conditioned on the execution of this agreement.
8. **Expiration Dates:** Several city approvals have expiration dates; it is the applicant's responsibility to be aware of such dates to avoid expiration of approvals.
9. **Natural Resources:** The development should be outside of any floodplain, wetland or wellhead protection area. See pages [14-15](#).

# **COMPREHENSIVE PLAN**

The City of Fitchburg adopted its Comprehensive Plan in March 2009, with minor amendments made to the plan annually. Five Neighborhood Plans have also been prepared and adopted into the Comprehensive Plan as Appendix A. The plan represents a framework to focus on development in forms and locations most suitable for the protection of critical resource systems. The plan meets the State of Wisconsin's "Smart Growth" law and provides a vision and model for sustainable and regenerative growth. Any zoning or land division decision that the City takes must be consistent with the City's Comprehensive Plan; therefore, it is pertinent that the plan be consulted during all development discussions.

The [Comprehensive Plan](#) is available on the City's website.

## **Key elements of the Comprehensive Plan**

### **Goals, Objectives and Policies:**

Chapter 2 of the Comprehensive Plan provides the Goals, Objectives and Policies for growth of the City with regards to Land Use, Natural Resources, Agricultural Resources, Cultural Resources, Housing, Economic Development, Utilities and Community Facilities, Transportation, and Intergovernmental Cooperation. These goals and policies should be consulted early on in the planning process as they set the framework for, and work to achieve, the City's vision.

Link to Goals, Objectives and Policies: [Goals, Objectives & Policies](#)

### **Future Land Use Plan Map - Figure 4-10:**

The Future Land Use Plan Map is a general illustration of the policies of the comprehensive plan, but is not intended to reflect every policy direction. It is to be used as a guide for future development for lands utilizing the zoning associated with the [City of Fitchburg Chapter 22 Zoning Code](#).

Link to Future Land Use Plan Map - Figure 4-10: [Future Land Use Plan Map](#) - Figure 4-10

### **Sector Plan Map - Figure 4-11:**

The Sector Plan Map is comprised of open space and possible growth areas. The map is to be used as a guide for future development and preservation areas to be zoned under the [City of Fitchburg Chapter 23 SmartCode Ordinance](#).

Link to Sector Plan Map: [Sector Plan Map](#) – Figure 4-11:

### **Rural Residential Development Criteria (RRDC) - Appendix B:**

The Rural Residential Development Criteria sets a policy for siting new developments located outside of the urban service area (USA). The RRDC should be consulted for all development outside of the USA.

Link to Rural Residential Development Criteria (RRDC) - Appendix B: [Rural Residential Development Criteria \(RRDC\)](#) – Appendix B

## **Neighborhood Plans - Appendix A:**

Neighborhood Plans, adopted as Appendix A of the Comprehensive Plan, provide more detailed planning for the City's identified Future Urban Development Areas. The Neighborhood Plans help analyze the natural resources environment, parks and open space, transportation and connectivity, storm water management and utilities, land use, integration with existing areas including the urban rural interface, and the goals, objectives and policies of the comprehensive plan. Therefore, they determine the potential for, or where, development should or should not occur within the neighborhood boundary. These detailed plans should be looked at carefully as consistency with the plan is required for any development.

Link to Neighborhood Plans: [Neighborhood Plans](#)

## **Amendments to the Comprehensive Plan:**

Minor amendments to the Plan are processed no more frequently than one time per year and follow a specific process set forth in the plan and directed by the State Comprehensive Planning Law. The Planning Department, Mayor, or three members of the Common Council are the only ones that may recommend modifications to be considered as an amendment to the plan. Amendments are generally defined as minor changes to the maps or plan text. See the Comprehensive Plan for more detailed information on this process.

# ZONING

## What is zoning?

The purpose of land use regulations such as zoning is to create compatible land uses, ensure proper design and promote the overall public good. Zoning establishes the types of land uses permitted on a parcel of land and also sets the development standards including setbacks, building height, open space and other requirements.

## What is my zoning?

To find out what your property is zoned, see [Fitchburg Zoning Maps](#).

## Zoning Districts:

### Standard Chapter 22 Zoning Districts

<a href="#">R-L: Residential - Low Density</a>	<a href="#">B-H: Highway Business</a>
<a href="#">R-LM: Residential - Low to Medium Density</a>	<a href="#">R-D: Rural Development</a>
<a href="#">R-M: Residential - Medium Density</a>	<a href="#">I-G: General Industrial</a>
<a href="#">R-H: Residential - High Density</a>	<a href="#">I-S: Specialized Industrial</a>
<a href="#">R-HA: Residential - High Density (former R-4)</a>	<a href="#">A-X: Exclusive Agriculture</a>
<a href="#">R-R: Rural Residential</a>	<a href="#">A-T: Transitional Agriculture</a>
<a href="#">B-P: Professional Office</a>	<a href="#">A-S: Small Lot Agriculture</a>
<a href="#">B-G: General Business</a>	<a href="#">P-R: Park &amp; Recreation</a>

### Chapter 22 Special Districts:

<a href="#">Planned Development District</a>
<a href="#">Rural Cluster District</a>
<a href="#">Floodplain Overlay District</a>
<a href="#">Wetland Overlay District</a>
<a href="#">Wellhead Protection Overlay District</a>

### Chapter 23 SmartCode Districts:

<a href="#">SC-NC: SmartCode – New Community</a>
<a href="#">SC-IC: SmartCode – Infill Community</a>

# REZONING (MAP AMENDMENT)

## What is the purpose of a Rezoning?

The zoning amendment (rezoning) provides a process which allows a request to change the zoning classification of property. It is used when you want to use your property in a way that is not permitted by its current zoning.

## Who may initiate a Rezoning?

Any land owner may submit a rezoning request for their property. Additionally any alderperson or any city board, committee, commission or officer may submit a rezoning request.

As noted in the Comprehensive Plan section, State Statute requires that any zoning decision that the City takes be consistent with the Comprehensive Plan. It is critical that the Plan be consulted prior to any rezoning request to ensure consistency.

## How long does the process take?

Typically, an application takes 5-7 weeks for final Council action from the date of applying for a zoning amendment.

## What is the application fee?

See the [City's fee schedule](#) for all application fees.

## What is required for a Rezone application?

A Rezone submittal must include a completed application signed by property owner or authorized agent, application fee, site plan and any other information pertinent to understanding your request or required by staff, such as a more detailed explanation of the proposed use. The site plan shall include the location of new and existing buildings, parking, open space, building setbacks, etc.

## What are the steps for Rezone approval?

1. **Pre-application meeting** with staff (recommended – required for PDD): Meet with Planning/Zoning staff to discuss your proposal prior to submitting an application.
2. **Neighborhood Meeting(s)** (recommended – required for PDD): Prior to submitting an application, hold a neighborhood meeting (minimum 300 foot radius from property boundary) to identify and address any concerns with proposed rezone. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
3. **Submit a Rezoning application:** Submittal shall include the completed [rezoning application form](#), site plan showing vehicular access points, existing and proposed structures and parking areas, etc., any other information pertinent to understanding your request or required by staff, and the application fee.

4. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.
5. **Review Comment Period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
6. **Public Notification:** Property owners within 300 feet of the property are directly notified of the Plan Commission public hearing and the notice is also published in the Wisconsin State Journal.
7. **Committee/Commission Review:** If the application is referred out by the Common Council to any other committee/commission, they will meet to review and provide a recommendation to the Council on the application.
8. **Plan Commission Public Hearing:** At the public hearing, applicants present their request and members of the public may state their support, opposition or concerns about the proposed project.
9. **Plan Commission Recommendation:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission recommends approval of the rezoning request, it may attach conditions to the request.
10. **Ordinance/Resolution:** If the Commission recommends approval of the rezoning, it may attach conditions to the request. An ordinance (in case approval is recommended) and/or a resolution (in case denial is recommended) is prepared by Planning/Zoning staff.
11. **Common Council Action:** The Council may choose to approve or deny the ordinance or resolution. If the rezoning is approved, you may proceed by obtaining other required approvals.

### **Is the applicant required to attend the Public Hearing?**

While not required, it is recommended that the applicant or a representative attend the public hearing at the Plan Commission meeting to answer any questions that Commission members or the public may have.

# PLANNED DEVELOPMENT DISTRICT (PDD)

## **What is a Planned Development District (PDD)?**

The Planned Development District has no set standards or specifications; developers can propose uses or combination of uses and configurations of intensity and density of development. The purpose is to encourage improved environmental design by allowing flexibility in the development while ensuring compliance with the basic intent of the zoning ordinance and with the comprehensive plan. The objective of the Planned Development District is not simply to allow exceptions to otherwise applicable regulations. The proposal is required to detail why other available districts will not provide the intended development.

There are two stages in the PDD zoning process. The first stage is the Planned Development District – General Implementation Plan (PDD-GIP) zoning, which provides for a general plan for the development. The second stage is the Planned Development District – Specific Implementation Plan (PDD-SIP). The PDD-SIP sets forth the detailed development parameters, including use, density, site design, landscaping, lighting, etc. and is submitted after Council approval and recording of the PDD-GIP zoning ordinance.

## **What are the steps in the Planned Development District process?**

### General Implementation Plan (GIP):

1. **Pre-application meeting with staff:** Schedule a meeting with Planning/Zoning Department staff to determine the submittal requirements for your proposed project.
2. **Pre-application submittal with the Plan Commission:** Meet with the Plan Commission to allow a discussion regarding the possible PDD application, need for PDD zoning and the environmental, economic, social benefits of the proposed design, and why no standard Chapter 22 zoning districts will suffice.
3. **Neighborhood Input:** Prior to the formal rezoning submittal, you will need to make a reasonable effort to meet with property owners and individuals within and near the area of the proposed project. A statement describing the efforts made to meet with and receive input from individuals required to receive notice (300 feet from the property boundary) shall be submitted with the formal rezoning application when filed. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
4. **Submit rezone request for PDD-GIP** (Planned Development District – General Implementation Plan) zoning:
  - a. [Completed Rezoning application form](#)
  - b. Application fee (see [Planning/Zoning fee schedule](#))
  - c. GIP document (see the [Zoning Ordinance](#) for required information)

5. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.
6. **Comment period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
7. **Plan Commission Public Hearing:** At the public hearing, applicants present their request and members of the public may state their support, opposition or concerns about the proposed project.
8. **Plan Commission Recommendation:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. The Commission may approve, deny or table the request. If the Commission recommends approval of the rezoning request, it may attach conditions to the approval.
9. **Ordinance/Resolution:** An ordinance (in case approval is recommended) and/or a resolution (in case denial is recommended) is prepared by Planning/Zoning staff.
10. **Common Council Action:** The Council may choose to approve or deny the rezoning request. If the rezoning is approved, you may proceed by obtaining any other approvals.
11. **Recording of PDD-GIP Ordinance:** If the Common Council approves the rezoning PDD-GIP Ordinance, it must then have notarized signatures by both the property owner and mortgage holder, where applicable. Once all signatures have been obtained, staff then sends in the ordinance to Dane County Register of Deeds for recording.

*Note:* The approval of a PDD-GIP does not authorize issuance of building permits. The permits shall not be issued until PDD-SIP has been approved and all other approvals and conditions are satisfied.

#### Specific Implementation Plan (SIP):

Following Common Council approval and recording of the PDD-GIP ordinance, you may file a specific implementation plan for review and recommendation by the Plan Commission and approval by the Common Council.

Timeframes for SIP submittal:

- For applications submitted prior to October 12, 2010: SIP (for all or part of the project) shall be filed within one year of the date of Council approval of the PDD-GIP.
- For PDD-GIP applications submitted after October 12, 2010: SIP (for the entire PDD-GIP) shall be filed within three years of the date of Council approval of the PDD-GIP. If not submitted within three years, the PDD-GIP approval lapses and a new PDD-GIP approval or a different zoning approval is required.

1. **Submit rezone request for PDD-SIP** (Planned Development District – Specific Implementation Plan) zoning:
  - a. [Completed Rezoning application form](#)
  - b. Application fee (see [Planning/Zoning fee schedule](#))
  - c. SIP document (see the [Zoning Ordinance](#) for required information)
2. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.
3. **Comment period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
4. **Plan Commission Public Hearing:** At the public hearing, applicants present their request and members of the public may state their support, opposition or concerns about the proposed project.
5. **Plan Commission Recommendation:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission recommends approval of the rezoning request, it may attach conditions to the approval.
6. **Ordinance/Resolution:** If the Commission recommends approval of the rezoning, it may attach conditions to the request. An ordinance (in case approval is recommended) and/or a resolution (in case denial is recommended) is prepared by Planning/Zoning staff.
7. **Common Council Action:** The Council may choose to approve or deny the rezoning request. If the rezoning is approved, you may proceed by obtaining other required approvals.
8. **Recording of PDD-SIP Ordinance:** If the Common Council approves the rezoning PDD-SIP Ordinance, it must then have notarized signatures by both the property owner and mortgage holder, where applicable, within 30 days of the date of Common Council adoption. Once all signatures have been obtained, staff then sends in the ordinance to Dane County Register of Deeds for recording.

There may be additional timeframes associated with implementation of PDD zoning. Contact the Planning/Zoning Department for more detailed information on the required approvals.

### **Do PDD-SIP approvals expire?**

For SIP zoning approved prior to October 12, 2010, a SIP approval lapses one year after its date of adoption by the Common Council if substantial development progress has not occurred.

### **Public Improvements under PDD zoning:**

For General Implementation Plans approved after October 1, 2010 (including the SIP approved under that GIP), all public improvements shall be required to be installed within 12 months of the date of Common Council approval unless a staging plan has been approved under the City's Land Division Ordinance.

### **What is the process for amending the Planned Development District?**

A public hearing is required for any amendment (substantial amendment) to a PDD-SIP.

If a proposed amendment to the PDD-SIP is inconsistent with or alters an approved GIP, the PDD-SIP shall not be approved unless the PDD-GIP is amended. The amendment process follows the same process used to originally approve a PDD-GIP.

If a PDD-SIP amendment is minor, the applicant can request a minor amendment to the PDD-SIP. A minor request can be submitted for approval to the Plan Commission and if, in the opinion of the Plan Commission, such change or modification does not constitute a substantial alteration of the PDD-SIP, the change may be accomplished by approval of the Plan Commission. If it is not a minor change, the amendment process follows the same process used to originally approve a PDD-SIP.

## **SMARTCODE ZONING**

### **What is SmartCode Zoning?**

The [SmartCode Zoning Ordinance](#) (Chapter 23) provides regulations for developing under the SmartCode District. The Sector Plan of the Comprehensive Plan informs what areas in the City are suitable for SmartCode development. The general rezoning and land division processes are applicable under SmartCode Zoning; some of the requirements vary so the ordinances should be examined for specific procedures.

The general approvals required for SmartCode development include the following:

1. Rezoning to SC-NC (SmartCode – New Community) or SC-IC (SmartCode – Infill Community) and land division approvals.
2. Article 3 Plan approval (for SC-NC) or Article 4 Plan approval (for SC-IC)
3. Article 5 Plan approval for building and site design

In addition to the Chapter 23 ordinance, there are several resources available on the City's [SmartCode Resources webpage](#).

SmartCode zoning has several administrative approvals. For more detailed information on the required approvals contact Planning/Zoning Department staff.

# WELLHEAD PROTECTION OVERLAY ZONING

## **What is Wellhead Protection Overlay Zoning?**

The [Wellhead Protection Ordinance](#) is meant to institute land use regulations and restrictions to protect the municipal water supply of the city and promote the public health, safety and general welfare of the residents. Certain land use practices and activities can seriously threaten or degrade groundwater quality; therefore, the ordinance places regulations on such uses to protect the City's groundwater.

There are two districts in the wellhead overlay zoning:

- **Restricted Zone:** An area of land having a radius of 1,200 feet, whose center is offset 600 feet south of each municipal well. If any portion of a parcel falls within this defined radius the whole parcel is considered within the restricted zone. These lands are subject to land use and development restrictions because of their close proximity to the well fields and the corresponding threat of contamination.
- **Management Zone:** Lands outside the restricted zone but within the corporate limits of the city area considered to be in the "management zone". The City may require approval in this zone, for uses considered restricted in the Restricted Zone and require additional environmental monitoring.

Please contact the City's Public Works Department for additional information and also to determine whether your property is located within the Wellhead Protection Overlay District.

# FLOODPLAIN OVERLAY ZONING

## **What is Floodplain Overlay Zoning?**

The [Floodplain Overlay Zoning Ordinance](#) regulates all areas in the City that would be covered by the regional flood or base flood. The District contains regulations that meet the WI-DNR and FEMA requirements to participate in the National Flood Insurance Program (NFIP).

The District contains regulations specific to various flood zones. Such zones are shown on FEMA's Flood Insurance Rate Maps, which are available for review through the City's Planning/Zoning Department or on the FEMA Flood Map Service Center at <https://msc.fema.gov/portal>.

Please contact the City's Planning/Zoning Department for additional information and to determine whether your property is located within the Floodplain Overlay District.

# WETLAND OVERLAY ZONING

## **What is Wetland Overlay Zoning?**

The [Wetland Overlay Zoning District](#) regulates wetlands in the city which are two acres or more in size and are shown on the Wisconsin Wetland Inventory maps. The District specifies uses that are permitted and conditional and provides a process for approvals.

Please contact the City's Planning/Zoning Department for additional information and to determine whether your property is located within the Wetland Overlay District.

# CONDITIONAL USE PERMIT (CUP)

## **What is a Conditional Use?**

Zoning Ordinances identify uses that are permitted and conditional for each zoning district. A permitted use is permitted by right and can be established within the zoning district for which it is listed if all zoning and other city code requirements are satisfied. Conditional uses, because of the varying characteristics, require review and approval by the City Plan Commission. Conditional uses work to assure you and your neighbors that the use of adjacent properties will be compatible with the property use established for your neighborhood.

## **Who may apply for a Conditional Use Permit?**

An application for a Conditional Use Permit may be submitted by the land owner upon which a conditional use is desired or by a lease holder, with authorization from the land owner.

## **What is required for a Conditional Use Permit application?**

A Conditional Use Permit submittal must include a completed application signed by the property owner or authorized agent, application fee and a site plan. The site plan shall include the location of new and existing buildings, parking, open space, building setbacks, etc. It is also helpful to include a detailed cover letter explaining the request; the more information that is provided on the proposed use, the better. Staff may request additional information to better understand your proposed use.

## **Conditional Use Permit standards:**

The Zoning Ordinance provides specific standards by which conditional use permits shall be reviewed. No Conditional Use Permit shall be approved by the Plan commission unless the commission shall find:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- (c) That the establishment of the conditional use will not impede the normal and orderly

development and improvement of the surrounding property for uses permitted in the district.

- (d) That adequate utilities, access road, drainage and/or necessary facilities have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The code identifies additional standards for some specific uses or for overlay zoning.

The Plan Commission may place conditions on approval related to landscaping, design, construction, lightings, hours of operation, traffic circulation, deed restrictions, etc. as they find necessary to fulfill the purpose and intent of the Zoning Ordinance.

### **How long does the process take?**

Typically, action on a complete Conditional Use Permit application is 4-6 weeks.

### **What is the application fee?**

See the [City's fee schedule](#) for all application fees.

### **What are the steps for CUP approval?**

1. **Pre-application meeting with staff (recommended):** Meet with Planning/Zoning staff to discuss your proposal prior to submitting an application.
2. **Neighborhood Meeting(s) (recommended):** Hold a neighborhood meeting (minimum 300 foot radius from property boundary) to identify and address any concerns with the proposed conditional use. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
3. **Submit a Conditional Use Permit application:** Submittal shall include the completed [Conditional Use Permit application form](#), plans for the project with site plan, any other information pertinent to understanding your request or required by staff, and the application fee.
4. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.
5. **Review Comment Period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
6. **Public Notification:** Property owners within 300 feet of the property are directly notified of the Plan Commission public hearing and the notice is also published in the Wisconsin State Journal.

7. **Committee/Commission Review:** If the application is referred out by the Common Council to any other committee/commission, they will meet to review and provide a recommendation to the Council on the application.
8. **Plan Commission Public Hearing:** At the public hearing, applicants present their request and members of the public may state their support, opposition or concerns about the proposed project.
9. **Plan Commission Action:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission approves the Conditional Use Permit request, it may attach conditions to the request. Unless appealed, the Plan Commission decision is final. (The decision of the Plan Commission is open to appeal within 10 days of the decision by the applicant or any aggrieved individual.)

### **Is the applicant required to attend the Public Hearing?**

While not required, it is recommended that the applicant or representative attend the public hearing at the Plan Commission meeting to answer any questions that Commission members may have.

### **What does a Conditional Use Permit allow me to do?**

Approval by the Plan Commission of a Conditional Use Permit allows you to proceed with obtaining proper permits for a specific use or development plan on the property, upon satisfying the conditions imposed by the Commission, provided that any other necessary approvals are satisfied.

### **Am I allowed to alter my Conditional Use Permit after approval?**

Amendments to an approved Conditional Use Permit will require new approval by the Plan Commission and follow the process as if it were a new CUP.

### **How long is my Conditional Use Permit good for?**

Failure to act on the Conditional Use Permit within one year of date of approval will render the approval void. A Conditional Use Permit is valid as long as the use fulfills all conditions of approval and remains in operation. A Conditional Use Permit runs with the property and may be transferred to a subsequent owner. If a use allowed by a conditional use permit is established but ceases for a period of 24 or more consecutive months, the conditional use permit expires.

# **LAND DIVISION – GENERAL INFORMATION**

## **What is a land division?**

A land division is the process of splitting a tract of land into smaller plots for purposes of development or sale. The process is meant to insure that all impacts of development are considered, that proper urban services are available and the integrity of exclusive agricultural land is maintained and also to insure the orderly development of the City.

## **How do I subdivide land?**

The City's Land Division Ordinance and Zoning Ordinance regulate the division of land in the City. The Plan Commission reviews land division applications with final approval granted from the Common Council.

## **Public Improvements:**

The Land Division Ordinance specifies the required public improvements that are necessary for any development, including but not limited to streets, sanitary sewers and water mains, water supply, storm sewers and stormwater drainage facilities, sidewalks, street frontage for parkland, street trees. Where such improvements are required, a developer's agreement, specifying the terms for such improvements, will be required to be signed by both the City and the Developer and then recorded.

## **Can public improvements be staged?**

Where public improvements will not be completed within 18 months, the subdivider shall prepare a staging plan, for approval by the plan commission, for any land division, subdivision or land development. The phasing plan shall clearly delineate in map, tabular and text form the following:

- (a) The number of phases.
- (b) Specific public improvements, lots, outlots or other land to be improved or affected by each phase.
- (c) For each phase, expected start of construction (month and year), duration (number of months), for work of public improvements, detailing grading, underground work, street work, etc.
- (d) A review of other land division improvements areas currently active within the city with a discussion of how this project will be phased, in relationship to the other projects and how it will meet the comprehensive plan.
- (e) Portions of a land division or subdivision that are not scheduled for public improvement installation within four years shall be platted as outlots. The initial preliminary plat shall indicate all lots appropriate to intended uses and indicate what areas are to be an outlot(s) for staging. The final plan shall show outlot(s) for staging.
- (f) Existing structures on outlots for future development shall be considered existing

nonconforming.

- (g) Parkland dedication and fees shall not be required for outlots created for staging purposes, but shall be required upon replat, zoning or development.

### **Park Requirements:**

The Land Division Ordinance specifies the park requirements, including parkland dedication, fee in-lieu of parkland dedication and street frontage for parkland. See the Land Division Ordinance or contact the Planning/Zoning Department for additional information. Necessary park fees are required to be paid prior to City signing the land division.

### **What is the Land Division application fee?**

See the [City's fee schedule](#) for all application fees.

# LAND DIVISION – COMPREHENSIVE DEVELOPMENT PLAN (CDP)

## What is a Comprehensive Development Plan (CDP)?

A CDP is a development and site plan for land under the control of a subdivider that better defines land use and its relationship to the proposed land division. It is a general plan for a larger land area; future development proposals (rezoning, land division) must be consistent with the approved CDP.

## When is a CDP required?

A CDP is required for any of the following:

- (a) The subdivider has a contiguous parcel of 35 acres or more of land under his/her control. The land may be in one or more parcels, including parcels only separated by roads, streets, highways or railroad rights-of-way.
- (b) When a rural cluster land development is proposed, a comprehensive development plan of the full rural land holdings shall be provided.
- (c) Where a land division or subdivision is 35 acres or less, but it is estimated that installation of public improvements will take more than four years.
- (d) The plan commission may require a comprehensive development plan for a project if it involves land less than 35 acres if the proposed land division, land development or subdivision is in a future urban growth area as identified in the comprehensive plan that has not been added to the urban service area.
- (e) A comprehensive development plan is not required for areas using SmartCode zoning.
- (f) A comprehensive development plan is not required for areas developed following the rural residential development criteria (RRDC), unless required by the plan commission.

## What are the steps for CDP approval?

1. **Pre-application meeting with staff (recommended):** Meet with Planning/Zoning staff to discuss your proposal prior to submitting an application.
2. **Neighborhood Meeting(s) (recommended):** Hold at least one neighborhood meeting (minimum 300 foot radius from property boundary) to identify and address any concerns with the proposed development plan. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
3. **Submit a Land Division application:** Submittal shall include the completed [Land Division application form](#), application fee, and CDP document (see Land Division Ordinance for requirements).

4. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.
5. **Review Comment Period:** Your application materials are sent to the various City Departments (parks, public works, fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
6. **Public Notification:** Property owners within 300 feet of the property are directly notified of the Plan Commission public hearing and the notice is also published in the Wisconsin State Journal.
7. **Committee/Commission Review:** If the application is referred out by the Common Council to any other committee/commission, they will meet to review and provide a recommendation to the Council on the application.
8. **Plan Commission Public Hearing:** At the public hearing, applicants present their request and members of the public may state their support, opposition or concerns about the proposed project.
9. **Plan Commission Recommendation:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission recommends approval of the rezoning request, it may attach conditions to the request.
10. **Resolution:** A Resolution, setting forth the Plan Commission action of approving, approving with conditions, or denying the request, is prepared by Planning/Zoning staff.
11. **Common Council Action:** The Council may choose to approve or deny the resolution. If the Comprehensive Development Plan is approved, you may proceed by obtaining other required approvals.

# LAND DIVISION – CERTIFIED SURVEY MAP

(4 or less parcels)

## What is a Certified Survey Map (CSM)?

A Certified Survey Map is used to divide land into four or less parcels (within a 5-year period). The subdivider (applicant) is responsible for hiring a Registered Land Surveyor to prepare the CSM.

## What are the steps for CSM approval?

1. **CDP approval** (if required – [see page 20](#))
2. **Pre-application meeting with staff (recommended):** Meet with Planning/Zoning staff to discuss your proposal prior to submitting an application.
3. **Neighborhood Meeting(s) (recommended):** Hold at least one neighborhood meeting (minimum 300 foot radius from property boundary) to identify and address any concerns with the proposed land division. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
4. **Submit a Land Division application:** Submittal shall include the completed [Land Division application form](#), application fee and the Certified Survey Map (see Land Division Ordinance for requirements).
5. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.
6. **Review Comment Period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
7. **Committee/Commission Review:** If the application is referred out by the Common Council to any other committee/commission, they will meet to review and provide a recommendation to the Council on the application.
8. **Plan Commission Recommendation:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission recommends approval of the CSM request, it may attach conditions to the request.
9. **Resolution:** A Resolution, setting forth the Plan Commission action of approving, approving with conditions, or denying the request, is prepared by Planning/Zoning staff.
10. **Common Council Action:** The Council may choose to approve or deny the resolution. If the Certified Survey Map is approved, you may proceed by obtaining other required approvals.
11. **Development Contract:** City public works staff will begin work on the development agreement which must be approved by the Common Council, and signed by the City and applicant prior to recording the final plat.
12. **Park Requirements:** Applicant shall pay all park fees and requirements prior to the City

signing the CSM.

13. **Signatures & Recording:** Following Council approval of the CSM and satisfying all required conditions, you can then obtain the City's signature on the CSM and have the CSM recorded at the Dane County Register of Deeds.

If a rezoning or other specific approval is required, refer to that process. A rezoning may occur at the same meetings as the CSM.

## LAND DIVISION – PLATTING (5 or more parcels)

### What is a Subdivision Plat?

A Subdivision Plat is required when you want to divide a lot, parcel or tract of land to create five or more lots, parcels or building sites; or create five or more lots, parcels or building sites by successive divisions within a 5-year period.

### How long does the platting process take?

The City has 90 days to act on a preliminary plat application and 60 days for a final plat application, unless the review time is extended with consent of the applicant. A Preliminary Plat may take 2-3 Plan Commission meetings and a Final Plat may take 1-2 meetings; the process takes some time to work through, depending on the complexity of the project, and the level of staff involvement.

### What are the steps for plat approval?

#### Preliminary Plat

1. **CDP approval** (if required – [see page 20](#))
2. **Pre-application meeting with staff (recommended):** Meet with Planning/Zoning staff to discuss your proposal prior to submitting an application.
3. **Neighborhood Meeting(s) (recommended):** Hold at least one neighborhood meeting (minimum 300 foot radius from property boundary) to identify and address any concerns with the proposed preliminary plat. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
4. **Work with the Public Works Department** to assure that the necessary engineering plan drawings for review are submitted with the application.
5. **Submit a Land Division application:** Submittal shall include the completed [Land Division application form](#), application fee and the Preliminary Plat (see Land Division Ordinance for requirements).
6. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.

7. **Review Comment Period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
8. **Public Works provides comments on engineering drawings.** You should also begin discussions with the Public Works Department on the Subdivision Improvement Agreement.
9. **Committee/Commission Review:** If the application is referred out by the Common Council to any other committee/commission, they will meet to review and provide a recommendation to the Council on the application.
10. **Plan Commission Recommendation:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission recommends approval of the Preliminary Plat request, it may attach conditions to the request.
11. **Resolution:** A Resolution, setting forth the Plan Commission action of approving, approving with conditions, or denying the request, is prepared by Planning/Zoning staff.
12. **Common Council Action:** The Council may choose to approve or deny the resolution. If the Preliminary Plat is approved, you may move on to the final plat process. (Note: State Statute requires that the Council take action on the preliminary plat within 90 days of submittal, unless the time is extended by agreement with the subdivider (applicant).)

If a rezoning or other specific approval is required, refer to that process. It is recommended that the rezoning occur with the Preliminary Plat.

**Final Plat (Follows Preliminary Plat approval)** – Final Plat must be submitted within 36 months of the approval of the Preliminary Plat, unless the Council extends the time for submission of the final plat.

13. **Preliminary Plat Conditions:** Applicant shall satisfy all required Preliminary Plat conditions prior to submitting for Final Plat approval.
14. **Pre-application meeting with staff (recommended):** Meet with Planning/Zoning staff to discuss your proposal prior to submitting an application.
15. **Neighborhood Meeting(s) (recommended):** Hold at least one neighborhood meeting (minimum 300 foot radius from property boundary) to identify and address any concerns with the proposed final plat. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
16. **Work with the Public Works Department** to assure that the necessary engineering plan drawings for review are submitted with the application.
17. **Submit a Land Division application:** Submittal shall include the completed [Land Division application form](#), application fee and the Final Plat (see [Land Division Ordinance](#) for requirements).

18. **Referral by Common Council:** The Common Council refers out your application to the Plan Commission and any other committees/commissions that it wishes for review and recommendation.
19. **Review Comment Period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
20. **Committee/Commission Review:** If the application is referred out by the Common Council to any other committee/commission, they will meet to review and provide a recommendation to the Council on the application.
21. **Plan Commission Recommendation:** The Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission recommends approval of the Final Plat request, it may attach conditions to the request.
22. **Resolution:** A Resolution, setting forth the Plan Commission action of approving, approving with conditions, or denying the request, is prepared by Planning/Zoning staff.
23. **Common Council Action:** The Council may choose to approve or deny the resolution. If the Final Plat is approved you can begin finalizing the development agreement and satisfying any conditions. (Note: State Statute requires that the Council take action on the final plat within 60 days of submittal, unless the time is extended by agreement with the subdivider (applicant).)
24. **Development Contract:** City public works staff will begin work on the development agreement which must be approved by the Common Council, and signed by the City and applicant prior to recording the final plat.
25. **Park Requirements:** Applicant shall pay all park fees and requirements prior to the City signing the final plat.
26. **Signature, Recording & Copies** – After the Final Plat has been approved by the Wisconsin Department of Administration, the plat will then need to be signed and recorded at the Dane County Register of Deeds. State Statute requires that the final plat shall be recorded within 30 days of approval. After recording the final plat, a digital copy, two full-size and one 11x17 copy of the recorded plant must be provided to the City.

# ARCHITECTURAL DESIGN REVIEW

## What is Architectural Design Review (ADR)?

Architectural Design Review is granted by the City's Plan Commission and looks primarily at the site design (parking, building orientation, access, lighting, landscaping, etc.) and also the architectural features (building materials & color, height, etc.) of the building elevations. Chapter 22 and 25 of City Ordinance provide the standards for Architectural Design Review.

## What Projects Require ADR approval?

Architectural Design Review is required for new commercial/industrial building construction, multi-family dwellings and also site improvements; it is also required for exterior changes to existing commercial/industrial or multi-family buildings. Design review is required for most projects, including:

- (a) Site and structure development of residential projects having three or more dwelling units.
- (b) Site and structure development in business districts.
- (c) Site and structure development in planned development districts.
- (d) Utility and governmental facilities
- (e) Those variance cases deemed by the zoning board of appeals to justify design review. Design review shall be advisory to the zoning board of appeals.
- (f) Any parking area if it has five or more parking spaces.
- (g) Some SmartCode buildings may be exempt from ADR approval, although the Zoning Administrator may defer action to the Plan Commission on some aspects.

Architectural approval is also required for:

- (a) Single-family and two-family dwelling units
- (b) Minor replacement, repair, or alteration of commercial or multi-family dwelling unit projects
- (c) Agricultural buildings.

The Zoning Administrator is authorized the ability to administratively approve the architectural review for these items. If the Zoning Administrator declines to approve the request it is then brought to the Plan Commission for review and action.

Consult with Planning/Zoning Department staff to identify whether your project requires ADR approval.

## What are the steps for ADR approval?

1. **Neighborhood Meeting(s) (recommended):** Hold at least one neighborhood meeting to identify and address any concerns with the proposed final plat.

2. **Submit Architectural Design Review Application:** Submittal includes the completed [Architectural Design Review application form](#) and accompanying plans (site plan, building elevations, landscaping, lighting, etc.).
3. **Review Comment Period:** Your application materials are sent to the various City Departments (parks, public works, fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Plan Commission meeting.
4. **Staff Review:** Staff will review the request and determine whether the application can be administratively approved. If the request is not approved administratively it will go to Plan Commission for review and action.
5. **Plan Commission Action:** If the request is not administratively approved, the Plan Commission reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. If the Commission approves the Architectural Design Review request, it may attach conditions to the request.

Contact the Planning/Zoning Department for additional information.

### **What are the standards for Design Review?**

The Design Review standards are detailed in the Zoning Ordinance with key points noted below.

- The proposed structure, addition or alteration shall, based upon the submitted plans and specifications, comply with all applicable building and zoning ordinances.
- The proposed structure, addition or alteration shall conform to the general development of the zoning district within which it is to be erected and with the character of the district as established by the city's development plan.
- That the exterior architectural appeal, including landscaping, and the functional plan of the proposed structure, addition, or alteration shall not, when erected, be so at variance with or so similar to, the exterior architectural appeal and functional plan of structures already constructed or in the course of construction in the immediate neighborhood, or at variance with the character of the district established by the city's development plan, or any amendments or supplements, so as to cause substantial depreciation in the property values within said neighborhood or applicable district.
- That the exterior architectural appeal and functional plan of the proposed structure, addition or alteration, shall not, within the discretionary judgment of the commission, be contrary to generally accepted design standards or to the underlying aesthetic values of the community, or in any manner contribute to decay or blight within the community.
- Preservation of land forms and landscape, where possible.
- Building masses and long, straight building fronts and sides that are visually accessible shall be broken up and made more variegated with staggers and offsets.
- With residential projects, parking areas that are located in front or street-side yards must

have landscape screening and/or screening by decorative fencing to help soften view of the parked vehicles.

- Mechanical equipment that will be visible when viewed at ground level should be screened.
- External refuse or recycling dumpsters shall be sufficiently screened with an enclosure and/or landscaping.
- Landscaping of sufficient height and density to accomplish a positive visual impact within three years from the time of planting shall be provided.
- Impervious Surface Ratios shall be limited to no more than 65 percent, except where a different level has been approved.
- Exterior lighting shall be directed and maintained so as not to be case directly on public rights-of-way or occupied structures or neighboring properties or be lighted in intensity or colors that are disturbing to neighboring properties.
- The [City's Parking Requirements and Driveway Standards](#) provide standards on number of parking stalls to be provided based on use as well as parking lot design standards.
- The [City's Bicycle and Pedestrian Plan](#) provides the standards for the number of bicycle parking stalls to be provided based on use as well as the acceptable bike rack types.

Additional standards are located in the City's [Architectural Control Ordinance](#).

- The proposed structure, addition, or alteration will, based upon the submitted plans and specifications, comply with all applicable building and zoning ordinances;
- The proposed structures, addition, or alteration will conform to the general development of the zoning district within which it is to be erected and with the character of the district as established by the city's development plan.
- The exterior architectural appeal, including landscaping, and the functional plan of the proposed structure, addition, or alteration will not, when erected, be so different or similar to, the exterior architectural appeal and functional plan of structures already constructed or in the course of construction in the immediate neighborhood, or in conflict with the character of the district established by the city's development plan, so as to cause substantial depreciation in the property values within the neighborhood; and
- That the exterior architectural appeal and functional plan of the proposed structure, addition, or alteration will not, within the discretionary judgment of the commission, be contrary to generally accepted design standards or to the underlying aesthetic values of the community, or in any manner contribute to decay or blight within the community.

## How long is the ADR approval good for?

Failure to begin construction on the approved ADR within one year from the date of approval renders the approval void.

# PARKING REQUIREMENTS

The City has [motor vehicle parking standards](#); these standards include the number of parking stalls required based on proposed land use as well as parking lot design standards.

Bicycle parking and design standards are specified in the City's [Bicycle and Pedestrian Plan](#). The Plan provides a general guide for the amount of parking that is recommended for various land uses as well as specifies the types of acceptable bike racks, which include the inverted-U and post and loop.

Note: These requirements are different for SmartCode zoning, see [Chapter 23 SmartCode Ordinance](#) for specifics on motor vehicle and bicycle parking requirements.

# SIGNAGE

The [Sign Ordinance](#) regulates all signage within the City.

## Summary of the Basics:

- Businesses are allowed up to 150 square feet total of permitted sign area.
- A flat on-site sign displayed on the face or side of a building shall not exceed 1/10 of the area of the face or side of the building on which it is displayed and such signs do not exceed 150 square feet.
- Temporary signs may not exceed 16 square feet or 40 square feet if it is a professionally printed banner and cannot be displayed for more than 45 days.
- Only one temporary sign is permitted within a calendar year, unless the premise for the temporary sign has a frontage on two streets. In that case, the applicant would be allowed two temporary signs/banners provided that each sign/banner face a different street.
- Signs are not allowed within the street right of way and are subject to removal by city staff.

## What about signage in PDD districts?

In Planned Development Districts, a master sign program can be developed to create a coordinated system of signing. Such a program may involve relaxing sign number and area standards and shall be included with the general development plan of the proposed planned development district.

See [page 34](#) for sign permit information.

## PERMITS – GENERAL INFORMATION

After obtaining proper approvals through the Plan Commission, Common Council and/or other governing bodies, as well as obtaining any other necessary permits (Erosion Control & Stormwater Management, etc.), and, if a land division, all necessary improvements are accepted, you can then proceed with submitting for proper permits.

### EARLY START PERMIT:

Early Start Permits allow a building to start work on the footings and foundation of a building only, in advance of obtaining the full building permit.

#### What is the approval process?

Early Start Permits are approved administratively by the Planning/Zoning Department.

1. **Submit a completed [Permit to Start application form](#)**, permit application fee, site plan and where applicable, state approval letter.
2. **The Planning/Zoning Department reviews the site plan** to ensure proposed foundation complies with required setback.
3. **If the application is approved**, the applicant will be notified and may pick up and pay for the approved permit.

#### What is the Early Start Permit application fee?

See the [City's fee schedule](#) for all application fees.

# **BUILDING & ZONING PERMIT**

## **When are Building and Zoning Permits required?**

Building permits and inspections are typically required for any work done to the exterior or interior of a structure. Permits are required for the following; please note that the list below is not a complete list:

- New construction: For example, house, garage, room addition, porch, deck, pool, etc.
- Addition and/or alteration to existing structures
- Re-roofing
- Demolition of existing structures
- Plumbing or electrical work

A Zoning Permit is required for any development, including, but not limited to, the construction of buildings or structures. Typically interior work does not require a Zoning Permit.

## **What is the building/zoning permit approval process?**

The Building/Zoning Permit approval process is as follows:

1. **Submit the completed [Uniform Permit application form](#)**, completed [Zoning Permit application form](#), site plan, two sets of complete building plans and all supplemental information identified in the [Checklist for Building/Zoning Applications](#). Evidence of suitability for non-public sewer buildings may also be required.
2. **The Building & Zoning Departments review the plans** and issue permits, which may have conditional approval.
3. **If the application(s) is approved**, the applicant will be notified and may pick up and pay for the approved permit(s).

Contact Building Inspection to find out whether a Building Permit is required and the Planning/Zoning Department regarding Zoning permits.

## **What is the building & zoning permit application fee?**

See the [Building Inspection fee schedule](#) for all application fees.

## **Do the permits expire?**

Under the Zoning Ordinance, permits shall lapse and become void if operations described in the permit are not commenced within one year of issuance of the permit, unless otherwise specified in the ordinance or is a specific approval of an extension or variation is granted.

Building permits are valid for one year with a possible one year extension.

# CONSTRUCTION AND DEMOLITION REUSE/ RECYCLING PERMIT (CDRR)

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The City of Fitchburg requires the reuse and/or recycling of materials from certain construction, roofing, remodeling and demolition projects under the [Chapter 41 Ordinance](#).

## When do I need a Construction and Demolition Reuse/Recycling Permit?

There are many types of projects that require Construction and Demolition Reuse/Recycling permits. The requirements vary according to the type and size of project. See the [CDRR Flow Chart](#) and [CDRR webpage](#) for details. Contractors or owners with projects requiring reuse/recycling of materials may consult the [2015 Construction and Demolition Reuse/Recycling Guide](#) or the Fitchburg Public Works Department for planning assistance.

## What is the permit process?

1. Contractors or owners must submit the [Preliminary CDRR Plan and Deposit Form](#) along with the building and/or demolition permit(s) before the start of their project estimating the amount and type of materials to be reused, recycled or landfilled.
2. Contractors or individuals holding building permits are required to submit a [Final CDRR Report](#) within 60 days of the completion of the construction or demolition project. The owner or contractor shall maintain sufficient proof of compliance for two years one or more documenting actual weight or volume of materials reused, recycled or landfilled.

## What is the CDRR deposit amount?

Deposits of \$50 for residential projects or \$100 for commercial or industrial projects are usually paid along with the building permit or demolition application. Upon submittal of a complete Final CDRR Report, all deposits will be returned in full to the original depositor (owner or contractor).

# DRIVEWAY PERMIT

## When is a Driveway Permit required?

A Driveway Permit is required for all new and existing driveways that require construction in the right-of-way (residential and commercial).

If a driveway permit is needed, you should obtain that permit prior to action on a zoning and/or building permit request.

## What are the driveway requirements?

The [Urban and Rural Driveway Construction Standard Specifications](#) are available on the City website.

The [Rural Driveway Standards](#) are available on the City's website.

## What is the Driveway Permit approval process?

The Driveway Permit approval process is as follows:

1. **Submit the completed [Driveway Permit application form](#)**, drawing of proposed work and permit fee.
2. **The Public Works Department reviews the permit** submittal and evaluates the current conditions such as visibility, culverts, width, existing curb condition, etc. Public Works may add conditions or special provisions onto approval of the permit. If the driveway is longer than 300' in length, the submittal will be sent on for further review by the Fire Department.
3. **The applicant will be notified of permit approval**, denial or questions.

Contact Public Works to find out whether a Driveway Permit is required.

## What is the Driveway Permit application fee?

See the [Public Works Department fee schedule](#) for all application fees.

# SIGN PERMIT

## **When is a Sign Permit required?**

A Sign Permit is required for any new or replacement sign as well as any alteration to or relocation of an existing sign. Temporary signs/banners also require a sign permit.

Contact the Planning/Zoning Department to find out whether a Sign Permit is required.

## **What is the Sign Permit approval process?**

The Sign Permit approval process is as follows:

1. **Submit a completed [Sign Permit application form](#)**, sign drawing (dimensions, colors, etc.), site plan (if detached sign), written approval from property owner, and any other information as required by City Staff.
2. **The Planning/Zoning Department reviews** the submittal and may issue the permit, which may include conditions.
3. **If the application is approved**, the applicant will be notified and may pick up and pay for the approved permit.

## **What is the sign permit application fee?**

See the [Planning/Zoning fee schedule](#) for all application fees.

# **EROSION CONTROL & STORMWATER MANAGEMENT PERMIT (ECSWM)**

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Erosion Control & Stormwater Management (ECSWM) Permits (regulated under [Chapter 30, Article II](#) of the City of Fitchburg), include a plan and checklist that describes the steps developer, contractor, or landowner will take to prevent soil erosion on disturbed sites. Some projects will also require plans to permanently manage runoff from the site after all construction is complete.

See the [ECSWM webpage](#) for more detailed information on the ECSWM requirements and process.

## **When do I need an Erosion Control Permit?**

You will need to apply for an [Erosion Control Permit](#) and use the “Erosion Control Application Checklist” if your project involves any of the following:

- Disturbing or grading more than 4,000 square feet (s.f.) of land,
- Disturbing slopes greater than 12 percent grade,
- Removing or filling more than 400 cubic yards of material,
- Creating more than 100 lineal feet of ditch in an existing water channel,
- Creating a new public or private road longer than 125 feet,
- Any development that requires a subdivision plan or certified survey map (CSM),
- Any underground work requiring more than 300 linear feet of trenching, or
- Other activities that pose a serious erosion or water pollution risk.

In addition to obtaining the approval of the City Engineer, any land disturbing activity that occurs on a parcel of land five acres or more in size and where the disturbance falls under the requirements listed above, shall be subject to Plan Commission review and approval.

Note: One and Two-Family Residential home construction is exempt from Chapter 30, Article II erosion control permit requirements, since erosion control for these buildings is covered under the Uniform Dwelling Code (UDC). Please contact the Building Inspection Department for applicable approvals.

## **When do I need a Stormwater Management Permit?**

You will need a [Stormwater Management Permit](#) if your project will involve the cumulative creation of 20,000 square feet or more of impervious surface area after August 22, 2001. A Stormwater Management Plan meeting city performance standards and “Stormwater Management Application Checklist” will need to be submitted along with the permit application. Other activities that require a stormwater management plan include:

- Agricultural development creating new impervious surface area >20,000 s.f.

- Any development that requires a subdivision plat or certified survey map (CSM),
- Redevelopment, or
- Other activities that pose a serious risk of flooding or damage due to runoff

### **What is the ECSWM approval process?**

The ECSWM approval process is as follows:

1. **Submit** [ECSWM Permit application](#), [ECSWM Narrative](#), and permit application fee.
2. **If Plan Commission action is required**, permit submittal would be placed on a Plan Commission agenda for review and action.
3. **The City Engineer reviews the submittal** and may issue the permit, which may include conditions. Initial permit and plan review generally occurs within 10 business days for the Erosion Control Plan and 15 days for the Stormwater Management Plans.
4. **Approved permits are scanned** and sent electronically to the applicant upon approval.

### **What is the ECSWM application fee?**

See the [City's fee schedule](#) for all application fees.

If a ECSWM is required, this permit shall be obtained prior to action on any zoning and/or building permit.

# VARIANCE

## What is a Variance?

A variance authorizes the development of a site in a manner that is prohibited under the zoning ordinance. The variance procedure allows the ordinance to be varied due to unique and peculiar site specific circumstances.

## What is the Variance Application fee?

See the [City's fee schedule](#) for all application fees.

## What criteria does the Zoning Board of Appeals use to decide cases?

State Statute sets forth criteria by which the Board of Appeals shall review variance requests.

1. **Neighborhood Meeting(s) (recommended):** Hold at least one neighborhood meeting (minimum 300 foot radius from property boundary) to identify and address any concerns with the proposed final plat. While property owners within 300 feet will be specifically notified, staff recommends an applicant engage affected neighborhoods.
2. **Unnecessary Hardship:** Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with the restrictions “unnecessarily burdensome”.
3. **Hardship Due to Unique Property Limitations:** Unnecessary hardship must be due to unique physical limitations of the property, such as steep slopes or wetlands that prevent compliance with the ordinance. The circumstances of an applicant are not a factor in deciding variances.
4. **No Harm to Public Interests:** A variance may not be granted which results in harm to public interests.
5. Variance in certain overlay districts may have additional requirements and standards.

## What are the steps in the Variance process?

1. **Submit a Variance application:** Submittal shall include the completed [Variance application form](#), application fee and all supporting documents.
2. **Review Comment Period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Zoning Board of Appeals meetings.
3. **Public Notification:** Property owners within 300 feet of the property are directly notified of the Plan Commission public hearing and the notice is also published in the Wisconsin State Journal.
4. **Zoning Board of Appeals Public Hearing:** At the public hearing, applicants present their request and members of the public may state their support, opposition or concerns about the proposed project. The Board also asks staff to present their recommendation on the request.

5. **Zoning Board of Appeals Action:** The Zoning Board of Appeals reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. The Board typically takes action following the public hearing.
6. **Decision Document:** Following the Board of Appeal's action, Planning/Zoning staff prepares a decision document that records the Board's action, reasoning for their decision and any conditions placed on approval.
7. **Variance in overlay districts** may have additional requirements.

## ADMINISTRATIVE APPEALS

### What is an Administrative Appeal?

An Administrative Appeal is a legal process provided to resolve disputes regarding ordinance interpretation or decisions made by administrative officials related to zoning.

### What is the Administrative Appeal Application fee?

See the [City's fee schedule](#) for all application fees.

### What are the steps in the Administrative Appeal Process?

The general process for Administrative Appeals is identical to the Variance process; however, some ordinances have different requirements for appeals, as outlined by the ordinance. This outlines the process for appeals which, by ordinance, go to the Zoning Board of Appeals.

1. **Submit an Administrative Appeal application:** Submittal shall include the completed [Administrative Appeal application form](#), application fee and all supporting documents.
2. **Review Comment Period:** Your application materials are sent to the various City Departments (Parks, Public Works, Fire, etc.) as well as the District Alders, Mayor and Plan Commission Chair for review and comment. Staff then works with you to address any questions or comments that might arise prior to the Zoning Board of Appeals meetings.
3. **Public Notification:** Property owners within 300 feet of the property are directly notified of the Plan Commission public hearing and the notice is also published in the Wisconsin State Journal.
4. **Zoning Board of Appeals Public Hearing:** At the public hearing, applicants present their appeal and members of the public may state their support, opposition or concerns about the proposed project. Staff also presents their reasoning for their decision.
5. **Zoning Board of Appeals Action:** The Zoning Board of Appeals reviews the application materials, public testimony, any staff concerns and recommendation of the Planning/Zoning staff. The Board typically takes action following the public hearing.
6. **Decision Document:** Following the Board of Appeal's action, Planning/Zoning staff prepares a decision document that records the Board's action, reasoning for their decision and any conditions placed on approval.

## What is the time-frame for an Administrative Appeal?

Under the Zoning Ordinance, an appeal shall be commenced within 30 days after the decision or interpretation was made. The process may vary under other ordinances.

For more information on an appeal request, contact the Planning/Zoning Department.

## CERTIFICATE OF APPROPRIATENESS

The Landmarks Preservation Commission oversees the administration of the Historic Preservation ordinance, including the designation of local landmarks. The City has ten locally designated landmarks with five total landmarks on the National Register of Historic Places.

The [Historic Preservation Ordinance](#) provides the regulations for locally designated historic properties. No alteration, construction, removal or demolition of a designated property or any permit for work on the property shall be done unless a certificate of appropriateness has been granted by the Landmarks Preservation Commission.

Contact the Planning/Zoning Department for more information.

## CITY CONTACTS

<b>Planning/Zoning Department</b>	<b>(608) 270-4255</b>
<b>Building Inspection</b>	<b>(608) 270-4240</b>
<b>Public Works</b>	<b>(608) 270-4260</b>
<b>Economic Development</b>	<b>(608) 270-4245</b>
<b>Fire Department</b>	<b>(608) 278-2980</b>
<b>Police Department</b>	<b>(608) 270-4300</b>
<b>City Clerk</b>	<b>(608) 270-4210</b>
<b>City Assessor</b>	<b>(608) 270-4236</b>

## MEETING SCHEDULE

### **Plan Commission:**

The Plan Commission generally meets the third Tuesday of each month. Application materials are due a minimum of four weeks in advance of the meeting that you wish to be on although at holidays the lead time may be greater. See the [City's website](#) for meeting dates and submittal deadlines.

The City's [Public Meetings Calendar](#) identifies all of the meeting dates for Committees and Commissions.

# APPLICATIONS & FORMS

[Architectural Design Review](#)

[Conditional Use Permit](#)

[Land Division](#)

[Rezoning](#)

[Sign Permit](#)

[Variance / Administrative Appeal](#)

[Zoning Permit](#)

[Early Start Permit](#)

[Building Permit](#)

[Driveway Permit](#)

[Erosion Control & Stormwater Management Permit](#)

[SmartCode Rezone](#)

[SmartCode Article 3](#)

[SmartCode Article 4](#)

[SmartCode Article 5](#)

[SmartCode Administrative Approval](#)

[SmartCode Administrative Waiver](#)