

**Sec. 70-89. - Light manufacturing district.**

- (a) *Permitted uses and structures.* In this light manufacturing district, buildings and premises shall be used and erected or structurally altered for the following uses and no others:
- (1) Any use permitted in the commercial district, except residential dwellings, whether single-family, two-family, multiple-family, hotels, motels, boardinghouses or lodgings, which are prohibited. Exceptions are made to allow a single-family dwelling on parcel no. 5.28.50 and a church to be maintained on parcel no. 6.51.1 located at 330 East Burnett Street.
  - (2) Any of the following specified uses:
    - a. Wholesale business.
    - b. Manufacture of products from paper, but not the manufacture of paper or pulp.
    - c. Repair, service and assembly of motor-propelled or nonmotor propelled vehicles, including the repair and storage of automotive accessories, except the wrecking of motor-propelled vehicles.
    - d. Storage and warehousing of solid fuels and materials, flammable gases or liquids, contractors' yards and lumberyards, except the storage of wrecked and dismantled vehicles, junk and explosives.
    - e. Manufacturing and bottling of nonalcoholic beverages.
    - f. Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage byproducts or the vining of peas.
    - g. Manufacture of products from wood, except the manufacture of paper, pulp and plastics.
    - h. Manufacture of sporting goods, house and office supplies and appliances.
    - i. Manufacture of goods from leather, but not tanning of hides or the manufacture of leather.
    - j. Knitting mills and the manufacture of products from finished fabrics.
    - k. Laundries.
    - l. Laboratories.
    - m. Manufacture of jewelry and cosmetics.
    - n. Manufacture of cigars, cigarettes and smoking tobacco.
    - o. Blacksmithing, tinsmithing, sheetmetal working and plumbing shops.
    - p. Manufacture of goods from plastics.
    - q. Farm equipment sales and service.
    - r. Livestock food processing and feed mills.
    - s. Wireless communication facilities.
    - t. Business park, which use is intended to provide for the orderly and attractive grouping of diverse traditional light industrial and office uses of limited intensity where the appearance of such mixed uses is enhanced by pleasing building architecture and generously landscaped sites located in highly visible locations. The Beaver Dam Business Park and any other such future business park created by the city or participated on a joint venture basis with the private sector shall be subject to regulations. The following criteria will be used by the

city when considering the granting of use permits for future occupants of business parks:

1. Allowed uses would include: Light manufacturing, distribution, assembly, professional offices (greater than 50 percent owner-occupied), and other like uses which were approved by resolution, TIF, project plan or other means when business park was formed.
  2. Variances could be granted by recommendation of the plan commission and resolution of the common council approving the same.
  3. All existing uses prior to the date of this ordinance [February 19, 2007] may be maintained. New uses of rental property or purchases of existing and undeveloped real estate would be subject to use permit to preserve the previously approved intent of the business park.
  4. Change of an existing use or the establishment of a new use without permit by a tenant or owner would be subject to injunctive relief or fine or forfeiture by the city.
- (b) *Height.* Buildings erected or structurally altered in the light manufacturing district shall exceed neither 60 feet nor five stories in height.
- (c) *Side yard.* A side yard not less than six feet in width shall be provided in the light manufacturing district.
- (d) *Setback.* Where parts of the frontage are designated as residential district and light manufacturing district in the light manufacturing district, the setback regulations of the residential district shall apply to the light manufacturing district; otherwise, there shall be a setback of not less than 30 feet.
- (e) *Rear yard.* There shall be a rear yard having a minimum depth of 30 feet for a building two stories or less in height in the light manufacturing district. For each additional story or fractional story in height, the depth of such rear yard shall be increased three feet. No accessory building located in a rear yard shall occupy more than 20 percent of the area of such required rear yard. The rear yard may be used for off-street parking.
- (f) *Parking.* Every building erected or structurally altered in the light manufacturing district shall provide motor vehicle parking space off the public street in the ratio of 300 square feet of area for each five persons employed on the premises, together with provisions for ingress from and egress to the public street or alley.
- (g) *Wireless communications facilities.*
- (1) *Definitions.* The following words, terms and phrases, when used in this subsection (g), shall have the meanings ascribed to them in this subsection (g)(1), except where the context clearly indicates a different meaning:
- Alternative tower structure* means manmade structures such as clock towers, bell steeples, lightpoles, and similar mounting structures.
- Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic magnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.
- Backhaul network* means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switch telephone network.

*Collocation* means the provision of multiple antennas or more than one commercial wireless communication service provider or government entity on a single tower or structure.

*FAA* means Federal Aviation Administration.

*FCC* means Federal Communications Commission.

*Height* means, when referring to a tower or other structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.

*Personal communications service (PCS)* means a provider of personal wireless service as defined in section 704 of the Telecommunications Act of 1996, 47 USC 332, and as the same may be amended from time to time.

*Personal wireless facilities* means transmitters, antenna structures and other types of installations used to provide personal wireless services.

*Preexisting towers/antennas* means any tower or antenna for which a building permit or conditional use permit has been properly issued prior to February 2, 1998.

*Tower* means any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term "tower" includes the structure and any support thereto.

(2) *Applicability/additional standards and exceptions.*

- a. *New towers and antennas.* All towers or antennas constructed after passage of the ordinance from which this subsection is derived shall be subject to all applicable standards of this subsection (g).
- b. *Preexisting towers and antennas.* Any tower or antenna for which a permit has been properly issued prior to the effective date of the ordinance from which this subsection (g) is derived shall not be required to meet the requirements of this ordinance, other than the requirements of [section 70-47](#). Any such towers or antennas shall be referred to hereinafter as "preexisting towers" or "preexisting antennas."
- c. *Amateur radio and receive-only antennas.* This subsection (g) shall not apply to any tower, or the installation of any antenna, that is under 70 feet in height and is owned by a federally licensed amateur radio station operator or is used exclusively for a receive-only antenna.

(3) *General requirements.*

- a. *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.
- b. *State or federal requirements.* All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.

- c. *Collocation.*
1. Any proposed telecommunication tower and tower site shall be designed in all respects to accommodate collocation of the applicant's antennas and at least two additional users. Towers and tower sites shall be designed to allow for the future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
  2. The holder of a permit for a tower shall allow collocation for at least two additional users and shall not make access to the tower and tower site for an additional user economically unfeasible. If additional users demonstrate, through an independent arbitrator or other pertinent means, that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
- d. *Antenna height.* Antenna height shall not be restricted, provided that such device is installed and maintained in accordance with current standards of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate antennas.
- e. *Tower height.* Tower height shall be 190 feet maximum.
- f. *Separation between towers.* Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

New Tower Type	Existing Tower Type			
	Lattice (feet)	Guyed (feet)	Monopole 75 feet in Height or Greater (feet)	Monopole Less Than 75 feet in Height (feet)
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole more than 75 feet in height	1,500	1,500	1,500	750
Monopole less than 75 feet in height	750	750	750	750

- g. *Availability of suitable existing towers, other structures or alternative technology.* No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. Evidence submitted to determine that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
1. No existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  4. The proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the proposed antenna.
  5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  7. The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline systems, is unsuitable. Costs of alternative technology that exceed new tower or antenna development cost shall not be presumed to render the technology unsuitable.
- h. *Aesthetics.*
1. Towers shall maintain either a galvanized steel finish or subject to any applicable standards of the FAA, be painted a light grey, so as to reduce visual obtrusiveness and blend into the natural setting and built environment, or otherwise camouflaged.
  2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
  3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure to make the antenna and related equipment as visually unobtrusive as possible.
- i. *Lighting.* Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- j. *Fencing.* A tower shall be enclosed by security fencing not less than six feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- k. *Landscaping.* A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscape strip at least five feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such as towers placed on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- l. *Accessory equipment and buildings.*

1. Antennas mounted on structures on rooftops: The equipment cabinet or structure used in association with an antenna may be located on a roof. Equipment storage buildings or cabinets shall comply with all applicable building and zoning requirements.
  2. Antennas mounted on utility poles, lightpoles or towers: The equipment cabinet or structure used in association with an antenna shall be sited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable landscape treatments, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.
- m. *Signs.* No signage or advertising is allowed to be placed on a wireless communication tower.
- n. *Tower separation from residential buildings or land.* Towers must be set back a distance equal to the height of the tower from any offsite residential structure or from any parcel of land zoned residential.
- (4) *Permitted uses.* The installation of a tower or antenna, including the placement of buildings or other supporting equipment used in connection with such tower or antenna, is permitted in all industrial zoning districts.
- a. *Antennas or towers on existing structures.* An antenna or tower may be situated on the roof of a commercial, industrial, professional, institutional or municipal structure, provided that such device is installed and maintained in accordance with applicable state or local building codes, and complies with current standards of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate antennas. Antennas installed on a structure other than a new communication tower, or antennas installed on an existing communication tower shall be permitted where located on property owned, leased or otherwise controlled by the city, irrespective of zoning district, provided that a lease or other agreement to authorize such antenna or tower has been approved by the city.
  - b. *Antennas on existing towers.* The attachment of a new antenna on an existing tower may be allowed, to minimize adverse visual impacts associated with the proliferation and clustering of towers, provided that:
    1. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same type as the existing tower, unless reconstructed as a monopole.
    2. An existing tower may be modified or rebuilt to accommodate the collocation of additional antenna and may be moved on site within 50 feet of its existing location, but the relocation may only occur one time per communication tower.
    3. After a tower is rebuilt to accommodate collocation, only one tower may remain on site.
    4. The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands shall only be permitted when approved by the city. The separation distance required is the height of the tower.
  - c.

*Cable microcell network.* The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

- (5) *Conditional uses.* The installation of towers and antennas, including the placement of accessory equipment or buildings, may be allowed by conditional use permit in all commercial zoning districts. Such permit to be granted after hearing before the plan commission and recommendation to the council upon such conditions as are appropriate as determined in a case-by-case basis.
- (6) *Removal of abandoned antennas and towers.* An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the antenna or tower within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within 90 days shall be grounds to remove the antenna or tower at the owner's expense. If there are two or more users of a single tower, then this subsection shall not become effective until all users cease using the tower.
- (7) *Nonconforming uses.* See [section 70-47](#), nonconforming use regulations.

(Code 2001, § 17.18; Ord. No. 2-2002, § 1, 3-4-2002; Ord. No. 3-2007, § 1, 2-19-2007)