



NEENAH PLAN COMMISSION

Tuesday, April 28, 2026

4:00 P.M.

Hauser Room, City Administration Building

Virtual Meeting Option: This meeting is available virtually. To access the virtual meeting (Requires Microsoft Teams), please click on the link below:

Join: <https://teams.microsoft.com/meet/21727001638165?p=uyLY5zVxbgpQ87nELK>

Meeting ID: 217 270 016 381 65

Passcode: TV6Ky9M6

-
1. Approval of Minutes: **April 7, 2026**
 2. Public Appearances (Ten minutes divided among those wishing to speak on topics pertinent to the Plan Commission)
 3. Nomination of Plan Commission Vice-Chair
 4. Public Hearings:
 - a. Special Use Permit #1-26 - 2680 Marathon Avenue - Private School
 - b. Text Amendment - Sec. 26-26 - Plan Commission Composition - Ord. 2026-06
 - c. Text Amendment - Sec. 22-161 - Shoreland-Wetland Zoning - Ord. 2026-08
 - d. Text Amendment - Chapter 22 - Shoreland Zoning - Ord. 2026-09
 5. Action Items:
 - a. Special Use Permit #1-26 - 2680 Marathon Avenue - Private School
 - b. Text Amendment - Sec. 26-26 - Plan Commission Composition - Ord. 2026-06
 - c. Text Amendment - Sec. 22-161 - Shoreland-Wetland Zoning - Ord. 2026-08
 - d. Text Amendment - Chapter 22 - Shoreland Zoning - Ord. 2026-09
 6. Discussion Items:
 - a. Zoning and Sign Code Rewrite
 7. Announcements and future agenda items:
 - a. Next Meeting: May 12, 2026

NOTICE IS HEREBY GIVEN, pursuant to the requirements of Wis. Stats. Sec. 19.84, that a majority of the Neenah Common Council may be present at this meeting. Common Council members may be present to gather information about a subject over which they have decision-making responsibility. This constitutes a meeting of the Neenah Common Council and must be noticed as such. The Council will follow the same agenda as the committee but will not take any formal action at this meeting.

In accordance with the requirements of Title II of the Americans with Disabilities Act (ADA), the City of Neenah will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. If you need assistance, or reasonable accommodation in participating in this meeting or event due to a disability as defined under the ADA, please call the Community Development Department Administrative Assistant at 920-886-6125 or the City's ADA Coordinator at (920) 886-6106 or e-mail attorney@NeenahWI.gov at least 48 hours prior to the scheduled meeting or event to request an accommodation.

MINUTES OF THE NEENAH PLAN COMMISSION

Tuesday, April 7, 2026

4:00 p.m.

Present:

Mayor Jane Lang, Chairperson	PRESENT	Gerry Kaiser, Director of Public Works	PRESENT	Alderman Dan Steiner Vice Chairperson	PRESENT
Kate Hancock-Cooke	ABSENT	Karen Genett	PRESENT	Frank Cuthbert	PRESENT
Gerry Andrews	ABSENT	Lindsay Clark	ABSENT		

Also Present:

Brad Schmidt, Deputy Director of Community Development	Kayla Kubat, Administrative Assistant of Community Development	Alderman Florence Bruno
Ryan Scray- RGL Logistics	Olivia Vander Heiden- Alliance Construction and Design	Brandon Robaidek- Robert E Lee and Associates

Minutes: MSC, Cuthbert/Kaiser, the Plan Commission, to approve the February 24, 2026 meeting minutes. All voting aye. Motion passed.

Public Appearances: Chairperson Mayor Lang opened public appearances to topics not related to the agenda.

No one in attendance spoke. Chairperson Mayor Lang closed public appearances.

Public Hearings: None

Action Items:

a. Site Plan #1-26 – 1750 Dixie Road – RGL Logistics Warehouse Expansion

Deputy Director Schmidt went over the request to construct a building addition at the RGL Logistics building located at 1750 Dixie Road. The addition is about 220,000 square feet and will be located on the north side of the building. This will be used for warehouse and distribution space. The height and exterior of the addition will match the existing building. With this addition, the lot coverage will equate to 40%, which is the maximum in the zoning code. The green space and parking stalls exceed the minimum. They are adding additional loading docks on the west and east side of the building, which would be in line with the existing loading docks. Access to the site will be mainly from Dixie Road. The stormwater requirements are met with the first phase of this site where two stormwater ponds were constructed.

Member Genett asked where the traffic mainly comes from. Deputy Director Schmidt stated County Road G. Director Kaiser stated said there is a project coming in 2027 to signalize County Road G and Dixie Road.

Member Cuthbert asked how many additional jobs will this create. Representative from RGL Ryan Scray stated there will be an additional 5-10 employees.

MSC, Cuthbert/Genett, the Plan Commission, to approve the site plan for a building addition to an existing warehouse facility located at 1750 Dixie Road subject to the Site Plan Review letter comments. All voting aye. Motion passed.

Discussion Items:

a. **Zoning and Sign Code Re-Write**

Deputy Director Schmidt went over the selection of Vandewalle and Associates Inc. for the zoning and sign code rewrite. He also showed the schedule and discussed public engagement opportunities that could be available.

Member Genett asked if there will be more zoning classifications. Deputy Director Schmidt stated yes and discussed the current zoning classifications the city currently has.

Director Kaiser asked how this update will be incorporated into other parts of city codes. Deputy Director Schmidt stated that incorporation is part of the rewrite process.

Announcements and Future Agenda Items: Next meeting is scheduled for April 28, 2026

Adjournment: The Commission adjourned its meeting at 4:22 p.m. MSC Kaiser/Genett. All voting Aye. Motion passed.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kayla Kubat".

Kayla Kubat

Administrative Assistant, Department of Community Development



DATE: April 28, 2026
TO: Mayor Borchardt and Members of Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director
RE: Special Use Permit – 2680 Marathon Avenue – Private School

Request

Fox Valley Islamic Society has submitted a special use permit to establish a private school on property located at 2680 Marathon Avenue.

Consideration

The subject site is approximately 7 acres in size located on the east side of Marathon Avenue, north of County Highway G. Fox Valley Islamic Society operates a mosque on the property which was approved through a special use permit in 2019. The property is zoned R-1, Single-Family Residence District.

The applicant is proposing to establish a private school within the existing building. A single classroom will be used to teach a maximum of 10 children in kindergarten and first grade. The school will operate daily from 8:30 a.m. to 3:30 p.m. There is no planned exterior site improvements associated with the school proposed at this time. Should the school expand, or site improvements related to the school be proposed, an amendment to the special use permit is required.

The R-1 district identifies schools (private/public) as a Special Use. Each zoning district includes a list of Permitted Uses or uses allowed by right and Special Uses or uses that possess special characteristics or uniqueness which require thorough review of their location and configuration relative to the surrounding neighborhood. Specifically, the City's Zoning Code requires that the Plan Commission consider the following findings when reviewing a Special Use Permit request:

1. The use shall be compatible with the adjacent land uses so that the existing uses will not be depreciated in value and there will be no deterrents to development of vacant land.
 - a. The proposed school use is intended to serve up to 10 children in one classroom within the building. Several religious institutions in the city have schools within their facilities. Based on the hours of operation and the limited nature of the proposed use, it is not likely the surrounding neighborhood will be negatively impacted.
2. The use shall have an appearance that will not have an adverse effect upon adjacent properties.

- a. There are no proposed changes or modifications to the existing building planned to support the school use.
3. The use shall be reasonably related to the overall needs of the City and to existing land use patterns.
 - a. The city has several public and private schools within the city. The proposed school will serve up to 10 children, expanding school opportunities within the city.
4. The use will not cause traffic hazards or congestion.
 - a. The proposed school is relatively small and is not likely to cause any traffic hazards or congestion.
5. The use shall have adequate utilities, access roads, drainage, and other necessary facilities.
 - a. The facility is currently served with city water and sanitary sewer. Both utilities are adequately sized for the proposed use.

Recommendation

Plan Commission finds that the proposed use meets the findings of fact for a Special Use Permit (Sec. 26-48) and recommends Common Council approve a Special Use Permit for a private school located at 2680 Marathon Avenue subject to the conditions of the Special Use Review Letter.



City of Neenah Community Development
211 Walnut Street
Neenah WI 54956
Ph 920.886.6130

April 23, 2026

MAMADOU COULIBALY
FOX VALLEY ISLAMIC SOCIETY
2680 MARATHON AVE
OSHKOSH, WI 54901

RE: Special Use Permit #1-26 - 2680 Marathon Ave - Private School Special Use Review () Status Conditional

Dear MAMADOU COULIBALY:

We have completed our review of the plan identified above. The plan was approved per attached comments, if any that must be addressed. This letter is not to be construed as a zoning compliance, grading, or building permit, certificate of occupancy, or a substitute for any permit or certificate required by any state or federal government entity.

Sincerely,

Brad Schmidt
Deputy Director of Community Development and Assessment
bschmidt@neenahwi.gov
920-886-6126

Plan Review Comments

**Planning - Brad Schmidt -
bschmidt@neenahwi.gov**

Approved

Review Comments:

1. The proposed use is limited to no more than 10 students in the location of the building identified on the floor plan submitted as part of this special use permit application. Should the location of the use in the building change or the use increase to more than 10 students, an amendment to the special use permit is required.
2. Any exterior site improvements related to the proposed school use may require an amendment to the special use permit or a site plan review. Improvements such as an outdoor play area, play ground, additional off-street parking, or other improvements related to the school use may qualify for an amendment to the special use permit.
3. Prior to occupancy, a building permit may be required. Please contact Kyle Pederson (Chief Building Inspector) at 886-6131 for more information relative to building permits.
4. Any additional exterior building or site signage will require a sign permit. Sign applications can be submitted online by visiting the following link: <https://evolvepublic.neenahwi.gov/>
5. Failure to adhere to the conditions listed above may result in a revocation of the special use permit. Should the proposed school use cease operations for a continuous 12-month period, the special use permit will be considered null and void.

**Fire Department - Jerry Mavroff - 886-6204
GMavroff@nmfire.org**

Approved

Review Comments:

**Inspections - Building Commercial - Kyle Pederson - 920-886-6131
kpederson@neenahwi.gov**

Conditional

Review Comments:

Advisory Comments:

E-Plan Exam or State approval needed prior to permitting for alterations/change of use.



04/13/2026

FVIS School

Project Description:

This project proposes the establishment of a small private school with one classroom serving kindergarten and first-grade students, with a maximum capacity of 10 students. The classroom will be located on the north side of the second floor of the building. The school will operate daily from 8:30 a.m. to 3:30 p.m. and will include a scheduled morning recess (10:00–10:15 a.m.) and a lunch period (11:30 a.m.–12:15 p.m.).

The school will be staffed by two teachers. Student drop-off and pick-up will be managed by parents/guardians, with minimal traffic impact expected due to the small enrollment. The project will comply with all applicable building, fire safety, and occupancy regulations.



103 Kappell Drive, Neenah, WI 54956
+1 (920) 215-9840
www.fvis.org
contact@fvis.org

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<https://bit.ly/donate2fvis>



M E M O R A N D U M

DATE: April 28, 2026
TO: Mayor Borchardt and Plan Commission
FROM: Brad Schmidt, Deputy Director of Community Development
RE: Plan Commission Membership – Chapter 26 – Zoning Code (**Ord. No. 2026-06**)

The City's Plan Commission currently consists of eight members: the Mayor, Director of Public Works, a Parks and Recreation Commission member, one Alderman, one member of the Board of Education, and three citizen members. Under Wisconsin law, a city plan commission is to consist of seven members.

Since 1967, the City's ordinance has included a representative from the Neenah Board of Education (Board) as a member of the Plan Commission. The ordinance also requires that this representative be a resident of the City of Neenah.

Staff is recommending that the Plan Commission membership be reduced from eight members to seven members to align with state law and that the Board of Education member be removed from the Commission membership structure.

This recommendation is based primarily on attendance and quorum considerations. In recent years, scheduling conflicts and other obligations have made it difficult for the Board of Education representative to consistently attend Plan Commission meetings. At times, this has created challenges in maintaining quorum and ensuring full participation in Commission discussions. In one recent year, the Board representative did not attend any Plan Commission meetings. In addition, while unlikely, there is also the potential for all members of the Board of Education to reside outside the City of Neenah, which could make it difficult or impossible to fill the position as currently required by ordinance.

City staff met with NJSD Superintendent Harrison to discuss the proposed change. He expressed support for removing the Board of Education member from the Plan Commission and noted that neither he nor the Board regularly receive feedback from the Board's Plan Commission representative.

Although staff is recommending removal of the Board representative as a formal member of the Plan Commission, the City will continue to coordinate regularly with the Neenah Joint School District on planning and development matters. Staff intends to continue quarterly meetings with Superintendent Harrison to discuss city planning issues, development activity, school district coordination, and other topics of shared interest between the City and NJSD.

In addition to removing the Board of Education member, the intent of this ordinance is to ensure consistency between the two areas of the Municipal Code where the Plan Commission membership requirements are described (Chapter 2 - Administration and Chapter 26 - Zoning Code of the Municipal Code). The two sections differ slightly in the requirements for membership.

April 28, 2026 – Page 2

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Ordinance No. 2026-06, amending Chapter 26 of the Code of Ordinances relating to Plan Commission membership.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Amending Neenah Code §26-26 of the
Municipal Code of Ordinances relating to Plan
Commission.

ORDINANCE NO. 2026-06
Introduced: _____
Committee/Commission Action:

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 26-26 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language and eliminating the stricken language to read as follows:

- (a) *Membership Composition.* The Plan Commission shall consist of the Mayor, who shall be the presiding officer, the Director of Public Works, ~~the Chairman of the Park and Recreation Commission (or in his absence, the Vice Chairman, who shall serve as an alternate)~~ a representative of the Park and Recreation Commission appointed by the Chairman of the Park and Recreation Commission for a one-year term, an Alderman, a member of the Board of Education who is a resident of the City recommended by the Neenah Joint School District and three residents.
- (b) *Appointment.* The Alderman and Board of Education members shall be appointed by a two-thirds majority vote of the entire Council each April. The Mayor shall appoint one resident member annually each April for a term of three years. Such appointed members of the Commission shall commence their terms on May 1.
- (c) *Powers and duties.* The Plan Commission shall have such powers as are conferred upon it by law and shall perform such further duties as are imposed upon it by the Council.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by

any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Brian Borchardt, Mayor

Attest:

Charlotte Nagel, City Clerk

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542



M E M O R A N D U M

DATE: April 28, 2026
TO: Mayor Borchardt and Plan Commission
FROM: Brad Schmidt, AICP, Deputy Director of Community Development
RE: Shoreland Zoning – Amend Sec. 22-161 and Create Chapter 22, Article VI –
Shoreland Zoning

In 2013, a State created legislation which granted municipalities (cities/villages) the ability to adopt their own shoreland requirements subject to the minimum requirements outlined in Wisconsin Statutes 62.633 (Zoning of Annexed or Incorporated shorelands). For communities that didn't pass an ordinance, all property annexed to the City after May 7, 1982, would be regulated under County Shoreland Zoning.

The City currently regulates shoreland setbacks within each zoning district for properties located along a lake, river or navigable stream. In 2018, the City modified the requirements by reducing the building setback in shoreland from 75 feet to 50 feet. While this portion of the code is consistent with state law, adopting a shoreland zoning ordinance specifically creates a shoreland zoning overlay district by identifying the properties impacted by shoreland setbacks and includes detailed definitions to avoid confusion in interpretation of the code.

The proposed ordinance creates a shoreland zoning district that applies to all properties annexed to the City after May 7, 1982. In addition, the ordinance includes a 50-foot setback from the ordinary high-water mark for principle buildings, consistent with current setback requirements. The ordinance further includes allowances where a principle building can be built closer to the ordinary high-water mark if adjacent lots have principle structures closer than 50 feet to the ordinary high-water mark.

In addition to the creation of a Shoreland Zoning ordinance, Staff proposes to amend Section 22-161 (Annexed areas) from the Shoreland-Wetland Zoning article of the Municipal Code to remove the provision that land annexed to the City after May 7, 1982, is required to follow Winnebago County shoreland provisions. The shoreland-wetland zoning article applies to wetlands within the shoreland area. This differs slightly from shoreland zoning. To avoid confusion, staff is recommending the removal of County Shoreland Zoning reference for properties annexed to the City after May 7, 1982.

Recommendation

Appropriate action at this time is for Plan Commission to recommend Common Council approve Ordinance No. 2026-08, amending Chapter 22 of the Code of Ordinances Shoreland-Wetland Zoning and approve Ordinance No. 2026-09, creating Article VI (Chapter 22) Shoreland Zoning.



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Amending Neenah Code §22-161 of the
Municipal Code of Ordinances relating to
Annexed areas within Shoreland-Wetland
Zoning.

ORDINANCE NO. 2026-08
Introduced: _____
Committee/Commission Action:

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Section 22-161 of the Code of Ordinances of the City of Neenah is amended by adding the highlighted language and eliminating the stricken language to read as follows:

~~**Sec. 22-161. – Annexed areas.**~~

~~The Winnebago County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the City for all areas annexed by the City after May 7, 1982. These annexed lands are described on the City's Official Zoning Map. The Winnebago County Town/County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Department of Community Development.~~

Secs. 22-1621—22-190. - Reserved.

Section 2.

Section 3. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the

remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 4. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Brian D. Borchardt, Mayor

Attest:

Charlotte Nagel, City Clerk

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542



211 Walnut Street
Neenah, WI 54956

AN ORDINANCE: By the Neenah Plan Commission
Re: Creating Neenah Code Chapter 22 Article VI
of the Municipal Code of Ordinances relating
to Shoreland Zoning.

ORDINANCE NO. 2026-09
Introduced: _____
Committee/Commission Action:

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, do ordain as follows:

Section 1. Chapter 22 Article VI of the Code of Ordinances of the City of Neenah is created to read as follows:

ARTICLE VI. – SHORELAND ZONING

Sec. 22-390. Statutory authorization.

- (a) This ordinance is adopted pursuant to the authorization in §62.23 and §62.233 of the Wisconsin Statutes for villages and cities.
- (b) The City of Neenah Common Council determines that uncontrolled development and use of the shorelands of this municipality would impair the public health, safety, convenience, general welfare and tax base.

Sec. 22-391. Definitions.

As used in this article of Chapter 22 – Environmental Control, the following terms shall have the meanings indicated:

Navigable waters means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d) Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder shoreland ordinances required under s. 59.692, Stats., and this chapter do not apply to lands adjacent to farm drainage ditches if:

- (a) Such lands are not adjacent to a natural navigable stream or river;
- (b) Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history; and
- (c) Such lands are maintained in nonstructural agricultural use.

Ordinary high-water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high-water mark is, recourse may be had to the opposite bank of a stream or to the other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high-water mark.

Principal building means a building which contains the primary use of the lot, as contrasted to accessory structure, building or use. In any residential zone a dwelling shall be deemed to be the principal building on the lot.

Shorelands has the meaning given in §59.692(1)(b) of the Wisconsin Statutes.

Shoreland setback area has the meaning given in §59.692(1)(bn).

Shoreland zoning district means a zoning district comprised of shorelands that are subject to the provisions of Sec. 22-392.

Sec. 22-392. Jurisdiction.

The jurisdiction of this article shall include all shorelands of the City which are:

- (a) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds, or flowages in the City shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources' Surface Water Data viewer available on the DNR website, or as shown on the United States Geological Survey quadrangle maps. If evidence to the contrary is presented, the Director of Community Development shall make the initial determination whether or not the lake, pond, or flowage in question is navigable under laws of the State. The Director of Community Development shall also make the initial determination of the location of the Ordinary High-Water Mark.
- (b) Within 300 feet of the ordinary high-water mark of navigable waterways. For the purposes of this subsection, waterways in the City shall be presumed to be navigable if they are designated as a Navigable Stream on the City of Neenah Official Shoreland Zoning District Map, which references the Wisconsin Department Natural Resources Surface Water Data viewer available on the DNR website, or as shown on the United States Geological Survey quadrangle maps.

If evidence is presented that a waterway is Non-Navigable, then the Director of Community Development shall make the initial navigability determination under the laws of the State. The Director of Community Development shall also make the initial determination of the location of the Ordinary High-Water Mark.

Sec. 22-393. Shoreland zoning district boundaries

The Official Shoreland Zoning District Map is hereby adopted and made part of this Article. The boundaries shall be depicted on this map as defined in Section 22-391. Copies of the map shall be available for public viewing in the Department of Community Development.

Sec. 22-394. Requirements.

- (a) There shall be established a shoreland setback of at least fifty (50) feet from the ordinary high-water mark (this could be greater than fifty (50) feet).
- (b) The principal building may be constructed or placed within the shoreland area if all of the following apply:
 - (1) The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
 - (2) The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or thirty-five (35) feet from the ordinary high-water mark, whichever distance is greater.

Sec. 22-395. Zoning Agency.

- (a) The Director of Community Development or his/her designee shall:
 - (1) Review and advise the governing body on all proposed amendments to this article, maps and text.
- (b) This Director of Community Development shall not:
 - (1) Grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
 - (2) Amend the text or zoning maps in place of official action by the governing body.

Sec. 22-396. Interpretation.

In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Article is required by a standard in Wis. Admin. Code ch. NR 115 and where the meaning of the Article provision is unclear, the provision shall be interpreted in light of the Wis. Admin. Code ch. NR 115 standards in effect on the date of the adoption of the ordinance from which this Article is derived or in effect on the date of the most recent text amendment to this Article.

Sec. 22-397. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundary of the Shoreland District as shown on the Official Zoning Map, the following rules apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (c) Boundaries indicated as approximately following City limits shall be construed as following City limits;
- (d) Boundaries indicated as following railroad lines shall be construed to be the centerline of the railroad right-of-way;
- (e) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines;
- (f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- (g) Boundaries indicated as dividing a lot or plot of land shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- (h) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (a) through (g) above, the Director of Community Development shall interpret the district boundaries.

Sec. 22-398. Applicability.

This Article applies to all land annexed to the City of Neenah after May 7, 1982, and that prior to annexation was subject to a county shoreland zoning ordinance under Wis. Stat. §59.692.

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Approved:

Moved by: _____

Brian D. Borchardt, Mayor

Adopted: _____

Attest:

Approved: _____

Published: _____

Charlotte Nagel, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:
City Attorney David C. Rashid
211 Walnut Street
Neenah, WI 54956
State Bar No. 1056542