

## CHAPTER 17

### ZONING CODE

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## **ZONING CODE 17.01**

**17.01 INTRODUCTION.** (1) **AUTHORITY.** These regulations are adopted under the authority granted by §62.23(7), Wis. Stats.

(2) **SHORT TITLE.** This chapter shall be known as, referred to or cited as the "Zoning Code, City of Black River Falls, Wisconsin."

(3) **PURPOSE.** The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the City.

(4) **INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drain-age; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the City; and implement the City comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(5) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(6) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter 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 power granted by the Wisconsin Statutes.

**17.02 DEFINITIONS.** For the purpose of this chapter, the following definitions shall be used:

(1) **ABUTTING.** Having a common property line or district line.

(2) **ACCESSORY BUILDING.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.

## **ZONING CODE 17.02 (3)**

- (3) ALLEY. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- (4) APARTMENT. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
- (5) APARTMENT HOUSE. See DWELLING, MULTI-FAMILY.
- (6) BASEMENT. A story, as defined in sub. (43) below, partly underground which, if occupied for living purposes, shall be counted as a story for purposes of height measurement.
- (7) BILLBOARD. An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.
- (8) BOARDING HOUSE. A building other than a hotel where lodging and meals are furnished for compensation for 3 or more persons not members of a family.
- (9) BUILDING. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (10) BUILDING, ALTERATIONS OF. See STRUCTURAL ALTERATIONS.
- (11) BUILDING AREA. The total living area bounded by the exterior walls of a building at the floor level, but not including a basement not qualified for living area under the State Building Code, a garage, an unfinished and unheated porch and an attic.
- (12) BUILDING, HEIGHT OF. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitched roof.
- (13) CERTIFICATE OF OCCUPANCY. A written statement issued by the Building Inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.
- (14) CONDITIONAL USE. A use of a special nature so as to make impractical its predetermination as a principal use within a district.

**ZONING CODE 17.02 (15)**

(15) DWELLING. (a) One-Family. A detached building for or occupied exclusively by one family.

(b) Two-Family. A detached or semi-detached building designed for and occupied exclusively by 2 families.

(c) Multi-Family. A building or portion thereof designed for and occupied by more than 2 families, including, row houses, apartment houses and apartment hotels.

(16) DWELLING UNIT. A separate housekeeping unit, designed and used for occupancy by a single family.

(17) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

(18) FARM. Land consisting of 5 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption or use.

(19) FLOOR AREA. (a) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the State Building Code, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.

(b) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

(20) FRONTAGE. All the property abutting on one side of a street between 2 intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

(21) GARAGE. (a) Private. An accessory building or space for the storage only of not more than 3 motor-driven vehicles per dwelling.

(b) Public. Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

(c) Storage. Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.

## **ZONING CODE 17.02 (22)**

(22) **HOME OCCUPATION.** A gainful occupation conducted by members of the family only within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupations, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, that no sign other than one unlighted name plate not more than 2 feet square is installed and that no person other than a member of the immediate family living on the premises is employed. Outdoor storage of raw materials or finished products is not allowed.

(23) **HOTEL, MOTEL.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

(24) **LOT.** A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this chapter and abutting on a public street or officially approved place.

(25) **LOT, CORNER.** A lot abutting on 2 or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 135°.

(26) **LOT DEPTH.** The mean horizontal distance between the front and rear lot lines.

(27) **LOT, INTERIOR.** A lot other than a corner lot.

(28) **LOT LINES.** The lines bounding a lot as defined herein.

(29) **LOT, THROUGH.** An interior lot having frontage on 2 non-intersecting streets.

(30) **MOBILE HOME.** A non self-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.

(31) **MOBILE HOME PARK.** Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.

(32) **MOTEL.** See HOTEL.

(33) **NONCONFORMING USE.** A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

## **ZONING CODE 17.02 (34)**

(34) NURSERY. Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

(35) NURSING HOME. Any building used for the continuous care, on commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

(36) PARKING STALL. An off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

(37) PROFESSIONAL HOME OFFICE. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in an R-1 District, a professional office shall be incidental to the residential occupation and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.

(38) RAILROAD RIGHT OF WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

(39) SETBACK. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

(40) SHOPPING CENTER. A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

(41) SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which it is located, or on adjoining property under the same ownership, as distinguished from a billboard.

(42) STREET. All property dedicated for public street purposes.

(43) STORY. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

## **ZONING CODE 17.02 (44)**

(44) **STREET LINE.** A dividing line between a lot, tract or parcel of land and an abutting street right of way.

(45) **STRUCTURE.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

(46) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

(47) **TEMPORARY STRUCTURE.** A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.

(48) **USE.** The use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

(49) **USE, ACCESSORY.** A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.

(50) **USE, CONDITIONAL.** See **CONDITIONAL USE.**

(51) **USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

(52) **USE, PRINCIPAL.** The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

(53) **UTILITIES.** Public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(54) **VISION CLEARANCE.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line. (See sec. 17.03 of this chapter)

(55) **YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(a) **Front Yard or Setback.** A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

(b) Rear Yard. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.

(c) Side Yard. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line. See also secs. 17.03(5) and 17.04(3) of this chapter.

(56) **ZONING DISTRICT.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

(57) **ZONING PERMIT.** A permit stating that the placement of and the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

**17.03 GENERAL PROVISIONS.** (1) **COMPLIANCE.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable City, County and State regulations.

(2) **USE RESTRICTIONS.** The following use restrictions and regulations shall apply:

(a) Principal Uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.

1. **Accessory Uses.** Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Accessory buildings shall not occupy more than 30% of the required area for the rear yard.

2. **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Council after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

3. **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Building Inspector.

(b) Performance Standards. Performance standards listed in sec. 17.28 of this chapter shall be complied with by all uses in all districts.

## **ZONING CODE 17.03 (3)**

(3) **YARD REDUCTION OR JOINT USE.** (a) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

(b) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.

(c) No lot in the City which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.

(4) **LOT OCCUPANCY.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot that complies with that zoning district and in no case shall there be more than one principal building on one platted lot unless approved by the Council.

(5) **YARDS ABUTTING DISTRICT BOUNDARIES.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.

(6) **STORAGE LIMITATION.** No required side yard or front yard in the commercial or industrial districts shall be used for storage or the conduct of business.

(7) **VISION CLEARANCE.** No obstructions such as structures, parking or vegetation shall be permitted in any district other than the B-1 District between the height of 2-1/2 and 10 feet above a plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting streets or alleys and a line joining points on such lines, located a minimum of 35 feet from their intersection. Official signs, utility poles, and tree trunks shall be permitted within each segment of an intersection traffic visibility area.

(8) **PERFORMANCE STANDARDS.** See sec. 17.28 of this chapter.

(9) **PARKING AND LOADING RESTRICTIONS.** See sec. 17.27 of this chapter.

(10) **ROOF AND EAVE STANDARDS**

(a) **Roofs:** The roof on all principal residential buildings shall have a minimum roof pitch of 4:12, except the roofs over the following parts of residential structures may have a lesser pitch: porches, decks, dormers, and breezeways.

## **ZONING CODE 17.03 (10)**

(b) Eaves: All residential structures shall have a minimum eave width of 16 inches (not including the width of any gutter or other apparatus affixed to the eave or roof edge).

(c) Exceptions: The rules of subsections (1) or (2) above shall not apply to buildings located in Mobile Home Parks (Section 17.11). In all other zoning districts, the rules of subsections (1) and/or (2) may be modified by the Plan Commission through the granting of a Conditional Use.

**17.04 HEIGHT AND AREA EXCEPTIONS.** The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

(1) **CHIMNEYS, TOWERS, LOFTS, ETC.** Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, windmills, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances exceeding the height regulations of this chapter may be permitted as conditional uses by the Plan Commission.

(2) **STREET YARD MODIFICATIONS.** The yard requirements stipulated elsewhere in this chapter may be modified as follows:

(a) Uncovered Stair Restrictions. Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed 6 feet and be not closer than 3 feet to any lot line.

(b) Cul-de-Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves **in** R-1 Districts and for single-family residences in the R-2 District may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet. Residential lot frontage on cul-de-sacs and curves for 2-family and multi-family residences in R-2 Districts may be less than 100 feet provided the width at the building setback line is at least 100 feet and the street frontage is not less than 55 feet.

(c) Residential Fence Restrictions. See Section 14.10 of this Code.

(d) Security Fence Restrictions. Security fences are permitted in industrial and business districts, but shall not be located more than 2 feet from the property line and shall not exceed 10 feet in height and shall be an open type similar to woven wire or wrought iron fencing. A building permit is required. See ch. 14 of this Code.

(e) Essential Services Exemptions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(f) Street Yard Restrictions. With the approval of the Plan Commission, the required street yards may be decreased in any residential, business or industrial district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the residential

## **ZONING CODE 17.04 (5)**

districts and 5 feet in any business or industrial district.

(3) **CORNER LOTS.** On corner lots the side yard facing the street shall not be less than 20 feet.

(4) **ACCESSORY BUILDINGS.** Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be nearer than 5 feet to any lot line nor 10 feet to any alley line and shall not extend into a front yard beyond the required setback.

(5) **UNOBSTRUCTED YARDS.** Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard.

**17.05 NONCONFORMING USES, STRUCTURES AND LOTS.** (1) **EXISTING NONCONFORMING USES.** (a) Continuation. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

2. The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of its becoming a, nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

3. Substitution of new equipment may be permitted by the Council if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(b) Abolishment or Replacement of Existing Nonconforming Use. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter.

(2) **EXISTING NONCONFORMING STRUCTURES.** Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its **size** or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter unless a variance is first obtained from the Board of Zoning Appeals.

(3) **CHANGES AND SUBSTITUTIONS.** Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Council has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Council.

## **ZONING CODE 17.05 (4)**

(4) **EXISTING VACANT SUBSTANDARD LOTS.** An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 5,000 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district and the lot is of record in the County Register of Deed's office prior to the effective date of this chapter; and, further provided, that the lot is in separate ownership from abutting lands. If 2 or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after approval of a variance by the Board of Zoning Appeals.

**17.06 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES.** (1) **STATE LAWS ADOPTED.** The provisions of §§62.23(7)(i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

### **(2) PERMITTED USES; RESTRICTIONS.**

| <b>COMMUNITY LIVING ARRANGEMENT<br/>(CLA); FAMILY DAY CARE HOMES</b>                                                                        | <b>DISTRICTS<br/>PERMITTED</b> | <b>STATUTORY<br/>RESTRICTIONS</b>             |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-----------------------------------------------|
| (a) Foster family home (domicile<br>licensed under §48.62, Wis. Stats., up to 4<br>children                                                 | All residential districts      | None                                          |
| (b) Other foster homes                                                                                                                      | All residential districts      | §62.23(7) (i). and 2., Wis.<br>Stats.         |
| (c) Adult family home domicile,<br>as districts defined in §50.01(1), Wis.<br>Stats., up to 4 adults, or more if all adults are<br>siblings | All residential                | None                                          |
| (d) Other adult family homes                                                                                                                | All residential districts      | § 62.23(7)(i) 1. and 2.,<br>Wis. Stats.       |
| (e) CLA, up to 8 persons                                                                                                                    | All residential districts      | §62.23 (7) (i) 1., 2., and<br>9., Wis. Stats. |
| (f) CLA, 9 to 15 persons                                                                                                                    | Multi-Family districts         | §62.23 (7) (i) 1., 2., and<br>9., Wis. Stats. |
| (g) Family day care home licensed under §48.65<br>Wis. Stats., up to 8 children                                                             | All 1- and 2- family districts | §66.1017, Wis. Stats.                         |

**17.07 ZONING DISTRICTS.** (1) ESTABLISHED. For the purposes of this chapter, the City is hereby divided into the following zoning districts:

- (a) R-1 Single-Family Residential District
- (b) R-2 Single-Family Residential District
- (c) R-Duplex 2-Family Residential District
- (d) R-3 Multi-Family Residential District
- (e) R-4 Mobile Home Park District
- (f) RD Rural Development District
- (g) R-PUD Residential Planned Unit Development District
- (h) B-1 Central Business District
- (i) B-2 Convenience Business District
- (j) B-3 Highway Business District
- (k) B-4 Interchange Business District
- (l) B-S Shopping Mall District
- (m) I-1 General Industrial District
- (n) I-2 Light Industrial District
- (o) Conservancy District
- (p) Historic Preservation District
- (q) Well-Head Protection Area Overlay District
- (r) Shoreland-wetland and Floodplain District

(2) INCORPORATION OF ZONING MAP. The locations and boundaries of the districts are shown on the City Zoning Map, dated 2003, and referred to by reference as the Official Zoning Map, City of Black River Falls, Wisconsin. Such Map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the City Clerk and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the Map.

(3) DISTRICT BOUNDARY AND MAP AMENDMENTS. Ordinances: Number

(4) BOUNDARIES OF DISTRICTS. When uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules shall apply:

(a) When width or length of boundaries are not clear, the scale of the Map shall determine the approximate dimensions.

(b) When the Floodplain Zoning and Shoreland-Wetland Codes and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.

(c) District boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

## ZONING CODE 17.08

### 17.08 R-1 SINGLE-FAMILY RESIDENTIAL. DISTRICT. (I) PERMITTED USES.

(a) One-family dwellings.

(b) Attached and Detached Garages. Only one attached and one detached garage per lot is permitted.

1. Attached Garages. Attached garages 1,000 square feet in area maximum. Attached garages with living quarters above shall have a floor to ceiling height of 10 feet maximum; attached garages without living quarters above shall be no more than 15 feet in height maximum.

2. Detached Garages. Detached garages 1,000 square feet in area maximum, a floor to ceiling height of 10 feet maximum.

(c) One garden / yard equipment shed, 160 square feet maximum and 15 feet in height maximum.

#### (2) CONDITIONAL USES. See also sec. 17.25 of this chapter.

(a) Churches, synagogues and similar places of worship and instruction, including parsonages.

(b) Municipal buildings, except sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.

(c) Utility offices, provided there is no service garage or storage yard.

(d) Public, parochial and private elementary and secondary schools.

(e) Public parks, golf courses, recreation areas, play-grounds and community centers.

(f) Home occupations and professional offices.

(g) Day care centers.

(h) Clinics.

#### (3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

|                      |                         |
|----------------------|-------------------------|
| Lot Frontage.....    | Minimum 90 ft.          |
| Lot area.....        | Minimum 12,000 sq. ft.  |
| Principal building:  |                         |
| Front yard.....      | Minimum 30 ft.          |
| Side yards.....      | Minimum 10 ft.          |
| Rear yard.....       | Minimum 20 ft.          |
| Dwelling Core .....  | Minimum 24 ft. x 40 ft. |
| Building height..... | Maximum 35 ft.          |

## ZONING CODE 17.08 (3)

|                                     |                                                                 |
|-------------------------------------|-----------------------------------------------------------------|
| Accessory buildings                 |                                                                 |
| Front yard.....                     | Minimum 30 ft.                                                  |
| Side yards.....                     | Minimum 5 ft.                                                   |
| Rear yard.....                      | Minimum 5 ft.                                                   |
| Building height                     |                                                                 |
| Garages.....                        | See sub.(1) (b) above                                           |
| Garden / Yard Equipment Sheds.....  | Maximum 15 ft.                                                  |
| Garages.....                        | Maximum 1,000 sq. ft.                                           |
| Garden / Yard Equipment Sheds ..... | Maximum 160 sq. ft.                                             |
| Floor Area.....                     | Minimum 1,000 sq. ft.                                           |
| Off Street Parking.....             | Minimum 2 spaces per unit. (See also sec. 17.27 of this chapter |

**17.09 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.** (1) USES. Uses permitted in the R-1 District.

(2) CONDITIONAL USES. (a) Uses permitted in the R-1 District.

(b) Funeral homes.

(c) Public hospitals and rest homes.

(3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

|                                    |                                                                 |
|------------------------------------|-----------------------------------------------------------------|
| Lot Frontage.....                  | Minimum 75 ft.                                                  |
| Lot area.....                      | Minimum 7,500 sq. ft.                                           |
| Principal building:                |                                                                 |
| Front yard.....                    | Minimum 25 ft.                                                  |
| Side yards.....                    | Minimum 10 ft.                                                  |
| Rear yard.....                     | Minimum 20 ft.                                                  |
| Dwelling Core .....                | Minimum 24 ft. x 40 ft.                                         |
| Building height.....               | Maximum 35 ft.                                                  |
| Accessory buildings                |                                                                 |
| Front yard.....                    | Minimum 25 ft.                                                  |
| Side yards.....                    | Minimum 5 ft.                                                   |
| Rear yard.....                     | Minimum 5 ft.                                                   |
| Building height                    |                                                                 |
| Garage.....                        | See sub.sec. 17.08 of this chapter                              |
| Garden / Yard Equipment Sheds..... | Maximum 15 ft.                                                  |
| Garages .....                      | Maximum 1,000 sq. ft.                                           |
| Garden / Yard Equipment Shed.....  | Maximum 160 Sq. ft.                                             |
| Floor Area per dwelling unit.....  | Minimum 960 sq. ft.                                             |
| Off Street Parking.....            | Minimum 2 spaces per unit. (See also sec. 17.27 of this chapter |

## ZONING CODE 17.091

### 17.091 R-DUPLEX TWO-FAMILY RESIDENTIAL DISTRICT. (1) PERMITTED USES.

(a) Same as R-1 District

(b) Two-family dwellings

#### (3) CONDITIONAL USES.

- (a) Same as R-1 District
- (b) Hospitals
- (c) Cemeteries
- (d) Agricultural uses
- (e) Professional office buildings
- (f) Work shops
- (g) Neighborhood groceries
- (h) Self-service rental storage units

#### (3) LOT, YARD AND BUILDING REQUIREMENTS

|                                    |                                                                 |
|------------------------------------|-----------------------------------------------------------------|
| Lot frontage.....                  | Minimum 75 ft.                                                  |
| Lot area.....                      | Minimum 10,000 ft.                                              |
| Principal building:                |                                                                 |
| Front yard.....                    | Minimum 20 ft.                                                  |
| Side yard.....                     | Minimum 10 ft.                                                  |
| Rear yards.....                    | Minimum 20 ft.                                                  |
| Dwelling Core .....                | Minimum 24 ft. x 40 ft.                                         |
| Building height .....              | Maximum 35 ft.                                                  |
| Accessory buildings:               |                                                                 |
| Front yard.....                    | Minimum 20 ft.                                                  |
| Side yards.....                    | Minimum 5 ft.                                                   |
| Rear yard.....                     | Minimum 5 ft.                                                   |
| Building height:                   |                                                                 |
| Garages.....                       | See sec. 17.0(1) (b) above                                      |
| Garden / Yard Equipment Sheds..... | Maximum 15 ft.                                                  |
| Garage.....                        | Maximum 1,000 sq. ft.                                           |
| Garden / Yard Equipment Shed.....  | Maximum 160 sq. ft.                                             |
| Floor Area                         |                                                                 |
| One-family dwelling.....           | Minimum 1,000 sq. ft.                                           |
| Two-family dwelling.....           | Minimum 750 sq. ft.                                             |
| Off-street parking.....            | Minimum 2 spaces per unit (See also sec. 17.27 of this chapter) |

### 17.092 R-Zero Zero Lot Line Residential District

#### (1) Permitted Uses

## **ZONING CODE 17.092 (1)**

- (a) Uses permitted in the R-Duplex Two-Family Residential District.
- (b) Single-Family residential dwelling units constructed in a manner which results in a common wall with an adjoining single-family residential dwelling unit to create a structure with a maximum of four (4) contiguous single-family residential units.
- (c) Public recreational facility including neighborhood playground.

### **(2) Conditional Uses**

- (a) Single-family residential units with a common wall with adjoining single-family residential dwelling units creating a total structure with more than four (4) and less than nine (9) contiguous single-family residential units.
- (b) Same as R-Duplex Two-family residential District.

### **(3) Lot, Yard and Building Requirements**

#### **(a) Attached Dwelling Units**

|                         |                                               |
|-------------------------|-----------------------------------------------|
| Minimum lot size        | 6,000 sq. ft. interior lots per unit          |
| Minimum lot width       | 45 feet interior lots                         |
| Front yard setback      | 25 feet                                       |
| Side yard setback       | 20 feet exterior lots<br>0 feet interior lots |
| Rear yard setback       | 20 feet                                       |
| Maximum building height | 35 feet                                       |

#### **(b) Detached Dwelling Units**

|                         |                    |
|-------------------------|--------------------|
| Minimum lot size        | 12,000 square feet |
| Minimum lot width       | 90 feet            |
| Front yard setback      | 30 feet            |
| Side yard setback       | 10 feet            |
| Rear yard setback       | 30 feet            |
| Maximum building height | 35 feet            |

## **ZONING CODE 17.092 (4)**

### **(4) General Provisions**

- (a) Accessory structures shall be a minimum of ten (10) feet from all lot lines.
- (b) Each dwelling unit shall have at least two (2) off-street parking spaces, at least one of which shall be a garage.
- (c) Each dwelling shall be located on its own individual platted lot.
- (d) A perpetual four (4) foot maintenance easement shall be maintained for the benefit of each lot on the adjacent lot. This easement shall be shown on the plat and incorporated into each deed transferring title to the property.
- (e) For purposes of determining compliance with this section, all contiguous dwelling units with adjoining walls shall be considered together as one project.
- (f) Not less than 15% of the total project area shall be usable open space designed for common use by the occupants of the development for recreational and other common usage participation. Open spaces, including those spaces being used as recreational areas, shall be protected by adequate covenants or such other methods as may be specified.
- (g) Each dwelling unit shall have separate utility service.

**17.10 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.** (1) PERMITTED USES (a)  
Uses permitted in the R-2 District

- (b) Two-family dwellings
  - (c) Multi-family dwellings up to four units
- (2) CONDITIONAL USES. (a) Uses permitted in R-2 District.
- (b) Micro-breweries producing no more than 20,000 barrels per year
  - (c) Neighborhood grocery stores
  - (d) Day care centers
  - (e) Parking lots

**ZONING CODE 17.10 (3)**

(f) Multi-family dwellings, 5 units or more

**(3) LOT, YARD AND BUILDING REQUIREMENTS**

(a) Single-Family Dwellings. Same as for R-2 District

(b) Two-Family Dwellings:

|                                  |                                                                 |
|----------------------------------|-----------------------------------------------------------------|
| Lot frontage                     | Minimum 100 ft.                                                 |
| Lot area                         | Minimum 10,000 sq. ft.                                          |
| Principal building:              |                                                                 |
| Front yard                       | Minimum 25 ft.                                                  |
| Side yards                       | Minimum 10 ft.                                                  |
| Rear yard                        | Minimum 20 ft.                                                  |
| Dwelling Core                    | Minimum 24 ft. x 40 ft.                                         |
| Building height                  | Maximum 35 ft.                                                  |
| Accessory buildings:             |                                                                 |
| Front yard                       | Minimum 25 ft.                                                  |
| Side yards                       | Minimum 5 ft                                                    |
| Rear yard                        | Minimum 5 ft.                                                   |
| Building height:                 |                                                                 |
| Garage (per unit)                | See sec. 17.08(1)(b) of this chapter                            |
| Garden / yard equipment shed     | Maximum 15 ft.                                                  |
| Garages .....                    | Maximum 1,000 sq. ft.                                           |
| Garden / Yard Equipment Sheds .. | Maximum 160 sq. ft.                                             |
| Floor area per dwelling unit     | Minimum 960 sq. ft.                                             |
| Off-street parking               | Minimum 2 spaces per unit. (See also sec.17.27 of this chapter) |

(b) Multi-family Dwellings

|                      |                                      |
|----------------------|--------------------------------------|
| Lot frontage         | Minimum 100 ft.                      |
| Lot area             | Minimum 10,800 sq. ft.               |
|                      | Minimum 3,600 sq. ft. per dwelling   |
| Principal building:  |                                      |
| Front yard           | Minimum 25 ft.                       |
| Side yards           | Minimum 10 ft.                       |
| Rear yard            | Minimum 25 ft.                       |
| Dwelling Core        | Minimum 24 ft. x 40 ft.              |
| Building height      | Maximum 35 ft.                       |
| Accessory buildings: |                                      |
| Front yard           | Minimum 25 ft.                       |
| Side yards           | Minimum 5 ft                         |
| Rear yard            | Minimum 5 ft.                        |
| Building height:     |                                      |
| Garage (per unit)    | See sec. 17.08(1)(b) of this chapter |
| Garden / Yard        |                                      |
| Equipment Shed .     | Maximum 15 ft.                       |

## **ZONING CODE 17.10 (3)**

|                               |                                                                 |
|-------------------------------|-----------------------------------------------------------------|
| Garages                       | Maximum 1,000 sq. ft.                                           |
| Garden / Yard Equipment Sheds | Maximum 160 sq. ft.                                             |
| Number of stories             | Maximum 2                                                       |
| Floor area per dwelling unit  |                                                                 |
| 1 Bedroom Unit                | Minimum 600 sq. ft.                                             |
| 2 Bedroom Unit                | Minimum 800 sq. ft.                                             |
| 3 Bedroom Unit                | Minimum 1,000 sq. ft.                                           |
| Off-street parking            | Minimum 2 spaces per unit. (See also sec.17.27 of this chapter) |

**17.11 R-4 MOBILE HOME PARK DISTRICT.** (1) PERMITTED USES. Mobile home parks.

(2) CONDITIONAL USES. None.

(3) MOBILE HOME PARK REQUIREMENTS.

(a) Park Requirements.

1. A minimum of 5 acres.
2. 40 foot minimum setbacks on all sides.
3. A hard surface road no less than 24 feet wide serving all mobile home spaces.
4. Electricity, cable television and public sewer and water servicing all mobile home spaces.
5. A central hard surface parking lot with one parking space for each 3 mobile home spaces.
6. A building providing separate laundry facilities.
7. An on-site manager's office.

(b) Space Requirements

|                         |                          |
|-------------------------|--------------------------|
| Space frontage.....     | Minimum 50 ft.           |
| Space area .....        | Minimum 4,000 sq. ft.    |
| Front yard.....         | Minimum 25 ft.           |
| Side yards .....        | Minimum 10 ft.           |
| Rear yard .....         | Minimum 25 ft.           |
| Off-street parking..... | 2 spaces per mobile home |

**17.12 RD RURAL DEVELOPMENT DISTRICT.** (1) PERMITTED USES AND STRUCTURES.

- (a) Single-family dwellings
- (b) Parks
- (c) Agriculture and general farming, except farms feeding offal or garbage and mink farms
- (d) Forestry

## ZONING CODE 17.12 (2)

- (e) Airport
- (f) Golf courses

### (2) CONDITIONAL USES

- (a) Landfills
- (b) Campgrounds
- (c) incinerators
- (d) Mink farms or farms feeding offal or garbage Cemeteries
- (e) Municipal service functions and structures
- (f) Pumping stations
- (g) Quarries
- (h) Churches
- (i) Restaurants
- (j) Resorts
- (k) Taverns
- (l) Grocery stores Service stations
- (m) Fairgrounds
- (n) Sewage disposal plants
- (o) Wireless or broadcast towers

### (3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

|                             |                                                                 |
|-----------------------------|-----------------------------------------------------------------|
| Lot frontage                | Minimum 100 ft.                                                 |
| Lot area                    | Minimum 12,000 sq. ft.                                          |
| Principal building:         |                                                                 |
| Front yard                  | Minimum 20 ft.                                                  |
| Side yards                  | Minimum 10 ft.                                                  |
| Rear yard                   | Minimum 20 ft.                                                  |
| Dwelling Core               | Minimum 24 ft. x 40 ft.                                         |
| Building height             | Maximum 35 ft.                                                  |
| Accessory buildings:        |                                                                 |
| Front yard                  | Minimum 30 ft.                                                  |
| Side yards                  | Minimum 90 ft.                                                  |
| Rear yard                   | Minimum 35 ft.                                                  |
|                             | See sec. 17.08 (1) above                                        |
| Garages                     | Maximum 1,000 sq. ft.                                           |
| Garden/Yard Equipment Sheds | Maximum 160 sq. ft.                                             |
| Floor area                  | Minimum 1,200 sq. ft.                                           |
| Off-street parking          | Minimum 2 spaces per unit. (See also sec.17.27 of this chapter) |

**17.13 R-PUD RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICTS. (1)**  
INTENT. The Residential Planned Unit Development (R-PUD) Overlay District regulations are intended to permit flexibility and, consequently, encourage more creative and imaginative design for residential development of a site than under conventional zoning regulations while, at the same time, preserving the health, safety, order, convenience, prosperity and general welfare of the City. The planned development procedure requires a high degree of cooperation between the developer and the City. The procedure

## **ZONING CODE 17.13 (1)**

described herein is designed to give the developer general plan approval before completing all detailed design work while providing the City with assurances that the project will retain the overall quality and character of a planned residential development envisioned at the time of approval.

(2) **GENERAL PROVISIONS.** The Plan Commission may recommend and the Council may, upon the request of the owners, establish planned development overlay districts which will, over a period of time, tend to promote the maximum benefit from coordinated area site planning by permitting the diversified location of structures and mixed dwelling types and compatible uses while encouraging maximum protection and preservation of natural resources and environmentally sensitive areas located within and impacted by such development.

(a) Minimum R-PUD Overlay District Development Area. The Plan Commission shall be the authority in establishing the required size of an R-PUD Overlay District. Conditions to be considered by the Plan Commission in determining the minimum area required for R-PUD Overlay District zoning may include, but are not limited to, the following:

1. Natural features of the land are such that development under standard zoning regulations would not be appropriate in order to conserve such features.

2. The land is adjacent to or across the street from property which has been developed as an R-PUD and is to be developed in relationship to such prior development.

3. The R-PUD process is desirable to insure compatibility and careful consideration of the effect of a development on surrounding land uses.

4. Detrimental site features affecting the development potential of a site such as heavily used highways, railroad tracks traversing a property, rock outcroppings, adjacent incompatible land uses or others may also justify consideration of an area as an R-PUD in order to give the design flexibility needed to deal with site constraints.

(b) Permitted and Accessory Uses. Permitted and accessory uses in an R-PUD Overlay District shall be the same as those permitted in the underlying existing zoning district in which an R-PUD is located. If a developer desires uses different than those permitted by the existing zoning, the developer shall simultaneously petition for rezoning of the underlying existing zoning to a zoning district which permits the desired uses.

(c) Mixed Uses. A mix of different residential uses within an R-PUD Overlay District may be permitted if the Plan Commission and the Council determine that the mix of uses is compatible internally and with land uses in the abutting and surrounding neighborhood and necessary to achieve the objectives of the R-PUD Overlay District.

(d) Number of Buildings on a Lot. The R-PUD Overlay District may permit more than one residential building on a lot,

## **ZONING CODE 17.13 (2)**

(e) Density. The R-PUD Overlay District may permit the transfer of density (dwelling units) from one portion of the subject site to another and will permit the clustering of dwelling units in one or more locations within the total site. However, the density of use shall not exceed the density permitted in the underlying existing zoning district or districts.

(f) Setbacks. Front yard setbacks shall comply with that of the underlying zoning district or districts. Side and rear yard setbacks are to be determined by the Plan Commission after considering site specific areas.

(g) Building Requirements. The building regulations of the underlying zoning shall be applicable for all developers.

(h) Temporary Uses. Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure are permitted.

(i) Buffers. The Plan Commission may require buffers between different and potentially incompatible land uses, buildings and structures. The use and integration of existing, natural features and vegetation as well as the installation of a variety of landscaping features shall be used as buffers and is strongly encouraged. The need for buffers in an R-PUD Overlay District shall be determined by the Plan Commission at the time of site specific plan review.

(j) Open Space. The Plan Commission may require the development area of an R-PUD Overlay District to contain up to 20% open space as determined by the Plan Commission on a site specific basis. When deemed appropriate, the Plan Commission may also reduce density for open space purposes. For purposes of satisfying this requirement, "open space":

1. May include floodplain area and wetland area in certain instances if permitted by the Plan Commission.
2. May not include streets, driveways and front yard setback requirements.
3. Shall be established as part of the general development plan and described and identified as to size, location, use, improvements (if any) and maintenance responsibility.

(3) APPLICATION PROCEDURE AND REQUIRED INFORMATION. (a) Preliminary Consultation. An applicant shall meet with the Plan Commission and appropriate City staff members for a preliminary consultation prior to formally submitting a rezoning petition for an R-PUD Overlay District. The purpose of this preliminary consultation is to discuss the proposed request and review

### **ZONING CODE 17.13 (3)**

the local regulations and policies applicable to the project and discuss the land use implications of the proposal.

(b) Rezoning Petition and General Development Plan. The applicant shall submit a rezoning petition in accordance with the application procedure described in sec. 17.34 of this chapter. In addition to the required information noted in sec. 17.34, a general development plan shall be submitted to the Plan Commission and the Council for review 30 business days prior to any rezoning hearing. The general development plan and supporting information shall contain and/or address the following:

1. Plot plan of area proposed for development.
2. Proposed location of public utilities, public and private roads, driveways and parking facilities.
3. Size, arrangement and location of all proposed buildings.
4. Location of proposed open space areas, buffer yards and areas reserved or dedicated for public uses.
5. Perspective drawings and sketches illustrating the design and character of proposed structures.
6. Existing topography on site with contours at no greater than 2 foot intervals National Geodetic Vertical elevation.
7. A development phasing plan if development is to be developed in stages or phases.

(c) Public Inspection. The general development plan shall be available for public inspection prior to any rezoning hearing on the proposed project.

(d) Public Hearing. The Plan Commission shall hold a public hearing on the rezoning request and, following said public hearing, shall make a recommendation to the Council regarding approval/disapproval.

(e) Rezoning Approval/Disapproval. The Council shall act on the recommendation of the Plan Commission regarding the rezoning petition at their next scheduled meeting.

(4) CONDITIONS AND RESTRICTIONS, PRELIMINARY PLAN APPROVAL. (a) The Plan Commission may recommend and the Council may adopt, by resolution, conditions and restrictions for R-PUD Overlay Districts that specify permitted uses and set bulk regulations and density standards for lot coverage and dwelling unit size and distribution and yard setbacks.

## **ZONING CODE 17.13 (4)**

(b) Conditions and restrictions adopted to govern development within a specific R-PUD Overlay District may include, but not be limited to, nonstandard or non-uniform requirements, regulations and provisions recommended by the Plan Commission and approved by the Council. Such nonstandard requirements, regulations and provisions shall be designed to insure proper development and appropriate operation and maintenance of specific developments on specific sites consistent with the intent of these regulations and commitments made by a developer at the time an R-PUD Overlay District and general development plan are approved.

(5) DETAILED PLANS AND INFORMATION. (a) After the R-PUD zoning has been granted and the general development plan, together with conditions imposed by either the Plan Commission or the Council, has been approved, detailed site plans, architectural plans and utility plans shall be submitted to the Plan Commission for final review prior to the execution of a developer's agreement between the developer and the Council. Other related information required may include, but is not limited to, maintenance standards and plans of operation. The detailed plan and information shall conform substantially to the general development plan as approved.

(b) Information to be included in the detailed plan shall conform to the following subsections of sec. 19.06 of this Code where applicable:

1. General Requirements. A final plat prepared by a registered land surveyor shall be required for all developments. It shall comply in all respects with the requirements of §236.20, Wis. Stats.

2. Additional Information. The plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:

- a. Exact length and bearing of the center line and center and center line curves of all streets.
- b. Exact street width along the right of way line of any obliquely intersecting street.
- c. Railroad rights of way within and abutting the plat.
- d. Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in sec. 19.11 of this Code.
- e. Utility and/or drainage easements
- f. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

## **ZONING CODE 17.13 (5)**

g. A detailed landscaping plan.

h. Special restrictions required by the Council relating to access control along public ways and delineation of floodland limits.

3. Deed Restrictions. The Council may require that deed restrictions imposed by the developer be filed with the final plat.

4. Plat Restrictions. The Council may require that plat restrictions intended to reflect City plans and ordinances be placed on the face of the plat.

(6) REVIEW OF DETAILED PLAN. The Plan Commission shall review the detailed plan and provide the developer with a list of changes and additional requirements as it deems appropriate. Upon reaching agreement with the developer, the Plan Commission shall forward its recommendation to the Council.

(7) COMMENCEMENT OF PROJECT. (a) After the Council, upon recommendation of the Plan Commission, has approved the detailed site plans, construction of private and public amenities may commence in accordance with sec. 19.10 of this Code.

(b) No building permit for residences shall be issued until all applicable fees and assessments required in sub. (12) below and sec. 19.11 of this Code have been paid and all public and private construction has been completed and approved or a developer's agreement, including a letter of credit, has been approved by the Council. For staged development, such developers' agreements shall provide for the construction of improvements and the use of common areas outside of the subject stage.

(c) After the Council, upon the recommendation of the Plan Commission, has approved the plans, the project shall be commenced within one year unless the time is extended in writing by the Council. In the event the project is not so timely commenced, the approval of the Council shall be deemed to be automatically revoked and zoning will revert back to the classification it held prior to rezoning approval.

(8) RECORDATION. The final plat or condominium declaration shall be recorded with the County Register of Deeds. Plats shall be recorded only after the certificates of the Director of Planning Function in the Wisconsin Department of Development, of the Council, of the surveyor and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The City Clerk shall record the plat or condominium declaration within 10 days of its approval by the Council. The developer shall, how-ever, be responsible for payment of the recording fee.

## **ZONING CODE 17.13 (9)**

(9) **DUPLICATE PLAT OR CONDOMINIUM DECLARATION AND PLAT TO BE FILED.** An identical reproducible copy on stable drafting film at least 4 mils thick, along with the recording data, shall be placed on file with the City Clerk.

(10) **MAINTENANCE OF PROJECT.** (a) Should the owner of a planned development, homeowners' association or the condominium owners' association, in the event a condominium is created, fail to properly operate or maintain the premises according to the terms of this section or the developer's agreement, or to the extent that a nuisance is caused to occupants or neighbors, the Plan Commission may refuse to approve subsequent stages of the development until such time as they determine that the situation and/or the method of operation has been corrected. Failure to maintain the premises and/or satisfy any and all requirements contained in the approved plans, the R-PUD Overlay District ordinance or developer's agreement shall constitute a violation of the Zoning Code and be subject to the enforcement provisions set forth therein.

(b) Should the owner of a planned development or condominium owners' or homeowners' association fail to adequately perform maintenance functions such as snow and ice removal, weed cutting or trash disposal, the City shall have the right to perform such functions or to contract for their accomplishment at the property owner's expense.

(11) **CHANGES OR REVISIONS.** (a) All proposed changes, revisions and additions to any aspect of an approved planned development project shall be submitted to the Plan Commission for its review. The Plan Commission shall determine if the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.

(b) If the change is determined to be minor, the Plan Commission shall review the request and pass its findings to the Council, which may approve the change without a public hearing. The Plan Commission's decision on minor changes shall be rendered at a meeting subsequent to the meeting at which the requested change was initially presented to the Plan Commission.

(c) If the requested change is determined by the Plan Commission to be substantial because of its effect on the intended design of the project or on neighboring uses, a public hearing shall be held by the Plan Commission to review and pass its findings to the Council for final approval.

(12) **FEES.** The developer shall pay to the City all fees and all professional expenditures incurred by the City at the time specified.

## **ZONING CODE 17.13 (12)**

(a) General R-PUD Plan Review Fee. The developer shall pay a fee as set by Resolution of the City Council at the time the application is filed.

(b) Detailed R-PUD Plan Review Fee. The developer shall pay a fee as set by Resolution of the City Council at the time the application is filed.

(c) Professional Fees. The developer shall reimburse the City for all engineering, planning and legal fees incurred by the City. The City shall bill the developer monthly and payment shall be made within 10 days from date of billing.

**17.14 B-1 CENTRAL BUSINESS DISTRICT.** (1) PERMITTED USES. (a) Post office and government buildings.

(b) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include the following:

1. Hardware and feed stores
2. Barber shops and beauty salons
3. Department stores and general retail stores
4. Taverns and restaurants
5. Personal and business service establishments
6. Bus terminals and taxi stands
7. Financial establishments
8. Professional offices
9. Clinics
10. Government offices and community buildings
11. Public and private schools
12. Places of worship
13. Above street level apartments
14. Parking, parks and open spaces
15. Uses customarily similar to above uses

(4) CONDITIONAL USES. (a) Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.

- (c) Wholesale outlets and second hand stores.
- (d) Laundry or dry cleaning establishments.
- (e) Gas stations.
- (f) Recycling facility.
- (g) Other uses similar or customarily incident to the above uses.

**ZONING CODE 17.14 (5)**

(5) DEVELOPMENT STANDARDS. Within the B-1 District, there shall be no minimum required standards or setbacks in order to provide flexibility in the redevelopment of the downtown area.

**17.15 B-2 CONVENIENCE BUSINESS DISTRICT. (1) PERMITTED USES.** Same as B-1 District.

(2) CONDITIONAL USES. (a) Same as B-1 District.

(b) Gas stations.

(3) LOT, YARD AND BUILDING REQUIREMENTS.

|                      |                                    |
|----------------------|------------------------------------|
| Lot frontage.....    | No minimum                         |
| Lot area.....        | No minimum                         |
| Front yard.....      | No minimum                         |
| Front yard.....      | Minimum 50 ft. may include parking |
| Side yard.....       | No minimum                         |
| Rear yard.....       | Minimum 30 ft. may include parking |
| Building height..... | Maximum 35 ft.                     |

(4) OFF-STREET PARKING AND LOADING REQUIREMENTS. Eight off-street parking spaces for each 1,000 square feet of floor area.

**17.16 B-3 HIGHWAY BUSINESS DISTRICT.** The B-3 District is established to provide for certain low traffic retail and customer service establishments.

(1) PERMITTED USES.

(a) Any use or structure permitted in the B-2 District.

(b) Gas stations.

(c) Automobile sales and service stations and public garages.

(d) Motels.

(e) Drive-in theaters.

(f) Amusement parks.

(g) Parking

(h) Self-Storage Facilities (Mini-Warehouses)

(2) CONDITIONAL USES. Other uses similar to or customarily incident to any of the above uses.

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**(3) LOT, YARD AND BUILDING REQUIREMENTS**

|                         |                                    |
|-------------------------|------------------------------------|
| Lot frontage.....       | Minimum 66 ft.                     |
| Lot area.....           | Minimum ½ acre                     |
| Front yard setback..... | Minimum 50 ft. may include parking |
| Side yard setback.....  | Minimum 10 ft.                     |
| Back yard setback.....  | Minimum 10 ft.                     |

**(4) OFF-STREET PARKING AND LOADING REQUIREMENTS.** Eight off-street parking spaces for each 1,000 square feet of floor area.

**17.17 B-4 INTERCHANGE BUSINESS DISTRICT. (1) PERMITTED USES. (a)**  
Agricultural use only for pasture and crops.

(b) Green space.

**(2) CONDITIONAL USES. (a) Supermarkets.**

(b) Shopping centers.

(c) Professional office buildings and office building complexes

(d) Restaurants.

(e) Motels.

(f) Hospitals and clinics.

(g) Parks.

(h) Highway oriented light industrial activities and other uses similar or customarily incidental to the *above uses* provided that such uses are compatible, aesthetically designed and of sufficient scale so as not to resemble a spot or strip commercial appearance.

**(3) LOT, YARD AND BUILDING REQUIREMENTS.**

|                        |                                    |
|------------------------|------------------------------------|
| Lot frontage.....      | Minimum 90 ft.                     |
| Lot area.....          | Minimum 1/2 acre                   |
| Front yard.....        | Minimum 50 ft. May include parking |
| Side yards.....        | Minimum 20 ft.                     |
| Rear yard.....         | Minimum 30 ft.                     |
| Building height.....   | Maximum 60 ft.                     |
| Number of stories..... | 5                                  |

**(4) OFF-STREET PARKING AND LOADING REQUIREMENTS.** See sec. 17.27 of this chapter.

**17.18 B-5 SHOPPING MALL DISTRICT.** (1) **DEFINITION OF TERMS.** The terms shopping center, shopping mall and shopping plaza are intended to define a building with more than one distinct retail or service business or office, or group of buildings under one architectural plan joined together for the convenience of the public in the same general geographic location, whether or not joined by common walls. It is intended to include businesses for the retailing and wholesaling of goods and the furnishing of certain personal services and offices for businesses and community organizations, but is not intended to include industrial or manufacturing uses. All goods produced on the premises shall be sold at retail on the premises where produced unless otherwise approved as a conditional use. The terms are intended to include the concept of a department store, i.e., a large retail store carrying a wide variety of merchandise and organized into various departments for sales and administrative purposes.

(2) **PERMITTED USES AND STRUCTURES.** (a) All uses permitted in the B-1, B-2, B-3 and B-4 Districts.

- (b) Medical and dental clinics.
- (c) Offices for professional uses.
- (d) Existing residential dwelling units and lodging used as such on the effective date of the passage of this section.
- (e) Retail shops customarily located in shopping malls.
- (f) Lodges and assembly halls having a seating capacity of less than 300 persons.
- (g) Blueprinting and photostating establishments
- (h) Employment agencies.
- (i) Fraternal, philanthropic and eleemosynary uses.
- (j) Garages for repair and storage as follows:
  - 1. No body, fender or spray painting work may be done in such garages
  - 2. Motor and non-motor vehicles for storage or rental may not be parked within the public right of way.
- (1) Hospitals and sanitariums.
- (m) Interior decorating shops, including upholstering and making of draperies, slipcovers and other similar articles when conducted as part of the retail operation and secondary to the principal use.

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- (n) Laboratories for research, development and testing.
  - (o) Meat markets, including sale of meat and meat products to restaurants, hotels, clubs and other similar establishments when such sale is conducted as part of the retail business on the premises.
  - (p) Physical culture, health services and reducing salons.
  - (q) Post office stations.
  - (r) Schools for music, dance, business or trade.
  - (s) Secondhand stores and rummage shops.
  - (t) Taxidermists.
  - (u) Telegraph offices.
  - (v) Trailer and truck rental or storage provided that such vehicles are not parked within the public right of way.
  - (w) Water softening sales and service.
  - (x) Wholesale or jobbing concerns having a ground floor area of not more than 2,000 square feet.
  - (y) Drive-in establishments serving food and beverages for consumption on or off premises.
  - (z) Auction rooms.
- (3) **CONDITIONAL USES.** Other uses similar to or customarily incident to any of the above uses.

(4) **LOT, YARD AND BUILDING REQUIREMENTS.**

|                        |                 |
|------------------------|-----------------|
| Lot frontage.....      | Minimum100 ft.  |
| Lot area.....          | Minimum1/2 acre |
| Building height.....   | Maximum60 ft    |
| Number of stories..... | Maximum5        |

- (5) **OFF-STREET PARKING AND LOADING REQUIREMENTS.** Five parking spaces for each 1,000 square feet of floor space.

**17.19 I-1 GENERAL INDUSTRIAL DISTRICT**

**(1). PERMITTED USES.**

- a) General manufacturing, fabrication, assembling, packing and processing of products and produce in compliance with the performance standards set forth in sec. 17.28 of this Code and providing for inside storage of such products and produce.
- b) Freight yards and terminals
- c) Office buildings and general governmental offices
- d) Building construction contractors
- e) Manufacturing and assembly operation
- f) Manufacturing, general fabricating and processing
- g) Research laboratories and facilities
- h) Supply yard contractor
- i) Warehousing
- j) Wholesale trade
- k) Civic uses
- l) Public parks
- m) Public works yards
- n) Essential services
- o) All uses permitted in the B-5 District.

**(2) CONDITIONAL USES.**

- a) General manufacturing fabrication, assembling, packing and processing of products and produce which are not in compliance with performance standards set forth in sec. 17.28 of this code.
- b) Outside storage areas.
- c) Agricultural uses
- d) Agricultural services

## **ZONING CODE 17.19(2)**

- e) Fueling stations.
- f) Restaurants catering to Industrial District employees and users.
- g) Incinerators.
- h) Sanitary landfills.
- i) Sewage disposal plant.
- j) Automobile service and repair
- k) Business services
- l) Concrete or asphalt plants
- m) Heavy construction contractors
- n) Day care centers
- o) Industrial or technical training schools
- p) Grain Elevators
- q) Heavy processing manufacturing
- r) Mini warehouses or self-storage facilities
- s) Motor freight terminals
- t) Recycling or composting facilities
- u) Utility facilities
- v) Other uses similar or customarily incident to the above uses.

### **(3) LOT, YARD AND BUILDING REQUIREMENTS**

|                                                  |                       |
|--------------------------------------------------|-----------------------|
| Lot frontage .....                               | Minimum 66 ft.        |
| Lot Area .....                                   | Minimum 7,500 sq. ft. |
| Front yard .....                                 | Minimum 40 ft.        |
| Side yard .....                                  | Minimum 10 ft.        |
| Side yard adjacent to residential District ..... | Minimum 50 ft.        |
| Rear yard .....                                  | Minimum 30 ft.        |
| Rear yard adjacent to residential District ..... | Minimum 50 ft.        |

### **(4) PERFORMANCE STANDARDS. See sec. 17.28 of this chapter.**

## **ZONING CODE 17.21**

**17.21 CONSERVANCY DISTRICT.** The Conservancy District is intended to preserve scenic and natural areas in the City and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands in order to prevent potential hazards to public and private property.

- (1) **PERMITTED USES.** (a) Public parks and playgrounds.
  - (b) Management of forestry, wildlife and fish.
  - (c) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
  - (d) Fishing and trapping.
  - (e) Dams, power stations and transmission lines.
  - (f) Uses customarily incident to any of the above uses.
- (2) **CONDITIONAL USES.** (a) Sewage disposal plants and water pumping or storage facilities.
  - (b) Amusement parks.
  - (c) Golf courses and driving ranges.
  - (d) Public camping grounds.
- (3) **LOT, YARD AND BUILDING REQUIREMENTS.** None.

**17.22 FLOODPLAIN AND SHORELAND-WETLAND DISTRICTS.** See ch. 18 of this Code.

**17.23 HISTORIC PRESERVATION DISTRICT.** (1) **PURPOSE AND INTENT.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character, special architectural or historic interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the citizens. The purpose of this section is to:

- (a) Effect and accomplish the protection, enhancement and perpetuation of such improvements, sites and districts which represent or reflect elements of the cultural, social, economic, political and architectural history of this City.
- (b) Safeguard the historic and cultural heritage of this City, as embodied and reflected in such historic structures, sites and districts.
- (c) Foster civic pride in the notable accomplishments of the past.

## **ZONING CODE 17.23(1)**

- (d) Stabilize and improve property values.
- (e) Protect and enhance attractions to residents, tourist and visitors, and to serve as a support and stimulus to business and industry.
- (f) Improve and enhance the visual and aesthetic character of this City.
- (g) Educate the public regarding the need and desirability of a City Historic Preservation Program and its enhancement of the quality of life.

### **(2) DEFINITIONS. The terms used herein shall be defined as follows:**

- (a) Certification of Appropriateness. The certificate issued by the Historic Preservation Commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.
- (b) Commission. The Historic Preservation Commission created under this section.
- (c) Historic Preservation District. An area designated by the Council on recommendation of the Commission that contains 2 or more historic improvements or sites.
- (d) Historic Site. Any parcel of land with historic significance due to substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel thereof, used as and constituting part of the premises on which the historic structure is situated.
- (e) Historic Structure. Any improvement which has a character or special historic interest or value as part of the development, heritage or cultural characteristics of this City, the State or nation and which has been designated as a historic structure pursuant to the provisions of this section.
- (f) Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.
- (g) Improvement Parcel. The unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided that the improvement parcel also includes any unimproved area of land which is treated as a single entity for such tax purposes.

(3) **HISTORIC PRESERVATION COMMISSION CREATED.** A Historic Preservation Commission is hereby created, consisting of 7 members. The membership, if available in the City, shall consist of a registered architect, a historian, a licensed real estate broker, an Alderperson and 3 citizen members. Each member shall have, to the highest extent practicable, a known interest in historic preservation. The Mayor shall appoint the Commissioners, subject to confirmation by the Council, for staggered 3 year terms.

## **ZONING CODE 17.23(4)**

(4) HISTORIC STRUCTURE, HISTORIC SITE AND HISTORIC DISTRICT DESIGNATION CRITERIA. (a) For purposes of this section, a historic structure, historic site or historic district designation may be placed on a site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to this City such as historic structures, sites or districts which:

1. Exemplify or reflect the broad cultural, political, economic or social history of the nation, State or City; or
2. Are identified with historic personages or with important events in national, State or local history; or
3. Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or
4. Are representative of the notable work of a master builder, designer or architect who influenced his age; or
5. Have yielded, or may be likely to yield, information important to prehistory or history.

(b) The Commission shall adopt specific operating guidelines for historic structure, historic site and historic district designations, providing such are in conformance with this section.

(5) POWERS AND DUTIES. (a) Designation of Sites, Structures and Districts. The Commission shall have the power, subject to sub. (4) above, to designate historic structures and sites and to recommend designation of historic districts within the City limits. Such designations shall be made based on the criteria set forth in sub. (4) above. Historic districts shall be approved by the Council. Once designated, such historic structures, sites and districts shall be subject to all provisions of this section.

(b) Regulation of Construction, Reconstruction, Alteration and Demolition. 1. No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such property or properties, or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the Commission. Also, unless the Commission has granted such certificate, the Building Inspector shall not issue a permit for any such work.

2. Upon filing of any application for a certificate of appropriateness with the Commission, the Commission shall approve the application unless:

## **ZONING CODE 17.23 (5)**

- a) In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done; or
- b) In the case of construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely effect or not harmonize with the external appearance of other neighboring improvements on such site or within the district; or
- c) In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for said district; or
- d) The building or structure is of such architectural or historic significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the citizens of this City and the State; or
- e) The building or structure is of such old, unusual or uncommon design, texture and/or material that it could not be reproduced without great difficulty and/or expense; or
- f) Retention of the building or structure in its current condition would promote the general welfare of the citizens of the City or the State by encouraging the study of American history, architecture and design, or by developing an understanding of American culture and heritage; or
- g) The building or structure is in such a deteriorated condition that it is not structurally or economically feasible to preserve, restore or use it, provided that any hard-ship or difficulty claimed by the owner which is self-created or which is the result of any failure to maintain the property in good repair cannot qualify as a basis for the issuance of a certificate of appropriateness; or
- h) Any new structure proposed to be constructed, or change in use proposed to be made, is not compatible with the buildings and character of the area in which the subject property is located.

3. In addition, in determining whether to issue a certificate of appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:

- a) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- b) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
- c) Most properties change over time and those changes that have acquired historic significance in their own right shall be retained and preserved.

## **ZONING CODE 17.23(5)**

- d) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- e) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- f) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structure, if appropriate, shall be undertaken using the gentlest means possible.
- g) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be under-taken.
- h) New additions or exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
- i) New additives and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

4. If the Commission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the certificate. The Commission shall make this decision within 45 days of the filing of the application, at which time the property owner shall be notified by a certified letter with copies also delivered to the City Clerk and the Building Inspector.

## **ZONING CODE 17.23 (5)**

5. Should the Commission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the Board of Zoning Appeals within 45 days of service of the Plan Commission's decision on the property owner. In addition, if the Commission fails to issue a Certificate, the Commission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate within the guidelines of this section.

6. Agencies of the City, school district, churches and all public utility and transportation companies or other bodies of government undertaking projects affecting historic structures, historic sites or historic districts shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, trash receptacles, benches, walls, fences, structures, buildings on property, easements or streets owned or franchised by the City.

7. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate required for the proposed work.

8. Compliance with certificates of appropriateness shall be substantially completed within 18 months after the issuance of the certificate and work shall conform to the provisions of the certificate. Failure to comply with a certificate or failure to obtain a certificate shall be a violation of this section. In addition to other penalties and remedies, the City shall issue a stop work order and all work shall cease on the designated property.

9. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(6) PROCEDURES. (a) Designation of Historic Structures and Historic Sites. 1. The Commission may, after notice and public hearing, designate historic structures and historic sites and recommend designation of historic districts or rescind such designation or recommendation after application of the criteria in sub. (4) above. At least 30 days prior to such hearing, the Commission shall notify the owners of record, as listed in the office of the City Clerk, who are the owners of the property affected as well as those who are owners of property adjoining the boundaries of the property affected. These owners shall have the right to confer with the Commission prior to the final action by the Commission on the designation. Notice of such hearings shall also be published as a Class I notice under the Wisconsin Statutes in the official City newspaper. The Commission shall also notify the Street Department, the Fire Department, the Police Department, the Building Inspector, the Utility Commission and the Plan Commission. Each such Department shall respond to the Commission within 30 days of notification with its comments on the proposed designation or rescission.

## **ZONING CODE 17.23 (6)**

2. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission shall designate the property as either a historic structure or historic site or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners by certified mail. Notification shall be given to the City Clerk, the Building Inspector, the Plan Commission and the Mayor. The Commission shall cause the designation or rescission to be recorded, at City expense, in the Jackson County Register or Deeds office or the recommendation to be submitted to the Council as provided by sub. (4)(a) above.

(b) Creation of Historic District. 1. For preservation purposes, the Commission may select geographically defined areas within the City to be designated as historic districts. A historic district may be designated for any geographical area of particular historic, architectural or cultural significance to the City after application of the criteria in sub. (4) above.

2. Review and Adoption Procedure. a. The Commission shall hold a public hearing when creating a plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class I notice in the official City newspaper. Notice of the time, place and purpose of the public hearing shall also be sent by the City Clerk to the Alderperson of the ward in which the historic district is located and the owners of record, as listed in the office of the City Clerk, who are owners of the property within the proposed historic district. These owners shall have the right to confer with the Commission prior to the final action by the Commission on the designation. Said notice is to be sent at least 30 days prior to the date of the public hearing. Following the public hearing, the Commission shall vote to recommend, reject or withhold action on the plan.

b. The Council, upon receipt of the recommendation from the Commission shall either designate or reject the historic district. Designation of the historic district shall constitute adoption of the plan prepared for that district and direct the implementation of said plan.

(7) **NOMINATION OF HISTORIC STRUCTURE, HISTORIC SITE OR HISTORIC DISTRICT.** In order for property to be designated a historic site or historic structure, or for a historic district to be considered, a nomination form shall be completed and brought before the Commission. Nomination forms shall be available at the City Clerk's office.

(8) **INTERIM CONTROL.** No building permit shall be issued by the Building Inspector for alteration, construction, demolition or removal of a nominated historic structure, historic site or any property or structure within a nominated historic district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the Commission or the Council unless such alteration, removal or demolition is authorized by formal resolution of the Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

## **ZONING CODE 17.23 (9)**

(9) **APPEAL PROCESS.** The owner of any property that is affected by a decision of the Historic Preservation Commission may appeal the decision to the Common Council. Property owners shall have 45 days after designation to request an appeal. The Common Council may overturn a decision of the commission by a majority vote of the Common Council. The decision of the Common Council is the final administrative appeal.

(10) **CONFORMATION WITH REGULATIONS.** Every person in charge of a historic structure, historic site or improvement in a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this section. The Council may appoint the Building Inspector or any other individual or group of individuals to enforce this section.

(11) **PENALTIES FOR VIOLATIONS.** Any person who shall violate any provision of this section shall be subject to a forfeiture of \$200 for each separate violation. Each and every day during which a violation continues shall be deemed a separate offense. Notice of violation shall be issued by the Building Inspector.

(12) **EMERGENCY CONDITIONS.** In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, historic site or a property in a historic district, the Inspector may order the remedying of these conditions without the approval of the Commission. The Inspector shall promptly notify the Commission of the action being taken. When the emergency conditions do not require demolition, *the* Inspector shall make every effort to carry out the intent of this section and to use the design guide-lines of the Commission when remedying the emergency conditions.

**17.24 WELL HEAD PROTECTION AREA OVERLAY DISTRICT.** (1) **PURPOSE, AUTHORITY AND APPLICATION.** (a) Residents in the City depend exclusively on ground water for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade ground water quality. The purpose of this section is to institute land use regulations and restrictions to protect the City's municipal water supply and well fields and to promote the health, safety and general welfare of the residents of the City.

(b) These regulations are established pursuant to the municipal requirements to protect ground water as set forth in Wis. Adm. Code NR 811.16(5) and under the zoning authority of the City as set forth in §62.23, Wis. Stats.

(c) The regulations specified in this section shall apply within the City's corporate limits.

## **ZONING CODE 17.24 (2)**

(2) **DEFINITIONS.** (a) Aquifer. A saturated, permeable, geologic formation that contains, and will yield, significant quantities of water.

(b) Existing Facilities Which May Cause Environmental Pollution. Existing facilities which may cause or threaten to cause environmental pollution within the corporate limits of the City well fields' recharge areas which include, but are not limited to, the Wisconsin Department of Natural Resource's draft list of "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution," the Wisconsin Department of Commerce list of underground storage tanks and the Department of Commerce lists of facilities with hazardous solid waste permits, all of which are incorporated herein as if fully set forth.

(c) Recharge Area. The area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply ground water recharge to a well. This area extends beyond the corporate limits of the City.

(d) Ground Water Protection Overlay District. The area in the City which contains the combined recharge area which shall be more specifically defined as that area contained in the map on file in the office of the City Clerk as Exhibit "A" and incorporated herein as if fully set forth.

(e) Well Field. A piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

(3) **GROUND WATER PROTECTION OVERLAY DISTRICT.** This District is hereby divided into Zone A, B and C. The following minimum separation distances shall be maintained within the Ground Water Protection District.

(a) Separation Distance. 1. Fifty feet between a well and storm sewer main.

2. Two hundred feet between a well and any sanitary sewer main, lift station or single-family residential fuel oil tank. A lesser separation distance may be permitted for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current AWWA 600 specifications. In no case may the separation distance between a well and sanitary sewer main be less than 50 feet.

3. Four hundred feet between a well and a septic tank receiving less than 8,000 gallons per day, a cemetery or a storm water drainage pond.

4. Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received writ-ten approval from the Department of Commerce or its designated agent under Wis. Adm. Code ATCP 93.

## **ZONING CODE 17.24 (3)**

5. One thousand feet between a well and land application of municipal, commercial or industrial waste; commercial or municipal wastewater lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil absorption units receiving 8,000 gallons per day or more.

6. Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from the Department of Commerce or its designated agent under Wis. Adm. Code ATCP 93; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

(b) Zone Descriptions and Permitted Uses. 1. Zone A. Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit ground water contamination to the municipal wells. Zone A is more restrictive than Zones B or C. The following uses are permitted uses within the ground water protection Zone A. Uses not listed are to be considered prohibited uses.

a. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

b. Playgrounds.

c. Wild life areas.

d. Nonmotorized trails such as bike, skiing, nature and fitness trails.

e. Residential, commercial and industrial property, which is municipally sewered and free of flammable and combustible liquid and underground storage tanks.

2. Zone B Description and Permitted Uses. Zone B is identified as a secondary source of water for the municipal wells because of the large cone of depression and a greater time of travel. Zone B is less restrictive than Zone A, but more restrictive than Zone C. The following uses are permitted uses within the ground water protection Zone B. Uses not listed are to be considered prohibited uses.

a. All uses listed as permitted uses in Zone

b. Modified agricultural activities, including any crop free of pesticides and/or synthetic fertilizers.

c. Above ground petroleum product storage tanks less than 660 gallons. All new or replaced tanks shall be installed in compliance with Wis. Adm. Code ATCP 93.

d. Residential, commercial and industrial property which is municipally sewered or has a State-approved sewer and septic system.

## **ZONING CODE 17.24 (3)**

3. Zone C. a. Description. Zone C is identified as the Ground Water Protection Overlay District, excluding those areas within Zone A and Zone B.

b. Permitted Uses. All uses listed as permitted in Zones A and B. Individuals and/or facilities may make a request to the Utilities Commission to permit additional land uses in Zone C.

4. Mapping. The location and boundaries of the zoning districts established by this section are set forth on Exhibit "A" which is on file in the office of the City Clerk and which is incorporated herein and hereby made a part of this section.

(4) REVIEW OF APPLICATIONS. (a) The City Utility Commission shall review all requests for approval and all determinations shall be made by the Commission within 60 days of any request for approval, provided, however, that this 60 day period of limitation may be extended by the Commission for good cause, as determined in the sole and absolute discretion of the Commission.

(b) Upon reviewing all requests for approval, the Commission shall consider the following factors:

1. The City's responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.
2. The degree to which the proposed land use practice, activity or facility may seriously threaten or degrade ground water quality in the City or the City recharge area.
3. The economic hardship which may be faced by the landowner if the application is denied.
4. The availability of alternative options to the applicant and the cost, effect and extent of availability of such alternative options.
5. The proximity of the applicant's property to other potential sources of contamination.
6. The then existing condition of the City's ground water public water wells and well fields and the vulnerability to further contamination.
7. The direction of flow of ground water and other factors in the area of the applicant's property which may affect the speed of the ground water flow, including topography, depth of soil, extent of aquifer, depth of water table and location of private wells.
8. Any other hydrogeological data or information which is available from any public or private agency or organization.

## **ZONING CODE 17.24 (4)**

9. The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(c) Any exemptions granted shall be made conditional and may include environmental and/or safety monitoring which indicates whether the facility may be emitting any releases or harmful contaminants to the surrounding environment. The facility shall be held financially responsible for all environmental cleanup costs. The Utility Commission may require that a bond be posted for future monitoring and cleanup costs if deemed necessary at the time of granting an exemption.

(d) The applicant shall be solely and exclusively responsible for any and all costs associated with the application, including the following:

1. The cost of an environmental impact study if so required by the City or its designee.
2. The cost of ground water monitoring or ground water wells if required by the City or its designee.
3. The costs of an appraisal for the property or other property evaluation expense if required by the City or its designee.
4. The costs of the City's employees' time associated in any way with the application based on the hourly rate paid to the employee multiplied by a factor, determined by the City, representing the City's costs for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and other similar benefits.
5. The cost of the City equipment employed.
6. The cost of mileage reimbursed to City employees.

## **ZONING CODE 17.24 (5)**

(5) **REQUIREMENTS FOR EXISTING FACILITIES AND LAND USES.** (a) Facilities shall provide copies of all Federal, state and local facility operation approvals or certificates and ongoing environmental monitoring results to the City.

(b) Facilities shall provide additional environmental or safety monitoring as deemed necessary by the Utilities Commission, specifically including the production of any and all environmental statements detailing the extent of chemical use and storage on the property.

(c) Facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(d) Facilities shall have the responsibility of divesting and/or filing with the City a contingency plan satisfactory to the Utilities Commission for the immediate notification of the appropriate City officers in the event of an emergency.

(e) Property owners with an existing agricultural use shall be exempt from requirements of this section as they relate to restrictions on agricultural uses, provided, however, that *such* exemption shall only apply to the property owners in existence at the time of passage of this section and *this* exemption shall not constitute a covenant running with the land.

(6) **ENFORCEMENT AND PENALTIES.** (a) In the event the individual and/or facility causes the release of any contaminants which endanger the Well Head Protection Area Overlay District, the activity causing the release shall immediately cease and desist, and cleanup satisfactory to the City shall be done.

(b) The individual/facility shall be responsible for all costs of cleanup and the City consultant fees at the invoice amount plus, administrative costs for oversight, review and documentation, including the following:

1. The cost of City employees' time associated in any way with the cleanup based on the hourly rate paid to the employee multiplied by a factor determined by the City, representing the City's cost for expenses, benefits, insurance, sick leave, holidays, overtime, vacation and similar benefits.

2. The cost of City equipment employed.

3. The cost of mileage reimbursed to the City employees attributed to the cleanup.

(c) Following any such discharge, the City may require additional test monitoring or other requirements as outlined in this subsection and sub. (5) above.

(d) Violations. It shall be unlawful to construct or use any structure, land or water in violation of this section. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this section.

## **ZONING CODE 17.24 (6)**

(e) Penalties. Any person who fails to comply with the provisions of this section shall, upon conviction thereof, be subject to a forfeiture of not less than \$100 nor more than \$500 plus the costs of the prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days or, in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

**17.25 CONDITIONAL USES. (1) GENERAL USES APPLICABLE TO ONE OR MORE DISTRICTS.** The following uses shall be conditional uses and may be permitted as specified:

(a) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums and historical landmarks or restorations may be permitted in all residential and commercial districts.

(b) Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential lot line.

(c) Incinerators, sewerage disposal plants and earth or sanitary landfill operations may be permitted in the A Agricultural District.

(d) Golf courses may be permitted in any residential or agricultural district.

(e) Cemeteries may be permitted in any residential or commercial district.

(f) Skating rinks, sports fields, swimming pools and tennis courts may be permitted in any district.

(g) Commercial recreational facilities such as bowling alleys, dance halls, driving ranges, miniature golf, amusement parks, gymnasiums, physical culture facilities, roller rinks and outdoor theaters may be permitted in any district.

(h) Boat launches, liverys and repair facilities may be permitted in the Residential and Conservancy Districts.

(i) State licensed day care facilities may be permitted in any district.

## **ZONING CODE 17.25 (2)**

(2) APPLICATION. Applications for conditional use permits shall be made to the City Clerk on forms furnished by the Clerk and shall include the following:

(a) Names and address of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(b) Description of the subject site by lot, block and recorded subdivision, or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, if any; and the zoning district within which the subject site lies.

(c) Site plan showing the location of any buildings and all proposed provisions for off-street parking and loading.

(d) Additional information, as may be required by the Plan Commission, the Zoning Administrator and the Building Inspector.

(e) The prescribed fee shall accompany such application.

(3) NOTICE. Notice of such application and the subsequent hearing thereon before the Plan Commission shall be published as a Class II notice.

(4) APPEARANCES AT HEARINGS. Either the applicant or his agent or attorney shall attend the public hearing of the Plan Commission at which such application is to be considered unless such attendance has been excused by the Plan Commission.

(5) REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The Plan Commission shall hold a hearing and thereafter shall approve, approve with conditions or deny the application or condition of approval to the Council.

(6) ISSUANCE OF PERMIT. If such permit is issued, the Plan Commission may attach conditions thereto such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, hours of operation, traffic circulation or parking requirements, highway access restrictions, or increased yards.

## **ZONING CODE 17.26(1)**

**17.26 CONSTRUCTION SITE EROSION CONTROL.** The intent of this section is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This section applies to all land disturbing construction activities.

(1) **AUTHORITY.** This section is adopted under the authority granted in §62.234, Wis. Stats.

(2) **FINDINGS AND PURPOSE.** (a) Findings. The Council finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the City.

(b) Purpose. It is the purpose of this section to pre-serve the natural resources; to protect the quality of the waters of the State and the City; and to protect and promote the health, safety and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to lakes, streams and wetlands.

(3) **APPLICABILITY.** This section applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the City and, optionally, the public and private lands subject to extraterritorial review under Ch. 236, Wis. Stats. All State-funded or conducted construction is exempt from this section.

(4) **DEFINITIONS.** (a) Agricultural Land Use. Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

(b) Commercial Land Use. Use of land for the retail or wholesale sale of goods or services.

(c) Construction Site Control Measure. A control measure used to meet the requirements of sec. (7)(b) below.

(d) Control Measure. A practice or combination of practices to control erosion and attendant pollution.

(e) Control Plan. A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this section submitted by the applicant for review and approval by the Building Inspector.

(f) Erosion. The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

## **ZONING CODE 17.26(4)**

(g) Land Developing Activity. The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

(h) Land Disturbing Construction Activity. Any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

(i) Landowner. Any person holding title to or having an interest in land.

(j) Land User. Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his land.

(k) Runoff. The rain fall, snow melt or irrigation water flowing over the ground surface.

(l) Site. The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

(5) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES. All control measures required to comply with this section shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook.

(6) MAINTENANCE OF CONTROL MEASURES. All sedimentation basins and other control measures necessary to meet the requirements of this section shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

(7) CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT. (a) Applicability. This subsection applies to the following sites of land development or land disturbing activities.

1. Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.

2. Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.

3. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.

## **ZONING CODE 17.26(7)**

4. Those involving excavation or filling or a combination of excavation and filling affecting 350 cubic yards or more of dirt, sand or other excavation or fill material. Excavation and filling of less than 350 cubic yards, at the discretion of the Building Inspector, may require control of erosion and pollutants if judged necessary.

5. Those involving street, highway, road or bridge construction, enlargement, relocation or reconstruction.

6. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

(b) Erosion and Other Pollutant Control Requirements. The following requirements shall be met on all sites described in par. (a) above.

1. Discharged Water. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

2. Waste and Material Disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.

3. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each work day.

4. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.

5. Site Erosion Control. The following criteria apply only to land development or land disturbing activities that result in runoff leaving the site.

a. Channelized runoff and sheet flow runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, channelized run-off and sheet flow runoff shall be protected as described in sub-par. c.ii. below.

b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. This shall include the planting of vegetative cover as soon as practical.

## **ZONING CODE 17.26(7)**

c. Runoff from the entire disturbed area on the site shall be controlled by meeting the following:

i. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, sedimentation basins/traps shall be constructed.

ii. For all sites, filter fences, straw bales or equivalent control measures shall be placed along all critical/necessary sides of the site as determined by the Building Inspector. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

d. Soil or dirt storage piles containing more than 350 cubic yards of material shall be controlled by placing straw bales or filter fence barriers around the down slope side of the pile. Any soil or dirt storage pile under 350 cubic yards may be required, at the discretion of the Building Inspector, to be controlled by placing straw bales or filter fence barriers around the down slope side of the piles if conditions warrant. New in-street utility construction soil or dirt storage piles located closer than 25 feet to a roadway or drainage channel, if exposed for more than 7 days, must be protected with straw bales or other appropriate filtering barriers.

(8) **PERMIT APPLICATION, CONTROL PLAN AND PERMIT ISSUANCE.** No landowner or land user may commence a land disturbance or land development activity, subject to this section, without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this section shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Inspector to enter the site to obtain information required for the review of the control plan.

(a) Content of the Control Plan For Land Disturbing Activities Covering More than 2 Acres. 1. Existing Site Map. A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:

a. Site boundaries and adjacent lands which accurately identify site location.

b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site.

c. 100 year floodplains, flood fringes and floodways.

d. Vegetative cover.

e. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site.

## **ZONING CODE 17.26(8)**

highways and paving.

- f. Locations and dimensions of utilities, structures, roads,

- g. Site topography at a contour interval not to exceed 2 feet

2. Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

3. Site Construction Plan. A site construction plan, including the following:

- a. Locations and dimensions of all proposed land disturbing activities.

- b. Notify the Inspector of the completion of any control measures within 48 hours after their installation.

- c. Obtain permission, in writing, from the Inspector prior to modifying the control plan.

- d. Install all control measures as identified in the approved control plan.

- e. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan.

- f. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities.

- g. Inspect the *construction* control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs.

- h. Allow the Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.

- i. Keep a copy of the control plan on the site.

## **ZONING CODE 17.26(9)**

(9) INSPECTION. The Building Inspector shall inspect construction sites at times appropriate to stages of construction. If land disturbing or land development activities are being carried out without a permit, the Inspector shall enter the land pursuant to the provisions of §66.0119, Wis. Stats.

(10) ENFORCEMENT. (a) The Building Inspector may post a stop-work order if:

1. Any land disturbing or land developing activity regulated under this section is being undertaken without a permit; or

2. The control plan is not being implemented in a good faith manner; or

3. The conditions of the permit are not being met.

(b) If the permittee does not cease the activity or comply with the control plan or permit conditions within 48 hours, the Inspector has the power to revoke the permit.

(c) If the landowner or land user, where no permit has been issued, does not cease the activity within 48 hours, the Inspector may request the City Attorney to obtain a cease and desist order.

(d) The Inspector or the Council may retract the stop-work order or the revocation.

(e) Forty eight hours after posting a stop-work order, the Inspector may issue a notice of intent to the permittee or landowner or land user of the City's intent to perform the work necessary to comply with this section. The City or agents of the City may go on the land and commence the work after 48 hours from issuing the notice of intent. The costs of the work performed by the City plus interest at the rate authorized by the Council shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the City Clerk shall enter the amount due on the tax roll and shall collect as a special assessment against the property, pursuant to §66.0627, Wis. Stats.

(f) Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than \$10 nor more than \$1,000 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(g) Compliance with the provisions of this section may also be enforced by injunction.

## **ZONING CODE 17.26(11)**

(11) APPEALS. (a) Board of Zoning Appeals. The Board of Zoning Appeals, created pursuant to sec. 17.33 of this chapter, pursuant to S62.23(7)(e), Wis. Stats.

(b) Who May Appeal. Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Building Inspector in administering this section.

**17.27 TRAFFIC, PARKING AND ACCESS.** (1) **LOADING REQUIREMENTS.** In all business and industrial districts adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(2) **PARKING REQUIREMENTS.** In all districts and in connection with every use, except in the B-1 Central Business District, there shall be provided at the time any use or building is erected, enlarged, extended or increased off-street parking stalls for all vehicles in accordance with the following:

(a) Access. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 9 feet wide for one- and 2-family dwellings and a minimum of 24 feet for all other uses.

(b) Size. The size of each parking space shall be not less than 10 feet by 20 feet, exclusive of the space required for ingress and egress.

(c) Location. The location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

(d) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than 5 vehicles shall have the aisles and spaces clearly marked.

(e) Curbs or Barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.

(f) Number of Parking Stalls Required.

## **ZONING CODE 17.27(2)**

|                                                                                                                      |                                                                    |
|----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Single- and 2-family dwellings and mobile homes                                                                      | 2 stalls/dwelling unit                                             |
| Multi-family dwellings                                                                                               | 2 stalls/dwelling unit                                             |
| Hotels and motels                                                                                                    | 1 stall/guest room plus 1 stall/3 employees                        |
| Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses                                       | 1 stall/2 beds plus 1 stall/3 employees                            |
| Sanitariums, institutions, rest and nursing homes                                                                    | 1 stall/5 beds plus 1 stall/3 employees                            |
| Medical and dental clinics                                                                                           | stalls/doctor plus 1 stall/employee                                |
| Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly | 1 stall/5 seats                                                    |
| Colleges, secondary and elementary schools                                                                           | 1 stall/2 employees plus 1 stall/student auto permitted            |
| Restaurants, bars, places of entertainment, repair shops, retail and service stores                                  | 1 stall/150 square feet of floor area                              |
| 1. Manufacturing and processing plants, laboratories and warehouses                                                  | 1 stall / 2 employees                                              |
| 2. Financial institutions and businesses, governmental and professional offices                                      | 1 stall / 200 square feet of floor area plus 1 stall / 2 employees |
| 3. Funeral homes                                                                                                     | 1 stall / 4 seats plus 1 stall / vehicle used in the business      |
| 4. Bowling alleys                                                                                                    | 5 stalls / alley                                                   |

In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

Parking stalls are not required to be provided in the B-1 District, but when they are provided, they shall conform to requirements of size, access, surfacing and barriers, *but* not number of stalls or location as specified above.

## **ZONING CODE 17.27(3)**

(3) **DRIVEWAYS.** All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

(a) Openings for vehicular ingress and egress shall not exceed 24 feet at the right of way line and 30 feet at the roadway. This requirement shall not apply in the Business and Industrial Districts.

(b) Vehicular entrances and exits to drive-in banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or *public* parking lots shall be not less than 100 feet from any pedestrian entrance or exit to a school, church, hospital, park, playground, library or public emergency shelter.

(4) **HIGHWAY ACCESS.** No direct private access shall be permitted to the existing or proposed rights of way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

**17.28 PERFORMANCE STANDARDS, COMPLIANCE.** This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

(1) **AIR POLLUTION.** No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's Information Circular 7718 in the industrial districts.

(2) **FIRE AND EXPLOSIVE HAZARDS.** All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the "hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

(3) **GLARE AND HEAT.** No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial districts which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(4) **LIQUID OR SOLID WASTES.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

## **ZONING CODE 17.28 (5)**

(5) **NOISE AND VIBRATION.** There shall be no noise or vibration over 70 decibels emanating from any unsanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the Building Inspector. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this section.

(6) **ODORS.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.

(7) **RADIOACTIVITY AND ELECTRICAL DISTURBANCES.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

### **17.29 SIGNS, CANOPIES, AWNINGS AND BILLBOARDS**

A) Purpose of Sign and Billboard Regulations. The purpose of this Chapter is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the City of Black River Falls.

B) Signs, Canopies, Awnings and Billboards-Definitions. The following definitions are used in this Chapter:

- (1) Awning. A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (2) Billboard. A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (3) Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (4) Canopy. A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (5) Sign. A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (6) Directly Illuminated Sign. Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

## **ZONING CODE 17.29 (7)**

- (7) Directory Sign. Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.
- (8) Electronic Message Unit Sign. Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays but does not include Multiple Message Signs as defined herein.
- (9) Flashing Sign. Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (10) Grounds and/or Pole Sign. Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free Standing Sign").
- (11) Identification Sign. Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (12) Indirectly Illuminated Sign. Shall mean a sign that is illuminated from a source outside of the actual sign.
- (13) Marquee Sign. Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (14) Multiple Message Signs. An outdoor advertising sign, display or devices whose messages are on triangular louvered facings and are changed by electronic rotation of the louvers.
- (15) Nonconforming Sign. Any sign which does not conform to the regulations of this chapter.
- (16) Off-Premise Sign. Any sign, devise or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the service is located.
- (17) Portable Sign. Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.

## **ZONING CODE 17.29 (18)**

(18) Premises. The land or building that is owned or occupied by the business, community group or individual proposing to erect a sign. Premise includes all contiguous lots or parcels owned or occupied by the same business, community group or individual.

(19) Projecting Sign. Any sign extending more than eighteen (18) inches, but less than six (6) feet from the face of a wall or building; such sign may not extend more than six (6) feet into the right-of-way.

(20) Real Estate Sign. Any sign offering for sale, lease, or rent the property upon which the sign is placed.

(21) Roof Sign. Any sign erected upon or over the roof or parapet of any building.

(22) Temporary Sign. Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.

(23) Wall Sign. Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than eighteen (18) inches from such wall.

(24) Window Sign. Any sign located completely within an enclosed building and visible from a public way.

### **(C) Required Permits For Signs, Canopies, Awnings And Billboards.**

(1) Application. Except those specified in Section 17.29(D), no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Chapter. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the City of Black River Falls. Signs shall not be erected or altered until a permit has been issued by the Building Inspector. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

(2) Required Information. Application for a sign permit shall be made in writing upon forms furnished by the Building Inspector which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign.

(3) Fee. The fee for each sign permit shall be set by the City's building inspection firm.

## **ZONING CODE 17.29 (C)**

(4) Insurance. Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of Three Hundred Thousand Dollars (\$300,000.00) for bodily injury and One Million Dollars (\$1,000,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Building Inspector before the sign permit is granted.

(5) Inspection. Every sign shall be inspected and approved by the Building Inspector within thirty (30) days after it is erected or altered.

(6) Appeals. Any person, firm or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Board of Zoning Appeals.

(D) Signs Excepted. All signs, awnings and canopies must have a sign permit, except the following, provided that the following exempt signs may not be located over a public road right-of-way or in, on or over public water:

(1) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

(2) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(3) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.

(4) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.

(5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

(6) Official signs, such as traffic control, parking restriction, information and notices.

(7) Temporary signs for a period not to exceed fourteen (14) days authorized by the Zoning Administrator.

(8) Rummage sale and auction sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.

(9) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event or for similar promotion

## **ZONING CODE 17.29 (D)**

of a subdivision, for announcement of a special event or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the Plan Commission and subject to the following:

- (a) Drawings showing the specific design, appearance and location of the sign shall be submitted to the Plan Commission for approval.
- (b) The permitted size and location of any such sign shall be at the discretion of the Plan Commission based upon the character of the area, the type and purpose of the sign and the length of time permitted.
- (c) Where the sign is to be located on the premises involved, such may be permitted for a period up to one (1) year. An extension may be permitted for a period not to exceed two (2) years total.
- (d) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine (9) months.
- (10) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
- (11) Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (12) Flags and insignia of any government, (not affiliated with a religion or fascist creed), except when displayed in connection with commercial promotion.
- (13) Legal notices, identification information or directional signs erected by governmental bodies.
- (14) Integral decorative or architectural features of building, except letters, trademarks, moving parts or moving lights.
- (15) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

### **(E) Signs Permitted.**

- (1) Commercial and Industrial Districts. Signs are permitted in the B-5 Shopping Mall District and the Industrial Districts subject to the following restrictions:

## **ZONING CODE 17.29 (E)**

(a) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches out from a building's wall surface, shall not exceed five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller) for any one (1) premises, and shall not exceed twenty (20) feet in height above the centerline street grade.

(b) Projecting signs fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than ten (10) feet above a driveway or an alley.

(c) Ground signs shall not exceed forty-five (45) feet in height above the centerline of the grade of the street from which the advertising is directed, and shall not exceed three hundred (300) square feet on one (1) side, nor six hundred (600) square feet on all sides for any one (1) premises. Any sign in excess of forty-five (45) feet in height requires a conditional use permit. Additionally, off-premise signs are subject to the set-back requirements of 17.29(I)(2)(i).

(d) Roof signs shall not exceed fifteen (15) feet in height above the roof, shall meet all yard requirements for the district in which it is located, shall be considered part of the structure in meeting all height requirements for the district in which it is located and shall not exceed three hundred (300) square feet on all sides for any one (1) premises.

(e) Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed. Temporary painted specials on windows shall not be considered signs, but limited to 25% of glass area.

(f) Off-premise signs, displays and devices on or within the "adjacent areas" of all State, Freeway and Federal Aid Primary Systems, as defined in Chapter 84.30 of the Wisconsin Statutes, shall be regulated pursuant to Chapter 84.30 of the Wisconsin Statutes and Chapter Trans. 201, as revised, of the Wisconsin Administrative Code, provided, however, that where this Section (f) establishes more restrictive criteria for signs, then the provisions of this Section (f) shall supersede the state criteria. Spacing of signs along non-interstate highways shall be measured from other off-premise signs along the same side of the street and shall be at least three hundred (300) feet apart and not exceed three hundred (300) square feet per side. A State permit must be issued before a City permit is issued.

## **ZONING CODE 17.29 (E)**

This is the sole Section for regulating off-premise signs for size and spacing. Additionally, off-premise signs are subject to the set-back requirements of 17.29(I)(2)(i).

(g) Directory signs for shopping centers are permitted as an alternative to ground signs, projecting signs and roof signs for individual stores in the shopping center. The top of a directory sign shall not exceed thirty (30) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not less than fifteen (15) feet above a driveway or alley. The double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center name shall not exceed ninety (90) square feet for one (1) side and a total of one hundred eight (180) square feet for all sides. That portion of the directory sign which advertises the individual store name shall not exceed fifteen (15) square feet for one (1) side and a total of thirty (30) square feet for all sides. Directory signs shall meet all side and rear yard requirements for the zoning district in which they are located.

(h) Any sign qualifying as more than one (1) of the above-listed types shall meet the requirements for each type.

(i) Bills and posters shall not be posted on the exterior of buildings or windows.

(2) **B-1 Commercial Districts.** Signs are permitted in the B-1 Commercial District subject to the following restrictions:

(a) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches out from a building's wall surface, shall not exceed five hundred (500) square feet in area or forty percent (40%) of the wall surface (whichever is smaller) for any one (1) premises, and shall not exceed twenty (20) feet in height above the centerline street grade

(b) Projecting signs fastened to, suspended from or supported by structures shall not exceed one hundred (100) square feet in area for any one (1) premises, shall not extend more than six (6) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines, shall not exceed a height of twenty (20) feet above the mean centerline street grade and shall not be less than ten (10) feet above a driveway or an alley.

(c) Window signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed. Temporary painted specials on windows shall not be considered signs, but limited to 25% of glass area.

## **ZONING CODE 17.29 (E)**

- (d) Other signs are permitted by conditional use permits subject to the restrictions of Section 17.29(E)(1).
- (3) Other Commercial Districts. Signs are permitted by conditional use in the B-2 and B-3 Districts subject to the restrictions of Section 17.29 (E)(1).
- (4) Residential Conservancy and Agricultural Districts. All signs are prohibited in the R-1, R-2, R-3, R-4, R-Duplex, Conservancy, Agricultural, Historic Preservation, Planned Unit Development and Flood Districts, except the following:
  - (a) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
  - (b) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.
  - (c) Name, occupation and warning signs not to exceed four (4) square feet located on the premises.
  - (d) Bulletin boards for public, charitable or religious institutions not to exceed thirty-five (35) square feet in area located on the premises.
  - (e) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
  - (f) Official signs, such as traffic control, parking restrictions, information and notices.
  - (g) Temporary signs or banners, when authorized by the Zoning Administrator.
  - (h) Awnings or canopies servicing only a particular single-family dwelling unit, provided the same shall conform to the regulations applicable to the zoning district in which the same are located.
  - (i) House numbers or signs identifying parks or country clubs or official bulletin boards.

## **ZONING CODE 17.29 (E)**

(j) An approved professional sign shall be a sign not exceeding six (6) square feet in area, stating only the name and business or profession of the occupant or the character or the use of the premises on which the sign is maintained. It shall not be illuminated and shall not move. Only one (1) such approved professional sign shall be maintained on a premise.

### **(F) Prohibited Signs.**

(1) Signs Facing Residential Districts. No sign, except those permitted in Section 17.29(D) shall be permitted to face a residential district within fifty (50) feet of such district boundary.

(2) Traffic Interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.

(3) Moving or Flashing signs. No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or be reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media, which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property, shall be permitted in any district.

(4) Number of Signs Permitted. No more than two (2) signs of any type shall be located on any premises, except that premises occupied by a shopping center may, as an alternative, have one (1) detached sign plus one (1) wall sign illuminated or otherwise for each place of business located in said shopping center provided that the aggregate total of all signs located on any premises so occupied shall not exceed the total area permitted for one (1) detached sign and one (1) wall sign as set forth in this Chapter. This Paragraph shall not apply to directional on-site signs or flat identification signs attached to buildings.

### **(G) Dangerous and Abandoned Signs.**

(1) Removal. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of thirty (30) days or when, in the judgment of the Zoning Administrator such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first.

(2) Alterations. Any sign which was erected before the adoption of this sign Chapter shall not be rebuilt or relocated without conforming to all of the requirements of this Chapter.

## **ZONING CODE 17.29 (G)**

(3) Violations. All signs constructed or maintained in violation of any of the provisions of this Chapter are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the City Council, or its designee, may bring an action to abate the nuisance in the manner set forth in the Wisconsin State Statutes.

(H) Variances or Exceptions. Exceptions to these sign regulations may be granted by the City Council, following a recommendation from the Plan Commission.

(I) Construction and Maintenance Regulation for Signs.

(1) Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.

(2) General Requirements.

(a) Construction Standards. Signs shall be constructed in a safe structural manner in accordance with the National Building Code and the National Electrical Code with fireproof and fire-resistant materials and the Wisconsin State Codes, if more restrictive. All signs shall withstand a wind load pressure of thirty (30) p.s.f. of surface and shall also be fastened, supported and maintained so as to withstand a wind load pressure of thirty (30) p.s.f. per American Society of Engineering.

(b) Roof Signs. No sign shall be located so as to project above the parapet line, unless approved by the Plan Commission. Roof sign structures shall be constructed entirely of steel or aluminum, and all faces shall be constructed of fire-resistant materials and shall withstand a wind pressure of thirty (30) p.s.f. per American Society of Engineering.

(c) Illuminated Signs. Any illuminated signs shall not interfere with surrounding properties or traffic.

(d) Prohibited Mountings. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.

(e) Blanketing. Blanketing of signs shall not be allowed.

(f) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean,

## **ZONING CODE 17.29 (I)**

sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

(g) Annexed Areas. All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.

(h) Height Restrictions. All off-premise and on-premise signs must be constructed such that at least ten (10) feet of clearance exists between the bottom of the sign including any supporting structure, and the ground. Exceptions to this requirement can be granted by the Plan Commission as a Conditional Use Permit.

(i) Set-backs. Signs shall not be permitted within five (5) feet of a public right-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.

(3) Search Lights. The City Council may permit the temporary use of a search light, pennants, streamers or spinners for advertising purposes in any district provided that the use will not be located in any public right-of-way, will not be located closer than ten (1) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Such permits shall not be granted for a period of more than five (5) days in any six (6) month period.

(4) Signs on Public Rights-of-Way. Signs shall not be permitted on public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this Chapter.

### **(J) Specific Requirements.**

#### **(1) Electronic Message Unit Signs.**

(a) Such signs may be used only to advertise activities conducted on the premises or to present public service information pursuant to Section 17.29(F).

(b) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.

(c) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) light columns per second.

#### **(2) Portable Signs.**

(a) Such signs shall be limited to use to thirty (30) days at a time following approval by the Zoning Administrator provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign if it presents a vision obstruction and not more frequently than four (4) times per year at any one (1) location.

## **ZONING CODE 17.29 (J)**

(b) The maximum size shall be twenty-five (25) square feet on each face, back-to-back.

(3) **MULTIPLE MESSAGE SIGNS.**

(a) Such signs are subject to the all other applicable provisions herein subject to the following restrictions.

1) The louver rotation time to change a message shall be one second or less.

2) The time a message remains in a fixed position shall be 6 seconds or more.

(K) **Nonconforming Signs.**

(1) **Signs Eligible for Characterization as Legal Nonconforming.** Any sign located within the City of Black River Falls limits on the date of adoption of this Chapter hereafter which does not conform to the provisions of this Chapter is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

(a) The sign was covered by a proper sign permit prior to the date of adoption of this sign ordinance.

(b) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on the date of adoption of this sign ordinance.

(2) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:

(a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this Article than it was before alteration;

(b) The sign is relocated.

(c) The sign fails to conform to the City requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

(d) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefore or shall be removed.

(3) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

(L) **Awnings and Canopies.**

(1) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder

## **ZONING CODE 17.29 (L)**

is first obtained and the same conforms to the regulations of the zoning district in which the same are to be located:

- (a) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
- (b) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
- (c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.
- (d) Advertising. No advertising shall be placed on any awning, except that the name of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding twelve (12) inches in height on the front and side edges.

(2) Permitted Canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

- (a) Support. The structural support of all canopies shall be designed by a licensed professional engineer and approved by the Building Inspector as in compliance with the Building Code of the City of Black River Falls. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section (I) of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
- (b) Height Above Sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
- (c) Setback. No awning shall extend beyond a point four (4) feet into the right-of-way.
- (d) Advertising. No advertising shall be placed on any canopy, except that the name of the establishment may be painted or placed in a space not exceeding twenty (20) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than twelve (12) inches on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.
- (e) Canopy Insurance Requirements. Every applicant for a canopy permit, which will overhang the public street or sidewalk shall, before the permit is granted, file with the Zoning Administrator a liability insurance policy with minimum limits of Fifty Thousand Dollars (\$50,000.00) for personal injury to any person and One Hundred Thousand Dollars

## **ZONING CODE 17.29 (L)**

(\$100,000.00) for property damage which shall indemnify and save harmless the City from any and all damages, judgments, costs or expense which the said City may incur or suffer by reason of the granting of said permit.

(M) Abandoned Billboards And Signs. Except as otherwise herein provided, all billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Zoning Administrator shall give the owner thirty (30) days written notice to remove said sign/billboard and thereafter, upon the owner's or lessee's failure to comply, may remove such sign/billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property. The Zoning Administrator may take any other appropriate legal action necessary to attain compliance.

N) Violations Of Sign Code.

- (1) Any person, firm or corporation who begins, erects or completes the erection or construction of any sign controlled by this Chapter prior to the granting of a permit shall pay a penalty of four (4) times the amount of the permit otherwise required.
- (2) If the Zoning Administrator or Building Inspector finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (3) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Chapter.
- (4) Any person, firm or corporation who violates any provision of this Chapter shall be subject to the penalty of Fifty Dollars (\$50.00). Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

**17.30 ZONING PERMIT REQUIRED.** No building or structure, or any part thereof, shall hereafter be built or the use altered within the City unless a permit therefore shall first be obtained by the owner or his agent from the Zoning Administrator. No construction shall be commenced prior to the issuance of such permit. Commencement of construction shall include such acts as beginning excavation or constructing forms for cement work. See ch. 14 of this Code.

**17.32 PLAN COMMISSION.** See ch. 1 of this Code.

**17.33 BOARD OF ZONING APPEALS.** (1) MEMBERSHIP. See ch. 1 of this Code.

- (2) **APPEALS TO BOARD.** (a) Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the administrative officers. Such appeal shall be taken within 30 days from either the date of actual notice of said decision to the person aggrieved or from the date of the mailing of a copy of said decision to him,

## **ZONING CODE 17.33(2)**

whichever is earlier, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. Filing with the Board shall be accomplished by filing with the City Clerk.

(b) The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

(c) The Board shall fix a reasonable time for the hearing of the appeal and shall give public notice thereof by publication of a Class II notice in the City's official newspaper, shall give notice to the parties in interest, and shall decide the same within a reasonable time.

(d) A filing fee as set by Resolution of the City Council shall accompany each such appeal and no such appeal shall be deemed properly filed unless said fee is paid.

### **(3) POWERS OF BOARD.** The Board shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official.

(b) To hear and decide special exceptions to the terms of this chapter upon which the Board is required to consider.

(c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done.

(d) Permit the erection and use of a building or premises in any location subject to appropriate conditions and safe-guards in harmony with the general purposes chapter for such public utility purposes which are reasonably necessary for public convenience and welfare.

(e) The Board may reverse or affirm, wholly or in part, or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as, in its opinion, ought to be made in the premises and to that end shall have all the powers of the administrative official. The concurring vote of 4 members of the Board shall be necessary to reverse any order, requirement or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this chapter.

### **(4) OTHER POWERS.** In addition to the foregoing, the Board shall have the following specific powers:

(a) To grant a permit for a temporary building for commerce or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than 6 months.

(b) To grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of the adoption of this chapter.

## **ZONING CODE 17.33 (4)**

(c) To permit the temporary storage, as defined herein, of an item otherwise prohibited under sec. 17.03 of this chapter.

(d) To interpret the provisions of this chapter in such a way as to carry out the intent and purpose of the plan as shown on the Official Map accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout on the aforesaid map.

(e) The Board shall have the power to call on any other City department for assistance in the performance of its duties and it shall be the duty of such other department to render such assistance as may be reasonably required.

(5) **POWERS LIMITED.** Except as specifically provided, no action of the Board shall have the effect of permitting in any district uses prohibited in such district; nor shall such Board be permitted to take any action which would, in effect, create a buildable lot smaller than the minimum lot size or area otherwise required by the City.

**17.34 CHANGES AND AMENDMENTS. (1) AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the City may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) **INITIATION.** A change or amendment may be initiated by the Council, the Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

(3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) A plot plan showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b) The owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

(c) Additional information required by the Plan Commission.

(4) **RECOMMENDATIONS.** The Plan Commission shall hold a public hearing as provided for in §62.23(7)(d), Wis. Stats., and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Council.

## **ZONING CODE 17.34 (5)**

(5) **COUNCIL ACTION.** After careful consideration of the Plan Commission recommendations, the Council shall vote on the passage of the proposed change or amendment. If the Council denies the proposed change or amendment, a similar petition for such change or amendment may not be submitted for a period of one year.

(6) **PROTEST.** In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the members of the Council voting on the proposed change.

### **17.35 to 17.40 (Reserved)**

**17.41 ENFORCEMENT.** It shall be the duty of the Zoning Administrator, with the aid of the Police Department, to enforce the provisions of this chapter.

**17.42 VIOLATION AND PENALTIES.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of *the* provisions of this chapter, shall forfeit a sum of not less than \$10 nor more than \$200, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of *not* more than 30 days or until such judgment is paid, and each day of violation shall constitute a separate offense.