

CHAPTER 17
ZONING CODE

INTRODUCTION

- 17.01 Authority
- 17.02 Purpose
- 17.03 Intent
- 17.04 Abrogation and Greater Restrictions
- 17.05 Interpretation
- 17.06 Title
- 17.07 Effective Date
- 17.08 Definitions

GENERAL PROVISIONS

- 17.10 Jurisdiction
- 17.11 City Plan Commission Designated
- 17.12 Zoning Administrator Designated
- 17.13 Compliance
- 17.14 Zoning Permits
- 17.15 Uses Not Requiring a Zoning Permit
- 17.16 Site Restrictions
- 17.17 Use Restrictions
- 17.18 Reduction or Joint Use
- 17.19 Violations

ZONING DISTRICTS

- 17.20 Establishment
- 17.21 Zoning Map
- 17.22 R-1A Rural Residential District
- 17.23 R-1 Single Family Residential District
- 17.24 R-2 Multifamily Residential District
- 17.25 MH-Residential Mobile Home Park District
- 17.26 B-1 Retail Business District
- 17.27 B-2 Highway Commercial District
- 17.28 B-3 Land Extensive Commercial District
- 17.29 M-1 Light Industrial District
- 17.30 M-2 Heavy Industrial District
- 17.31 AT-Agricultural Transition District
- 17.32 PUD-Planned Unit Development District
- 17.33 C-Conservation District
- 17.34 CD-Downtown Historic District

CONDITIONAL USES

- 17.40 Permits
- 17.41 Application
- 17.42 Hearings
- 17.43 Review and Approval
- 17.44 Permit Required for Earth Satellite Stations Located Within the City

TRAFFIC, PARKING AND ACCESS

- 17.45 Traffic Visibility
- 17.46 Loading Requirements
- 17.47 Parking Requirements

MODIFICATIONS

- 17.50 Height
- 17.51 Yards
- 17.52 Additions
- 17.53 Average Street Yards
- 17.54 Special Yard Provisions in Areas Without Public Sewer
- 17.55 Utility Sheds Under 120 Sq. Ft.
- 17.56 Garages on Alleys

SIGNS

- 17.60 Permit Required
- 17.61 Signs Excepted
- 17.62 Signs Permitted
- 17.63 Traffic
- 17.64 Existing Signs
- 17.65 Sign Removal
- 17.66 Signs Generally

NONCONFORMING USES, STRUCTURES AND LOTS

- 17.70 Existing Nonconforming Uses
- 17.71 Abolishment or Replacement
- 17.72 Existing Nonconforming Structures
- 17.73 Changes and Substitutions
- 17.74 Nonconforming Lots

BOARD OF ZONING APPEALS

- 17.75 Establishment
- 17.76 Membership
- 17.77 Organization
- 17.78 Powers
- 17.79 Appeals and Applications
- 17.80 Hearings
- 17.81 Findings
- 17.82 Decision
- 17.83 Review by Court of Record

CHANGES AND AMENDMENTS

- 17.85 Authority
- 17.86 Initiation
- 17.87 Petitions
- 17.88 Recommendations
- 17.89 City Council Action
- 17.90 Protest

- 17.95 Penalty

17.01 AUTHORITY. These regulations are adopted under the authority granted by ss. 61.35 and 62.23, Wis. Stats.

17.02 PURPOSE. The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

17.03 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 drainage; 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 community; and implement the community's master 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.

17.04 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 laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

17.05 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. If a proposed use is not specifically listed as a permitted use or a conditional use, the zoning administrator shall use the United States Department of Labor's Standard Industrial Classification Manual to determine whether the proposed use is similar to a specific permitted use or a specific conditional use. If the determination is that the proposed use is similar to a specific permitted use, the Zoning Administrator shall permit it, provided that the proposed use will be in harmony with existing uses in the zoning district and any adjoining district, and will not create conflicts or interfere with established uses in the district or any adjoining district. If there is potential for conflict or interference with existing uses, the Zoning Administrator shall refer the matter to the Plan Commission. The Plan Commission shall decide whether to treat the proposed use as a permitted use, a conditional use or as a use not permitted in the district. If the Commission determines the use is similar to a conditional use, or if it determines that the use is similar to a permitted use, but which may potentially cause conflict or interference with existing uses, the Plan Commission shall direct the proposed user to proceed under Section 17.40 to 17.44 to obtain a conditional use permit, and the Plan Commission may, but is not required to, issue a conditional use permit for the use.

17.06 TITLE. This chapter shall be known as, referred to, or cited as the “ZONING ORDINANCE, CITY OF BOSCOBEL, WISCONSIN.”

17.07 EFFECTIVE DATE. This chapter shall be effective after a public hearing, adoption by the City Council and publication or posting as provided by law. Date of Publication, September 23, 1982.

17.08 DEFINITIONS. For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory, “should” is advisory and “may” is permissive. Any words not defined in this section shall be presumed to have the customary dictionary definitions.

(1) ACCESSORY USE OR STRUCTURE. A use or detached structure subordinate to the principal use structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

(2) ALLEY. A special public right-of-way affording only secondary access to abutting properties.

(3) ARTERIAL STREET. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

(4) BASEMENT. That portion of any structure located partly below the average adjoining lot grade.

(5) BILL OF LADING. Bill of lading means a written receipt given by a carrier for goods accepted for transportation.

(6) BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

(7) BUILDING AREA. The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

(8) BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or

to the deck line of mansard roofs.

(9) **CLASSES OF NOTICE.** References in this chapter to Class 1 and Class 2 notices refer to Ch. 985, Wis. Stats.

(10) **CONDITIONAL USES.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.

(11) **DWELLING.** A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.

(12) **EFFICIENCY.** A dwelling unit consisting of one principal room with no separate sleeping room.

(13) **ELDERLY HOUSING.** (Also, referred to as housing for elderly.) Multifamily housing development occupied exclusively by persons over 60, spouses of people over 60 or infirm persons.

(14) **ESSENTIAL SERVICES.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings. Essential services do not include general utility facilities such as electric utility substations, utility offices or other structures not related to the direct delivery of service.

(15) **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.

(16) **GARAGE SALE.** (Also, referred to as basement sales or rummage sales.) Sales conducted for no longer than 5 consecutive days nor more than 15 days of any calendar year by any of the same persons or on the same property. No articles or items purchased for resale shall be offered for sale. No more than one motor vehicle, boat or trailer shall be offered for sale on the premises during the period of the garage sale.

(17) **GOODS.** Goods means possessions, especially moveable effects or personal property. Goods included all things which are treated as moveable for purposes of a contract for storage.

(18) **GOVERNMENT USES.** Includes all public uses and facilities including parks.

(19) **GROSS AREA.** Total land area inclusive of buildings on a lot.

(20) FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street line.

(21) DWELLING, MULTIPLE FAMILY. A residential building designed for or occupied by 2 or more families, with the number of families in residence not to exceed the number of dwelling units provided.

(22) HOME OCCUPATION. A gainful business activity conducted by a person in his or her dwelling which is conducted in the principal residence or an accessory structure. No home occupation is lawful or permitted unless it meets the following criteria:

(a) The space used for the business activity, including storage, shall not exceed 30% of the gross floor area of the principal and accessory structures combined, provided however, for a home occupation which is a bed and breakfast operation providing meals and overnight lodging for guests, the measurement of floor space shall be based on the sleeping quarters occupied by the guests.

(b) There shall not be more than one (1) employee other than members of the family.

(c) There shall not be any outside storage associated with the home occupation and all occupations shall be conducted entirely within a building.

(d) One unlighted sign no larger than 2 square feet may be placed on the premises.

(e) There shall be no nuisances associated with home occupations. Potential nuisances include, but not are limited to, noise, odor, dust, increased traffic or parking conflicts. Any nuisance for purposes of this section and Chapter 10 of this Code.

(f) If any part of the home occupation, including storage, is conducted in an accessory building or structure, a conditional use permit is required.

(23) JUNKYARD. (Also, referred to as a salvage yard.) An open space where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap, iron or other metals, paper, rags, rubber, tires and bottles. A junkyard also includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. For purposes of enforcement, any lot that is not part of a vehicle repair establishment containing 3 or more inoperable motor vehicles including tractors or other farm machinery, shall be considered a junkyard.

(24) **LOADING AREA.** A completely off street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

(25) **LOT.** A parcel of land having frontage on a public street, occupied or intended to be occupied by principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

(26) **LOT LINES AND AREA.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

(27) **LOT WIDTH.** The width of a parcel of land measured at the rear of the specified street yard.

(28) LOT TYPES.

(29) MINOR STRUCTURES. Any small, movable accessory erection or construction such as birdhouses, toolhouses, pet houses, play equipment, arbors and walls and fences under 4' in height.

(30) MOTEL. A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

(31) NONCONFORMING USES OR STRUCTURES. Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

(32) PARKING LOTS. A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.

(33) PARKING SPACE. A graded and surfaced area of not less than 180 sq. ft. in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

(34) PARTIES IN INTEREST. Includes all abutting property owners, all property owners within 100' and all property owners of opposite frontages.

(35) PROFESSIONAL HOME OFFICES. Residences of doctors of medicine,

practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed 1/2 the area of only one floor of the residence and only one nonresident person is employed.

(36) **REAR YARD.** A yard extending across the full width of the lot, and depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

(37) **RENOVATION.** A general upgrading of the buildings' interior and exterior appearance. Exterior improvements can include cleaning and painting, and will often involve a substantial change to shop front and sign. Interior rehabilitation can include the upgrading of electrical, mechanical or structural elements and new interior design.

(38) **RESTORATION.** The reinstatement of original architectural integrity of structural form of quality buildings of the past, but does not necessarily extend to a reinstatement of the past use of the building.

(39) **SELF-SERVICE STORAGE FACILITY.** Self-service storage facility means real property containing leased spaces for the storage of personal property used for personal, family, or household purposes, but does not include a warehouse or other facility as defined herein, where the operator of the warehouse or facility issues a warehouse receipt, bill of lading or other document of title for personal property stored in the leased premises.

(40) **SIDE YARD.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.

(41) **SIGNS.** A notice, bearing a name, direction, view, warning, picture, logo or advertisement, that is displayed or posted for public view.

(42) **SMALL LIVESTOCK AND POULTRY.** For purposes of this chapter, small livestock shall be limited to animals weighing less than 20 lbs.

(43) **STREET YARD.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards.

(44) **STREET.** A public right-of-way not less than 50' wide providing primary access to abutting properties.

(45) **STRUCTURE.** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

(46) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

(47) **UTILITIES.** Public and private facilities such as water wells, water and sewerage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telephone exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(48) **WAREHOUSE.** Warehouse means any building, room, structure or facility used for the storage of commercial or industrial property held for purposes of fabrication, manufacture or resale, and for which a warehouse receipt, bill of lading or other document of title is issued, however, for purposes of this Chapter, it does not include self-service storage facilities.

(49) **WAREHOUSE RECEIPT.** Warehouse receipt means a written receipt for property or goods placed in a warehouse issued to the storer by the warehouse keeper that identifies the property or goods placed in storage and informs storers of all terms and conditions of storage.

(50) **YARD.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

17.10 **JURISDICTION.** The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the City.

17.11 **CITY PLAN COMMISSION DESIGNATED.** A City Plan Commission is hereby created to carry out the intent of the City Master Plan and Zoning Ordinance. The makeup of the Commission and its powers and duties shall be prescribed by s. 62.23, Wis. Stats.

17.12 **ZONING ADMINISTRATOR DESIGNATED.** The Office of Zoning Administrator is hereby created as the administrative and enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator shall be to interpret and administer this chapter and to issue, after on site inspection, all permits required by this chapter. The Zoning Administrator shall investigate all complaints, give notice of violations, issue orders to comply with this chapter, and assist the City Attorney in the prosecution of ordinance violators. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

17.13 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, demolished or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

17.14 ZONING PERMITS. Zoning permits shall be required for all new structures, exterior renovation, demolition, placement of signs and changes in land use unless specifically excepted by this chapter. Applications for zoning permits shall be made to the Zoning Administrator and shall include the following where appropriate:

(1) Name and addresses of the applicant, owner of the site, architect, professional engineer or contractor.

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

(3) Site plan showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site, existing and proposed easements, streets and other public ways; off street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the site plan shall show the location, elevation and use of any abutting lands and their structures within 40' of the subject site.

(4) Additional information as may be required by the City Plan Commission or City Zoning Administrator.

(5) Zoning permits shall be granted or denied in writing by the Zoning Administrator within 30 days. Such permit shall expire within 6 months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

17.15 USES NOT REQUIRING A ZONING PERMIT. Providing all applicable setback, yard, height and other requirements are met, no zoning permit shall be required in any of the following instances:

(1) For erecting or placing an accessory building less than 100 sq. ft. in area.

(2) For normal maintenance and repairs not involving an increase in the area of a structure except as specifically regulated within the Downtown Design Overlay District.

17.16 SITE RESTRICTIONS. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the City Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The City Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability. Thereafter the City Plan Commission may affirm, modify or withdraw its determination of unsuitability.

(1) All lots shall abut upon a public street, and each lot shall have a minimum frontage of 30'.

(2) All principal structures shall be located on a lot; in the RI-A and R-I Districts, only one principal structure shall be built on, located in, erected on, or moved into a lot. In other zoning districts, more than one principal structure may be permitted on a lot, but only as a conditional use approved by the Plan Commission.

(3) No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

17.17 USE RESTRICTIONS. The following use restrictions and regulations shall apply:

(1) **PRINCIPAL USES**. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.

(2) **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 unless such use is a household occupation as defined by s. 17.08 of this chapter. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools and private emergency shelters.

(3) **CONDITIONAL USES**. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the City Plan Commission in accordance with ss. 17.41-17.43.

(4) **UNCLASSIFIED OR UNSPECIFIED USES**. Unclassified or unspecified uses may be permitted by the City Plan Commission provided that such uses are similar in character to the principal uses permitted in the district.

(5) **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 Plan Commission.

(6) **GARAGE SALES.** Garage sales as defined in s. 17.08 of this chapter shall be permitted in all zoning districts provided the principal use of the site is residential and a permit for each such garage sale shall be acquired from the City Clerk.

17.18 **REDUCTION OR JOINT USE.** No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area or other space required for a particular structure or use shall be used for any other structure or use.

17.19 **VIOLATIONS.** No person shall construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the City Council, the Zoning Administrator, the City Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

17.20 **ESTABLISHMENT.** (1) For the purpose of this chapter, the City is hereby divided into the following 12 use districts. In addition, one overlay district is also established.

- (a) R-1A Rural Residential.
- (b) R-1 Single Family Residential.
- (c) R-2 Multifamily Residential.
- (d) MH Mobile Home Park.
- (e) B-1 Retail Business District.
- (f) B-2 Highway Commercial District
- (g) B-3 Land Extensive Commercial.
- (h) M-1 Light Industrial.
- (i) M-2 Heavy Industrial.
- (j) AT Agricultural Transition.

- (k) C Conservancy.
- (l) PUD Planned Unit Development.
- (m) CD Community Design District (Overlay District).

(2) Boundaries of these districts are hereby established as shown on the map entitled “Zoning Map, City of Boscobel, Wisconsin,” which is adopted by reference as part of this chapter. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.

(3) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(4) Annexations to or consolidations with the City subsequent to the effective date of this chapter shall be placed in the AT Agricultural Transition District unless the annexation ordinance temporarily places the land in another district.

17.21 ZONING MAP. (1) A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the City Clerk and shall be available to the public in the office of the City Clerk.

(2) Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

17.22 R-1A RURAL RESIDENTIAL DISTRICT. The R-1A Rural Residential District is to provide for low density residential development and other rural land uses on lands that are at the edge of the City or that for topographic or other reasons may not be suitable for higher density development. The R-1A Rural Residential District may be used as a holding district for land which may at some future time be suitable for higher density development.

(1) PERMITTED USES. Single family detached residences; home occupations; horticultural uses.

(2) CONDITIONAL USES. Two family residences; charitable or nonprofit institutions; day care, nursing and group home facilities; government uses; campgrounds and recreation vehicle parks; utilities; junkyards.

(3) MINIMUM LOT AREA AND WIDTH. 1 acre; 100' width.

(4) MINIMUM YARDS. Front 25'; side 10'; rear 35'.

(5) MAXIMUM BUILDING HEIGHT: 2-1/2 stories or 35'.

(6) MAXIMUM BUILDING COVERAGE: 30%.

(7) **SIZE AND PLACEMENT OF ACCESSORY BUILDINGS.** Accessory buildings which are not a part of the principal building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 15' high and shall not be nearer than 3' to any lot line.

(8) **MINIMUM FLOOR AREA.** All detached single family residences shall have a minimum floor area of at least 1,000 square feet; each unit of two family residences shall have a minimum floor area of at least 800 square feet.

17.23 **R-1 SINGLE FAMILY RESIDENTIAL DISTRICT.** The R-1 single family district is to provide for detached single family homes in neighborhoods with homes of similar character.

(1) **PERMITTED USES.** Single family detached residences; home occupations; horticultural uses.

(2) **CONDITIONAL USES.** Professional home offices; governmental uses; utilities; two or three family residences, including existing homes converted for such multi-family uses; funeral homes; charitable or non profit institutions or facilities, such as places for religious worship or services; daycare and nursing home facilities; community and other living arrangements, subject to Wis. Stat. §62.23(7)(i), and zero lot line attached units which shall be subject to the requirements of Section 17.24(7) of this Code.

(3) **MINIMUM LOT DIMENSIONS, BUILDING WIDTH, FLOOR SPACE AND FOUNDATION REQUIREMENTS.** Lots shall be at least 6,000 square feet in area and at least 60 feet in width. All dwellings will have a minimum floor area of 1,000 square feet, excluding the basement, and the principal structure shall be at least 24 feet in width. All dwellings must be placed on a permanent foundation that meets the specifications and requirements of Wisconsin Administrative Code Section ILHR 21.18 FOUNDATIONS.

(4) **MINIMUM YARDS.** Front and rear yards, 25 feet; side yards, 10 feet.

(5) **SIZE AND PLACEMENT OF ACCESSORY BUILDINGS AND GARAGES.** Accessory buildings, other than garages, shall be placed in the rear yard, shall not occupy more than thirty percent of the area of the required rear yard, shall not be more than 15 feet in height, and shall not be nearer than 3 feet to any lotline. Detached garages may be placed in a side yard, provided the front yard setback requirement of 25 feet and the side yard setback requirement of 10 feet, as required in Sub. (4), are met. Garages shall not be more than 20 feet in height.

17.24 **R-2 MULTIFAMILY RESIDENTIAL DISTRICT.** The multiple family residential district is to provide for medium density attached or detached single family housing and apartment housing within the City.

(1) **PERMITTED USES.** Multiple family dwellings with 8 or less units or detached single family dwellings.

(2) **CONDITIONAL USES.** Home occupations; professional home offices; utilities; government uses; funeral homes; charitable or nonprofit institutions and facilities; day care, nursing home and community based residential facilities; multiple family housing with more than 8 units; and zero lot line attached units.

(3) **MINIMUM LOT AREA AND WIDTH.**

- | | | |
|-----|---------------------------|--|
| (a) | Single Unit Housing | 6,000 sq. ft. lot area
60' lot width |
| (b) | Two Unit Housing | 4,000 sq. ft. per unit lot area
60' lot width |
| (c) | Three-Four Unit Housing | 3,000 sq. ft. per unit lot area
70' lot width |
| (d) | Five or More Unit Housing | 2,500 sq. ft. per unit lot area
70' lot width |

(e) All apartments and living quarters in multiple family housing shall have a minimum floor area of at least 800 square feet; all detached single family dwellings shall have a minimum floor area of at least 1000 square feet.

- | | | |
|-------|---------------------------|--------------|
| (I) | One bedroom or efficiency | 560 sq. ft. |
| (II) | Two bedroom apartment | 800 sq. ft. |
| (III) | Three or more bedrooms | 1000 sq. ft. |

All detached single family dwellings shall have a minimum floor area of 1,000 square feet, excluding garage.

(4) **MINIMUM YARDS.** Front 25'; side 10' or 1/2 the building height, whichever is greater; rear 25'.

(5) **MAXIMUM BUILDING HEIGHT:** 40'.

(6) **SIZE AND PLACEMENT OF ACCESSORY BUILDINGS.** Accessory buildings which are not part of the principal building shall not occupy more than 30% of the area of the required rear yard; shall not be more than 15' high and shall not be nearer than 3' to any lot line.

(7) MANDATORY CONDITIONS FOR ZERO LOT LINE ATTACHED UNITS.

(1) Definition. A zero lot line attached unit is two unit housing consisting of two single family row house units in a single structure that are attached by and share a common wall, and which structure is contained entirely within a single lot. The common wall must be perpendicular to the street right of way abutting the front yard of the lot and must be exactly in the center of the lot so as to bisect it into two equal parcels (on a straight line running from the front yard lot lint through the common wall and continuing to the back yard lot line).

(2) Exemption. The structure of a zero lot line attached unit shall be exempt from the side yard setback requirements of this section with respect to the common wall separating the two units (this being the zero lot line), but must meet all other side yard, rear yard and front yard setback requirements. All accessory structures shall meet all setback requirements and shall not enjoy the exemption granted by this subsection.

(3) Lot Areas. Lots on which a zero lot line attached unit structure are constructed must meet the minimum lot area and width requirements of sub. (3)(b). Each half of the lot may be sold as an individual unit to unrelated parties but only after construction of the principal structure has been completed and certificates of occupancy for both units have been issued by the Building Inspector under Section 14.04(1)(e) of the Municipal Code.

(4) Other Requirements. Each single family row house unit within a zero lot line attached unit shall have its own water and sewer laterals and electrical service hookup.

(5) Additional Discretionary Requirements. The Plan Commission may grant conditional use permits for zero lot line attached units with conditions in addition to those stated in this section. Such conditions may include, among other things, requirements for hour rated fire walls for the common walls or other walls, installation of smoke detectors, automatic fire suppression systems, minimum parking requirements, or use of other construction techniques and materials applicable to multiple family units of more than two units.

(6) Issuance of Permit Discretionary. Nothing in this section shall be construed to require the Plan Commission to issue a conditional use permit for a zero lot line attached unit, if, in the Commission's discretion, it is not desirable to do so.

17.25 MH-RESIDENTIAL MOBILE HOME PARK DISTRICT. The MH-Residential Mobile Home Park District is intended to provide areas for planned mobile home parks within the City.

(1) PERMITTED USES. Mobile home parks which are developed exclusively for mobile home usage with the exception of community buildings, laundry facilities or other common use buildings which are ancillary to the residential use of the development.

(2) **CONDITIONAL USES.** Conditional uses that may be permitted in the residential mobile home park district as authorized by the Plan Commission under Sections 17.40 and 17.43 include, but are not limited to, the following: professional home office, government, utilities, day care and nursing home and community based residential facilities.

(3) **MINIMUM LOT AREA AND WIDTH.** Two-acre minimum lot area and 150' minimum lot width.

(4) **YARD, BUFFERING AND SCREENING REQUIREMENTS.** There shall be a strip of land at which 15' in width around the entire perimeter of the park where no mobile home lots or common use structures may be permitted. This strip of land shall be landscaped to provide vegetative screening of the mobile home park. All exposed ground within a mobile home park which is not surfaced for access road, parking, recreation or patio shall be landscaped and maintained.

(5) **SETBACK AND DENSITY REQUIREMENTS.** A mobile home lot shall have dimensions of at least 45 feet in width and 120 feet in length. Each mobile home shall be placed at least 20 feet away from any other mobile home. The setback requirements for side yards, the rear yard and the front yard shall be 10 feet from the lot line. A mobile home shall be placed at least 20 feet away from internal park streets and at least 25 feet away from the right of way of a public street.

(6) **MAXIMUM NUMBER OF MOBILE HOMES IN A MOBILE HOME PARK:**
49.

(7) **REQUIRED RECREATION AREAS.** Recreation areas shall be provided for each mobile home park. The recreation area shall be a minimum of 8% of the gross area of the mobile home park. The recreation area shall be centrally located and shall have safe access to and from all lots in the mobile home park.

(8) **ACCESS ROADS AND PARKING SPACES.** Internal access roads and parking spaces must be incorporated into the site plan for each mobile home park. The entrance or entrances to mobile home parks shall be designed and located so as to provide safe access and allow free movement of traffic on adjacent streets. Each mobile home lot shall have access to public streets via an internal private access road system built and maintained by the mobile home park. The access road shall be a hard surface of either concrete, bituminous or treated gravel material and shall have a surface width of 22'. Dead end access roads shall have a turnaround with an outside diameter of 60'. Each mobile home shall be provided with at least 2 hard surfaced parking spaces at least 9' x 18'.

(9) **CENTRAL SERVICE BUILDING.** All mobile home parks shall be provided with a multiple use service building which can function as a tornado shelter for the residents of the park. Such a service building shall be of masonry construction or shall have a basement so as to provide adequate emergency shelter.

(10) **MOBILE HOME INSTALLATION AND UTILITIES.** All mobile homes shall be anchored and tied down. Skirting or foundations shall be provided for all mobile homes. All hitches shall be removed from mobile homes after placement in a mobile home park. All utilities shall be underground.

17.26 **B-1 RETAIL BUSINESS DISTRICT.** The purpose of the B-1 Retail Business District is to provide for and encourage the grouping of compatible businesses that will contribute to the further development of the central business district in the downtown area.

(1) **PERMITTED USES.** (a) Retail sales and service completely enclosed in a building and not requiring outside storage, including but not limited to the following:

1. Art, school and office supply stores.
2. Antique shops.
3. Appliance and household equipment stores and repair services.
4. Barber shops and beauty parlors.
5. Banks and other financial institutions.
6. Clothing stores.
7. Department, discount and variety stores.
8. Drug stores.
9. Eating and drinking establishments.
10. Entertainment establishments.
11. Food stores.
12. Funeral parlors.
13. Furniture and related household supply stores and repair services.
14. Government offices.
15. Hearing supply businesses.

16. Hotels and motels.
17. Insurance agencies.
18. Jewelry stores.
19. Hardware stores.
20. Medical offices, clinics and hospitals.
21. Newspaper and publishing offices and printers.
22. Photographic studios.
23. Professional offices.
24. Senior citizen centers.
25. Tourist information and hospitality centers.

(b) Dwelling units above ground floor level.

(2) CONDITIONAL USES. (a) Retail sales and service businesses which require drive up facilities or outdoor storage, including but not limited to the following:

1. Agricultural supplies.
2. Automotive sales, service and repair.
3. Building supply and lumber yards.
4. Farm equipment sales, service and repair.
5. Drive up facilities associated with permitted uses.

(b) Charitable or nonprofit institutions and facilities.

(c) Day care, nursing and group home facilities.

(d) Wholesale sales and business supply.

(e) Government uses other than business.

(f) Utilities.

(3) MINIMUM LOT AREA AND WIDTH.

(a) There shall be no required minimum lot area or width requirements within the area overlaid by the community design overlay district.

(b) Areas outside the community design overlay district require 6,000 sq. ft. lots and 60' lot widths.

(c) The principal building on any lot shall have a minimum floor area of at least 1,000 sq. ft.

(4) MAXIMUM BUILDING HEIGHT: 45'.

(5) MINIMUM YARDS. There shall be no minimum yard requirements.

17.27 B-2 HIGHWAY COMMERCIAL DISTRICT. The purpose of the B-2 Highway Commercial District is to provide an area suitable for commercial establishments which require highway access or provide services to highway users in transit through the City.

(1) PERMITTED USES. Highway oriented retail sales and service businesses, including but not limited to the following:

(a) Eating and drinking establishments.

(b) Gasoline stations.

(c) Automotive sales and service.

(d) Motels and hotels.

(e) Convenience grocery stores less than 4,000 sq. ft.

(f) Tourist information centers.

(g) Drive up banking facilities.

(h) Recreation businesses.

(i) Tourist oriented retail sales.

(2) **CONDITIONAL USES.**

(a) All conditional and permitted uses of the B-1 Retail Business District; all uses permitted in the B-3 Land Extensive Commercial District which are not specifically permitted in the B-2 Highway Commercial District; government uses; self-service storage facilities; and utilities.

(b) Residential use of the first, (ground), floor of a building.

(3) **MINIMUM LOT AREA AND WIDTH; MINIMUM FLOOR AREA:** 10,000 sq. ft. lot area; 100' minimum lot width; all principal buildings shall have a minimum floor area of at least 1,000 sq. ft.

(4) **MAXIMUM BUILDING HEIGHT:** 35'.

(5) **MINIMUM YARDS.** Front yard 25'; side yard 15'; rear yard 15'.

(6) **SCREENING AND BUFFERING.** B-2 highway commercial uses abutting onto an adjacent R-1 District may be required to install an opaque fence or to plant flora for purposes of screening and buffering, as determined by the Zoning Administrator or the Plan Commission. The adequacy of the screening shall be determined by the Zoning Administrator or Plan Commission.

17.28 **B-3 LAND EXTENSIVE COMMERCIAL DISTRICT.** The B-3 Land Extensive Commercial District is intended to provide for commercial uses which require large land areas for outside storage or display or would otherwise be incompatible with the character and requirements of the B-1 Retail Business District or the B-2 Highway Commercial District. the B-3 district is specifically intended to provide a planned center for agribusinesses, building supply and equipment sales and service.

(1) **PERMITTED USES.** Commercial uses requiring extensive outside storage and display areas including but not limited to:

(a) Farm equipment and supply centers.

(b) Automotive sales and service.

(c) Building supply and lumber yards.

(d) Boat sales and service.

(f) Construction contractors.

(g) Recreation and utility trailer dealers.

- (h) Equipment rental businesses.
 - (I) Special trade contractors.
 - (j) Gasoline stations.
 - (k) Eating and drinking establishments.
- (2) CONDITIONAL USES.
- (a) Motor freight transportation and warehousing.
 - (b) Agricultural product processing.
 - (c) Wholesale trade.
 - (d) Government uses.
 - (e) Self-service storage facilities.
 - (f) Utilities.

(3) MINIMUM LOT AREA AND WIDTH; MINIMUM FLOOR AREA: 20,000 sq. ft. lot area; 100 ft. minimum lot width; all principal buildings shall have a minimum floor area of at least 1,000 sq. ft.

(4) MAXIMUM BUILDING HEIGHT: 35'.

(5) MINIMUM YARDS. Front yard 25'; side yard 15'; rear yard 15'.

(6) SCREENING AND BUFFERING. B-3 land extensive commercial uses abutting onto an adjacent R-1 Residential District may be required to install an opaque fence or to plant for flora for purposes of screening and buffering, as determined by the Zoning Administrator or the Plan Commission. The adequacy of the screening shall be determined by the Zoning Administrator or the Plan Commission.

17.29 M-1 LIGHT INDUSTRIAL DISTRICT. The M-1 Light Industrial District is intended to provide for warehousing, assembly and manufacturing businesses. This District is intended specifically to encourage the planned development of an industrial park setting for small to medium sized industries.

(1) PERMITTED USES:

(a) Permitted uses are light industrial uses including, but not limited to, the following: warehousing; manufacture, fabrication, packing and assembly of products from finished furs or leather, glass, metal, paper, plastic, textiles, wood or other materials;

general building contractors; specialty trades; transportation and private utilities facilities, including telephone, computer, gas, electric and television utilities; all governmental uses, including but not limited to water, electric, gas and sewerage processing facilities and utilities.

(b) No uses shall be permitted which create nuisances, including without limitation, nuisances in the form of odors, dust, noise or which result in chemical or other pollution of air, water or soils; and provided further, no use shall be considered to be permitted if it requires open storage or outside use of manufacturing equipment, materials or other products.

(2) **CONDITIONAL USES:** Conditional uses that may be permitted in the light industrial district as authorized by the Plan Commission under Sections 17.40 and 17.43 include, but are not limited to, the following: self-service storage facilities; wholesale or retail sales and service facilities; motor freight yards, freight terminals and transshipment depots and any other use that the Plan Commission deems appropriate for business and industrial use, provided such uses are compatible with the light industrial district characteristics of the industrial park and are consistent with the purpose of the M-1 District as stated in the Master Plan. Any otherwise permitted use in the M-1 Light Industrial District which requires open storage or outside use of manufacturing equipment, materials or other products are deemed to be conditional uses and require a conditional use permit.

(3) **MINIMUM LOT AREA AND LOT WIDTH; MINIMUM FLOOR AREA:** 20,000 sq. ft. lot area; 100 ft. lot width; all principal buildings shall have a minimum floor area of at least 1,000 sq. ft.

(4) **MAXIMUM BUILDING HEIGHT:** 40 ft.

(5) **MINIMUM YARDS:** Front yards, 25 ft.; side yards, 15 ft.; rear yards, 15 ft.

(6) **SCREENING AND BUFFERING.** M-1 light industrial uses may be required to install an opaque fence or to plant flora for purposes of screening and buffering, as determined by the Zoning Administrator, the Plan Commission, or the Covenant Committee. The Zoning Administrator, the Plan Commission, or the Covenant Committee are authorized to make determinations, in their discretion, of the adequacy of all screening and buffering. Screening, buffering and landscaping must be approved by the Zoning Administrator, or in appropriate cases by the Covenant Committee. Removal of any existing trees must be approved by the Zoning Administrator, or in appropriate cases by the Covenant Committee.

(7) (a) Noise. At no point on the industrial park boundary nor beyond the property lines of individual lots within the industrial park shall the sound level of any individual operation exceed the limits shown in the following table:

<u>Frequency</u> <u>Cycles per 0 Second</u>	<u>Maximum Sound</u> <u>7:00 A.M. - 10:00 P.M.</u>	<u>Level-Decibels</u> <u>10:00 P.M. - 7:00 A.M.</u>
0-75	70	67
75-150	67	62
150-300	59	54
300-600	52	47
600-1200	46	41
1200-2400	40	41
2400-4800	34	29
Over 4800	32	27

Frequencies and sound levels shall be measured with an Octava Ban Analyzer and Sound Level Meter or other approved instruments which comply with the USA Standards prescribed by the United States of America Standards Institute. All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, frequency, impulse character, periodic character or shrillness.

(b) Air Contaminants.

(1) No smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, odors, toxic or radioactive substance, waste or particulate, solid, or gaseous matter shall be introduced into the outdoor atmosphere alone or 0in any combination, in such quantities and of such duration that they interfere with the safe and comfortable enjoyment of life or property or any use permitted in this zoning district.

(2) The limits on emission for particular contaminants shall be determined and enforced as provided by Wisconsin Department of Natural Resources Administrative Code NR 154.02.

(c) Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this Section and other applicable laws and ordinances. No wastes, except clear and unpolluted water, shall be discharged into a storm sewer or roadside ditch or drainage area. All liquid waste disposal shall be in conformance with Wisconsin Administrative Code Chapter ILHR 8-185 and ILHR Chapter 10 NR Chapter 125.

(d) Electrical Emission. There shall be no electrical emission beyond the property line which adversely affects any other use or adjacent property owners.

(e) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line so as to constitute a nuisance, hazard

or be recognized by a reasonable person as offensive.

(f) Vibration. There shall be no operation or activity which causes ground transmitted vibrations in excess of the limits set forth below beyond the boundary line of this district, under any conditions, nor beyond the property line if it adversely affects any other use within the District.

<u>Frequency Cycles per Second</u>	<u>Maximum Permitted Displacement Along Boundaries (In Inches)</u>
0-10	.0008
10 to 20	.0005
20 to 40	.0002
40 and over	.0001

17.30 M-2 HEAVY INDUSTRIAL DISTRICT. The M-2 Heavy Industrial District is intended to provide for industries which require large sites, which may require extensive buffering, and which are of a character involving open storage or manufacture of equipment, materials and other products.

(1) Permitted Uses: All uses permitted in the M-1 district, and in addition, mineral, stone and aggregate processing, storage and sales, including cement, asphalt and other construction materials; heavy construction contractors; motor freight yards; freight terminals and transshipment depots; warehousing and other inside storage uses.

(2) Conditional Uses: Retail and wholesale sales and service uses part of, and ancillary to, principal permitted uses; tanneries, rendering and agricultural products processing, storage and sales.

(3) Minimum Lot Area and Lot Width: 2 acres minimum lot area; 200 feet minimum lot width.

(4) Minimum Yards. Same as M-1 light industrial district.

(5) Maximum Building Height: 45 feet.

(6) Screening, Buffering and Landscaping: The same as required for M-1 light industrial district as provided in Section 17.29(6).

(7) Performance Standards. All uses in the Boscobel Industrial Park shall comply

with the following performance standards.

- (a) Noise. At no point on the industrial park boundary nor beyond the property lines of the individual lots within the industrial park shall the sound level of any individual operation exceed the limits shown in the following table:

<u>Frequency</u> <u>Cycles per Second</u>	<u>Maximum Sound</u>	
	<u>7:00 A.M. - 10:00 P.M.</u>	<u>10:00 P.M. - 7:00 A.M.</u>
0-75	70	67
75-100	67	62
150-300	59	54
300-600	53	47
600-1200	46	41
1200-2400	40	35
2400-4800	34	29
Over 4800	32	27

Frequencies and sound levels shall be measured with an Octava Ban Analyzer and Sound Level Meter or other approved instruments which comply with the USA Standards prescribed by the United States of America Standards Institute. All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, frequency, impulse character, periodic character or shrillness.

- (b) Air Contaminants.

(1) No smoke, soot, flyash, dust, cinders, dirt, noxious or obnoxious acids, fumes, vapors, odors, toxic or liquid radioactive substance, waste or particulate, solid or gaseous matter which shall be introduced into the outdoor atmosphere alone or in any combination, in such quantities and of such duration that they interfere with the safe and comfortable enjoyment of life or property or any use permitted in this zoning district.

(2) The limits on emission for particular contaminants shall be determined and enforced as provided by Wisconsin Department of Natural Resources Administrative Code NR 154.02.

- (c) Liquid and Solid Waste. Any disposal of wastes on the property shall be done in such a manner that it will conform to the regulations of this Section and other applicable laws and ordinances. No wastes, except clear and unpolluted water, shall be discharged into a storm sewer or roadside ditch or drainage area. All liquid waste disposed shall be in conformance with Wisconsin Administrative Code Chapter ILHR 8-

185 and ILHR Chapter 10 NR and Chapter 125.

(d) Electrical Emission. There shall be no electrical emission beyond the property line which adversely affects any other use or adjacent property owners.

(e) Glare and Heat. There shall be no reflection or radiation, directly or indirectly, or glare or heat beyond the property line so as to constitute a nuisance, hazard or be recognized by a reasonable person as offensive.

(f) Vibration. There shall be no operation or activity which causes ground transmitted vibrations in excess of the limits set forth below beyond the boundary line of this district, under any conditions, nor beyond the property line if it adversely affects any other use within the district.

<u>Frequency Cycles per Second</u>	<u>Maximum Permitted Displacement Along Boundaries (In Inches)</u>
0-10	.0008
10 to 20	.0005
20 to 40	.0002
40 and Over	.0001

17.31 AT AGRICULTURAL TRANSITION DISTRICT. The AT Agricultural Transition District is intended to provide for agricultural land which is within the City, which is expected to continue in agricultural production for a period of at least five years. The district is designed to meet the criteria of the Wisconsin Farmland Credits.

(1) PERMITTED USES.

(a) Beekeeping, dairying, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, grazing, greenhouses, viticulture, paddocks, equestrian trails, nature trails, stables, forest and game management, livestock and poultry raising (except for commercial operations), roadside stands not exceeding one per farm and similar agricultural uses.

(b) No more than 2 single family dwelling units for resident owner/operators and their children and parents or laborers principally engaged in conducting a permitted or approved conditional use. Detached single family units shall have a minimum floor area of at least 1,000 sq. ft.

(2) CONDITIONAL USES.

(a) Fish and fur farms, commercial livestock and poultry operations, livestock sales facilities, veterinary services for farm animals, sale and service of machinery uses in agricultural production, utility uses except transmission corridors, alcohol fuel stills and similar agriculturally related business uses.

(b) The storage and sale of seed, feed, fertilizer and other products essential to farm production.

(c) Housing for seasonal farm laborers.

(d) Utilities.

(e) Government uses.

(f) Placement of a mobile home for use as a farm related building.

(3) LOT AREA REQUIREMENTS.

(a) Farm Units Minimum 35 acres

(b) Additional Farm Related Housing Minimum 20,000 sq. ft.
Minimum 80,000 sq. ft.

(c) Agriculturally Related Minimum 1 acre

(4) MINIMUM YARDS.

(a) Additional farm related housing shall comply with the provisions of the R-1 Residential District.

(b) Farm Buildings:

1. Side Yard Minimum 50'

2. Rear Yard Minimum 50'

(5) MAXIMUM BUILDING HEIGHTS. Two times their distance from adjacent lot lines.

(6) PREEXISTING RESIDENCES. In the agricultural preservation districts that do not conform to district standards may be continued in residential use and shall not be subject to any limitations imposed by ss. 17.70-17.74, Nonconforming Uses.

(7) LOTS. Any lot or parcel of less than 35 acres that is recorded under separate

ownership in the Office of the Register of Deeds at the time of adoption of this chapter may be used as a single residential building site provided that it can comply with the standards of the R-1 Residential District.

(8) **STRUCTURES.** Farm related structures remaining after farm consolidation may be divided from the farm provided that it can comply with the provisions of the R-1 Residential District.

17.32 PUB PLANNED UNIT DEVELOPMENT DISTRICT. The Planned Unit Development District is established to promote improved environmental design and innovative uses of land in the City. To this intent, this district allows variation in the relationship of uses, structure and open spaces in developments conceived and implemented as cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of this chapter and the City Master Plan.

(1) **PERMITTED USES.** Any otherwise lawful residential, governmental, commercial, manufacturing or industrial use may be permitted subject to the criteria listed below, but all conditions or requirements which are made a part of an approved development plan shall be construed to be and enforced as part of this chapter.

(2) **LOT, BUILDING YARD AND PARKING REQUIREMENTS.** In the Planned Unit Development District there shall be no specific lot area, lot width, yard, height, parking and open space requirements, but such requirements as are made a part of the approved development plan shall be construed to be and enforced as a part of this Chapter.

(3) **CRITERIA FOR APPROVAL.** As a basis for determining the acceptability of application for rezoning to the planned unit development district, the following criteria shall be applied to the proposed development plan:

(a) The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation and topography.

(b) The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with the surrounding neighborhood.

(c) The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, other paving and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to insure public safety as determined by the City.

(d) The proposed development shall not place avoidable street on the City's water supply, sanitary sewer and storm water drainage systems.

(e) The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.

(4) **PROCEDURE.** (a) Step 1: Procedure for Rezoning. 1. The procedure for rezoning to the Planned Unit Development District shall be the same as for any other zoning district change (ss 17.85-17.90), except that in addition, a general development plan (GDP) shall be submitted to the Plan Commission. The general development plan of the proposed project shall be presented at a scale of 1"=100' and shall show at least the following information.

a. The pattern of public and private roads, driveways and parking facilities.

b. A description of land uses and building types, size and arrangements.

c. A utility feasibility analysis.

d. The location of recreational and open space areas reserved or dedicated to the public.

e. General landscape treatment.

f. The plan for phasing the development.

g. Any other data required by the City Plan Commission or Board.

2. Upon final approval and adoption of the zoning change to the Planned Unit Development District, all plans submitted as well as other commitments, restrictions and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans.

(b) Step 2: Specific Implementation Plan Approval. 1. Detailed plans and construction drawings are not required to be completed at the time the zoning is approved; however, the review process may be made faster by doing so. Before any building permit is issued, the Plan Commission shall review and approve a specific implementation plan (SIP). The specific implementation plan submitted by the applicant

shall include the following:

- a. A final plat of the entire development area showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways and parking facilities.
- b. The location and treatment of open space areas.
- c. The arrangement of building groups and all final landscape plans.
- d. Architectural drawings and sketches illustrating the design of proposed structures.
- e. A utility plan locating all utility installations.
- f. A stormwater drainage and erosion control plan.
- g. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned unit development.

2. At a regular meeting, the Plan Commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the specific implementation plans, they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions or contractual agreements with the City shall be recorded with the Register of Deeds before final issuance of building permits.

(c) Modifications. Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the Plan Commission for approval. Minor changes can be granted administratively by the Plan Commission. Major changes shall require a public hearing preceded by a Class 1 notice.

17.33 C CONSERVATION DISTRICT. The Conservation District is established to preserve and perpetuate in an open state certain areas such as lakes, wetlands, streams, floodplains, woodlands, and areas of aesthetic value.

(l) PERMITTED USES. Public or private parks, recreation areas and wildlife refuges providing biking, fishing and hunting opportunities; harvesting of wild crops; timber

harvesting; pasturing of livestock and construction of fences; cultivation of agricultural crops; duck blinds; construction of landings, piers, docks and walkways; repair of roads and bridges. No dredging, filling or excavating related to permitted uses may be allowed without a conditional use permit.

(2) **CONDITIONAL USES.** Public and semipublic uses; marinas; and land altering activities such as dredging, filling or excavating; private campground facilities excluding motor vehicle parks and similar uses.

(3) **MINIMUM LOT AREA:** 2 acres.

(4) **MINIMUM LOT FRONTAGE:** 200'.

(5) **MINIMUM YARD REQUIREMENTS:** Front 60'; side 60'; rear 100'.

(6) **MAXIMUM BUILDING HEIGHT:** 35'.

17.34 CD DOWNTOWN HISTORIC DISTRICT. The Downtown Historic District is provided to regulate the design and appearance of the downtown shopping district of Wisconsin Avenue. The District shall include and extend from the 700 Block of Wisconsin Avenue through the 1100 Block of Wisconsin Avenue, and the design rules herein shall apply to those portions of the buildings visible from Wisconsin Avenue, excluding those portions of the building facing the alleys which run parallel to Wisconsin Avenue. The purpose of the District is to preserve and enhance the historical qualities of existing buildings and to attain a consistent and visually pleasing image for the downtown shopping district. The provisions of this section are additional to the requirements imposed for the Retail Business District (sec. 17.26), and other applicable provisions of this code.

(1) **REVIEW OF BUILDING PLANS.** Within the Downtown Historic District, all plans for new construction, remodeling or demolition shall be reviewed and approved by the Design Committee prior to beginning of any development activities.

(2) **DESIGNATION OF THE DESIGN COMMITTEE.** The Design Committee consists of the City Plan Commission plus three additional citizen members. Two of the additional members shall be persons representative of those persons owning or operating businesses in the Downtown Historic District. The Design Committee shall serve the function of a landmark commission as provided by Section 62.23(7)(em) of the Wisconsin Statutes. Appointments of the additional members of the Design Committee shall be made by the Mayor, subject to confirmation by a majority of the Common Council. The additional members shall hold office for a term of two years. The three additional members of the Design Committee may conduct meetings and perform preliminary reviews of plans subject to this section and they may

make recommendations to the full Design Committee concerning such plans.

(3) **PROFESSIONAL SERVICES.** The Design Committee may consult professional services when it is deemed necessary. The Committee may also require that plans submitted for review be certified by an architect or appropriate professional.

(4) **PLAN REVIEW PROCEDURES.**

(a) Any application for a zoning permit pursuant to s. 17.14, within the boundaries of the Downtown Historic District shall be transmitted to the Design Committee for review and approval. In addition to the information required by s. 17.14, a detailed description of the construction, alteration, demolition or use proposed together with any architectural drawings or sketches, if those services have been utilized by the applicant, and, if not, a sufficient description of the construction, alteration, demolition and use to enable anyone to determine what the final appearance will be shall be required. On large scale projects, it is suggested that conceptual plans be submitted for preliminary review prior to submitting detailed plans.

(b) Upon receiving an application for a zoning permit requiring approval by the Design Committee, the Zoning Administrator shall contact the Committee Chair and schedule a meeting within 30 days. Publication of a public hearing notice shall not be required.

(c) The Design Committee shall conduct the hearing and act on the application within 30 days following the hearing. The Committee may take any of the following actions: approve issuance of the zoning permit; deny issuance of the zoning permit; condition issuance on making changes to the submitted plan. All actions taken by the Design Committee shall be recorded and shall state the reasons for the action taken.

(d) A copy of any final approved plan shall be attached to the zoning permit. It shall be the responsibility of the Zoning Administrator to assure that actual development conforms to plans approved by the Design Committee.

(5) **PLAN REVIEW GUIDELINES.** The Design Committee shall use the following guidelines for reviewing proposed development activities. In addition, the Design Committee should refer to the Design District Review Principles in the City Master Plan.

(a) The mass, volume and setback of proposed structures should appear to be compatible with existing buildings in the immediate area.

(b) The facade of new or remodeled structures should maintain a compatible

relationship with those of existing structures in terms of: window sill or header lines; proportion of window and door openings; horizontal or vertical emphasis of major building elements; extent of architectural detail.

- (c) The building materials and colors used should compliment and be compatible with other buildings in the immediate area.
- (d) Exterior remodeling should be designed to take into account the entire building facade. The ground floor exterior should be designed to harmonize with the upper stories.
- (e) Existing buildings and structures should be recognized as products of their own time. Alterations which have no historical basis should be discouraged.
- (f) The sizing and placement of signs should fit the building.
- (g) All off street parking and service areas should be landscaped and screened as viewed from public rights-of-way.
- (h) Any landscape treatment should utilize a combination of deciduous and evergreen trees and shrubs hardy to this region and requiring minimum maintenance. All plant materials should be of sufficient size to be visually effective at the time of installation.
- (I) Demolition should occur only where it is found that the structure is structurally unsound or physically incapable of supporting a viable use.

17.40 PERMITS The City Plan Commission may authorize the Zoning Administrator to issue a zoning permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

17.41 APPLICATION. Application for zoning permits for conditional uses shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:

- (1) Name and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

(2) 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; and the zoning district within which the subject site is located.

(3) Site plan showing all the information required under 17.14.

(4) Additional information as may be required by the Plan Commission or Zoning Administrator. By administrative rule adopted by Plan Commission 2-8-9\83 additional information shall include but not be limited to the following items:

(a) Applicant must provide a list of all property owners within 200 ft. of subject property and a map of site and all property in 200 ft.

(b) City must notify all property owners within 200 ft. by regular first class mail.

(c) A map of the area must be published as part of the Class I notice.

17.42 HEARINGS. The Plan Commission shall hold a public hearing for each application for a conditional use permit. Notice of the hearing shall be given to the public as required by Wis. Stat. '19.84. In addition, notice shall be given by regular first class mail to all property owners within 200 feet of the lot lines of the premises for which the conditional use is proposed. A conditional use permit shall not be granted without the consent of all property owners whose property abuts the premises for which the conditional use permit is sought.

17.43 REVIEW AND APPROVAL. (1) STANDARDS. The Plan Commission shall use the following standards when reviewing applications for conditional use.

(a) That the establishment, maintenance or operation of the conditional use will not create a nuisance for neighboring uses or reduce the values of other property.

(b) That adequate utilities, access roads, parking, drainage, landscaping and other necessary site improvements are being provided.

(c) That the conditional use conforms to all applicable regulations of the district in which it is located.

(d) That the conditional use conforms to the purpose and intent of the city and extraterritorial land use plans.

(2) CONDITIONS. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing,

planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.

(3) **COMPLIANCE.** Compliance with all other provisions of this chapter, such as lot width, area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in ss. 17.75-17.83.

(4) **APPROVAL.** Following the public hearing and review of the conditional use application, the Plan Commission shall approve, disapprove or further conditionally approve the application. A simple majority approval by the Plan Commission constitutes final approval of the conditional use. No further action by the City Council is required.

(5) **RECORD KEEPING.** Records of all Plan Commission actions approving conditional use shall be maintained by the Zoning Administrator and shall be referred to in regard to enforcement and modification of conditional use approvals.

17.44 PERMIT REQUIRED FOR EARTH SATELLITE STATIONS LOCATED WITHIN THE CITY.

(1) **DEFINITION.** A unit is an earth satellite station, receiver or antenna, or a satellite TV dish, designed to receive telecommunication signals, including radio and television signals, transmitted via satellite. A unit includes all accessories to such dishes and any supporting structures.

(2) **PERMIT REQUIRED.** No unit shall be placed in any zoning district in the City unless both a zoning permit and a building permit for it has been issued.

(3) **APPLICATION.** An application for an earth satellite station zoning permit shall be submitted to the Zoning Administrator and shall contain the information required under Section 17.14 and 17.41 of the Zoning Ordinance, and such additional information as is required by the Zoning Administrator to insure compliance with this section. It shall be the obligation of the applicant to provide all necessary information.

(4) **MANDATORY STANDARDS.** All earth satellite stations, including accessories and supporting structures shall comply with all standards and provisions of the Zoning Ordinance and in addition shall meet the following standards.

(a) An attachment of a unit to any detached single family dwelling, two family dwelling or accessory building is prohibited in districts zoned R-1A, R-1, and R-2.

Attachment of a unit to any mobile home as defined in Section 12.09(l)(b), (d), and (e) of this Code is prohibited in any zoning district.

(b) No unit located in an R-1A, R-1, R-2, or MH district shall exceed 90 square feet in area or 15 feet in height, including any tower, base or other supporting structure. No unit located in any other zoning district shall exceed 80 square feet in area, or 15 feet in height, except as permitted by a conditional use permit issued by the Plan Commission.

(c) Units shall not be located in any front or side yard.

(d) No units shall be erected or placed so that the dish in any position, or any accessory or supporting structure, can come within three feet of any lot line.

(e) All units shall be of noncombustible, noncorrosive material.

(f) All units shall be constructed and anchored so as to withstand a minimum total wind load of 40 pounds per square foot. The application for a permit shall contain sufficient data to enable the Zoning Administrator to ascertain that the design specifications for the unit meet this criteria.

(g) All electrical lines and cables used in connection with any unit shall be buried.

(h) Only one unit is permitted per lot or parcel in districts zoned R-1A, R-1, R-2 and MH.

(i) No unit shall interfere at anytime with reception of signals received by any other unit, with any cable television cable reception, or with any other radio, television, or telephone reception or other properties. In cases where such interference occurs after a unit is placed in use, the unit shall be disconnected immediately, and the interference eliminated before the unit is placed back in operation.

(j) No unit shall be erected, constructed, or placed in such a manner that it constitutes a nuisance, interferes with fire safety, or has an adverse visual or aesthetic impact on the neighborhood in which it is located. The Zoning Administrator may require screening or mandate the location of any unit in order to achieve compliance with this section.

(5) **REVIEW OF APPLICATION; ISSUANCE OF PERMIT; REVOCATION.** The Zoning Administrator shall review all applications for earth satellite station permits. The Zoning Administrator may issue a permit if all required information has been included in the application and he is satisfied that the proposed unit meets all applicable standards. The Zoning Administrator shall decline to issue a permit whenever required information is not provided in

the application, or whenever the application shows on its face that the unit will not comply with all applicable standards. In addition to pursuing any other remedy for enforcement, at any time the Zoning Administrator determines that a unit is not in compliance with the applicable standards, he may revoke the permit and:

- (a) Order the unit to be disconnected until it is brought into compliance; or
- (b) Order the unit to be disconnected and properly relocated within a reasonable time;
or
- (c) Order the unit to be disconnected and removed within a reasonable time.

If a unit ordered to be disconnected, or disconnected and relocated, is brought into compliance within the time provided by the Zoning Administrator, he shall reinstate the permit. If a unit has been ordered to be removed, no new permit may be issued until the order has been complied with and a proper application for a different unit has been submitted hereunder.

17.45 TRAFFIC VISIBILITY. (1) No obstructions, such as structures, parking or vegetation shall be permitted in any district between the height of 2-1/2' and 10' above the plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines located a minimum of 25' from their intersection.

(2) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50'.

17.46 LOADING REQUIREMENTS. In all 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.

17.47 PARKING REQUIREMENTS. In all districts and in connection with every use, 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:

(1) ACCESS. Adequate access to a public street shall be provided for each parking space, and driveways within 20' of public streets right-of-way shall be at least 10' wide for parking areas for less than 10 vehicles and 20' for parking lots for 10 or more vehicles.

(2) SIZE. Size of each parking space shall be not less than 162 sq. ft. exclusive of the space required for ingress and egress.

(3) LOCATION. Location to be on the same lot as the principal use or not over 400' from the principal use.

(4) LIGHTING. Any lighting used to illuminate an off street parking area shall be shaded or diffused in order to direct the light away from adjoining properties and adjoining streets.

(5) SCREENING OR PARKING AREAS. When a required off street parking area for 6 cars or more is located within 15' of a street right-of-way line, there shall be a landscape barrier of wood or masonry fence of not less than 3-1/2' nor more than 6' in height along such lot lines. Parking areas in the M-1 and M-2 districts shall be exempt from this screening requirement.

(6) SURFACING. All off street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking areas for more than 6 vehicles shall have the aisles and spaces clearly marked.

(7) CURBS. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

(8) NUMBER OF PARKING STALLS REQUIRED.

- | | | |
|-----|---|--|
| (a) | Single Family Dwellings | 2 stalls for each dwelling unit |
| (b) | Multifamily Dwellings
(Housing for Elderly Exempted) | 1.5 stalls for each dwelling unit; garage spaces and driveways leading to garages may both count as parking stalls |
| (c) | Hotels, Motels | 1 stall for each guest room plus 1 stall for each 3 employees |
| (d) | Hospitals, Clubs, Lodges, Sororities, Dormitories, Lodging and Boardinghouses | 1 stall for each 2 beds plus 1 stall for each 3 employees |
| (e) | Rest and Nursing Homes | 1 stall for each 5 beds plus 1 stall for each 3 employees |
| (f) | Medical and Dental Clinics | 3 stalls for each doctor |

- (g) Churches, Theaters, Auditoriums, Community Centers, Vocational and Night Schools, and other Places of Public Assembly 1 stall for each 10 seats
- (h) Colleges, Secondary and Elementary Schools 1 stall for each 2 employees
- (I) Restaurants, Bars, Places of Entertainment, Repair Shops, Retail and Service Stores 1 stall for each 300 sq. ft. of floor area
- (j) Manufacturing and Processing Plants, Laboratories and Warehouses 1 stall for each 3 employees
- (k) Financial Institutions, Business, Governmental and Professional Offices 1 stall for each 300 sq. ft. of floor area
- (l) Funeral Homes 1 stall for each 4 seats
- (m) Bowling Alleys 5 stalls for each alley

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

(o) In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.

(p) The Design Committee may reduce the required parking for developments within the Community Design District pursuant to s. 17.34.

(9) TRUCK AND TRAILER PARKING RESTRICTED.

(a) No truck, trailer, or other motor vehicle, or combination thereof, greater than 30 feet in length shall be parked for a period of more than 2 hours in any R-1, R-2, MH or B-1 district unless the vehicle is parked in a building.

(b) Any City police officer may issue a written temporary 48-hour parking permit allowing the parking of a vehicle which is otherwise prohibited by subsection (a) in cases where the vehicle is disabled, or where emergency conditions exist which threaten life, health or property and the parking of the vehicle in a prohibited area will

lessen the threat posed by the existing emergency, or, in the case of a recreational vehicle only, where the owner or user of the vehicle is not a resident of the City.

17.50 HEIGHT. The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modifications shall be in accord with the following:

(1) **ARCHITECTURAL PROJECTIONS.** Spires, belfries, parapet walls, cupolas, domes, flues, chimneys and other architectural projections are exempt from the height limitations of this chapter.

(2) **SPECIAL STRUCTURES.** Elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, windmills, substations, smoke stacks, solar collectors and other special structures are exempt from the height limitations of this chapter.

(3) **ESSENTIAL SERVICES.** Utilities, water towers, electric power, communication transmission lines and other essential services are exempt from the height limitations of this chapter.

(4) **COMMUNICATION STRUCTURES.** Radio and television transmissions and relay towers, aerials, observation towers and other communication structures shall not exceed in height 3 times their distance from the nearest lot line.

(5) **AGRICULTURAL STRUCTURES.** Barns, silos, windmills and other agricultural structures shall not exceed in height twice their distance from the nearest lot line.

(6) **PUBLIC OR SEMIPUBLIC FACILITIES.** Schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, stations and other public or semipublic facilities may be erected to a height of 60' provided all required yards are increased not less than 1' for each foot the structure exceeds the district's maximum height requirement.

17.51 YARDS. The yard requirements stipulated elsewhere in this chapter may be modified as follows:

(1) **UNCOVERED STAIRS.** Landings, fire escapes and uncovered stairs may project into any yard but not to exceed 6' and not closer than 3' to any lot line.

(2) **ARCHITECTURAL PROJECTIONS.** Chimneys, flues, sills, eaves, belt courses, ornaments, solar collectors and other architectural projections may project into any required yard.

(3) RESIDENTIAL FENCES.

(a) Fences are permitted on the property lines in residential districts but shall not exceed a height of 6 feet 6 inches, (1.98 meters), in the side and rear yards; shall not exceed a height of 4 feet, (1.22 meters), in the front yard; and shall not be closer than 2 feet, (0.61 meters), to any public right-of-way in the front or side yards of the lot.

(b) All fences, landscaped walls or decorative posts shall be erected so as to locate the visible supports and other structural components toward the subject property, except for structures that are finished equally toward adjoining properties.

(c) Residential fences shall be constructed only of materials manufactured for use as residential fencing and never opaque metal of any kind. Upon application, the Plan Commission may approve other materials.

(d) Residential fences may not be located in any vision triangle.

(e) A corner lot is deemed to have two front yards.

(4) SECURITY FENCES. Security fences are permitted on the property lines in all districts except residential districts but shall not exceed 10' in height and shall be of an open type similar to woven wire or wrought iron fencing except for buffering or screen.

(5) ACCESSORY USES. Accessory uses and detached accessory structures are permitted in the rear yard only.

(6) ESSENTIAL SERVICES. Utilities, electric power, communication transmission and other essential services are exempt from the yard and distance requirements of this chapter.

(7) LANDSCAPING. Vegetation and landscaping are exempt from the yard requirements of this chapter.

17.52 ADDITIONS. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

17.53 AVERAGE STREET YARDS.

(1) The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side.

(2) Where the established building setback as determined by the average building set

back on the block face in any residential or business district is greater than the minimum required, no structure shall be permitted to extend in front of the established building setback line.

(3) On a reversed corner lot, each yard abutting a street shall be governed by the front yard requirements.

17.54 SPECIAL YARD PROVISIONS IN AREAS WITHOUT PUBLIC SEWER. In area where public sewerage service is not available, the required minimum lot area and lot width in any district shall be modified to meet the requirements of the Wisconsin Administrative Code regulating sanitary waste disposal.

17.55 UTILITY SHEDS UNDER 120 SQ. FT. Utility sheds under 120 sq. ft. may be allowed within a 2' setback from lot lines unless adjacent to an alley or public street right-of-way.

17.56 GARAGES ON ALLEYS. Garages facing alleys require a 20' setback from the rear lot line. Garages facing the front or side yards away from alleys require a 3' setback from rear lot lines.

17.60 PERMIT REQUIRED FOR SIGNS.

(1) No sign shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except those signs excepted in Section 17.61.

(2) In the B-1, B-2, B-3, M-1 and M-2 Districts, 30-day permits for banners or signs made of plastic, canvass, paper, or other nonrigid materials may be issued by the Zoning Administrator without any fee to permit the erection or display of such signs by businesses on the premises only. Any permit for such a banner or sign that is intended to be erected or displayed for more than 30 days is subject to review by the Plan Commission if so recommended by the Zoning Administrator. If such a review is conducted, the Plan Commission may authorize a permit for such period and on such conditions as is determined by the Plan Commission. The City may erect signs, banners or flags without a permit.

(3) All signs, including banners, shall conform to the provisions of Chapter 17 and the regulations governing the zoning district in which they are located. The minimum front yard setback for signs in the B-2 and M-1 Districts shall be one foot from the street right-of-way, and 10 feet from the side yard and rear yard lotlines.

17.61 SIGNS EXCEPTED. All signs are prohibited in the R-1A, R-1, R-2, MH, AT and C zoning districts, except the following:

(1) SIGNS FOR NONCONFORMING BUSINESSES. A nonconforming business established shall announce without display or elaboration only the name and occupation or business of the proprietor and may not exceed 40 square feet in area.

(2) REAL ESTATE SIGNS. Signs which advertise the sale, rental or lease of the premises upon which they are temporarily located shall not exceed 8 sq. ft. in area.

(3) NAME, HOME OCCUPATION, PROFESSIONAL OFFICE AND WARNING SIGNS. Such signs shall not exceed six square feet and shall be located on the premises. Lighted signs are not permitted on lots where the principal use is residential.

(4) FARM SIGNS. A sign with the name of the farm, farm owner or commodities produced shall not exceed 10 sq. ft. in total area.

(5) BULLETIN BOARDS. When used for public, charitable or religious institutions, bulletin boards are permitted but shall not exceed 20 square feet in area and shall be located on the premises.

(6) MEMORIAL SIGNS. Tablets, memorial signs, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(7) OFFICIAL SIGNS. Traffic control, parking restrictions, information, and notices.

(8) GARAGE SALE SIGNS. Signs no larger than 2 sq. ft. may be erected for the duration of a garage sale as permitted under the conditions of this chapter.

17.62 SIGNS PERMITTED. Signs are permitted in all business and manufacturing districts subject to the following restrictions.

(1) WALL SIGNS. When placed against the exterior walls of buildings, wall signs shall extend no more than 6" outside of a building's wall surface, shall not exceed 400 sq. ft. in area for any one premises, and shall not exceed 20' in height above the mean centerline of street grade.

(2) PROJECTING SIGNS. When fastened to, suspended from, or supported by structures, projecting signs shall not exceed 100 square feet in area on any one premise; shall not extend more than six feet into any required yard; may extend not more than six feet into any public right of way, provided that the sign does not interfere with use of the right of way; shall not be less than 10 feet from all side lot lines; shall not exceed 20 feet in height above the mean centerline street grade; and shall be at least 10 feet above any sidewalk and 15 feet above any alley.

(3) GROUND SIGNS. Ground signs shall not exceed 30 feet in height above the mean centerline street grade, shall meet all yard requirements for the zoning district, and shall not exceed 100 square feet in area unless a conditional use permit has been obtained permitting such larger size.

(4) **ROOF SIGNS.** Roof signs shall not exceed 10' in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 300 sq. ft. on all sides for any one premises.

(5) **WINDOW SIGNS.** Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

(6) **COMBINATIONS.** Any of the above signs, when combined, shall meet all the requirements for the individual sign.

(7) **OFF PREMISES SIGNS.** Signs may be located on the premises other than the premises on which the business or activity which the sign identifies or advertises is located, only if the sign meets the following criteria.

(a) The sign is rectangular in shape and does not exceed 128 square feet in area.

(b) If a projecting sign, the sign shall not be placed on more than two poles or other supporting structures, and the bottom of the sign itself shall be at least 10 feet but no more than 15 feet above the mean centerline street grade.

(c) No supporting structure for any sign shall be closer than 10 feet to any highway right of way.

(d) The sign shall meet all other criteria and restrictions of the zoning code of the City.

(e) The construction materials, design, colors and location of the sign shall be approved by the Plan Commission.

(f) The sign may only be located in the B-1, B-2, or B-3 zoning districts.

(g) Prior to granting any final approval for an off premises sign, the Plan Commission shall provide written notice to all property owners within 200 feet of the proposed site of the off premises sign informing them of the time and place when final action and approval for such a sign is contemplated.

(8) **PORTABLE SIGNS.** Signs which are readily moveable and not attached to a structure or anchored in the ground may be placed on the premises, but not nearer than one foot from any lot lines. Such signs may be placed on City sidewalks on Wisconsin Avenue but their

location shall be confined to an area between the grates for trees, and shall not exceed five feet in height and three feet in width with a base not to exceed two and one-half feet.

17.63 TRAFFIC. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

17.64 EXISTING SIGNS. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of subchapter "Nonconforming Uses, Structures and Lots" shall apply.

17.65 SIGN REMOVAL At the termination of an advertised use, all signs advertising that use shall be removed from public view within 30 days. Responsibility for violations shall be with the property owner, according to the latest tax roll listing.

17.66 SIGNS GENERALLY.

(1) No flashing, moving or apparent moving shall be permitted except for time and temperature and changeable copy displays.

(2) Lighted signs shall be shielded to prevent glare onto adjoining properties or onto the public streets.

(3) No sign shall be placed on a tree.

(4) USE OF VEHICLES AS SIGNS PROHIBITED

(a) Definitions.

(I) Direct means to guide, tell, or show a person a way to a place to point, aim, or send toward a place; e.g., the sign directed him to the grocery store.

(ii) Incidental means happening or likely to happen in an unplanned or subordinate conjunction with something else; likely to happen or naturally appertaining (usually followed by to).

(iii) Primary means the first or highest in rank or importance; chief; principal; e.g., the primary purpose was to direct people to his business.

(iv) Principal means the first or highest in rank or importance, value, etc., chief; foremost.

(v) Purpose means the reason for which something exists, or is done, made, used, etc.

(b) Prohibition. No person shall park on any public property (including any public street or right-of-way) or park on any private property, any motor vehicle, trailer or other motor driven object which has attached to it or located on it, any sign (as defined in s. 17.08(38)), for the primary purpose of advertising any product or directing people to a business located on the property where it is parked or to a business or other property.

(c) Exception. This section shall not be construed to prohibit the parking of vehicles which identify the business of the owner or operator, or the employer of the operator, or a product sold or leased by the owner or operator, or the employer of the operator, in circumstances where the parking of the vehicle is incidental to the principal activity of the owner or operator of the vehicle.

17.70 EXISTING NONCONFORMING USES.

(1) The lawful use of a building or premises existing at the time of the effective date of this Chapter (September 24, 1982), or which was lawful at the time of any amendment hereto, may be continued although such use does not conform with the Provisions of this ordinance. Such nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building shall not during its lifetime exceed 50% of the assessed value of the building unless the use is permanently changed to a conforming use. If such nonconforming use is discontinued for a period of 12 months, any future use of the building or premise shall conform to this chapter.

(2) Changes of a nonconforming use may be permitted by the Plan Commission as a conditional use under the provisions of Section 17.40 to 17.43 if such changes will result in a use with similar or less incompatibility in terms of hours of operation, storage requirements, noise, traffic generation and other potential areas of conflict.

17.71 REPAIR OR REPLACEMENT. If a nonconforming structure is damaged by fire, flood, wind or by any other cause to the extent that the cost to repair would exceed 50% of its current assessed value, it shall not be restored unless the restored structure will be in compliance with this chapter.

17.72 EXISTING NONCONFORMING STRUCTURES. Structures being used in conformity with the regulations of the R-1A, R-1, and R-2 Districts, but which do not conform to the district's requirements with respect to minimum lot dimensions, building width, floor space, foundation requirements or minimum yards, may be extended, modified, or added to, but only as a conditional use permitted by the Plan Commission under the provisions of Section 17.40 to 17.43, except that strict compliance with s. 17.43(3) may be waived where any provision mentioned therein is the cause of the structure's nonconformity. To the extent practical, any extension or modification of, or addition to, such a nonconforming structure shall meet the

requirements of this chapter, and all such extensions, modifications and additions shall meet the requirements of applicable building codes.

17.73 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.

17.74 NONCONFORMING LOTS. A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter but which is at least 30' wide and 4,000 sq. ft. in area may be used as a single-family building site provided that the use is permitted in the zoning district, the lot is of record in the County Register of Deed's office prior to the effective date or amendment of this chapter and all required setbacks relating to public streets and alleys are met.

17.75 ESTABLISHMENT. There is hereby established a Board of Zoning Appeals for the City for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

17.76 MEMBERSHIP. The Board of Zoning Appeals shall consist of 5 members appointed by the Mayor and confirmed by the City Council.

- (1) TERMS. Staggered 3 year periods.
- (2) CHAIRMAN. Designated by the Mayor.
- (3) ALTERNATE MEMBER. Appointed by the Mayor for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- (4) SECRETARY. The City Clerk.
- (5) ZONING ADMINISTRATOR. Shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (6) OFFICIAL OATHS. Taken by the members in accordance with s. 19.01, Wis. Stats., within 10 days of receiving notice of this appointment.
- (7) VACANCIES. Filled for the unexpired term in the same manner as appointments for a full term.

17.77 ORGANIZATION. The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

- (1) MEETINGS. Held at the call of the Chairman and shall be open to the public.

(2) **MINUTES OF THE PROCEEDINGS.** a record of all actions shall be kept by the secretary showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

(3) **CONCURRING VOTE.** Four members of the Board shall be necessary to correct an error; grant a variance; make an interpretation and permit a utility, temporary, unclassified or substituted use.

17.78 **POWERS.** The Board of Zoning Appeals shall have the following powers:

(1) **ERRORS.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the course of enforcing this chapter.

(2) **VARIANCES.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement results in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.

(3) **SUBSTITUTIONS.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

17.79 **APPEALS AND APPLICATIONS.** Appeals may be made by any person aggrieved or by an officer, department, board or commission of the City. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

(1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.

(2) Site plan showing all of the information required under s. 17.14 for a zoning permit.

(3) Additional information required by the Plan Commission, City Engineer, Board of Zoning Appeals or Zoning Administrator.

17.80 **HEARINGS.** The Board of Appeals shall fix a reasonable time for the hearing of an appeal or other matter referred to it, and give public notice thereof pursuant to Wis. Stat. §19.84, as well as due notice to all parties in interest, as provided by the Board's Rules of Procedure, Section 5A.

17.81 FINDINGS. No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicate in the minutes of its proceedings.

(1) EXCEPTIONAL CIRCUMSTANCES. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

(2) PRESERVATION OF PROPERTY RIGHTS. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(3) ABSENCE OF DETRIMENT. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

17.82 DECISION. (1) The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant zoning Administrator and Plan Commission.

(2) Conditions may be placed upon any zoning permit ordered or authorized by this Board. Approvals granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

17.83 REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the Court within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

17.85 AUTHORITY. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council 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.

17.86 INITIATION. A change or amendment may be initiated by the City Council, or any member thereof, 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.

17.87 PETITIONS. Petitions for any change to the district boundaries or amendment to the regulations shall be filed with the City Clerk, 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:

(1) Plot plan drawn to a scale of 1" = 100' showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200' of the area proposed to be rezoned.

(2) Owner's names and addresses of all properties lying within 200' of the area proposed to be rezoned.

(3) Additional information required by the Plan Commission or City Council.

17.88 RECOMMENDATIONS. The Plan Commission shall review all proposed changes and amendments within the corporate limits, conduct a public hearing, subject to Class 2 notification, and shall recommend that the petition be granted as requested, modified or denied.

17.89 CITY COUNCIL'S ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the City Council shall vote on the passage of the proposed change or amendment.

17.90 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 either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100' therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100' 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 full City Council membership.

17.95 PENALTY. Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in s. 25.04 of this Municipal Code.