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#### 11.01 INTERPRETATION AND PURPOSES

- (1) Authority. These regulations are adopted under the authority granted by Section 62.23(7), Wisconsin Statutes.
- (2) Purpose. The purpose of this ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- (3) Intent. It is the general intent of this ordinance 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; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities, stabilize and protect property values; further the appropriate use of land and conservation of natural resources, preserve and promote the beauty of the community; and implement the community's general plan or plan components. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.
- (4) Abrogation and Great Restrictions. It is not intended by this ordinance 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, where ever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- (5) Interpretation. In their interpretation and application, the provisions of this ordinance 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.
- (6) Severability. If any section, clause, provisions, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- (7) Repeal. All other ordinances or parts of ordinances of the city inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.
- (8) Title. This ordinance shall be known as, referred to, or cited as the "Zoning Ordinance, City of Wisconsin Rapids".
- (9) Effective Date. This ordinance shall be effective after a public hearing, adoption by the governing body, and publication.

## 11.02 DEFINITIONS

For the purpose of this ordinance, 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 and not directory.

- (1) Accessory Use of Structure: A use or detached structure subordinate to the Principal use of the structure, land, or water 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) Automobile Service Station: A building or place of business where gasoline, oil and greases, batteries, tires, and automobile accessories, are supplied and dispensed directly to the motor vehicle trade, at retail, and where minor repair service is rendered.
- (4) Basement: That portion of any structure located partly below the average adjoining lot grade.
- (5) Boarding House/Rooming House: A building other than a hotel or restaurant where meals and/or lodging are regularly furnished by pre-arrangement for compensation for four or more persons, not members of a family, but not exceeding 12 persons and not open to transient customers.
- (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: See "Height of Buildings".
- (9) City Building Inspector: A municipal official charged with the administration of the zoning ordinance by reviewing application for building permits and subsequent granting or denying them, inspecting to confirm compliance or violation; dispensing information, assistance, and advice to interested citizens; and keeping appropriate records.
- (10) Collector Highway: See "Standard Arterial Highways".
- (11) Community: The City of Wisconsin Rapids.
- (12) Conditional Use: Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (13) Condominium: A property subject to a condominium declaration as outlined in Chapter 703 of the Wisconsin Statutes. Condominiums are characterized by tenant ownership, a condominium declaration, and association of unit owners with expressed powers of control over the property.
- (14) Corner Lot: A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle not greater than 135°.
- (15) Dwelling (One-family): A detached residence designed for or occupied by one family only, or not more than four unrelated persons.
- (16) Dwelling (Two-family): A residence for or occupied by two families only, with separate housekeeping and cooking facilities for each.
- (17) Dwelling (Multiple-family): A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.
- (18) Dwelling Unit: One or more rooms which may include cooking facilities and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.
- (19) Emergency Shelter: Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.
- (20) 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.
- (21) Expressway: See official street map street classification schedule drawing F-2 for locations and cross sections of expressways.
- (22) Family: Any number of persons related by blood, adoption, or marriage, or not to exceed four persons not so related, living together in one dwelling unit as a single housekeeping entity.
- (23) Fence: A structure providing enclosure or serving as a barrier, but not protecting against the elements.

- (24) Freeway: An expressway with full control of access and with fully grade separated intersections.
- (25) Frontage: The portion of a lot abutting a public street measured along the street line. On corner lots, this shall be interpreted as the portion of the public street by which the structure is addressed. In all commercial and industrial zones, the front yard dimension must be taken from the right-of-way line of the principal street, as determined by the engineering department.
- (26) Garage (Private): A building used primarily for private storage.
- (27) Garage (Public): Any garage other than a private garage which is open to the public and used for the storage or repair of motor vehicles.
- (28) Governing Body: The Common Council of the City of Wisconsin Rapids.
- (29) Height of Building: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of all roofs, not including church spires, belfries, cupolas and domes, monuments, water towers, chimneys, smokestacks, flag poles, radio and television towers, Masts and aerials, or parapet walls.
- (30) Home Occupation: a lawful occupational activity commonly carried on within a dwelling or an accessory building (e.g. garage) by a member or members of the family who occupy the dwelling where the occupation is clearly secondary and incidental to the use of the dwelling for living purposes and the residential character of the dwelling is maintained. (MC#652)
- (a) Major home occupation: a home occupation that does not meet the definition of a "minor home occupation" as defined in this ordinance or which:
- (1) includes keeping stock of merchandise
  - (2) does include sale of products, or merchandise which are assembled, produced, or fabricated on the premises. Retail sales or products or merchandise that are not fabricated, produced, or assembled on the premises shall be prohibited except that incidental retail sales may be made in connection with other permitted home occupations; for example, a single chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers.
  - (3) Utilizes no more than 25 percent of the gross floor area of the dwelling unit;
  - (4) limits employees to those family members who reside at the residence and a maximum of one outside non-family, non-resident employee. This employee would be in addition to family member employees who reside at the residence.
  - ~~(5) has not more than one un illuminated sign not exceed two square feet in area; (MC#1155)~~
  - (6) includes no use of equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-rays, or electrical disturbance to radio or television instruments, or hazard to the public;
  - (7) does not generate substantial volume of vehicular or pedestrian traffic (more than a typical residence in the neighborhood generates);
  - (8) does not generate parking demand in excess of that which is typical of surrounding residences in the neighborhood (limited on-street parking may be allowed for the home occupation provided that the customer's vehicles are parking on the street in front of the subject residence only within the side yard boundaries of the subject property); and
  - (9) includes no outdoor storage of goods, materials, or equipment.
- (b) Minor home occupation: a home occupation that:
- (1) does not involve keeping of stock or merchandise, nor does it include the sale of products, supplies, or merchandise on the premises;
  - (2) utilizes no more than 25 percent of the gross floor area of the dwelling unit;
  - (3) limits employees to those family members who reside at the residence;
  - (4) has no visible exterior evidence of the conduct of the operation;
  - (5) includes no use of equipment which creates offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-rays, or electrical disturbance to radio or television instruments, or hazard to the public;
  - (6) does not generate substantial volume of vehicular or pedestrian traffic. "Substantial volume" means more than a typical residence in the neighborhood generates;
  - (7) accommodates both dwelling and occupation parking needs off the street (on the subject property); and
  - (8) includes no outdoor storage of goods, materials, or equipment.

An applicant for a "minor home occupation" must receive written accessory use approval from the zoning

administrator. This approval shall state that the proposed home occupation meets all of the requirements of a "minor occupation" as defined above. Such approval shall be required prior to the commencement of home occupation activities. If a proposed home occupation cannot meet any of the requirements listed above, such use shall be considered a "major home occupation" and shall require conditional use approval.

- (31) Hotel: A building designed for the occupancy as the temporary residence of individuals who are lodged with or without meals and which no provision is made for cooking in any individual room or suite.
- (32) Junk Yard: An area consisting of buildings, structures, or premises where junk, waste, discarded, or salvage materials are brought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking, and structural steel materials and equipment yards, but not including the purchase or storage of used furniture or used cars in yards, but not including the purchase or storage of used furniture or used cars in operable condition.
- (33) Loading Area: A completely off-street space or berth on the same lot for the loading and unloading of freight carriers, having adequate ingress or egress to a public street or alley.
- (34) Local Highway: These roads are intended to move vehicles from individual parcels to the higher order road systems and should not carry through traffic. Local roads carry low traffic volumes.
- (35) Lot: A parcel of land having frontage on a public street, occupied, or intended to be occupied by a principal structure or use and sufficient in size to meet the area and other open space provisions of this ordinance.
- (36) Lot Lines and Area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (37) Lot Width: The width of a parcel of land measured at the front of the Specified street yard.
- (38) Major Collector: See official street map street classification schedule drawing F-2 for locations and cross sections of major arterials.
- (39) Minor Arterial: See official street map street classification schedule drawing F-2 for locations and cross sections of minor arterials.
- (40) Mobile Homes: All mobile units intended for occupancy as a year-round permanent residence and so placed as to be permanently affixed to the site.
- (41) Motel: A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (42) Municipal Limits: The City of Wisconsin Rapids boundaries.
- (43) Non-conforming Uses or Structures: Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this ordinance or amendments thereto which does not conform to the regulations of this ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yards, parking, loading, or distance requirements shall be considered a non-conforming structure and not a non-conforming use.
- (44) Occupied: Already occupied or intended, designed, or arranged to be used or occupied.
- (45) Parking Lot: A structure or premises containing parking spaces.
- (46) Parking Space: A graded and surfaced area of not less than 180 square feet in area either enclosed or open for parking of a motor vehicle, having adequate ingress or egress to a public street or alley.
- (47) Parties in Interest: Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.
- (48) Planned Development Group: A group of principal buildings designed to be maintained and operated as a unit in single or corporate ownership or control, and which has certain facilities in common, such as yards, open spaces, recreation areas, garages, and parking areas.
- (49) Primary Arterial: See official street map street classification schedule drawing F-2 for locations and cross sections of primary arterials.
- (50) Rear Yard: A yard extending across the full width of the lot, the 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 on the opposite side of the structure as the street from which the structure is addressed.
- (51) Side Yard: A yard extending from the street 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 structure.
- (52) ~~Signs. For definitions, see section 11.08(2). Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this title. (MC#1155)~~
- (53) Standard Arterial: See official street map street classification schedule drawing F-2 for locations and cross sections of standard arterials.

- (54) Story: That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there is not floor above it, then the space between the floor and the ceiling next above it.
- (55) 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 two such yards.
- (56) Street: A street or highway not otherwise defined lying with a recorded subdivision with a right-of-way not less than 50 feet wide providing primary access to abutting properties.
- (57) Structure: Any erection or construction, such as building, towers, masts, poles, beams, signs, decorations, carports, machinery, and equipment.
- (58) Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (59) Trailers: These are all units including camp trailers.
- (60) Utilities: Public and private facilities such as water wells, water and sewage plumbing stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges.

### 11.03 GENERAL PROVISIONS

- (1) Jurisdiction. The jurisdiction of this ordinance shall include all lands and waters within the boundaries of the City of Wisconsin Rapids.
- (2) Applications, Fees, and Permits. (MC#409)
  - (a) Building Permits.
    - (1) Required. No vacant land shall be occupied or used except for agricultural purposes and no building shall be hereafter erected, structurally altered, or relocated until a building permit has been issued certifying that any such building complies with the provisions of this chapter.
    - (2) Application, Application for such permit shall be make to the building inspector. The application for a building permit shall be prepared in duplicate and shall include, for the purpose of proper enforcement of this chapter, the following data:
      - (a) a statement by the applicant as to the intended use of premises.
      - (b) an accurate map of the property, in duplicate, drawn to a reasonable scale (minimum of 1 inch = 200 feet) and proper dimensions, showing:
        - (1) the boundaries of the property involved;
        - (2) the identification of any abutting streets;
        - (3) the location on the lot of any existing buildings, proposed additions, or proposed new buildings, including the measured distances between such buildings and from the lot lines to the nearest portion of such building;
        - (4) the proposed floor elevation of any proposed buildings in relation to the existing and/or established grade of any abutting streets;
        - (5) the high water line of any stream or lake on which the property abuts;
        - (6) pertinent electrical and plumbing data.
    - (c) where the use involves human occupancy, a plan of the proposed sewage disposal system, if not connected to an approved municipal sewerage system, shall require the certification of the building inspector or plumbing inspector that it conforms to all city ordinances and other governmental laws or regulations then applicable to sewage disposal systems.
    - (d) satisfactory evidence that a safe adequate supply of water is to be provided and the location of any well for that purpose on the property.
  - (3) Issuance. Building permits shall be issued by the building inspector after adequate investigation as to the compliance, or upon recommendation of the deputy where he has made the necessary investigation.
  - (4) Expiration. If within six months of the date of issuance of a building permit, the proposed construction or preparation of land for use has not commenced, or if within 18 months construction is not complete, said building permit shall expire, except that upon showing of valid cause, the building inspector may grant an extension of such permit for a period not to exceed six

months.

- (5) Occupancy. Occupancy shall not be allowed except under such restrictions and provisions as will adequately insure the safety of the occupants. Occupancy shall be terminated if the building fails to conform to the provisions of this chapter to such a degree as to render it unsafe for the occupancy proposed.
  - (b) Conditional Use Permits. Conditional use permits require the completion of an application form, as supplied by the code enforcement office; the payment of a \$60.00 fee for R-1 and R-2 residential requests and \$250.00 fee for multi-family, commercial, and industrial requests to the code enforcement office; review and recommendation by the planning commission; and a public hearing to be held by the Planning Commission. Final approval is to be made by the common council. The vote necessary for approval shall be governed by the requirements set forth in Section 62.23(7)(d), Wisconsin Statutes. An approved conditional use reverts back to the primary use when discontinued or when a substantive change is made. [See Section 11.05 for more information on conditional uses. (MC#1072)]
  - (c) Rezoning. Rezoning of a property requires the completion of an application form, as supplied by the code enforcement office; the payment of a \$60.00 fee for R-1 and R-2 residential requests and \$250.00 fee for multi-family, commercial, and industrial requests to the code enforcement office; review and recommendation by the planning commission; and a public hearing to be held by the Planning Commission. Final approval is to be made by the common council. The vote necessary for approval shall be governed by the requirements set forth in Section 62.23(7)(d), Wisconsin Statutes. [See section 11.04 for more information on zoning district.] (MC#1072)
  - (d) Variances. Appeals to the Zoning Board of Appeals, as prescribed in Section 11.11, require completion of an application form, as supplied by the code enforcement office; the payment of a \$200.00 fee to the code enforcement office; and a public hearing to be held by the Zoning Board of Appeals. (MC#1040)
  - (e) Site Plan Reviews. The charge for site plan reviews, as required in this ordinance, shall be \$1.00 per \$1,000 of declared cost. (MC#1040)
- (3) Site Restrictions. No land shall be used, or structure erected, where the land is held unsuitable for such use or structure by the building inspector 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 this community. If for any reason the site is found unsuitable, the developer may appeal to the planning commission. The planning 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 if he so desires. Thereafter, the planning commission may affirm, modify, or withdraw its determination of unsuitability.
- (a) All lots shall abut upon a public or private street, and each fan-shaped lot shall have a minimum of 75 feet at the building setback line.
  - (b) Private sewer and water. In any district where a public water supply, or public sewerage service is not available, the lot area shall be determined in accordance with Section H65 of the Wisconsin Administrative Code.
- (4) Use Restrictions. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district. The following use restrictions and regulations shall apply:
- (a) Buildings shall be identified with numbers as prescribed in Section 11.15 and located in a manner so as to be visible from the address street. (MC#749)
  - (b) No building permit for any structure for which a building permit is required shall be issued unless the architectural style and character of the proposed structure is compatible with the architectural style and character of surrounding structures. In general, the architecture of new structures shall be compatible with the aesthetic character of surrounding structures, including harmonious building style, form, size, color, material, roofline, building placement and orientation, and driveway location. In particular, residential homes shall have a minimum width of 20 feet, not including appurtenances such as porches and garages, to be deemed compatible with surrounding residential structures. (MC#662)
  - (c) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction.
  - (d) Conditional uses and their accessory uses are considered as special uses per Section 11.03(2)(b).
  - (e) Unclassified or unspecified uses may be permitted by the common council after the planning commission

has made a review and recommendation subject to public hearing, provided that such uses are similar in character to the principal uses permitted in the district.

- (f) 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 zoning board of appeals.
- (5) Reduction of 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 ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- (6) Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this ordinance. In case of any violation, the governing body, the city building inspector, or any property owner who would be specially damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.
- (7) Penalties. Any person, firm, or corporation who fails to comply with the provisions of this ordinance, shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 and costs of prosecution for each violation, and in default of any such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

#### 11.04 ZONING DISTRICTS AND ZONING CONTROLS

- (1) Zoning districts are hereby established. Boundaries of these districts shall be established on a map entitled "Zoning Map of the City of Wisconsin Rapids" and is incorporated herein by reference. Such boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad right-of-ways or such lines extended; unless otherwise noted on the zoning map. 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.
  - (a) R-1: residential, one-family
  - (b) R-2: residential, one- and two-family
  - (c) R-3: residential, multiple-family
  - (d) B-1: commercial, central
  - (e) B-2: commercial, general
  - (f) B-3: commercial, exclusive office district
  - (g) B-4: commercial, B-4 (central area mixed commercial)
  - (h) B-5: general mixed use district
  - (i) M-1: industrial, enclosed
  - (j) M-2: industrial, open storage
  - (k) M-3: industrial park
  - (l) M-4: heavy industrial (future district)
  - (m) A-1: agriculture
  - (n) C-1: conservancy
  - (o) B-6: specialized commercial (MC#1030)
  - (p) Traditional Neighborhood Development District (MC#1157)
- (2) Zoning Controls:
  - (a) R-1 (one-family residential)
    - (1) Principal Permitted Uses
      - (a) One-family dwelling
      - (b) Day care centers subject to Section 11.05(13)
    - (2) Accessory Uses
      - (a) Essential services, minor home occupation, and professional office. An applicant for a minor home occupation must receive written approval from the zoning administrator that the proposed use meets all of the requirements for minor home occupation. Such approval shall be valid for one year and, therefore, must be renewed annually.
      - (b) Private garage or parking area
      - (c) Swimming pool
    - (3) Conditional Uses
      - (a) Two-family dwellings. Two-family dwellings existing at the time of the adoption of this ordinance shall be automatically granted a conditional use permit by adoption of this

- ordinance.
- (b) Park or playground
- (c) Section 11.05(6) for public and semi-public uses
- (d) Section 11.05(7) for residential uses
- (e) Section 11.05(8) for planned unit development
- (f) Section 11.04(5) for major home occupation
- (4) Minimum Lot Area: 10,000 square feet
- (5) Minimum Lot Width: 85 feet
- (6) Minimum Yard Dimension
  - (a) Principal Building [see exceptions in Sections 11.07(2) and 11.07(4)]
    - (1) Street
      - (a) Section 11.07(5): 25 feet
      - (b) Second street yards: 25 feet
    - (2) Side
      - (a) One-family dwelling: seven feet one side, 10 feet the other
    - (3) Rear: 20 percent depth of lot
    - (4) No principal building constructed after September 1, 1995 shall be closer than 75 feet to the right-of-way line of an expressway, primary arterial, or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
  - (b) Accessory Building (MC#471)
    - (1) Street: 25 feet
    - (2) Side: three feet [see Section 11.07(2)(f)]
    - (3) Rear: three feet provided that five feet shall be the minimum dimension abutting an alley
    - (4) No accessory building constructed after September 1, 1995 shall be closer than 35 feet to the right-of-way line of an expressway or 25 feet to the right-of-way line of a primary arterial or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
- (7) Maximum Lot Coverage [Section 11.07(2)]
  - (a) Principal Building: 30 percent
  - (b) Accessory Building: 20 percent of rear yard area but not greater than 720 square feet
- (8) Maximum Building Height
  - (a) Principal Building: Two stories but not over 30 feet above grade
  - (b) Accessory Building: One story but not over 15 feet above grade
- (b) R-2 (One-family and two-family residential)
  - (1) Principal Permitted Uses
    - (a) One-family dwelling and two-family dwelling [see Section 11.04(7) for more information on duplexes]
    - (b) Industrial pipeline
    - (c) Day care centers subject to Section 11.05(13) with approval of planning commission
  - (2) Accessory Uses
    - (a) Essential services, minor home occupation, and professional office. An applicant for a minor home occupation must receive written approval from the zoning administrator that the proposed use meets all of the requirements for minor home occupation. Such approval shall be valid for one year and, therefore, must be renewed annually.
    - (b) Private garage or parking area
    - (c) Swimming pool
  - (3) Conditional Uses
    - (a) Parking, if contiguous to a B-1, B-2, B-3, M-1, M-2, or M-3 district
    - (b) Park or playground
    - (c) Section 11.05(6) for public and semi-public uses
    - (d) Section 11.05(7) for residential uses

- (e) Section 11.05(8) for planned unit development
- (f) Section 11.04(5) for major home occupation
- (4) Minimum Lot Area
  - (a) 7,500 square feet
  - (b) Duplexes: 11,000 square feet with 85 feet of street frontage (MC#772)
- (5) Minimum Lot Width: 75 feet
- (6) Minimum Yard Dimension
  - (a) Principal Building [See exceptions in Sections 11.07(2) and 11.07(4)]
    - (1) Street
      - (a) Section 11.07(5): 25 feet
      - (b) Second street yard: 15 feet (20 feet where garage fronts on second street)
    - (2) Side
      - (a) One-family dwelling: seven feet one side, 10 feet the other
      - (b) Two-family dwelling: eight feet one side, 10 feet the other
    - (3) Rear: 20 percent depth of lot
    - (4) No principal building constructed after September 1, 1995 shall be closer than 75 feet to the right-of-way line of an expressway, primary arterial, or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995, is exempted from this noise reduction setback.
  - (b) Accessory Building (MC#471)
    - (1) Street: 25 feet
    - (2) Side: three feet
    - (3) Rear: three feet provided that five feet shall be the minimum dimension abutting an alley
    - (4) No accessory building constructed after September 1, 1995 shall be closer than 35 feet to the right-of-way line of an expressway or 25 feet to the right-of-way line of a primary arterial or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
- (7) Maximum Lot Coverage [Section 11.07(2)]
  - (a) Principal Building: 30 percent
  - (b) Accessory Building: 20 percent of rear yard area but not greater than 720 square feet
- (8) Maximum Building Height
  - (a) Principal Building: Two stories but not over 30 feet above grade
  - (b) Accessory Building: One story but not over 15 feet above grade
- (c) R-3 (multiple-family residential)
  - (1) Principal Permitted Uses
    - (a) Same as R-2. All uses require site plan approval by the planning commission
    - (b) Multiple-family dwelling with sanitary sewer
    - (c) Town houses subject to special provision of Section 11.05(7) with sanitary sewer
    - (d) Day care centers
  - (2) Accessory Uses: Same as R-1 and R-2
  - (3) Conditional Uses (case-by-case action)
    - (a) Boarding House
    - (b) Fraternity or sorority house
    - (c) Mobile home park if in compliance with Section 11.05(10)
    - (d) Section 11.05(6) for public and semi-public uses
    - (e) Section 11.05(7) for residential uses
    - (f) Section 11.05(8) for planned unit development
  - (4) Minimum Lot Area: 12,000 square feet provided that multiple-family dwellings shall have 3,000 square feet of lot per unit
  - (5) Minimum Lot Width: 120 feet
  - (6) Minimum Yard Dimension

- (a) Principal Building [See exceptions in Sections 11.07(2) and 11.07(4)]
    - (1) Street: 25 feet each street yard
    - (2) Side
      - (a) Same as R-1 and R-2
      - (b) Multiple-family dwelling, the lesser of one-half the height or one-half the depth of building
    - (3) Rear
      - (a) One- or two-family dwelling, 20 percent depth of lot
      - (b) Multiple-family dwelling, the lesser of one-half the height or one-half the depth of building
    - (4) No principal building constructed after September 1, 1995 shall be closer than 75 feet to the right-of-way line of an expressway, primary arterial, or standard arterial Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
  - (b) Accessory Building
    - (1) Street: 25 feet
    - (2) Side: three feet
    - (3) Rear
      - (a) Same as R-1 and R-2
      - (b) Section 11.07(2)
    - (4) No accessory building constructed after September 1, 1995 shall be closer than 35 feet to the right-of-way line of an expressway or 25 feet to the right-of-way line of a primary arterial or standard arterial Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
- (7) Maximum Lot Coverage
- (a) Principal Building: 30 percent [Section 11.07(2)]
  - (b) Accessory Building
    - (1) 20 percent of rear yard
    - (2) Section 11.07(2)
- (8) Maximum Building Height
- (a) Principal Building
    - (1) Regulation as in R-1 and R-2 zone
    - (2) Multiple-family three stories, but not over 40 feet
  - (b) Accessory Building: Same as R-1 and R-2
- (d) B-1 (central commercial)
- (1) Principal Permitted Uses
    - (a) Antique store; bakery; appliance store; taxi stand; barber shop/beauty parlor; wearing apparel; hotel/motel; locksmith; book and stationery store; museum; cigar store; music store; club or lodge; newsstand; department store; library; drug store; paint and wallpaper store; dry goods and variety store; pawn shop; eating and drinking place; radio/television studio; financial institution; soda fountain; florist; specialty shop; food store; sporting/athletic shop; furniture store; tailor and dressmaking; gift shop; hobby shop; hardware store; bar or cocktail lounge/night; club; car showroom or rental establishment; newspaper; office/press room; shoe sales/shoe repair shop; indoor amusement (theater-bowling alley-pool hall); laundry/dry cleaning; reception and delivery depot
    - (b) Office: Business Professional, Government, Utility, Travel Agent, Office Equipment Store
    - (c) Professional Business, Technical School, and School/Studio for Art, Music, Dancing, or Photography
    - (d) Radio/Television Repair Shop; photographic equipment and supply
  - (2) Accessory Uses
    - (a) dwellings over other permitted use
    - (b) essential services

- (c) parking garage or parking area
- (3) Conditional Uses
  - (a) Laundry; newspaper office/plant; boat sales establishment; public garage; bus terminal; steam bath house; car sales establishment; veterinary office; car wash; animal sales stores; caterers; place of worship; dry cleaning plant; warehouse; electrical supply store
  - (b) Section 11.05(6)
  - (c) Automobile Service Station
  - (d) Section 11.05(8)
  - (e) Manufacturing/processing in enclosed buildings of dental products; office products; dress and garments; jewelry; photographic printing, lithographing, typesetting, ruling, and binding; laboratory works; monuments; toy and novelties; musical instruments
- (4) Minimum Dimensions
  - (a) Principal Building [see exceptions in Sections 11.07(2) and 11.07(4)]
    - (1) Street: none
    - (2) Side: none
    - (3) Rear: none
  - (b) Accessory Building
    - (1) Street: none
    - (2) Side: none
    - (3) Rear: none
- (5) Maximum Building Height
  - (a) Principal Building: 45 percent feet where adjacent an R-zone, otherwise 60 feet
  - (b) Accessory Building: two stories, but not over 15 feet where adjacent an R-zone
- (e) B-2 (General Commercial)
  - (1) Principal Permitted Uses
    - (a) Same as B-1
    - (b) Boat sales or rental establishment; bus depot; caterers; car sales; car wash; electrical supply store; food locker; funeral home; green house; laundry-automatic; public garage; outdoor amusement (miniature golf course, theater); trailer sales or rental establishment
    - (c) Multiple-family dwellings with sanitary sewer
  - (2) Accessory Uses
    - (a) Dwellings over other permitted use
    - (b) Essential services
    - (c) Parking garage or parking area
    - (d) Section 11.05(6) for public and semi-public uses
  - (3) Conditional Uses
    - (a) Animal hospital without kennel
    - (b) All B-1 conditional uses not included above as principal uses
    - (c) Section 11.05(8) for planned unit development
    - (d) town houses subject to special provisions of Section 11.05(7) with sanitary sewer
  - (4) Minimum Yard Dimension
    - (a) Principal Building--see exceptions in Sections 11.07(2) and 11.07(4)
      - (1) Street: 25 feet
      - (2) Side: 15 feet where adjacent a street or R-zone with proper screen
      - (3) Rear: 15 feet where adjacent an R-zone only which may include alley or street with proper screening
      - (4) No principal building constructed after September 1, 1995 shall be closer than 50 feet to the right-of-way line of an expressway or 25 feet to the right-of-way line of a primary arterial or standard arterial. Construction on any lot of record small than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
    - (b) Accessory Building
      - (1) Street: 25 feet
      - (2) Side: 15 feet where adjacent a street or R-zone with proper screen

- (3) No accessory building constructed after September 1, 1995 shall be closer than 50 feet to the right-of-way line of an expressway or 25 feet to the right-of-way line of a primary arterial or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
- (5) Maximum Building Height
  - (a) Principal Building: 45 feet
  - (b) Accessory Building: not over 15 feet
- (f) B-3 (Exclusive Office District Commercial). The purpose and objectives of this district are to provide for high quality, predominantly office uses and selected ancillary uses. (MC#661)
  - (1) Permitted Uses
    - (a) Office activities including all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.
    - (b) Personal or professional services including all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include: professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, and related land uses.
  - (2) Accessory Uses
    - (a) lawns, gardens, landscape features, walls, driveways, porches, decks, storage buildings, pet houses, pools, solar equipment, air conditioning equipment, windmills, fences, and on-site parking lots required for the principal use.
  - (3) Conditional Uses
    - (a) Commercial activities, i.e. sit-down restaurants (where substantially all patrons sit at tables inside); day care; drug stores; book stores; stationary stores; florist; news stand; optical sales and service; studios, art studios, interior decorating studio, photographic studio, music studio, art institutes, theaters for performing arts, barber shops and beauty shops, or other uses as allowed by council action.
    - (b) Nursing homes; rest homes, community based residential facilities (nine or more residents).
    - (c) Institutional uses such as schools, churches, non-profit clubs and organizations, convention centers and similar uses.
    - (d) Funeral homes
  - (4) Exclusive Office District Intensity Standards
    - (a) A minimum of 25 percent of the site must be kept in permanent green space (grass, trees, shrubs, etc.)
    - (b) Minimum lot size of 12,500 square feet
  - (5) Exclusive Office Bulk Standard
    - (a) Minimum yard dimensions for principal and accessory structures: same as in B-2 District (including screening if adjacent to a residential district)
    - (b) All Paved areas must be setback a minimum of five feet from the property line. All parking and drive areas shall be paved.
    - (c) Maximum building height: 45 feet
  - (6) Site Plan Review. A site plan review is required for all development in this zoning district.
  - ~~(7) Exclusive Office Signage Standards. Only monument and/or wall type signs are permitted in the exclusive office district. Where several tenants occupy the same site, individual wall mounted signs are appropriate in combination with a monument sign identifying the development and address. Pylon signs and portable signs are not allowed in the exclusive office district. The maximum total sign area per business in the exclusive office district shall in no case exceed 150 square feet of total signage.~~
    - ~~Only the following types of wall signs (a sign painted on or fastened to a wall and which does not project more than 12 inches from the building or structure) and monument signs (an independent structure supported from grade to the bottom of the sign with the appearance of~~

having a solid base) are permitted in the Exclusive Office District

- ~~(a) Single tenant business identification signs may be a wall sign and/or monument sign. One each is allowed per street frontage. One half square foot of sign area per lineal foot of building fronting on a street to a maximum of 24 square feet. Wall signs shall be located below the eave line. Monument signs shall be a maximum of six feet in height. These signs shall be setback a minimum of five feet from the right of way line and shall not be located in any vision triangle. This type of sign may be illuminated. The maximum sign area per business shall not exceed 150 square feet.~~
- ~~(b) Building identification signs (multiple tenants) may be wall signs or monument signs. The maximum number of this type of sign is one per street frontage. The maximum sign area for this type of sign is one half square foot of sign area per lineal foot of building fronting on a street with a 40 square foot maximum. Wall signs shall be located below the eave line. Monument signs shall be a maximum of six feet in height. Monument signs of this type shall be setback five feet from the property line. This type of sign may be illuminated. The copy on this type of sign shall pertain only to the name of the building. Illumination shall be reverse backlit, channel lit or indirectly illuminated.~~
- ~~(c) Business Identification (multi tenant signs) may be wall signs only and shall be limited to one per tenant at ground floor only. Such wall signs shall be a maximum of 10 square feet and shall be located below the eave line on either the wall or a canopy.~~
- ~~(d) Name plate signs may be wall signs only. This type of sign is limited to one per tenant and such sign shall not exceed four square feet. This type of sign shall only be located adjacent to the primary entrance of each tenant. Copy on this type of sign is limited to the name and address of each tenant.~~
- ~~(e) There shall be a maximum of one window sign per window. Such signs shall be a maximum area of 25 percent of the window area.~~
- ~~(f) Institutional signs may be wall signs or monument signs and are limited to one per use. This type of sign shall be a maximum of 15 square feet in area and six feet in height (if a monument sign). This type of sign shall be setback a minimum of five feet from any right of way line. This type of sign may be illuminated. (MC#1155)~~

(g) B-4 (central area mixed use). This is intended to apply only to areas on the land use map designated as "central area mixed use". This new district along with the existing B-1 central commercial district should accommodate most existing and proposed uses in the central business district and adjacent mixed use areas of the city.

(1) Permitted Uses

- (a) Single-family residences
- (b) Two-family residences

(2) Accessory Uses

- (a) Minor home occupations
- (b) Essential services

(3) Conditional Uses

- (a) Retail specialty shops including but not limited to the sale of gifts, antiques, flowers, books, jewelry, wearing apparel, tobacco and related supplies, or craft shops making articles exclusively for sale at retail on the premises
- (b) Personal service shops including but not limited to tailor, barber, beauty salon, shoe repair, dressmaking, or similar service uses
- (c) Business offices including but not limited to security and commodity brokerage, real estate sales, travel agency, employment counseling, insurance sales, advertising, mailing and stenographic services, and other services of a similar nature
- (d) Studios for dance, art, music, photography, radio, or television
- (e) Professional offices
- (f) Multiple-family residences
- (g) Mixed use structures containing dwellings and other permitted uses
- (h) Conversion of existing residences to non-residential uses
- (i) Institutional uses such as churches, schools and parks

- (j) Funeral homes
- (k) Day care centers
- (l) Clubs, lodges, and fraternal organizations
- (m) Restaurants and bars (No drive-through or fast food facilities allowed)
- (n) Bed and breakfasts
- (o) Financial institutions (no drive through facilities allowed)
- (p) Hotels and motels
- (q) Laundries
- (r) Major home occupations
- (4) Minimum Lot Area: 5,000 square feet
- (5) Minimum Lot Width: 50 feet
- (6) Minimum Yard Dimension
  - (a) Principal Building
    - (1) Street Yard: 15 feet
    - (2) Side Yards: eight feet one side, 10 feet the other side
    - (3) Rear Yards: 20 percent of Depth
    - (4) No principal building constructed after September 1, 1995 shall be closer than 50 feet to the right-of-way line of an expressway or 25 feet to the right-of-way line of a primary arterial or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
  - (b) Accessory Building
    - (1) Street Yard: Not permitted in street yard
    - (2) Side Yards: five feet
    - (3) Rear Yard: five feet
    - (4) No accessory building constructed after September 1, 1995 shall be closer than 50 feet to the right-of-way line of an expressway or 25 feet to the right-of-way line of a primary arterial or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
- (7) Maximum Lot Coverage
  - (a) Principal Building: Not more than 80 percent of any lot may be covered by buildings and/or impervious paving materials, and not more than 40 percent of any lot area may be occupied by buildings. A minimum of 20 percent of each lot shall be landscaped.
  - (b) Accessory Building: 20 percent of rear yard area but not greater than 720 square feet
- (8) Maximum Building Height
  - (a) Principal Building: Two stories but not over 30 feet above grade
  - (b) Accessory Building: One story but not over 15 feet above grade
- (9) Parking Capacity Regulation
  - (a) Per 11.06(6)
  - (b) All parking areas for more than four vehicles shall be screened from view from public right-of-ways and abutting residential properties. All parking areas for more than four vehicles shall only be located in rear or side yards.
  - (c) All parking areas shall be setback a minimum of five feet from all property lines.
- ~~(10) Signage Standards: Same as the B-3 Exclusive Office District. (MC#1155)~~
- (11) Site Plan Review: A site plan review is required for all uses in this district except single-family residences.
- (12) Standards for Building Conversions: Any proposal that constitutes a conversion under the provisions of this ordinance shall comply with all the regulations contained herein, as if it were a proposal for new development. Exceptions to this requirement may be made by the common council (via the conditional use process) for existing conditions that cannot be reasonably be expected to be brought into compliance, including but not limited to existing buildings, setbacks, etc.
- (13) Screening Standards: The screening provisions of 11.07(7) are required along all property lines

where non-residential uses abut residential uses.

- (14) Outdoor Storage Standards: No outdoor storage of equipment, goods, merchandise or related items shall be allowed in this district.
- (h) B-5 (General Mixed Use District) (MC#831)
  - (1) Statement of Purpose. This district is Intended to be applied exclusively to those areas depicted on the city's adopted land use plan map as "general mixed use". These areas have been determined, via the city's comprehensive master planning process, to potentially be appropriated for a variety of land uses given the character of the existing development pattern in the area, the proximity of the area to major transportation facilities, and the availability of blocks of land which are sufficiently large to allow for integrated, coordinated, comprehensive site planning and mixing of compatible, well-planned land uses.
  - (2) General Regulations.
    - (a) B-5 general mixed use zoning consistency with land we plan map requirement. This district shall only be applied to an area In accordance with the recommendations of the adopted Highway 54 Bypass Corridor Plan (as defined in the city's adopted land use plan policies).
    - (b) Blanket variance provision. A variance for any and all requirements of this district is hereby automatically granted to all nonconforming uses in their current configuration as of the effective date of said property being zoned B-5 general mixed use. However, after the effective date of the rezone to the B-5 general mixed use district, such structures or uses shall not be permitted to enlarge, expand, or extend without bringing the enlargement, expansion, or extension into compliance with the provisions of the B-5 general mixed use zoning district unless a variance is granted by the Zoning Board of Appeals. The blanket provision is intended to eliminate the continued classification and/or creation of certain nonconforming uses within the jurisdiction of this zoning district.
  - (3) Permitted Uses.
    - ~~(a) Single family residences. (MC#929)~~
  - (4) Conditional Uses.
    - ~~(a) Duplexes (MC#929)~~
    - (b) Multiple-family residences if they are included as part of a structure in which the ground floor is a non-residential use and the upper floor includes residential units.
    - (c) Institutional uses Including schools, churches, governmental uses, nursing homes, convents, and similar land uses.
    - (d) Public services and utilities Including emergency service facilities, utility substations, water towers, waste water treatment plants, utility and public service distribution facilities, and similar land uses.
    - (e) Professional offices. These uses include all exclusively indoor office land uses whose primary function is the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on an appointment basis.
    - (f) Personal and professional services. These uses include all exclusively Indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on an appointment basis. Examples of such uses include professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related uses.
    - (g) Indoor Sales or Service. These uses include those which conduct the sale or rental of merchandise or equipment or provide non-personal or non-professional service entirely within an enclosed building. This includes self-service facilities such as coin operated laundromats.
    - (h) Outdoor Display. These uses include those which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Examples of such uses are vehicle sales, vehicles rentals, manufactured housing sales, and monument sales. These sales do not include storage or display of inoperative vehicles or equipment or other

- materials typically associated with a junk yard or salvage yard.
- (i) Indoor Maintenance Service. These uses include those which perform maintenance and repair services and contain all operations (except loading) entirely within an enclosed building.
  - (j) In-vehicle Sales or Service. Examples of such uses include drive-in, drive-up, and drive-through facilities, and vehicular service stations.
  - (k) Indoor Commercial Entertainment. Examples of these uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, are, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls. Uses in this category provide entertainment services entirely within an enclosed building.
  - (l) Commercial Indoor Lodging. These uses include overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom.
  - (m) Day Care Centers.
  - (n) Group developments (including shopping centers and office parks). These uses are multi-tenant centers. All centers shall comply with the following standards.
    - (1) The development shall provide internal continuity, uniformity, and compatibility relating to architectural design, vehicular and pedestrian access, and on-site provisions for landscaping, loading, parking, and signage.
    - (2) The on-site vehicular circulation system shall provide continuity with adjacent and similar commercial developments.
    - (3) No permanent outdoor displays or sales or merchandise shall be permitted. However, limited outdoor sales may be allowed subject to issuance of a temporary use permit.
    - (4) Every parcel shall have a screened trash receptacle on the premises. The screening shall be architecturally compatible with the surrounding structures. The Planning Commission shall review the sufficiency of the screening within the landscape plan submittal.
  - (o) Planned unit developments (mixed use or exclusive use developments). (Note: This statement does not apply as a permitted use, and is already regulated in Section 11.04)
- (5) Accessory Uses.
- (a) On-site parking lots.
- (6) Minimum Lot Area: 40,000 square feet
- (7) Minimum Yard Dimensions
- (a) The setbacks for all structures except signs shall be not less than the following:
    - (1) Front yard: 15 feet, except 50 feet on an expressway, state highway, or arterial or standard arterial.
    - (2) Side yard: 10 feet interior lot, 15 feet from street – see exception in (g) below
    - (3) Rear yard: 15 feet, 10 feet for parking lots, or 45 percent of the building height, whichever is greater.
  - (b) An paved areas (except where driveways intersect with streets or drive aisles) shall be set back a minimum of 10 feet from any property line or right-of-way line.
  - (c) No principal building constructed after September 11, 1995 shall be closer than 50 feet to the right-of-way line of an expressway or state highway or 50 feet to the right-of-way line of a primary arterial or standard arterial. Construction on any lot of record smaller than one acre which existed prior to September 1, 1995 is exempted from this noise reduction setback.
- (8) Minimum Green Space (% of lot covered plants or landscaping materials): 25%
- (9) Maximum Structure Height (maximum feet): 3 stories, up to 45 feet in height
- (10) Site Plan Review
- (a) All uses in this district shall require submittal of a site plan for Planning Commission review and approval prior to the issuance of a building permit. The she plan shall include all proposed uses, all structures and their appearance, building materials, landscaping plan, all proposed signage, and other items as they pertain to the proposed use. The site plan shall be consistent with and contribute towards the implementation of the city's

adopted neighborhood development plan for the area.

- ~~(11) Permitted signage in the general mixed use district.~~
  - ~~(a) All uses shall meet the following requirements:~~
    - ~~(1) No pylon or rod mounted signs are permitted within this district. Permitted signs include: monument signs, multiple tenant signs, wall signs, canopy signs, permanent window signs.~~
    - ~~(2) Maximum number of signs per business: two total signs.~~
    - ~~(3) Multiple tenant signs are permitted to one multiple tenant sign per shopping center. Each business may have one additional sign other than a monument sign.~~
    - ~~(4) Maximum of one monument sign per zoning lot shall be allowed only if lot fronts on an arterial (as identified on the city's official street map), except that shopping centers shall be allowed one multiple tenant sign per shopping center regardless of the number of structures, lots, or parcels making up said shopping center.~~
    - ~~(5) Maximum monument sign area: 40 square feet of sign area.~~
    - ~~(6) Maximum multiple tenant sign area; 60 square feet of sign area.~~
    - ~~(7) Maximum total signage area per business including all permitted signs may not exceed 80 square feet total.~~
    - ~~(8) Maximum sign height: Monument signs shall not exceed 10 feet in height from grade to the top of the sign. Multiple tenant signs shall not exceed 20 feet in height from grade to top of the sign. The base area of all monument and multiple tenant signs shall be landscaped with an area of three times the area of one side of the monument sign.~~
    - ~~(9) Portable signs are prohibited this district.~~
    - ~~(10) Signs may be illuminated, however, rolling, flashing, or strobing lights are not permitted. Sign lighting must be ground mounted hidden from view from the street. Individual letters may be back lighted. Panel signs may be internally illuminated.~~
    - ~~(11) Directional signage, shall be a post and panel system and shall be limited in size to 10 square feet and 5 feet above grade. Not more than one shall be provided at each access drive.~~
    - ~~(12) All petitioners in the B-5 zoning district shall submit to the Planning Commission a coordinated master signage plan for all tenants in the development for review and approval prior to the installation of any signs. (MC#1155)~~
  - (12) Landscape Plan Required.
    - (a) A dimensioned, comprehensive landscaping plan shall be prepared by the petitioner and submitted to the Planning Commission at the time of rezone or conditional use permit application for their review and approval. The plan shall adequately demonstrate the location, size, and type of plantings prior to the issuance of any building permits. This plan shall provide for a variety of plants and materials and include the common names, sizes, quantities, and percent of Green Space.
    - (b) A minimum of 15% of the not area of all surface parking areas shall be landscaped as follows:
      - (1) Where parking areas adjoin a public right-of-way, a minimum 10 foot-wide landscaped planting strip shall be established and continuously maintained between the public right-of-way and parking area. Any planting, sign, or any other structure within safety sight distance of a driveway shall not exceed 30 inches.
      - (2) Canopy type shade trees shall be included in the overall landscaping program: at 1 tree for every 5 parking stalls.
      - (3) All landscaped areas within parking lots shall be bordered by a concrete curb that is at least 6 inches high and 6 inches wide. All landscaped areas shall be a minimum of 6 feet in width.

- (4) Sizes of plant materials shall conform to the following mix:
  - (a) Shrubs/hedges: 5 gallon 18" spread or 18" height size
  - (b) Canopy type shade trees: 2-1/2 inch caliper
  - (c) Conifer trees: minimum 4 feet in height.
- (5) All non-residential uses in the B-5 zoning district (with the exception of any proposed second level multiple-family uses above a commercial or office use), which abut residential uses shall provide substantial screening (e.g. decorative wall, hedges, landscaped berm) in order to buffer between the uses.
- (6) Every development shall provide sufficient screening so that neighboring properties are effectively shielded from any adverse impacts of the development or so that the now developing use shields itself from existing potential impacts from uses already in operation.
- (7) All landscaping shall be properly installed and actively maintained in perpetuity including replacement of diseased, dead or damaged plants and trees. Installation of the landscaping will be required prior to the issuance of a certificate of occupancy. A landscaping bond may be permitted at the discretion of the Planning Commission.
- (8) Prior to issuance of a certificate of occupancy, the landowner shall file a maintenance agreement or covenant and easement to enter and maintain, subject to the approval of the city attorney. The agreement or covenant and easement to enter and maintain shall ensure that if the landowner, or subsequent owners, fails to maintain the required/installed site improvements, the city will be able to file an appropriate lien(s) against the property in order to accomplish the required maintenance.
- (9) Every parcel shall have a screened trash receptacle on the premises. The screening shall be architecturally compatible with the surrounding structures. The Planning Commission shall review the sufficiency of the screening within the landscape plan submittal.
- (13) Parking Requirements:
  - (a) See Section 11.06 for parking requirements. Shared parking may be permitted with the approval of the Planning Commission.
- (14) Illumination:
  - (a) Electrical reflectors, spotlights, floodlights, and other fixtures may be used to illuminate buildings, landscaping, signs, and parking and loading areas on any site. All fixtures must be equipped with lenses, shields, or other devices which concentrate the illumination upon such buildings, landscaping, signs, and parking and loading areas. All lighting shall be reflected away from residences and public streets so that bulbs are not visible off the subject property.
- (i) M-1 (Enclosed Industrial)
  - (1) Principal Permitted Uses: manufacturing, processing, repairing, or warehouse use, wholesale establishment, laboratory, assembly of previously prepared material, lumber yard
  - (2) Accessory Uses: caretaker's dwelling quarters; dock facility; sign; essential services; parking; rail tracks; rail spur line
  - (3) Conditional Uses:
    - (a) Animal hospital & kennel
    - (b) Commercial boat dock
    - (c) Hotel/motel office
    - (d) Restaurant
    - (e) Section 11.05(6) for public and semi-public uses
    - (f) Section 11.05(12) for mineral extraction
    - (g) Section 11.05(8) for planned unit development
  - (4) Extent of Enclosure: All uses, including storage, shall be entirely within enclosed buildings or entirely screened from view
  - (5) Minimum Yard Dimension for Principal and Accessory Buildings

- (a) Total Area: 7500 square feet
  - (b) Front: 25 feet
  - (c) Side and Rear: 15 feet where adjacent to a street except where adjacent to an R-zone in which case the yard shall be not less than 25 feet
  - (d) No principal or accessory building constructed after September 1, 1995 shall be closer than 25 feet to the right-of-way line of an expressway, primary arterial, or standard arterial.
- (j) M-2 (open storage industrial)
- (1) Principal Permitted Uses with approval of the planning commission
    - (a) Same as M-1
    - (b) Truck Terminals
  - (2) Accessory Uses: caretaker's dwelling quarters; dock facility; sign; essential services; parking; rail tracks; rail spur line
  - (3) Conditional Uses
    - (a) No structures shall be erected closer than 25 feet of rights-of-way.
    - (b) Dump, salvage, recycling center
    - (c) Section 11.05(6) for public and semi-public uses
    - (d) Section 11.05(2) for mineral extraction
    - (e) Section 11.05(8) for planned unit development
  - (4) Prohibited Uses: any use not specifically permitted
  - (5) Extent of Enclosure: open storage permitted if in compliance with Section 11.07(7)
  - (6) Minimum Yard Dimension for principal and accessory buildings
    - (a) Same as M-1
- (k) M-3 (industrial park) [see Section 11.04(6) Industrial Park Regulations]
- (l) M-4 (heavy industrial-future district). (As per covenants of a heavy industrial park)
- (1) Principal Permitted Uses, with approval of the planning commission. It is intended that M-4 zoning would be limited to uses that are now in M-1 or M-2.
    - (a) All M-1 and M-2 uses, heavy industrial uses defined as emitting dust, noise, odors, or other potentially noxious emissions.
    - (b) Recycling Center
  - (2) Setbacks
    - (a) Front: 50 feet (same as M-3)
    - (b) Side: 25 feet
    - (c) Rear Yard: 25 feet
  - (3) Extent of Enclosure: Same as M-2
- (m) A-1 (agricultural)
- (1) Principal Permitted Uses: agriculture; dairying; forestry; general farming; greenhouses; hatcheries; horticulture; livestock raising; poultry raising; paddocks; truck farming; one-family dwellings; nursery; stables; fishing/wildlife preserve; water retention; public park; campground; utilities; wild crop harvesting (including marsh, hay, ferns, berries, fruit trees, and seeds)
  - (2) Accessory Uses: essential services
  - (3) Conditional Uses
    - (a) Animal hospital if 100 feet or more from any residential district
    - (b) Archery range; driving range; pea vineries; creameries; condensories; commercial raising
    - (c) Propagation, boarding, or butchering of animals such as dogs, mink, rabbits, foxes, goats, and pigs
    - (d) The commercial production of eggs
    - (e) Hatching, raising, fattening, or butchering of fowl
    - (f) Golf Course
    - (g) Section 11.05(6) for public and semi-public uses
    - (h) Section 11.05(12) for mineral extraction
    - (i) Section 11.05(8) for planned unit development
  - (4) Prohibited Uses: n/a
  - (5) Extent of Enclosure: n/a

- (6) Minimum Yard Dimensions (all buildings)
  - (a) Total Area: five acres
  - (b) Front: 35 feet
  - (c) Side and Rear: Same as R-2
- (n) C-1 (conservancy)
  - (1) Principal Permitted Uses: fishing; hunting; public fish hatcheries; soil and water conservation; sustained yield forestry; water retention; street bank and lake shore protection; floodplain; wildlife preserves; public park; campground; industrial pipeline; preservation of scenic, historic, and scientific areas; hatcheries
  - (2) Accessory Uses: none
  - (3) Conditional Uses
    - (a) Drainage; grazing; water measurement and water control facilities; accessory structures such as hunting and fishing; lodges and park buildings; orchards; utilities; wild crop harvesting
    - (b) No structures permitted except those housing essential uses
    - (c) Section 11.05(8)--Planned Unit Development Groups
  - (4) Prohibited Uses: Uses involved in the dumping, filling, cultivation, mineral, soil or peat removal, or any other use that would disturb the natural fauna, flora, watercourses, water regimen, or topography
  - (5) Extent of Enclosure: n/a
  - (6) Minimum Yard Dimension
    - (a) Total Area: no minimum
    - (b) Front: n/a
    - (c) Side and Rear: n/a
- (o) B-6 (specialized commercial) (MC#1030)
  - (1) Purpose and Intent. It is the purpose and intent of this Ordinance to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent any deleterious location of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the ordinance to condone or legitimize the distribution of obscene material.
  - (2) Definitions. For the purposes of this section, certain terms and words are defined as follows:
    - (a) "Sexually oriented businesses" are those businesses defined as follows:
      - (1) "Adult arcade" means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
      - (2) "Adult bookstore", "Adult novelty store", or "Adult video store" means a commercial establishment which has as a significant or substantial portion of its stock-in-trade or derives a significant portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:
        - (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";

- (b) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- (3) "Adult cabaret" means a nightclub, bar, restaurant "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
- (4) "Adult motel" means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- (5) "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
- (6) "Adult theatre" means theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities".
- (7) "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- (8) "Escort agency" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- (9) "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas". The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
- (10) "Sexual encounter establishment" means a business or commercial establishment, that as one of its primary business purposes offers for any form of consideration, a place where two or more persons may congregate,

associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

- (b) "Establishment" means and includes any of the following:
  - (1) The opening or commencement of any such business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
  - (3) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
  - (4) The relocation of any such sexually oriented business.
- (c) "Nudity or State of Nudity" means: (a) the appearance of human bare buttocks, anus, male genitals, female genitals, or the areola or nipple of the female breast; or (b) a state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.
- (d) "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- (e) "Public building" means any building owned, leased or held by the United States, the state, the county, the city, any special district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.
- (f) "Public park" or "recreation area" means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the city which is under the control, operation, or management of the city park and recreation authorities.
- (g) "Religious institution" means any church synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- (h) "School" means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- (i) "Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
- (j) "Sexually Oriented Business" means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escort agency or nude model studio.
- (k) "Specified anatomical areas" as used in this division means and includes any of the following:
  - (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
  - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (l) "Specified sexual activities" as used in this division, means and includes any of the following:
  - (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral



- (5) Home Occupations. (MC#652)
- (a) The conditional use approval for "major home occupations" shall be valid for one year. After one year, the conditional use permit shall be reviewed by the zoning administrator to determine if any nuisance complaints have been filed with the city from neighboring residents regarding the operation of the subject home occupation. If it is determined that there have been no complaints filed and that the home occupation is being operated in a manner not substantially different from when it was originally approved by the city, the zoning administrator may revalidate the permit for another one year period. The same process would be followed each year. If the major home occupation or minor home occupation use has changed significantly since the original conditional use or written accessory use approval (e.g. additional employees, substantial increase in traffic, parking noise, hours of operation, etc.) the renewal decision shall be transferred to the planning commission which may require a public hearing prior to re-issuance of a new one year conditional use permit. The planning commission may require any additional conditions it deems necessary to ensure that the neighborhood is not negatively impacted by the home occupation.
  - (b) The proposed home occupation (minor or major) shall be operated in such a manner that it appears in all respects to be a single-family home. All standards related to parking, signage, noise, lighting, loading, etc., in the R-2 zoning district shall be complied with by the petitioner. There shall be no exterior indication of the home occupation type use or variation from the residential character of the principal building and accessory building except as provided in the definition of "major home occupation" (i.e. one two-square foot un-illuminated sign is allowed for major home occupations).
  - (c) No outdoor storage of goods, materials, merchandise, or equipment associated with the proposed use shall be permitted.
  - (d) No operation of machinery or tools, or use of materials that would result in undue or offensive noise, vibration, smoke, dust, fumes, odor, heat, electrical interference, or glare detectable beyond the property lines or beyond the walls of the dwelling shall be permitted.
  - (e) All customers shall be required to meet all parking requirements for single-family homes as required in Section 11 of the city's zoning ordinance.
  - (f) Hours of operation shall be limited to 8:00 a.m. to 9:00 p.m. Any truck deliveries (e.g. UPS) of products or materials associated with the operation of the occupation shall occur only during the permitted hours of operation.
  - (g) If at any time a nuisance complaint is filed by any neighboring property owners or resident against the home occupation (minor or major) regarding violation of these standards which has been confirmed by the zoning administrator, the planning commission may hold a public hearing to consider revoking the conditional use permit or accessory use permit. If the permit is revoked by the city, the home occupation shall cease operation within 60 days.
  - (h) Only members of the family permanently residing on the home occupation premises shall be employed in the proposed home occupation except that a maximum of one outside non-family, non-resident employee is allowed. This employee would be in addition to family member employees who reside at the residence.
  - ~~(i) One sign not exceeding two square feet shall be permitted for major home occupations. All requirements of Section 11.08 sign regulations shall be met. (MC#1155)~~
  - (j) Vehicles having more than two axles that are associated with the proposed use shall not operate out of the premises of a home occupation.
  - (k) Confirmed violation of any of the conditions listed above shall be grounds for revocation of the conditional use permit or accessory use permit following a public hearing by the city.
- (6) Industrial Park District (M-3).
- (a) There is hereby created an industrial park classification for areas within the City of Wisconsin Rapids and its extra-territorial jurisdiction. Areas within the industrial park classification shall be designated as M-3 on the zoning map.
  - (b) Division of Lands. Any division of land of any size within the industrial park district shall be surveyed and a plat thereof made, approved, and recorded as required by Chapter 12 of the Municipal Code of the City of Wisconsin Rapids, and Chapter 236 of the Wisconsin Statutes. Any division of any size of such platted land shall be surveyed and a certified survey map made, approved, and recorded, as required by Chapter 12 of the Wisconsin Rapids Municipal Code and Chapter 236 of the Wisconsin Statutes.
  - (c) Plans Required; Approval by the Planning Commission. No building or any improvements shall be erected, placed, or altered on any building site in the industrial park district until the plans for such building or

improvement, including site plan, landscape plan, building plan, and specifications have been approved by the planning commission of the City of Wisconsin Rapids. Said commission shall approve or disapprove such plans with respect to conformity with these regulations and other applicable enactments of the city, and with respect to harmony of external design and land used as it affects property within and adjacent to the industrial park district. Failure of the aforesaid commission to act upon such building or improvement plans within 60 days after submission to the city clerk shall constitute an approval of such plans.

- (d) Front Setback. No part or portion of any building shall be erected, constructed, or extended nearer than 50 feet from the front line of any parcel. Employee parking of automobiles shall be prohibited at all times within 50 feet from the front street line of any parcel. Visitor or customer parking may be allowed within a 50 foot setback when approved by the planning commission but not closer than 10 feet from the front street line. The 50-foot setback shall be entirely graded and sodded or seeded between side property lines and from the road shoulder to the building face in a manner that will produce acceptable lawn, excepting only such areas as may be required for driveways, visitor parking, or walks. Maintenance of area within street right-of-way to shoulder of road shall be the responsibility of the property owner.
- (e) Setbacks; Side and Rear.
  - (1) No part or portion of any building shall be erected, constructed, or extended nearer than 10 feet to any interior side property line, the combined total of side yard for any interior parcel shall not be less than 30 feet. Side yards on the street side or corner properties shall be 37-1/2 feet and the use of such area shall be in accordance with the provisions of Section (3) of these restrictions except that employee parking shall be permitted in this area. The 37-1/2 foot setback shall be entirely graded and sodded or seeded between the property lines and from the road shoulder to the building face in a manner that will produce an acceptable lawn, excepting only such areas as may be required for driveways, visitor or employee parking, or walks. The parking or storage of company-owned trucks, products, or equipment shall be prohibited in this area. Maintenance of this area within the street right-of-way to the shoulder of the road shall be the responsibility of the property owner.
  - (2) No part or portion of any building shall be erected, constructed, or extended nearer than 25 feet to any rear property line except that this restriction shall not apply to the erection or construction of any building or structure used for railroad loading or unloading facilities.
- (f) No building or structure of any type shall be erected, placed, or altered on any property which will occupy more than one-third the total area of said property, except that the industrial park commission may approve the erection, placement, or alteration of a building or structure for warehouse purposes on more than one-third the total area of said property if such erection, placement, or alteration is consistent with the overall development of the industrial park and does not adversely affect the development of abutting property owners. In no event shall a building or structure of any type be erected, placed, or altered on any property which would occupy more than one-half of said property. The above amendment allowing more than one-third lot coverage is intended to be applicable only to that portion of buildings or structures which are used solely for public warehousing.
- (g) Maintenance of Grounds. All grass, trees, and shrubbery must be kept watered in dry weather and in good appearance at all times. All grass must be cut whenever necessary. If grass is not cut, the City of Wisconsin Rapids may serve notice, and if not complied with in two days, the city may cut same and add this cost to the property owner's real estate tax bill.
  - (1) All weeds must be kept out by the property owner. If this is not done, the City of Wisconsin Rapids may serve notice, and if not complied with in two days, the city may cut the same and add this to the owner's real estate tax bill.
- (h) Buildings, Material, Appearance. The front of all buildings and side or rear of all buildings when facing a street, including side streets and corner properties, shall be faced with decorative masonry or other material approved by the planning commission and said facing shall extend to a minimum of 20 feet on each side of all buildings or to a natural dividing point approved by said commission. The front of a building that is set back 200 feet or more from the said property line, then the facing shall be of any material as approved by the commission and is consistent with other provisions herein. For the purpose of this regulation, standard, light-weight, or cinder concrete block are not considered decorative masonry.
  - (1) Except as otherwise provided herein, the sides and rear of all buildings shall be of any material approved by the commission.

- (2) Where concrete block masonry is used, it shall be painted two coats of paint and shall be of decorative pattern block or other decorative treatment of plain block approved by the commission.
- (3) All faces of all buildings must be kept in good repair and appearance at all times.
- (4) All buildings must be of ordinary construction or better, as defined by the Building Department of Industry, Labor, and Human Relations of the State of Wisconsin.
- (i) Auto Parking Areas Required. One parking stall or not less than 180 square feet, excluding drives and approaches, shall be provided on each property for every 1,000 square feet of building area or for every two employees, whichever amount constitutes the greater number of stalls. Parking stalls shall be added on each property as required to accommodate all employees. Variances may be granted by the planning commission for warehouse or similar uses upon proof that such parking restrictions are not realistic. City streets will not be designed by the city to provide parking.
- (j) Storage of Materials. All Material or products stored outside buildings must be behind the building setback line from the street and must be screened from view from the street with solid fencing or screening approved by the planning commission. All trash must be enclosed by a fence of solid material such as will provide a suitable visual screen. Minimum height of such fence must be six feet. Fence must be kept painted or have such other finish as is generally accepted for good appearance. Wire fence is not acceptable for this purpose.
- (k) Noise, Vibration, Dust, Gas, Smoke, and Odor Regulations. No operation, manufacture, or building use in said industrial park shall produce or effect noise, vibration, dust, gas, smoke, toxic matter, or odors to an extent greater than the following maximum allowable levels.
  - (1) Noise. Sound levels shall be measured with a sound level meter and associated octave band filters manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed providing that such noises shall be capable of being accurately measured with such equipment. Noises capable of being measured for the purpose of these restrictions shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two decibels. Noise incapable of being so measured, such as those of an irregular or intermittent nature, shall be controlled so as to not become a nuisance to adjacent uses. At no point on the boundary of any individual parcel or the boundary of the industrial park district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in the following table:

MAXIMUM PERMITTED SOUND LEVEL (Decibels)		
Octave Band (Frequency, Cycles/Second)	Along Parcel Boundaries	Along Subdivision Boundaries
0-75	72	70
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
above 4800	32	39

- (2) Vibration. No industrial operation or activity shall cause at any time ground transmitted vibrations in excess of the limits set forth below. Vibration (the periodic displacement, measured in inches of earth) shall be measured at any point along the exterior boundary of the industrial park district with a three component measuring instrument approved by the common council and shall be expressed as displacement in inches.

Frequency Cycles/Second	Maximum Permitted displacement Along Subdivision Boundaries (in inches)

0 to 10	0.0008
10 to 20	0.0005
20 to 30	0.0002
30 to 40	0.0002
40 and over	

- (3) Smoke and Particulate Matter. The emission of smoke particulate matter in such manner or quantity as to endanger or to be detrimental to the public health, safety, comfort, or welfare is hereby to be a public nuisance and shall henceforth be unlawful.
- (a) For the purpose of grading the density of smoke, the Ringelman Chart, published and used the United States Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelman Chart is prohibited at all times except as otherwise provided hereinafter.
  - (b) The emission from all sources, within any property area of particulate matter containing more than 10 percent by weight of particles having a particle diameter larger than 44 microns is prohibited. Dust and other types of air pollution, borne by the wind from such sources as storage areas, yards, roads, and the like within property boundaries shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or acceptable means. Emission of particulate matter from such sources, in excess of the weight limitation hereinafter specified, is prohibited.
  - (c) Toxic Matter. No use shall, for any period of time, discharge across the boundaries of the parcel wherein it is located, toxic matter in such concentrations as to be detrimental to, or endanger public health, safety, comfort, welfare, or cause injury or damage to property or business.
  - (d) Noxious and Odorous Matter. No activity or operation shall cause, at any time, the discharge of matter across property lines in such concentrations as to be noxious. The emission of odorous matter in such quantities as to be readily detectable without the use of instruments at any point along property lines is prohibited.
- (l) Explosive Materials. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted in said industrial park district.
- (m) Burning of Rubbish. No rubbish may be burned on the premises except in an incinerator especially constructed and designed for this operation. Applicable restrictions of subsection (11) of these regulations apply to rubbish burning.
- (n) Residences Prohibited. No residential home, either single or multiple, shall be erected within the limits of the industrial park district. Existing residences may not be used for residential purposes after the land is sold for industrial use.
- (o) Invalidation. Invalidation of any one of the subsections of this ordinance, by judgment or court order, shall in no way affect any of the other provisions hereof which remain in full force and effect.
- (7) Duplexes. (MC#600)
- (a) Definition. A residence for or occupied by two families only, with separate housekeeping and cooking facilities for each.
  - (b) Restrictions. The following restrictions apply to all newly constructed duplexes in Wisconsin Rapids.
    - (1) All duplexes in the City of Wisconsin Rapids shall be subject to all zoning controls listed under 11.04(2) of the Municipal Code regarding R-1 and R-2 zoning districts.
    - (2) A conditional use permit is required for a second dwelling located on a single parcel of land, and shares the same utilities and sewer.
    - (3) An additional 1,600 square feet of lot area will be required for each bedroom in excess of four bedrooms per structure.
    - (4) Structures whose original intent is to be a duplex residence shall be constructed in a manner compatible with the predominant style of family housing in the immediate neighborhood, defined as within 100 feet of the duplex site.
    - (5) After May 4, 1992 no more than two duplex structures may be located at any intersection.
    - (6) Driveways must be paved.
    - (7) Variances will be referred to the common council. (MC#920)

#### 11.05 CONDITIONAL USES

- (1) Review and Approval. The planning commission shall review the site, existing or proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generations and circulation, drainage, sewage and water systems, and the proposed operation. Final approval shall be given by the common council pursuant to the procedure outlined in Section 11.03(2)(b) of this ordinance. Conditional use permits not acted upon within six months of approval shall be void.
- (2) Any development within 1,500 feet of the existing or proposed interchange or turning lane right-of-way of an existing or proposed freeway or expressway shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The planning commission shall request such review and await the highway agency's recommendations for a period not to exceed 20 days before taking final action.
- (3) Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the planning commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance. All items not identified in the conditional use permit shall conform to existing zoning.
- (4) Compliance with all other provisions of the ordinance, such as lot width and area, yards, heights, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.
- (5) Bond (10 percent of total project costs but not less than \$250.00) shall be posted in the city clerk's office by the owner as set by the planning commission and common council prior to the beginning of construction. Such bond shall be returned to the owner upon satisfaction of compliance. Said bond shall be forfeited if all conditions are not in compliance within six months of the date of occupancy. The common council may, with good cause, waive the bond requirement.
- (6) Public and Semi-public Uses. The following public and semi-public uses shall be conditional uses and may be permitted as specified
  - (a) Airports, airstrips, and landing fields in the A-1 district, providing that these facilities meet the regulation contained in Chapter 114, Sections 135 and 136, of the Wisconsin Statutes.
  - (b) Clubs, fraternities, lodges, and meeting places of a non-commercial nature in the agriculture and residential districts provided all principal structures and uses are not less than 25 feet from any lot line.
  - (c) Governmental and cultural uses, such as administration buildings, fire and police stations, community centers, libraries, and museums, in all residential, business, and industrial districts.
  - (d) Utilities in all districts provided all principal structures and uses are not less than 50 feet from any residential lot line.
  - (e) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips, and landing fields, in all business districts and the M-1 industrial district provided all principal structures and uses are not less than 100 feet from any residential district boundary.
  - (f) Public, parochial, and private elementary and secondary schools and churches in the R-1 residential district provided the lot area is not less than one-half acre and all principal structures and uses are not less than 25 feet from any lot line.
  - (g) Colleges, universities, hospitals, sanitariums, religious, charitable, penal, and correctional institutions; cemeteries and crematories in all residential, business, and agricultural districts provided all principal structures and uses are not less than 25 feet from any lot line.
- (7) Residential Uses. The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified
  - (a) Planned residential developments, such as cluster developments, garden apartments, townhouses, group housing, and condominiums in the R-1, R-2, and R-3 residential districts.
  - (b) The proper preservation, care, and maintenance by original and all subsequent owners of the exterior design; all common structures, facilities, utilities, parking access, and open spaces shall be assured by deed restrictions enforceable by the community.
  - (c) Planned unit developments are subject to compliance with 11.03(4) and/or 11.05(8); and other requirements specified by the planning commission with approval by the common council.
  - (d) Dedication of public park, four out of every 10 acres or one acre for each dwelling units, whichever is least.
  - (e) Rest homes, nursing homes, homes for the aged, and clinics in the R-1 or R-2 residential districts, provided all principal structures and uses are not less than 25 feet from the front and side yard and over 50 feet from the rear yard lot lines.

- (f) Zero-lot-line duplexes (MC#772)
  - (1) May be built on one lot of a minimum of 11,000 square feet and must have at least 85 feet of street frontage
  - (2) The common wall of the zero-lot-line duplex shall be centered on the lot or lots.
  - (3) The opposite wall shall be not less than 10 feet from either lot line.
  - (4) When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same.
    - (a) Deed restrictions. The following items must be addressed:
      - (1) Lots' buildings must be developed equally
      - (2) each side of the duplex shall be provided with a minimum of two trees and foundation shrub plantings every five feet on the street side of the unit. Lots shall be maintained equally with respect to lawn care, pruning of shrubs and trees.
      - (3) The dwelling shall be painted/stained/sided one color and any subsequent repainting/staining/siding shall be one color, or according to the plan established by these covenants.
      - (4) Violation of these covenants shall be handled by the signing parties, however, if the city, state, or federal ordinances/laws are violated, the applicable agency will facilitate the proper solution.
      - (5) Copies of the deed restrictions and private covenants shall be placed on file in the assessors office.
      - (6) Changes to covenants and/or deed restrictions shall require an amendment to the conditional use permit required by the planned unit development ordinance.
      - (7) Basements shall be provided across zero lot lines where necessary for water, sewer, and utility services.
      - (8) There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a minimum one-hour fire wall running from the lowest floor level, including the basement to the underside of the roof sheathing. Such basement wall, if any, shall be masonry.
      - (9) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit in accordance with current Wisconsin State Plumbing code. Separate sewer systems shall be defined as having separate cleanouts accessible from each dwelling unit.
      - (10) In cases where there no internal sewer system exists, each unit shall have a separate sewer lead to the street.
- (8) Planned unit development or improvements may be residential, commercial, industrial, and mixed aforementioned.
  - (a) Planned unit development or improvements exceptions permitted by specific approval in any zone as a condition use. See also Section 11.03(4)
  - (b) Categories and conditions generally applicable herein
    - (1) Singular adaption of planned development groups - Section 11.05(9)
    - (2) Mobile home developments of integrated units - Section 11.05(10)
    - (3) Reuse or restoration of vacated non-conforming buildings - Section 11.10(2)
    - (4) Improvements on non-conforming usages - Section 11.10(1)
    - (5) Compatible or conflicting usages
    - (6) Improvement exceptions to zoning limits
    - (7) Condominium or similar land groupings absorbing property lines
    - (8) Mixed use resolution
    - (9) Underground buildings landscaped at grade
    - (10) Duplex and multiple-family housing controlled by association agreements and restrictive covenants recorded as a part of the abstract and deed. (MC#572)

- (c) Proposals for planned unit development exceptions shall sensibly plan for and indicate
    - (1) Intent and need for exception to established zoning
    - (2) Use or uses and suitability thereto
    - (3) Building dimensions, locations, orientation, and appearances
    - (4) Land coverage, site development, open spaces, watershed
    - (5) Traffic, transit, and parking provisions
    - (6) Utility and municipal service demands or changes
    - (7) Conservation or building and land value, adjacent, and neighborhood values
    - (8) Expansion or extension allowances, possible future reuses
    - (9) Compensating aesthetic, landscape, and safety factors
    - (10) Continuation or reversion provisions
  - (d) This classification of building or improvements thereto, permits, non-conforming use and variation from zoning for reasonable cause by sensible planning, neighborhood evaluation and compensating reservations. Zoning exception and permit under this category must exhibit by submission contribution to community improvement; general conformity in intent of people and building density ratios to land for health, safety, and property value; and structure and use compatibility with present and adjacent structures and uses.
- (9) Planned Development Groups. Planned development groups shall be permitted in appropriate zones, only after review and recommendation by the planning commission, a public hearing held by the Planning Commission, and final approval by the common council. (MC#1072)
- (a) The application shall show the proposed use or uses, dimensions, and locations of public structures and of areas to be reserved for vehicular and pedestrian traffic, parking, public uses, and such as school and playgrounds, landscaping and other open spaces, architectural drawings and sketches showing design of structures and their relationship, and such other information as may be requested by such bodies for a determination that it is desirable to deviate from certain other provisions of this ordinance.
  - (b) The application shall be first referred to the planning commission for examination of the application for compliance with all applicable ordinances.
  - (c) The following regulations shall apply
    - (1) Spacing and orientation of building groups for residential.
      - (a) Walls containing main window exposures or main entrances shall be so oriented as to insure adequate light and air exposures. Such building shall be so arranged as to avoid undue exposure to concentrated loading of parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
      - (b) Buildings in B-2. A building wall containing windows and an entrance wall shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 25 feet.
      - (c) A building wall containing only windows or only an entrance way shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 25 feet.
      - (d) A building group shall not be so arranged that any temporary or permanently inhabited building is inaccessible to emergency vehicles.
    - (2) Circulation. There shall be an adequate, safe, and convenient arrangement of pedestrian circulation facilities, roadway, driveways, off-street parking, and loading space.
      - (a) There shall be an adequate amount, in a suitable location of pedestrian walks, malls, and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls, and public transportation loading places, from general vehicular circulation facilities.
      - (b) Buildings and vehicular circulation open spaces shall be arranged so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic.
    - (3) Paving and Drainage. There shall be adequate design of grades, paving, gutters, drainage, and treatment to turf, to handle storm waters, prevent erosion, and formation of dust.
    - (4) Signs and Lighting. Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts.
  - (d) Multiple-family Housing. Planned unit developments of multi-family housing may reduce the side yard to

zero on one side provided that: (MC#772)

- (1) The lot adjacent to that side yard is held under the same ownership at the time of initial construction.
  - (2) The adjoining side yard setback of the furthest covered lot adjacent to the zero side yard setback is also zero.
  - (3) The opposite side yard is not less than 10 feet (R-2).
  - (4) When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions and the approving authorities shall not be held responsible for same.
    - (a) Deed restrictions:
      - (1) lots/buildings must be developed equally;
      - (2) lots must be maintained equally with respect to lawn care, pruning of shrubs and trees;
      - (3) the dwelling shall be painted/stained/sided one color, and any subsequent repainting/staining/siding shall be one color, or according to the plan established by the private covenants and approved as part of the planned unit development conditional use permit.
    - (b) Private covenants:
      - (1) must be agreed upon and signed prior to any construction with all adjacent property owners;
      - (2) violation of private covenants shall be handled by signing parties, however, if city, state, or federal ordinance/laws are violated, the agency violated will facilitate the proper solution.
  - (5) Copies of the deed restrictions and private covenants shall be placed on file in the assessors office.
  - (6) Changes to covenants and/or deed restrictions shall require an amendment to the conditional use permit required by the planned unit development ordinance.
  - (7) Basements shall be provided across zero lot lines where necessary for water, sewer, and utility services.
  - (8) There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a minimum one-hour fire wall running from the lowest floor level, including the basement to the underside of the roof sheathing. Such basement wall, if any, shall be masonry.
  - (9) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit in accordance with current Wisconsin State Plumbing code. Separate sewer systems shall be defined as having separate cleanouts accessible from each dwelling unit.
  - (10) In cases where there no internal sewer system exists, each unit shall have a separate sewer lead to the street.
- (10) Mobile Home Parks. The following are the requirements for mobile home parks:
- (a) Minimum size: five acres
  - (b) Minimum size lot per mobile home: 3,000 square feet
  - (c) Minimum width of a mobile home site: 40 feet
  - (d) Maximum height of a mobile home trailer: 15 feet
  - (e) Minimum distance between mobile home trailers: 20 feet
  - (f) Minimum distance between mobile home and service road: 10 feet
  - (g) Each mobile home site shall be connected to a public water supply system and a public sewage disposal system or a private sewage disposal and water system in accordance with H-77, Wisconsin Administrative Code, approved by the State Board of Health and the Department of Natural Resources.
  - (h) All drives, parking areas, and walkways shall be hard surfaced. There shall be parking spaces for each mobile home and additional parking spaces for automotive vehicles within the park, totaling not less than two parking spaces for each mobile home space.

- (i) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreational rooms, maintenance equipment storage, and one management office are permitted.
  - (j) Minimum side yard setback: 40 feet at all front, side, and rear lot lines of the mobile home park.
  - (k) Each mobile home park shall be completely enclosed, except for permitted entrances and exits by temporary planting of fast-growing material, capable of reaching a height of 15 feet or more, and a permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.
  - (l) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturer's Association.
  - (m) Mobile home parks shall comply with sanitation regulations of the State Board of Health.
- (11) Trailer Camps, Campgrounds, and Camp resorts. Except as otherwise provided in this ordinance, no trailer shall be located, except in a federal, state, or county camp, in a private campsite. Private campsites shall meet the following conditions:
- (a) Each trailer site shall be plainly marked and surfaced.
  - (b) Maximum number of trailer sites shall be 10 per acre.
  - (c) All drives and parking areas, other than those at individual trailer sites, shall be hard surfaced.
  - (d) Central toilet, shower, and washing facilities shall be provided in sufficient quantity, as determined by the State Board of Health, requirements in accordance with H-78, Wisconsin Administrative Code.
  - (e) The water supply shall be approved by the State Board of Health.
  - (f) The manner of sewage disposal shall be approved by the State Board of Health.
  - (g) No trailer shall be less than 50 feet from the front, side, or rear lot lines of the camp.
  - (h) Marsh land and shore line areas shall not be altered.
- (12) Mineral Extraction. Mineral extraction operation, including washing, crushing, or other processing are conditional uses and may be permitted in the M-2 district, provided:
- (a) The application for the conditional use permit shall include:
    - (1) an adequate description of the operation;
    - (2) a list of equipment, machinery, and structures to be used;
    - (3) the source, quantity, and disposition of water to be used;
    - (4) a topographic map of the site showing existing contours with minimum vertical contour intervals of five feet, trees, proposed and existing access roads, the depth of all existing and proposed excavations;
    - (5) and a restoration plan
  - (b) The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement, and completion dates. The applicant shall furnish the necessary fees to provide for the inspection and administrative costs and the necessary sureties which will enable the community to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon the cost estimates prepared by the engineer, the form and type of such sureties shall be approved by the community's legal counsel.
    - (1) Bond: 10 percent of total project cost, but not less than \$250.00, shall be posed by the owner as set by the planning commission and the common council prior to the beginning of construction. Such bond will be returned to the owner upon satisfaction of the compliance. Said bond shall be forfeited if all conditions are not set in compliance within six months of the project completion. The council may, in good cause, waive the bond requirement.
  - (c) The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal.
  - (d) The planning commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the practicality of the proposed restoration plan for the site.
- (13) Child Day Care Centers. Day care centers shall be allowed as principal uses in R-1, R-2, and R-3 zoned areas subject to the following regulations: (MC#422)

- (a) Day care centers serving nine or more children shall be limited to one per 500 feet. Variances to this restriction shall be considered a conditional use permit and shall require a public hearing and common council approval.
- (b) No structure shall be used as a day care center until such time as both the city and state licenses have been obtained. No operation of a day care center is permitted without current state and city licenses.
- (c) Licensed day care centers in operation as of the date of this ordinance (December 17, 1987) are not subject to the restrictions of 11.05(13)(a).
- (d) The building, plumbing, electrical, and fire inspectors shall inspect the day care center annually, prior to the issuance of a city license.
- ~~(e) An annual fee of \$20.00 shall be paid for all day care centers having four to eight children. (MC#1078)~~
- ~~(f) An annual fee of \$30.00 shall be paid for all day care centers having nine or more children. (MC#1078)~~
- ~~(g) Annual fees shall be paid to the city treasurer with the first fee to be paid 20 days prior to the opening or expanding of the day care center. Subsequent to the payment of the initial fee, the fee shall be paid annually by February 28 each year. (MC#1078)~~
- (h) The owner of the day care center shall comply with the regulations set forth in the Wisconsin Administrative Code, Chapter IND 60, entitled "Day Care Centers", and HSS 55 "Licensing Rules for Group Day Care Centers".
- (i) 24-hour care centers:
  - (1) The maximum sound level at the property line of 24-hour day care centers shall not exceed 55 DBA between the hours of 7:00 p.m. and 7:00 a.m.
  - (2) Off-street parking shall be provided for the pickup and delivery of children between the hours of 2:00 a.m. and 6:00 a.m.

11.06 TRAFFIC, PARKING, AND ACCESS

- (1) Traffic Visibility (MC#672)
  - (a) No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2-1/2 feet and 10 feet above the plan through the main curb grades within the triangular space formed by any two existing or proposed intersection street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.
  - (b) No new installations such as structures, parking, or vegetation shall be permitted in any district, except B-1, R-1, and R-2 between the heights of three feet and 10 feet above the plane through the mean back or sidewalk grades within the triangular space formed by street right-of-way lines and a perpendicular line formed by the edge of an intersecting driveway and a line joining points on such lines located a minimum of 15 feet.
- (2) In case of arterial street intersecting with other arterial streets or railways, the corner cut-off distances establishing the triangular vision clearance space shall be increased to 50 feet, except at signalized intersections where a variance may be granted to decrease the vision triangle to not less than 25 feet.
- (3) 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.
- (4) Size and location of each loading space shall not be less than 12 feet wide, 35 feet long, and have a minimum vertical clearance of 14 feet, and may occupy all or any part of any required yard.
- (5) Required Number of Off-Street Loading Spaces.

<u>Uses</u>	<u>Square Feet Gross Floor Area</u>	<u>Required Off-street Loading Spaces</u>
School	---	one
Hospital	Under 10,000	none
	From 10,000 to 30,000	one
	For each additional 30,000 or major fraction thereof	one additional
Funeral	---	one

Office, Hotel, Retail,	Under 10,000	none
Service, Wholesale,	From 10,000 to 25,000	one
Warehouse, Manu-	From 25,001 to 40,000	two
facturing, Processing,	From 40,001 to 60,000	three
Repairing	From 60,001 to 100,000	four
	For each additional 50,000	one additional
	or major fraction thereof	

(6) Parking Requirements. In all district, except B-1, and in connection with every use, there shall be provided at the time any use of building is erected, enlarged, extended, or increased, off street parking stalls for all vehicles in accordance with the following:

- (a) Adequate access to a public street shall be provided for each parking space. Such access shall be approved by the city building inspector, chief of police, and traffic engineer. All costs of traffic control requested by the city in said B-2, M-1, and M-2 zoning shall be borne by the property owner.
- (b) Size of each parking space shall be not less than 180 square feet, exclusive of the space required for ingress and egress.
- (c) Location to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than five feet to a residential districts lot line. Parking stalls and driveways shall be designed or screened in such a manner as to prevent car headlight beams from entering any class of residence.
- (d) Surfacing. All off-street parking areas shall be graded and surfaced with blacktop or concrete and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- (e) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (f) Number of parking stalls required, as shown on the following table:

<u>USE</u>	<u>MINIMUM PARKING REQUIRED</u>
Single-family dwellings Mobile Homes ----	two stalls for each dwelling unit
Multi-family dwellings ----	1-1/2 stalls for each dwelling unit (two is recommended). Two are required for three- and four-bedroom units
Hotels/Motels ----	one stall for each guest room plus one stall for each three employees
Hospitals ----	one stall for each two beds (1-1/2 is recommended) plus one stall
Dormitories, Sororities Lodging/Boarding Houses ----	for each three employees (two is recommended)
Sanitariums, Institutions Rest Homes Nursing Homes ----	one stall for each five beds plus one stall for each three employees (1-1/2 is recommended)
Medical/Dental Clinics ----	three stalls for each doctor (five is recommended)
Churches Theaters/Auditoriums Community Centers Vocational Schools Night schools	one stall for each five seats

Other places of public assembly

----

Colleges one stall for each two employees plus one stall for each 10  
Elementary School students 16 years of age or more (five is recommended)  
Secondary School

----

Restaurants one stall for each 150 square feet of floor area  
Clubs/Lodges  
Bars  
Places of Entertainment  
Repair shops  
Retail/Service Stores

----

Manufacturing Plant one stall for each two employees  
Processing Plants  
Laboratories  
Warehouses

----

Financial Institutions one stall for each 300 square feet of floor area  
Business  
Government

----

Professional offices one stall for each 300 square feet

----

Funeral Homes one stall for each four seats

----

Bowling Alleys five stalls for each alley

- (g) Uses not listed. In case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
  - (h) Combinations of any of the above uses shall provide the total number of stalls required for each individual use.
  - (i) Where storm sewers are available, any lot 3,000 square feet or larger shall be internally drained with a catch basin connected to the storm sewer.
- (7) Driveways. All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements: (MC#1026)
- (a) Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways on the same lot and a minimum of three feet from each lot line.
  - ~~(b) Openings for vehicular ingress and egress shall not exceed 30 feet for all residential uses. For duplexes, multi-family, and commercial uses, openings for vehicular ingress and egress shall not exceed 36 feet. Variances may be granted by the zoning administrator for industrial and special uses. Variances to driveway opening size regulations shall be referred to the Public Works Committee.~~
  - (b) Openings for vehicular ingress and egress shall not exceed 30 feet for all residential uses. For duplexes, multi-family, and commercial uses, openings for vehicular ingress and egress shall not exceed 36 feet. Duplex openings which both driveways into the duplex are adjacent to each other on the same street shall not exceed 40 feet. Variances may be granted by the zoning administrator for industrial and special uses. Variances to driveway opening size regulations shall be referred to the Public Works Committee. (MC#1169)
  - (c) Minimum entry throat depth shall meet the requirements recommended by ITE unless the city traffic engineer approves a lesser depth. (Copies of standards are available from the traffic engineer.)
  - (d) Lip Curb. Requests for access to exceed those requirements in subsection (b) above, shall be treated as lip curb requests and shall be submitted to the Public Works Committee for approval. Any lip curb granted shall include an approved hard surfacing from curb to property lines.
  - (e) West Grand Avenue, between 25<sup>th</sup> Avenue and West Riverview Expressway - islands between driveway

openings shall be provided with a minimum of 200 feet between all driveways on the same lot. No access onto West Grand Avenue on corner lots except driveways that presently exist that would be 70 feet from the curb radii after the 2005 reconstruction of the street and onto dedicated turn lanes. After July 1, 2001 no new access points will be granted where one does not now exist. Joint driveways will be allowed between adjacent lots constructed on property line. (MC #898)

- (8) Highway access and setback requirements. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (a) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
- (1) A primary, standard, or minor arterial highway intersecting another principal, primary, standard, or minor arterial highway at grade within 100 feet of the intersection of the right-of-way lines along the street.
- (2) Streets intersecting an arterial highway within 50 feet of at the grade intersection of the right-of-way lines along the street.
- (b) Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected by property owners to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
- (c) Temporary access to the above rights-of-way may be granted by the zoning agency after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any condition required and shall be issued for a period not to exceed 12 months.
- (9) Parking of Vehicles used to Transport Potentially Hazardous Materials. Vehicles and railroad cars used in the commercial transport of petroleum fuels, radioactive materials, chlorine, nitrates, anhydrous ammonia, explosive, caustic chemicals, chemicals under refrigeration or other hazardous material shall not be stored overnight in residentially-zone areas. A variance for vehicles transporting heating fuel may be obtained from the zoning board of appeals. (MC#628)

#### 11.07 MODIFICATIONS

- (1) Height.
- (a) Wireless Communications, Towers, and Devices
- (1) Purpose. This section is adopted for the purpose of establishing regulations for wireless communication facilities that minimize adverse impacts to the community, as follows:
- (a) Encourage the location of antenna support structures in nonresidential zoning districts.
- (b) Minimize the total number of antenna support structures within the community.
- (c) Encourage the joint use of new and existing antenna support structures.
- (d) Encourage the attachment of antennas to existing structures.
- (e) Identify appropriate locations for wireless communication facilities.
- (f) Insure that antennas and antenna support structures are configured in a way that minimizes adverse visual impacts by careful design, appropriate siting, landscape screening and innovative camouflaging techniques.
- (g) Avoid damage to adjacent properties from antenna support structure failure through careful engineering and locating of such structures.
- (h) Facilitate the provision of wireless communication facilities.
- (i) Enhance the ability to provide wireless communication facilities to the community quickly, effectively and efficiently.
- (2) Exceptions. The provisions of this section do not apply to radio or television reception antennas, satellite or microwave parabolic antennas not used by wireless communications service providers, receive-only antennas, antennas less than 65 feet in height and owned and operated by a federally-licensed amateur radio station operator, towers or antennas lawfully in existence in the City of Wisconsin Rapids on the date this section becomes effective, facilities of any cable television company holding a valid and current franchise or commercial radio and/or television broadcasting facilities.
- (3) Building Code. The construction and installation of all antenna support structures, antennas, antenna arrays, the installation or placement of antenna arrays on buildings and the placement of

antennas on alternative support structures shall be subject to requirements of the building code, requirements of the Electronics Industries Association/Telecommunications Industries Association and any additional standards applicable thereto published by the Electronics Industries Association.

- (4) Site Plan Review by Planning Commission. All antenna support structures, antennas, antenna arrays and wireless communication facilities shall be subject to site plan review. The following requirements shall apply:
- (a) Lighting. No antenna support structure shall be artificially lighted except as required by the Federal Aviation Administration or other governmental agency.
  - (b) Signage There shall be no signs, symbols, flags, banners, devices or effects attached to or painted thereon or inscribed upon any antenna support structures or antennas unless approved by the plan commission.
  - (c) Finish. All lattice towers and monopole towers shall be finished in non-reflective neutral color or otherwise as directed by the Planning Commission.
  - (d) Support Facilities Requirements.
    - (1) All support facilities, including buildings used for switching and other support functions, shall be placed in close proximity to the support structure on which the antennas are proposed.
    - (2) Support facilities, including all equipment enclosures, shelters, cabinets, boxes or vaults designed for and used to house and protect the electronic equipment necessary and/or desirable for processing wireless communication signals and data, and provisions for air conditioning, ventilation or auxiliary electrical generators shall be completely screened with trees, shrubs, fences or other decorative materials planted to a minimum width of 5 feet so as to be obscured from view from adjacent properties and from the street. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
    - (3) Support facilities shall be kept locked at all times and shall be clearly labeled as to the owner, operator or person to be contacted in the event of an emergency.
- (5) Co-location. All wireless communication service providers shall cooperate with each other in co-locating additional antennas on antenna support structures and/or on existing buildings or other alternative antenna support structures. wireless communications service providers shall exercise good faith in co-locating with other providers and sharing antenna sites, provided that such shared use does not give rise to a substantial technical level impairment of the ability to provide wireless communications service. Such good faith shall include sharing of technical information to evaluate the feasibility of co-location. All antenna support structures shall be available for use by the owner or initial user thereof, together with as many other wireless communication service providers as may be technically accommodated. In the event that a dispute arises as to whether a provider has exercised good faith in accommodating with other providers, the city may require a third party technical study at the expense of either or both of such providers.
- (6) Location of Antennas for Wireless Communication Services

Antenna Attached to exiting Tower or Structure

ZONING DISTRICT	ATTACHED ANTENNA	HEIGHT MAXIMUM	SETBACK MINIMUM
M-1, M-2, M-3	Permitted		Structure setback limits of district
B-1, B-2, B-3, B-4, B-5	Permitted	Not greater than 20' above existing structure	Structure setback limits of district
R-1, R-2, R-3	Prohibited except as permitted on public property pursuant to 11.07(1)(a)(7)	Not greater than 20' above the existing structure	Structure setback limits of district
Agricultural; Planned Development District	Permitted	Not greater than 20' above existing structure	Structure setback limits of district

Conservancy	Conditional use	Not greater than 20' above existing structure	Structure setback limits of district
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- (a) Rooftop Antennas. Antenna arrays may be mounted on the top and attached to roofs of existing buildings or structures that are at least 30 feet or more in height above the street grade upon which such building fronts or may be attached to the facades of buildings, existing towers, or other structures; provided, however, that such antenna structure and arrays shall not add more than 20 feet to the total height or elevation of such building or structure from the street grade. Antenna arrays so mounted shall be obscured from view from the street upon which such building or structure fronts by the use of screening material designed, painted and maintained in a manner that will blend with the appearance of the building or structure.
- (b) New Freestanding Antennas. No new antenna support structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing antenna support Structure, alternative support structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's wireless communication needs. An applicant shall provide the information requested by the community development director for submittal to the Planning Commission relating to the availability of suitable existing antenna support structures, alternative antenna support structures or alternative technology. Evidence submitted to demonstrate facts may consist of the following:
- (1) That no existing antenna support structures or alternative antenna support structures are located within the geographic area which meet the applicant's engineering requiremental and/or
  - (2) That existing antenna support structures and alternative antenna support structures are not of sufficient height to meet the applicant's engineering requirements; and/or
  - (3) That existing antenna support structures and alternative antenna support structures do not have sufficient structural strength to support the applicant's proposed antennas and related equipment; and/or
  - (4) That the applicant's proposed antenna would cause electromagnetic interference with the antennas on the existing antenna support structure or alternative antenna support structure, or the antennas on the existing antenna support structure or alternative support structure would cause interference with the applicant's proposed antenna; and/or
  - (5) That the fees, costs or contractual provisions required by the owner in order to share an existing antenna support structure or alternative antenna support structure or to adapt an existing antenna support structure or alternative support structure for co-location sharing is unreasonable. Costs exceeding new antenna support structure development are presumed to be unreasonable; and/or
  - (6) That an alternative technology that does not require the use of towers or buildings for height, such as cable microcell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs for alternative technology that exceed new antenna support structure development shall not be presumed to render the technology unsuitable.
  - (7) No tower may be built within the South Wood County Airport-Alexander Field glide path exceeding the elevation determined in the height limitation Zoning map, South Wood County Airport dated April 30,2004, without an FAA approval letter and a permit from the airport administrator. (MC#1029)

Freestanding New Antenna Location

ZONING DISTRICT	>500' FROM RESIDENTIAL ZONE	>300' BUT <500' FROM RESIDENTIAL ZONE	HEIGHT MAXIMUM	SETBACK MINIMUM
M-1, M-2, M-3	Permitted	Conditional use	150'	One-half the tower height or as approved by the Planning Commission
B-1, B-2, B-3, B-4, B-5	Conditional use	Conditional use	150'	One-half the tower height or as approved by the Planning Commission

				Commission
R-1, R-2, R-3	Prohibited except where permitted on public property pursuant to 11.07(1)(a)(7)	Prohibited except where permitted on public property pursuant to 11.07(1)(a)(7)	150'	One-half the tower height or as approved by the Planning Commission
Agricultural; Planned Development District	Conditional use	Conditional use	150'	One-half the tower height or as approved by the Planning Commission
Conservancy	Conditional use	Conditional use	150'	One-half the tower height or as approved by the Planning Commission

- (7) Public Owned Property. In addition to all other locations permitted or permitted as a conditional use, antenna and appurtenant structures may be permitted on all Publicly-owned property, including land owned by the City of Wisconsin Rapids School District, subject to approval of the Common Council. Wireless communication facilities on publicly-owned property shall be subject to subsection (3) and (4) above.
- (8) Removal of Abandoned Antenna Support Structures.
- (a) Any antenna support structure that has had no antenna mounted upon it for a period of 180 successive days or if the antenna(s) mounted thereon are not operated for a period of 180 successive days shall be considered abandoned. The owner thereof shall remove such structure and any accompanying equipment enclosure within 90 days after the receipt of notice from the city to do so. During the 90 days the owner may apply and, for good reason, be granted an extension of time on such terms as the Planning Commission shall determine. If such structure and equipment enclosure are not removed within the permitted 90 days, the city seek and obtain a court order directing such removal and imposing a lien upon the real property upon which such structures are situated in an amount equal to the cost of removal. Any notice given under this section is subject to appeal to the Common Council.
- (b) In the event more than one wireless communication service provider is using this support structure, this provision shall not become effective until all users cease use of such structure.
- (b) Agricultural structures, such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.
- (c) Public or semi-public facilities, such as schools, churches, hospital, monuments, sanitariums, libraries, governmental offices, and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the districts maximum height requirements.
- (2) Yards. The yard requirements stipulated elsewhere in the ordinances may be modified as follows:
- (a) Uncovered stairs, landings, and fire escapes may project into any yard not to exceed six feet and not closer than three feet to any lot line.
- (b) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall not exceed two feet.
- ~~(c) Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six feet; shall not exceed a height of four feet in the street yard, and shall not be closer than two feet to any public right of way; and shall not be closer than six inches to the adjacent property lines except where adjacent to an existing building, in this case 24 inches shall be maintained. In the case of through lots, a six foot high fence may be constructed in the rear yard not closer than three feet from the street property lines nor closer than 15 feet to a point of intersection of a driveway and a street. In the case of corner lots, see Section 11.06(1) of this ordinance. Any and all fences, landscape walls, or~~

~~decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property. This will not apply to structures that are finished equally toward adjoining properties. (MC#795) (MC #1104)~~

- ~~(d) Swimming Pool Safety Devices. Every person in possession of land as owner, purchaser under contract, lessee, tenant, or licensee, upon which a residential swimming pool, spa, or hot tub is installed that contains 24 inches or more of water in depth at any point, shall provide supervision and maintain a means of permanent enclosure. The pools, spas, or hot tubs shall be installed in accordance with the latest national spa and pool institutes model child protection/barrier code. (MC#984)~~
- (e) Security fences are permitted on the property lines in all districts except residential areas and shall be screened from public view by a fence not to exceed 10 feet in height and shall be of an approved type.
- (f) Up to two accessory uses or detached accessory structures are permitted on one lot of record. One detached garage of wood or masonry construction is permitted in the side yard on the address side of the principal structure and shall be not less than 25 feet from the street property line or 5 feet behind the face of the principal structure. It shall not be closer than 10 feet to the principal structure unless it complies with ILHR Chapter 21, shall not exceed 16 feet in height, shall not occupy more than 20 percent of the rear yard area, shall not exceed 900 square feet, shall meet the side yard setback for the principal dwelling, and shall not be closer than 3 feet to the lot line if it is in the rear yard. All other uses or structures must be in the rear yard and shall not occupy more than 20 percent of the rear yard. (MC#748)
- (g) Off-street parking is permitted in all yards of the B-1 and B-2 business districts and M-1 and M-2 industrial districts, but shall not be closer than five feet to any public right-of-way. Parking shall not be allowed in the vision triangle of any intersections.
- (h) Essential services to a structure are exempt from the yard and distance requirements of this ordinance.
- (i) Retaining Walls. Retaining walls in excess of three feet in height shall be treated as a conditional use. Fences built on said retaining walls shall also require a conditional use permit. (MC#414)
- (3) Landscaping and vegetation are exempt from the yard requirements of this ordinance except as governed in Section 11.06(1).
- (4) 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.
- (5) Average Street Yards. The required street yards may be decreased in any residential or B-2 district to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in any residential district or any B-2 district.
- (6) Noise. Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level ordinance. All other sirens, whistles, and bells are subject to Chapter 21 of the Municipal Code (Nuisance Controls) and noise ordinance.
- (7) Screening Regulations. Any use required by this ordinance to be screened in accordance with this section, shall be contained within an opaque fence or wall eight feet high or a visual screen consisting of evergreen-type hedges or shrubs, maintained in good condition, or any effective screen to block public view.
- (8) Water Setback Requirements. No building or structure shall be erected, moved, or structurally altered so as to project within 60 feet from the high water line of any stream, lake, or body of water, or, where established, the bulkhead line, except where specifically approved. This section shall not apply to development along the Wisconsin River, which is regulated by Chapter 10 of the Municipal Code.
- (9) Building Foundations. Buildings on lake or stream lots, except a boat house not used or intended to be used for human habitation, shall be erected or structurally altered so that the bottom of its foundation is not below the high water mark of an adjacent lake or stream unless flood-proofed construction.
- (10) Alternative Energy Ordinance.
  - (a) Definitions: Wind powered generators, solar panels, photo cells, and other devices designed for the purpose of producing heat, electrical, or mechanical energy by other than conventional means, as defined by this ordinance, shall be considered an alternative energy system.
  - (b) Conventional means shall mean any energy source purchased from a licensed utility, any heating source utilizing commercial fuel oil, wood, paper, L.P. gas, coal, or natural gas, or any stationary internal combustion engine utilizing a petroleum- or alcohol-based fuel commercially designated for use in internal combustion engines.
  - (c) General Provisions.
    - (1) Installation: Alternative energy system may be installed in residential zones upon the issuance of

- a building permit subject to written policy established by the planning commission and approved by the common council.
- (2) All structures must conform to state codes with regard to construction, wind loading, materials, etc.
  - (3) Any alternative energy system which for any reason a building permit is not granted may appeal to the planning commission.
  - (4) Any alternative energy system for which a permit is applied for may be referred to the planning commission for approval during the normal building permit review procedure.
  - (5) All structures in commercial or industrial zones incorporating or remodeling to incorporate an alternative energy system shall require planning commission approval.
  - (6) The planning commission may require the review of any existing alternative energy system which creates a hazard to the health and/or safety of the community or creates a substantial nuisance. Upon finding that an existing alternative energy system creates a hazard to health or safety or a substantial nuisance, the planning commission may order the modification or removal of the system within 30 days of the finding.
  - (7) Appeals and approvals of the planning commission are subject to final approval of the common council. (MC#920)
- (11) Exterior Lighting. Exterior lighting in all zones shall be shielded or directed in such a way as to prevent rays of light from shining or being reflected directly into any residence in excess of two foot candles measured at a residential lot line or 10 foot candles measured at the contiguous street right-of-way. This ordinance shall not pertain to ambient light.

#### ~~11.08 SIGN REGULATIONS (MC#1155)~~

- ~~(1) All signs erected or maintained after August 1, 1991; except official, traffic, street signs, and those signs which are displayed inside of a business or residence; shall conform with the provisions of this section and any other ordinance or regulations of the City of Wisconsin Rapids not in conflict.~~
- ~~(2) Definitions:~~
- ~~(a) Advertising Sign: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards.~~
  - ~~(b) Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.~~
  - ~~(c) Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.~~
  - ~~(d) Business Sign: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located.~~
  - ~~(e) Canopy Sign: Any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.~~
  - ~~(f) Directional Sign (On Premises): A sign which indicates only the name or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.~~
  - ~~(g) Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.~~
  - ~~(h) Freestanding Sign: Any sign supported by structures or supports placed on, or anchored in, the ground and that are independent from any building or other structure.~~
  - ~~(i) Ground Sign/Monument Sign: A freestanding sign whose bottom edge is located within one foot of ground level.~~
  - ~~(j) Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.~~
  - ~~(k) Lot Frontage: Lot width measured at the street lot line.~~
  - ~~(l) Marquee Sign: An overhanging sign providing a canopy of a theater, auditorium, fairground, museum or~~

other use, which advertises present and scheduled events.

- ~~(m) Name Plate Sign: A sign indicating the name and/or address of the building, tenant of the unit or manager of the property located upon a premises where the sign is displayed.~~
  - ~~(n) Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string.~~
  - ~~(o) Projecting Sign: A sign, other than a wall sign which is attached to and projects more than 18 inches from a structure or building face. The bottom edge of such sign shall be located a minimum of ten feet from the ground level directly under the sign. Projecting signs shall only be allowed in the B-1 Central Commercial District and shall require Planning Commission approval.~~
  - ~~(p) Roof Mounted Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.~~
  - ~~(q) Signs: Any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nations, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products, or services incorporated in window display, works of art which in no way identify a product, or scoreboards located on athletic fields.~~
  - ~~(r) Temporary Sign: A sign advertising display intended to be displayed for a certain period of time. Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary.~~
  - ~~(s) Wall Sign: A sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than 18 inches from its surface. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted.~~
  - ~~(t) Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.~~
- (3) Measurement of Sign Area and Sign Height.
- ~~(a) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof, that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.~~
  - ~~(b) Computation of Area of Multi faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all faces. However, when two identical permanent sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. The area of signs with back to back sign faces which include different messages shall be computed by adding together the area of both faces.~~
  - ~~(c) Computation of Sign Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonably determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot whichever is lower.~~
- (4) Purposes of Sign Regulations. The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability

~~to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these restrictions. This sign ordinance is adopted under the zoning authority of the city in furtherance of the more general purposes set forth in the zoning ordinance.~~

- (5) ~~General Sign Provisions. The following regulations shall apply to all signs hereinafter in all districts.~~
- ~~(a) Signs shall not be permitted within the public right of way or easements except that banners, which meet the criteria established by the common council, may be approved for a period of 30 days by the city clerk as provided in Chapter 20 of the Municipal Code and except that projecting signs that are specifically permitted per Section 11.08(9)(f) may be allowed in the B-1 district with planning commission approval. (MC#920)~~
  - ~~(b) Illuminated signs giving off intermittent or rotating beams shall not be permitted.~~
  - ~~(c) No sign shall be placed that resembles any official marker erected by a government agency or display such words as "stop", "danger", etc.~~
  - ~~(d) No sign shall be permitted to obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, ingress or egress for any building or structure.~~
  - ~~(e) The owner, leasee, or manager of a ground sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.~~
  - ~~(f) Advertising signs, business signs, and name plate signs which may be or may hereafter become unsightly shall be repaired upon which the sign stands, upon notice of the city building inspector.~~
  - ~~(g) No painted wall signs shall be allowed in any district. No signs shall be attached to trees or painted on rocks.~~
  - ~~(h) No sign shall project across a property line or right of way line except where expressly permitted by this ordinance.~~
  - ~~(i) No fluttering, undulating, swinging, rotating, or otherwise moving signs, or other decorations shall be permitted.~~
  - ~~(j) Where a sign is illuminated, the source of light shall not shine into any part of a residence or into any of the classes of residence district so as to cause of nuisance.~~
  - ~~(k) Exception to sign regulations shall be reviewed by the planning commission and submitted to the common council for approval. (MC#920)~~
  - ~~(l) Pennants and banners are allowed in B-1 and B-2 areas. Pennants and banners may not be attached to public light standards, traffic signals, signal/sign standard or to utility poles, nor may they cross public right-of-ways except as otherwise provided in 11.08(5)(a). Pennants, flags, and banners must be maintained in a whole, clean, and untattered condition so as not to be a public nuisance.~~
  - ~~(m) Portable advertising signs within the city shall be considered a temporary use. A portable sign shall be defined as any sign which is designed to be moved intact on its own carriage or which is not firmly anchored to a permanent location by means of posts, bolts, adhesives, or other forms of anchors. Portable sign use is limited to not more than 30 days at a time nor more frequently than once every 90 days on a lot. A new permit shall be required for each use.~~
  - ~~(n) Signs which are no longer functional or which have been abandoned, shall be removed or relocated in compliance with the provisions of this ordinance within 90 days following such dysfunction.~~
  - ~~(o) Election Signs may be erected in all zones in accordance with the following restrictions:~~
    - ~~(1) Election signs may be erected only during an election campaign period as defined by Wisconsin Statute. (MC#931)~~
    - ~~(2) No election signs may be located in such a manner so that the cumulative effect of the signs is to create a vision hazard to traffic determined by enforcing officer.~~
    - ~~(3) No sign may be located on city property, nor less than 12 feet from the existing curb or edge of the street surfacing.~~
    - ~~(4) All campaign signs shall be removed within 48 hours after the election except that those signs used in a primary election may remain in place for candidates competing in the general election.~~
    - ~~(5) No signs may be placed in such a manner as to conflict with state statutes relating to election signs and campaigning.~~
    - ~~(6) Enforcement will be by police department, city planning, or the building inspector.~~
    - ~~(7) The city clerk will supply all candidates a copy of these regulations.~~

~~(6) Permit, Plans, Fees, and Bond~~

- ~~(a) No permit shall be issued for an individual sign requiring a permit unless and until a master signage plan for the lot on which the sign will be erected has been submitted to the zoning administrator and approved by the zoning administrator as conforming with this ordinance at all times.~~
- ~~(b) For any lot on which the owner proposes to erect one or more signs requiring a permit, the owner shall submit to the zoning administrator a master signage plan containing the following:
  - ~~(1) An accurate plot plan of the lot at such scale as the zoning administrator may reasonably require;~~
  - ~~(2) Location of buildings, parking lots, driveways, and landscaped areas on such lot;~~
  - ~~(3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this ordinance;~~
  - ~~(4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.~~
  - ~~(5) A description of the type of materials of the proposed sign(s), colors of the proposed sign(s) and the type of lighting, if any, proposed.~~~~
- ~~(c) Master Signage Plan Procedures. A master signage plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.~~
- ~~(d) Amendment to Master Signage Plan. A master signage plan may be amended by filing a new master signage plan that conforms with all requirements of the ordinance then in effect.~~
- ~~(e) Binding Effect. After approval of a master signage plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.~~
- ~~(f) Fee. A fee of \$25.00 shall be paid to the city building inspector by the applicant prior to the issuance of a sign permit. Each sign shall require a separate permit. No permit shall be required for signs erected pursuant to 11.08(8) except for those signs identifying a church, school, hospital, sanitarium, club, library, dwelling group of five or more dwelling units, or similar use as identified in Sections 11.08(8)(e) and 11.08(8)(f). (MC#810)~~
- ~~(g) Bond. Every applicant for a building permit for a sign shall, before the permit is granted, execute a surety bond in a sum of \$200.00, and it shall be of a form and type indemnifying the city against all loss, cost, damages, or expense incurred or sustained by or recovered against the city by reason of erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the state of Wisconsin and conforming to the requirements of this section may be permitted by the building inspector in lieu of a bond.~~

~~(7) Nonconforming Signs~~

- ~~(a) Signs existing as of the effective date of this ordinance which do not conform to the provisions of 11.08 and 11.09, shall be nonconforming signs and be subject to the provisions of Section 11.08(7)(a) – (g).~~
- ~~(b) Business signs on the premises of a nonconforming use or building may be continued but such signs shall not be allowed to expand in number, area, height or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of adoption of this ordinance.~~
- ~~(c) Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use or shall be removed per Section 11.08(7)(e) – (g). Closing businesses must remove their signs, sign frame and structure within 60 days of closing.~~
- ~~(d) Signage not in compliance with the provisions of this section shall be subject to the provisions of Section 11.08(7)(e) – (g).~~
- ~~(e) Alteration of signs. For the purpose of this ordinance, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting, including: changing the message (except for marquee signs), symbols, color, material, height, location, or any other alterations as determined by the zoning administrator.~~
- ~~(f) Altering a sign does not include maintaining the existing appearance of the sign or replacing the sign face or the supporting structure with identical materials, colors, and messages nor changing the message of a marquee sign.~~

- ~~(g) All signs found not to be in compliance with the provisions of this section shall be removed within 30 days of receiving written notice of noncompliance and removal from the zoning administrator.~~
- ~~(8) Signs in R-1, R-2, and R-3 Residential Districts. No signs, business sign, name plate sign, or advertising sign shall be erected except the following:~~
  - ~~(a) A name plate sign or professional name plate sign, identifying the owner, occupant or home occupation of the building or dwelling unit, provided the surface area does not exceed two square feet (288 square inches).~~
  - ~~(b) A sign pertaining to the lease or sale of a building or property, provided such sign shall not exceed four square feet in surface area and shall not be illuminated.~~
  - ~~(c) Signs advertising a new subdivision or development, each subdivision or development shall be allowed one sign not to exceed 96 square feet in surface area, nor more than 15 feet in height.~~
  - ~~(d) One un-illuminated sign identifying an engineer, architect, contractor, company, or product engaged in or used in the construction of the building is permitted, provided such signs shall not exceed 12 square feet per face and are not more than 15 feet in height. Said sign shall be removed when the project is completed.~~
  - ~~(e) One identification sign, not to exceed 30 feet in area for the following uses: church, school, hospital, sanitarium, club, library, or similar uses. Such signs shall be solely for the purpose of displaying the name of the institution and its activities or services. It may be illuminated but shall not be flashing. With the exception of hospitals; in order to minimize potential nuisances with surrounding residential uses, illumination for the sign shall be limited to the hours of 6:00 a.m. to 10:00 p.m. (MC#1119)~~
  - ~~(f) One name plate sign for a dwelling group of five or more units, not to exceed five square feet in surface area. Such signs may indicate the name and address of the building or it may be a directory for occupants.~~
  - ~~(g) Directional signs in any parking area necessary for orderly movement of traffic. Such signs may have the logo of the business but may not be otherwise used for advertising purposes.~~
  - ~~(h) Temporary signs advertising yard sales, garage sales, porch sales, and similar types of short term activities are exempt from other residential sign regulations. Such signs may not interfere with traffic, be displayed for a period exceeding 72 hours nor exceed nine square feet in area.~~
- ~~(9) Signs in B-1 Central Business Districts. Signs in the B-1 districts may include wall signs, projecting signs (including canopy signs and marquee signs), window signs and pylon signs (pylon signs are allowed in the B-1 districts only if the conditions in 11.08(9)(d) met).~~
  - ~~(a) The total area of all signs on a lot shall not exceed the sum of two square feet of signage per lineal foot of lot frontage. In the case of corner lots, the greatest width of lot frontage shall be the front for purposes of this ordinance.~~
  - ~~(b) No sign shall project higher than 35 feet above the average grade at the building line, or six feet above the height of the building, whichever is less.~~
  - ~~(c) Business signs shall be limited to signs whose primary axis is parallel with the wall and shall not extend more than 18 inches from the face of the building. Roof mounted signs are prohibited.~~
  - ~~(d) Business which set back from the property line, may erect one pylon sign, having a maximum of two faces, the surface of each face of which shall not be located in any vision triangle formed by either an intersection of streets or by the intersection of a street and a private driveway or road.~~
  - ~~(e) Off premises signs are regulated by Section 11.09.~~
  - ~~(f) The issuance of any sign permit for a sign that is suspended or projects above a public right of way shall require Planning Commission approval and shall be conditioned on the sign owner obtaining and maintaining in force liability insurance for such a sign in such form and such amount as the city attorney may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign". (Note: See definition for projecting sign for additional requirements.)~~
- ~~(10) Signs in B-2 General Business District. In B-2 general business districts, business signs, name plate signs, and advertising signs are permitted subject to the following regulations.~~
  - ~~(a) The total surface area of all signs in a B-2 business district shall not exceed the sum of three square feet of signage per lineal foot of lot frontage. In the case of corner lots, the greatest width of lot shall be the front for the purposes of this ordinance.~~
  - ~~(b) No sign shall project higher than 35 feet above the average grade at the building line or six feet, above the height of the building, whichever is less.~~

- ~~\_\_\_\_\_ (c) \_\_\_\_\_ Roof mounted signs are prohibited.~~
- ~~\_\_\_\_\_ (d) \_\_\_\_\_ Each lot of record in a B-2 general business district shall be permitted one pylon sign (pylon signs shall be defined as any free standing sign supported by one or more pillars, upright supports, or posts), having a maximum of two faces, the surface of which shall not exceed 150 feet per face. No part of the pylon sign shall be closer to the side lot line than the height of the sign. For example, a 12-foot high pylon sign shall be no closer than 12 feet to the side lot line. In no case shall any sign be closer than five feet to any lot line. Pylon signs may not interfere with any vision triangle formed by the intersection of streets or by the intersection of a street and a private drive.~~
- ~~\_\_\_\_\_ (e) \_\_\_\_\_ Each shopping center containing five or more businesses shall be permitted two pylon signs not over 150 square feet in surface area. No part of the pylon sign shall be closer to the side lot line than the height of the sign. For example, a 12-foot high pylon sign shall be no closer than 12 feet to the side lot line. In no case shall any sign be closer than five feet to any lot line. When only one sign is erected, the total surface area may be increased by 50 percent.~~
- ~~\_\_\_\_\_ (f) \_\_\_\_\_ Off premises signs are regulated by Section 11.09.~~
- ~~\_\_\_\_\_ (g) \_\_\_\_\_ The owners of multi-tenant properties shall be allowed to allocate sign size to each business up to a specified maximum for the entire property. This allows the owner to allocate much of the allowed sign area to one business and none to another business if he or she sees fit to do so. The total surface area of all business and identification signs on a lot shall not exceed the maximum permitted using the formula described in 11.08(10)(a) above.~~
- ~~(11) \_\_\_\_\_ Signs in M-1, M-2, M-3, and M-4 Manufacturing District.. Signs in M-1, M-2, M-3 and M-4 manufacturing districts shall be regulated as in B-1 business zones except as follows:~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ The total surface area of all business signs on a lot shall not exceed three square feet per lineal foot of frontage as measured on the longest side of the lot fronting a street, providing that no sign or combination of signs exceed 300 square feet of surface area.~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Off premises signs are prohibited.~~
  - ~~\_\_\_\_\_ (c) \_\_\_\_\_ No sign shall project higher than 35 feet above the average grade at the building line or six feet above the height of the building whichever is less.~~
- ~~(12) \_\_\_\_\_ Signs in Agricultural Zones. Signs in agricultural zones shall be regulated as in B-1 business zones except as follows:~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ No sign or combination of signs may exceed 300 square feet or surfacing area.~~
- ~~(13) \_\_\_\_\_ Signs in Conservancy District. Within conservancy districts, business signs, name plate signs, and advertising signs are permitted as a conditional use. Signs providing directions, or information about a natural, historic, or scientific feature are permitted upon approval of the park and recreation commission and shall not exceed one square foot in area (144 square inches).~~

~~11.09 \_\_\_\_\_ REGULATIONS FOR OFF-PREMISES ADVERTISING SIGNS (MC#1155)~~

- ~~(1) \_\_\_\_\_ Definition. An off premises advertising sign shall be defined as any sign consisting of fixed or changeable copy which advertises goods or services not manufactured or sold at the location of the sign or any sign consisting of fixed or changeable copy which is offered for hire by the owner.~~
- ~~(2) \_\_\_\_\_ Administration and General Provisions.~~
  - ~~\_\_\_\_\_ (a) \_\_\_\_\_ Application for off premises advertising in B-1 and B-2 commercial zoned areas shall be treated as a conditional use and shall be referred to the planning commission and legislative committee and the common council for approval.~~
  - ~~\_\_\_\_\_ (b) \_\_\_\_\_ Off premises advertising in all areas, other than B-1 and B-2 commercially zoned areas, is prohibited.~~
  - ~~\_\_\_\_\_ (c) \_\_\_\_\_ No off premises advertising sign shall be constructed, erected, altered, or maintained except as provided in these requirements and until a building permit for the same has been obtained. A fee for said permit of \$.30 per square foot or face area per structure shall be charged for all off premises advertising. An annual fee, on the basis of \$10.00 up to 100 square feet and \$25.00 for signs of over 100 feet shall be charged.~~
  - ~~\_\_\_\_\_ (d) \_\_\_\_\_ Off premises advertising signs shall not exceed 300 square feet in face area and shall not exceed 26 feet in height unless otherwise provided for in this ordinance. The sign area for a sign with more than one face shall be computed by adding together the area of all faces. However, when two identical permanent sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. The area of signs with back to back sign~~

~~faces which include changeable messages or which have identical permanent messages but are more than 42 inches apart shall be computed by adding together the area of both faces.~~

- ~~(e) No off premises advertising structure shall be constructed at a distance of less than 500 feet from any other off premises advertising structure.~~
- ~~(f) No off premises advertising sign shall be constructed less than 60 feet from any street measured from the property line nor closer to the street than the front of the farthest setback adjacent building. Any off premises advertising signs within 1,500 feet of an existing or proposed freeway or expressway shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The planning commission shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.~~
- ~~(g) All off premises advertising structures must be maintained in a safe and attractive condition. Structures deteriorated to the extent of 50 percent of the structural value shall be removed or repaired upon notification of the building inspector.~~
- ~~(h) Lots upon which off premises advertising structures are placed must be kept mowed and free from weeds and debris.~~
- ~~(i) No off premises advertising structure shall obscure or otherwise interfere with the effectiveness of an official traffic signal or device or obstruct or interfere with the driver's view of approaching, merging, or intersection traffic.~~
- ~~(j) No off premises advertising sign shall be illuminated in such a manner as to shine or reflect into any residence.~~
- ~~(3) Identification. Each advertising structure shall have an identifying plate attached, which is readable from ground level, identifying the name and address of the owner.~~
- ~~(4) Liability. Every applicant for a permit for off premises advertising shall produce a liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and indemnifying the city against all loss, cost damages, or expenses incurred or sustained by or recovered against the city by reason of the erection, construction, and maintenance of said sign.~~

#### 11.10 NONCONFORMITIES (MC #1084)

- (1) Purpose. Within the Zoning Districts established by this ordinance, there may exist buildings or structures, uses of buildings or structures, or uses of land which do not conform to the provisions of this ordinance. The purpose of this division is to provide regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures and uses shall be permitted to continue.
- (2) Continuation of Nonconformities.
  - (a) Nonconformities may be continued so long as they remain otherwise lawful, subject to the remaining provisions of this division.
  - (b) Existing nonconforming structures shall be deemed to be legal nonconformities if said structure(s):
    - (1) Was properly permitted for construction or was constructed prior to permitting requirements; and
    - (2) Was issued a certificate of occupancy, or passed a final (last) inspection if a certificate of occupancy was not required or was constructed prior to any applicable final (last) inspection or certificate of occupancy requirement. Nothing in this section shall be interpreted as authorization for, or approval of, continuation of any illegal use of a building, structure, premises or land, in violation of this Code or any ordinance in effect at the time of the adoption of this Code. The casual, intermittent, temporary or illegal use of land, building or structure shall not be sufficient to establish the existence of a non-conforming use.
    - (3) Nonconforming Buildings and Structures. A nonconforming building or structure existing on the effective date of this Ordinance may be maintained although it does not conform with the area, height, yard, open space or visual clearance provisions of this Ordinance, except as otherwise provided below in this section:
      - (a) Repairs and Nonstructural Alterations. Repairs and nonstructural alterations may be made to a nonconforming building or structure, for ordinary maintenance repairs including internal and external painting, decorating, paneling, and the repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, roofing or other nonstructural components provided that the cubic content of the building or structure as it existed prior to the effective date of this Ordinance is not

- increased.
- (b) Structural Alterations and Additions. A nonconforming building or structure shall not be structurally altered or enlarged in any manner except when such structural alteration or addition conforms to all of the regulations of the District in which it is located.
  - (c) Additions or alterations to existing nonconforming buildings, structures or residential uses are permitted provided that the value of such addition or alteration does not exceed fifty (50%) percent of the total assessed value of the existing building, and provided that the addition or alteration conforms with all other provisions of this ordinance.
  - (d) Relocation. A nonconforming building or structure shall not be moved in whole or in any part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the District in which it is located.
  - (e) Total lifetime structural repairs or alterations. Total lifetime structural repairs or alterations to a nonconforming building or structure shall not exceed fifty (50) percent of the municipality's equalized assessed value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to all the regulations of the District in which it is located.
- (4) Nonconforming Uses of Buildings or Structures. The nonconforming use of a building or structure existing on the effective date of this Ordinance may be continued although it does not conform with the use provisions of this Ordinance, except as otherwise provided in this division:
- (a) Repairs and Nonstructural Alterations. Repairs and nonstructural alterations may be made to a building or structure, which contains a nonconforming use for ordinary maintenance repairs, including internal and external painting, decorating, paneling, and the repair or replacement of doors, windows, nonbearing walls, fixtures, heating components, wiring, plumbing, roofing or other nonstructural components to a value of which does not exceed fifty (50%) percent of the total assessed value of the building or structure, provided that the cubic content of the building or structure as it existed prior to the effective date of this Ordinance is not increased.
  - (b) Structural Alterations and Additions. When a building or structure contains a nonconforming use, structural alterations and additions are only permitted when the use of the entire building or structure is changed to a use which conforms to all of the regulations of the District in which it is located.
  - (c) Expansion, Extension, or Relocation. A building or structure containing a nonconforming use shall not, in any manner, be expanded or extended or be relocated in whole or in part to any location on the lot or onto any adjacent lot, unless the use of the entire building or structure is changed to a use which conforms to all of the regulations of the District in which it is located.
  - (d) One Year Vacancy. A building or structure or portion thereof nonconforming as to use which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year, or more, shall not hereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.
- (5) Nonconforming Uses of Land. A nonconforming use of land where no building is involved, existing on the effective date of this Ordinance, may be continued although it does not conform with the use provisions of this Ordinance, except as otherwise provided below in this Section:
- (a) Maintenance. Lots containing a nonconforming use of land, which do not have a building or structure thereon, may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land devoted to such use as it existed prior to the effective date of this Ordinance is not increased.
  - (b) Expansion, Extension or Relocation. A nonconforming use of land shall not, in any manner, be expanded, extended or be relocated on the same lot.
  - (c) Discontinuance or Change of Use. If a nonconforming use of land or any portion thereof is discontinued or is proposed to be changed, any future or proposed use of such land shall be in conformance with the provisions of this Ordinance.
- (6) General.
- (a) Reconstruction.
    - (1) Nonconforming Buildings and Structures. Where a nonconforming building or structure is damaged or destroyed by a catastrophe, or act of God, it shall not be reconstructed except in conformance with the regulations of Section 11.10(3) of this Ordinance and Section 62.23(7)(hc), Wisconsin Statutes.
    - (2) Building or Structure Containing a Nonconforming Use. Where a building or structure containing a nonconforming use is damaged by a catastrophe or act of God to the extent equaling more than fifty (50%) percent

of its total assessed value, it shall not be reconstructed except as to comply with the height, yard, open space and use regulations of the District in which it is located. A building or structure containing a nonconforming use damaged to the extent equaling fifty (50%) percent or less of its total assessed value, may be reconstructed provided that the nonconforming use as it existed prior to the damage is not increased or enlarged.

- (3) Exceptions for Historical Buildings and Structures. Exceptions for historical buildings and structures will be reviewed by the Planning Commission and final approval shall be made by the Common Council.
- (b) Orders of Repair. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure or part thereof declared to be unsafe by the Administrator.
- (7) Nonconformance Due to the Adoption of This Ordinance, Amendments, or Rezoning. The provisions of this ordinance or Section 11.10 shall also apply to buildings, structures, uses of buildings or structures, or uses of land which hereafter become nonconforming due to the adoption of this Ordinance, amendments thereto, or rezonings.
- (8) Nonconforming Uses and Structures within the Floodway, Floodfringe, and/or Flood Storage Areas. All nonconforming uses and structures within the floodway, floodfringe, and flood storage areas shall adhere to the requirements outlined in Wisconsin Rapids Municipal Code Chapter 10: Floodplain Zoning.
- (9) Nonconforming Uses and Structures within Shoreland and/or Wetland Areas. All nonconforming uses and structures within shoreland and/or wetland areas shall adhere to the requirements outlined in the Wisconsin Rapids Municipal Code Chapter 28: Shoreland-Wetland Zoning.
- (10) Nonconforming Lots of Record. Substandard Lots. In any residential district, a one-family detached dwelling and its accessory structure may be erected on any legal lot or parcel of record in the county register of deeds office. All the district requirements shall be complied with insofar as practical, but shall not be less than the following:
  - (a) Lot
    - (1) Width: Minimum 40 feet. Variances for lots of less than 40 feet in width are subject to approval from the Board of Zoning Appeals.
    - (2) Area: Minimum 5,000 feet.
  - (b) Yards
    - (1) Street: Minimum 25 feet; the second street yard on corner lots shall be not less than 15 feet.
    - (2) Rear: Minimum not less than 25 percent of lot depth.
    - (3) Side: Minimum not less than 5 feet on one side, and 8 feet for second side yard.
  - (c) Variances for lots of less than 40 feet are subject to the Board of Zoning Appeals.

#### 11.11 ZONING BOARD OF APPEALS - WISCONSIN STATUTES INCORPORATED BY REFERENCE

- (1) A board of appeals is hereby established. The board of appeals shall consist of five members appointed by the mayor, subject to confirmation by the common council, for three-year terms, except that of those first appointed; one shall serve for one year, two for two years, and two for three years. No member of the common council may be a member of the board of appeals. The members shall serve without compensation and shall be removable by the mayor for cause upon written charges after public hearing. The mayor shall designate one of the members chairman. The board of appeals may employ a secretary and other employees. The mayor shall appoint two alternate members for three years, who shall act with full power only when a member of the board of appeals refuses to vote because of conflict of interest or is absent. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. (MC#1086)
- (2) The board of appeals shall adopt rules for its government and procedure. Meetings of the board of appeals shall be held at the call of the chairman and at such times as the board of appeals may determine. The chairman or, in his absence, the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (3) The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of appeals and shall be a public record.
- (4) Appeals to the board of appeals may be taken by any person aggrieved or any officer, department, board, or bureau of the City of Wisconsin Rapids affected by any decision of the administrative officers within the scope of the zoning ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the board of appeals, by filing with the officers from whom the appeal is taken and with the board of appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the board of appeals all the papers constituting the record upon which the action appealed from was taken. The board of appeals shall fix a

reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time.

- (5) The board of appeals shall have the following powers:
- (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the building inspector.
  - (b) To hear and decide special exceptions to the terms of this section upon which the board of appeals is required to pass.
  - (c) To authorize, upon appeal in special cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
  - (d) Permit to erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this ordinance for such public utility purposes which are reasonably necessary for public convenience and welfare.
  - (e) The board of appeals may reverse or affirm, wholly or in part, or may modify any order, requirement, decision, or determination as its opinion ought to be made in the premises and to that end shall have all the powers of the administrative official. The concurring vote of four members of the board of appeals shall be necessary to reverse any order, requirement, decision, or determination appeals from or to decide in favor of the applicant on any matter which it is required to pass or to effect any variation in the requirements of this ordinance.
  - (f) In addition to the foregoing, the board of appeals shall have the following specific powers:
    - (1) Repealed by Ordinance MC-#615 (September 15, 1992)
    - (2) Grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in a single ownership at the time of the adoption of this section.
    - (3) By special permit, after due notice and public hearing, authorize the location of any of the following buildings or uses in any district from which they are excluded by this section, provided that such building or use shall comply with all other regulations in the district in which it is proposed to be relocated.
      - (a) nurseries and greenhouses for the propagation and cultivation of plants
      - (b) private clubs and lodges excepting those the chief activity of which is a service customarily carried on as a business
      - (c) hospitals and clinics
      - (d) institutions of a philanthropic or eleemosynary nature
      - (e) cemeteries
    - (4) On passing upon appeals covering the foregoing uses, the board may establish adequate safeguards and conditions in harmony with the terms of this ordinance, particularly as they apply to structures of a height and bulk greater than the normal standards of the district in which the proposed use may be located.
    - (5) Interpret the provisions of this section in such a way as to carry out the intent and purpose of the plan as shown on the zoning map accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.
    - (6) After public hearing, grant a permit for the construction or erection of a building or structure located within two miles of the boundary line of any airport to a height greater than that permitted by this ordinance provided that the board of appeals shall first have determined that the height use and location of such building or structure will not constitute a hazard to the normal, safe operation of aircraft.
    - (7) The board of appeals shall have the power to call on any other city department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- (6) The Zoning board of appeals, when reviewing matter relating to a parcel of land located in the flood plain, as defined in Chapter 10 of the Municipal Code, shall follow the procedures outlined in Section 10.06(4) of the Floodplain Zoning Regulations in said chapter.

#### 11.12 CHANGE AND AMENDMENTS

The common council may from time to time on its own motion or petition, after first submitting the proposal to the planning commission, amend, supplement, or change the district boundaries or the regulations therein or subsequently establish, upon complying with Section 62.27(7)(d), Wisconsin Statutes, which is hereby incorporated herein and made part hereof as if fully set forth herein.

#### 11.13 ANNEXATION

All territory annexed to the City of Wisconsin Rapids shall automatically become a part of the single-family residence district until definite boundaries and regulations are recommended by the planning commission and adopted by the common council; provided, however, that the common council shall adopt definite boundaries and district regulations within 90 days from the date of annexation. [See Chapter 31 for more information on annexation.]

#### 11.14 TEMPORARY STRUCTURES AND USES (MC#643)

- (1) It shall be unlawful to operate a business, either for profit or not-for-profit, out of a temporary structure or as a temporary use in the City of Wisconsin Rapids without first obtaining a permit.
- (2) Definitions.
  - (a) Temporary Structure: Any structure not constructed on and attached in an accepted manner to an approved permanent foundation or otherwise constructed as required by the Wisconsin Rapids building codes for commercial structures. Examples include, but are not limited to, tents, trailers, campers, and non-permanent wood or metal structures.
  - (b) Temporary Use: Any commercial use other than the principal use which takes place on a property, private or public, which is not intended to remain in place for a period to exceed a total of 180 days within one calendar year. Examples include, but are not limited to, garden sales, Christmas tree sales, produce sales, truckload sales, car washes and food stands and mobile food carts and vehicles. Exempt from this ordinance are residential garage or rummage sales and informal sales by children on their residential property, except that garage or rummage sales on any one site are limited to no more than seven days of operation in any one month and no more than 14 total days of operation in any one year. Temporary uses in church and school zones should be considered incidental uses to the principal use and are not subject to this ordinance. Non-profit events otherwise approved by the common council or park and recreation commission are exempt. Carnivals and circuses otherwise covered by the circus and carnival licensing board are exempt. (MC#879)
- (3) Permit required.
  - (a) Permits for temporary structures and uses shall be obtained from the building inspector prior to placement or commencement of use.
  - (b) No permit for a temporary structure or use shall be issued unless a detailed site plan is submitted to the building inspector demonstrating to his/her satisfaction, that placement and use poses no extraordinary hazard to the public.
  - (c) Each permit for a temporary structure or use shall be prominently displayed at the structure or activity site.
- (4) Location.
  - (a) In no case, shall a stationary temporary structure or use be located closer than 25 feet from any public right-of-way or interfere with street or driveway vision triangles or the normal safe traffic pattern of a parking area. Pedestrian and vehicle traffic shall be separated with curbs, fences or other barriers. In no case shall a mobile temporary structure or use interfere with the safety and welfare of the public, either on private or public lands or thoroughfares. Mobile sales vehicles, such as ice cream trucks and other vehicle-based retail vendors shall only be able to sell from within a public right-of-way if equipped with a right-hand-only sales and display area.
  - (b) Temporary uses and structures, as defined in this section, may be allowed in commercial or industrial zones only, but in no case shall such use create a violation of other provisions of the zoning code. Mobile sales vehicles, as specified in Section 11.14(4)(a), may be allowed to operate in all zones, provided the vehicles comply with that section.
- (5) Fees (to be paid by the property owner or mobile vehicle owner).
  - (a) The fee for such permit for a period not to exceed a seven-day week shall be \$25.00.
  - (b) The fee for such permit for a period in excess of seven days, but in no case greater than 180 days, shall be \$5.00 for each seven-day week or part thereof.

- (c) The fee for mobile sales vehicles, such as ice cream trucks, shall be \$25.00 per calendar year, per vehicle.
- (6) Exceptions. In no case is this ordinance to apply to those activities commonly considered children's lemonade stands or similar children's activities not done as an organized activity by a commercial or not-for-profit organized group. This ordinance shall not apply to small-scale agricultural sales in areas designated by the city as a farmers' market, or to delivery vehicles not generally considered retail "curbside" points of sale, or occasional seasonal door-to-door sales of produce by Wisconsin farmers.
- (7) Penalties. Failure to comply with the provisions of this ordinance shall result in a \$100.00 fine and an immediate order by the police or community development director to cease and desist the operation, except the fine for violation of the garage or rummage sale limitation in Section 11.14(2)(b) above shall be \$25.00. Each day of continued non-compliance, after the first notification of offense shall be considered a separate offense. (MC#879)

~~11.15 BUILDING NUMBERING (MC#749) (MC#1094)~~

- ~~(1) In all zoning districts, building numbers shall be located in a prominent location, preferably near the primary entrance, and must be readable from the street at all times.~~
- ~~(2) The color of the numbers must contrast with the color of the building.~~
- ~~(3) The numbers shall be Arabic numerals, not script.~~
- ~~(4) The numbers shall be not less than four (4) inches nor more than ten (10) inches in height.~~
- ~~(5) Existing numbering need not be changed to conform with this ordinance. Any property owner or building resident changing any existing numbering subsequent to November 1, 1996 shall comply with this ordinance.~~

11.16 WELLHEAD PROTECTION ORDINANCE. (MC#890)

- (1) Purposes and Authority.
  - (a) Purpose. The residents of the City of Wisconsin Rapids area depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the City of Wisconsin Rapids and promote the public health, safety and general welfare of the residents.
  - (b) Authority. Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in §59.97(1) and §62.23(7)(c), Wisconsin Statutes, to the statutory authorization for county and municipal planning and zoning to protect the public health, safety and welfare. In addition, under §62.23(7)(c), Wisconsin Statutes, the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.
- (2) Application of Regulations. The regulations specified in this Wellhead Protection Ordinance shall apply to the incorporated areas of Wisconsin Rapids that lie within the recharge areas for municipal water supply wells as defined in section 29.05, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the zoning ordinance, the more restrictive provision shall apply.
- (3) Definitions.
  - (a) Aquifer. saturated, permeable geologic formation that contains and will yield significant quantities of water.
  - (b) Cone of Depression. The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.
  - (c) Five-year Time of Travel. The 5-year time of travel is the recharge area upgradient of the cone of depression, the outer boundary of which it is determined or estimated that groundwater will take five years to reach a pumping well.
  - (d) Municipal Water Supply. The municipal water supply of the City of Wisconsin Rapids.
  - (e) Person. Person means an individual, partnership, association, corporation, municipality or state agency, or other legal entity.
  - (f) Recharge Area. The area which encompasses all areas or features that, by surface infiltration of water that reaches the zone of saturation of an aquifer, supplies groundwater to a well.
  - (g) Thirty-day Time of Travel. The 30-day time of travel is the recharge area upgradient of a well, or its cone of depression, the outer boundary of which it is determined or estimated that groundwater will take thirty days to reach a pumping well.
  - (h) Well Field. A piece of land used primarily for the purpose of locating wells to supply a municipal water

- system.
- (i) Zone of Saturation. The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.
- (4) Groundwater Technical Review Committee.
- (a) The City of Wisconsin Rapids Groundwater Technical Review Committee shall consist of:
    - (1) the city community development director
    - (2) the city director of public works
    - (3) the superintendent/manager of public utilities
    - (4) the city engineer
    - (5) the council representative of the city's Planning Commission
    - (6) the chairperson of the Water Works and Lighting Commission
    - (7) one member, who has at least one of the following qualifications:
      - (a) is a hydrogeologist, hydrologist, or a professional engineer with a background in groundwater; or
      - (b) is a certified groundwater professional
  - (b) The purpose of the City of Wisconsin Rapids Groundwater Technical Review Committee is to provide objective and scientific technical review of requests for conditional use permits and make recommendations to the Plan Commission to grant or deny conditional use permits based upon the facts discovered in that review, to make recommendations on any and all conditions placed on a conditional use permit, and to give advice and educate the public on matters concerning groundwater.
- (5) Groundwater Protection Overlay District. A groundwater protection overlay district will be created to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal & private water supply and thus promotes public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing or future municipal water supply from contamination.
- (6) Supremacy of this District. The regulations of an overlay district will apply in addition to all other regulations which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district will apply except when provisions of the Groundwater Protection Overlay District are more stringent.
- (7) Zones. The groundwater protection overlay district is divided into Zone 1 and Zone 2 as follows:
- (a) Zone 1 of Groundwater Protection Overlay District. Zone 1 is the area of land which contributes water to the well in question, out to a 30-day time of travel to the well. Time of travel delineations must be based on accepted hydrogeological research as outlined in the *State Wellhead Protection Program Plan for Public Water Utilities, Appendix 2* with Zone boundaries normalized to road centerlines, railways, surface water features, and the public land survey section lines, 1/2, 1/4, 1/8, or 1/16 section lines. Such are designated in the August 28, 1996 Report to the Water Works and Lighting Commission by Rust Environmental (now known as Earth Tech )
  - (b) Zone 2 of the Groundwater Protection Overlay District. Zone 2 encompasses the area of land which contributes water to the well starting at the line which delineates the 30-day time of travel and ends at the line delineating the 5-year time of travel to the well. Time of travel delineations must be based on accepted hydrogeological research as outlined in the *State Wellhead Protection Program Plan for Public Water Utilities, Appendix 2* with Zone boundaries normalized to road centerlines, railways, surface water features, and the public land survey section lines, 1/2, 1/4, 1/8, or 1/16 section lines. Refer to the Rust Report (Now known as Enviro Tech ) referenced above.
- (8) Groundwater Protection Overlay Districts Boundaries.
- (a) The boundaries of the groundwater protection overlay districts shall be shown on the City of Wisconsin Rapids zoning map. The locations and boundaries of the zoning districts established by this ordinance are set forth on the City of Wisconsin Rapids Municipal Wellhead Protection Areas Map which is incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.
  - (b) Zone 1 for the City Of Wisconsin Rapids well fields are shown as the 30 day draw down area of the maps shown in the Wellhead Protection Planning report dated October 18, 1996.
  - (c) Zone 2 shall be the 30day to five year draw down are as described in the maps shown in the same planning report listed above.
- (9)t Permitted Uses.

- (a) The following permitted uses in Zone 1 are subject to the separation distance requirements, section 29.10 and prohibited uses, section 29.11:
    - (1) Public and private parks, playgrounds and beaches, provided there are no on-site wastewater disposal systems or holding tanks.
    - (2) Wildlife and natural and woodland areas.
    - (3) Biking, hiking, skiing, nature, equestrian, and fitness trails.
    - (4) Residential which is municipally sewered.
    - (5) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
  - (b) The following permitted uses in Zone 2 are subject to the separation distance requirements, section 29.10 and prohibited uses, section 29.11:
    - (1) All of the uses permitted in Zone 1.
    - (2) Single-family residences on a minimum lot of 20,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the County and State health standards for the effluent, and is in conformance with ILHR 83, Wisconsin Administrative Code.
    - (3) Commercial establishments which are municipally sewered, or on lots of 20,000 sq. ft. with a private on-site treatment system receiving less than 8,000 gallons per day, which meets the County and State Health standards for the effluent, and is in conformance with COM 83 Wisconsin Administrative Code.
    - (4) Industrial establishments which are municipally sewered.
    - (5) Residential use of above ground LP gas tanks for heating, not to exceed 1,000 gallons.
- (10) Separation Distance Requirements.
- (a) The following separation distances as specified in NR 811.16, Wisconsin Administrative Code, shall be maintained:
    - (1) Fifty feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications.
    - (2) Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
    - (3) Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, or a stormwater detention, retention, infiltration or drainage basin.
- (11) Prohibited Uses.
- (a) The following uses are prohibited in Zones 1 and 2:
    - (1) Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40CFR Part 370.)
    - (2) Cemeteries.
    - (3) Chemical manufacturers (Standard Industrial Classification Major Group 28).
    - (4) Coal storage.
    - (5) Dry cleaners.
    - (6) Industrial lagoons and pits.
    - (7) Landfills and any other solid waste facility, except post-consumer recycling.
    - (8) Manure and animal waste storage except animal waste storage facilities regulated by the County.
    - (9) Commercial Nonmetallic earthen materials extraction or sand and gravel pits.
    - (10) Pesticide and fertilizer dealer, transfer or storage.
    - (11) Railroad yards and maintenance stations.
    - (12) Rendering plants and slaughterhouses.
    - (13) Salt or deicing material storage.
    - (14) Salvage or junk yards.
    - (15) Septage or sludge spreading, storage or treatment.
    - (16) Septage, wastewater, or sewage lagoons.

- (17) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.
- (18) Stockyards and feedlots.
- (19) Stormwater infiltration basins without pre treatment, including vegetative filtration and/or temporary detention.
- (20) Motor vehicular services, including filling and service stations, repair, renovation and body working.
- (21) Wood preserving operations.
- (b) In Zone 1, the conditional uses of section 29.12(2) are prohibited.
- (12) Conditional Uses.
  - (a) Any person may request a conditional use permit for certain uses, activities and structures within Zone 2 of the Groundwater Protection Overlay District not prohibited in section 29.11.
  - (b) The uses, activities, and structures that may be conditionally allowed within Zone 2 are:
    - (1) Jewelry plating and metal plating.
    - (2) Machine or metal working shops.
    - (3) Commercial establishments utilizing a private on-site wastewater treatment system receiving less than 8,000 gallons per day, which is in conformance with ILHR 83, Wis. Adm. Code.
    - (4) Research labs, universities and hospitals.
    - (5) Exposed hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40CFR Part 370.) This shall not apply to residential LP gas tanks which are permitted under section 29.09(2)(e).
    - (6) Storage or processing of extremely hazardous substances, radioactive materials or substances listed in Table 1, NR 140, Wis. Adm. Code (Extremely hazardous substances are identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355.)
  - (c) All requests for a conditional use permit shall be submitted in writing to the City of Wisconsin Rapids Community Development Director, and shall include:
    - (1) A site plan map with all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours.
    - (2) A business plan and/or other documentation which describes in detail the use, activities, and structures proposed.
    - (3) An environmental assessment report prepared by a licensed environmental engineer which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
    - (4) An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring.
    - (5) A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
  - (d) The person making the request shall reimburse the City for consultant fees and technical review committee expenses associated with this review at the invoiced amount, plus administrative costs.
  - (e) All conditional use permits granted shall be subject to conditions that will include environmental and safety monitoring determined necessary to afford adequate protection of the public water supply. These conditions shall include, but not be limited to:
    - (1) Provide current copies of all federal, state and local facility operation approval or certificates and on-going environmental monitoring results to the City.
    - (2) Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
    - (3) Replace equipment or expand in a manner that improves the environmental and safety technologies being utilized.
    - (4) Prepare, file and maintain a current contingency plan which details the response to any emergency which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the City.

- (f) The City of Wisconsin Rapids Plan Commission shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the City of Wisconsin Rapids Groundwater Technical Review Committee. Any conditions above and beyond those specified in Conditional Uses, subsection (5) herein, that are recommended by the City of Wisconsin Rapids Groundwater Technical Review Committee may be applied to the granting of the conditional use permit.
- (13) Requirements for Existing Facilities Which may Cause or Threaten to Cause Environmental Pollution.
- (a) Existing facilities within the Groundwater Protection Overlay District at the time of enactment of such district which may cause or threaten to cause environmental pollution include, but are not limited to, the Wisconsin Department of National Resources draft or current list of "Inventory of Sites or Facilities Which May Cause or Threaten to Cause Environmental Pollution", Wisconsin Department of Industry, Labor and Human Relations' list of underground storage tanks, list of facilities with hazardous, solid waste permits, and all other facilities which are considered a prohibited use in prohibited uses, section 29.11, or a conditional use in conditional uses, Section 29.12, all of which are incorporated herein as if fully set forth.
- (1) Such facilities as above which exist within the district at the time of enactment of a district shall provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the city.
- (2) Such facilities as above which exist within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining, with the City, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.
- (3) Such facilities as above cannot engage in or employ a use, activity, or structure listed in prohibited uses, section 29.11, or in conditional uses, section 29.12, which they did not engage in or employ at the time of enactment of a district, and can only expand, replace or rebuild those present uses, activities, equipment, or structures on the site or property of record associated with the facility at the time of enactment of a district, and in a manner that improves the environmental and safety technologies already being utilized. No existing use, activity, or structure listed as a prohibited use or conditional use shall be expanded, replaced, or rebuilt unless a conditional use permit is granted for such expansion, replacement, or rebuilding. This section does not apply to normal maintenance or minor repairs.
- (14) Changing Technology.
- (a) The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods, upon petition from such use, after conferring with the Groundwater Technical Review Committee or other expert opinion, and after appropriate public notice and hearing, the City through appropriate procedures and actions to change these provisions of the City of Wisconsin Rapids Municipal Code may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a groundwater pollution hazard.
- (b) In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.
- (15) Enforcement and Penalty.
- (a) Penalty. Any person who violates, neglects or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in Chapter 25 of this Municipal Code.
- (b) Injunction. The City of Wisconsin Rapids may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provisions herein, the cost of which shall be charged to the defendant in such action.
- (c) Cleanup Costs. As a substitute for, and in addition to any other action, the City of Wisconsin Rapids may commence legal action against both the person who releases the contaminants and the owner of the facility whereupon the contaminants were released to recover the costs, together with the costs of

prosecution. Any person who causes the release of any contaminants which may endanger or contaminate the municipal water supply system associated with a Ground Water Protection Overlay District shall immediately cease such discharge and immediately initiate clean up satisfactory to the City of Wisconsin Rapids and the other state and federal regulatory agencies. The person who releases such contaminants and the person who owns the facility whereon the contaminants have been released shall be jointly and severally responsible for the cost of cleanup, consultant, or other contractor fees, including all administrative costs for oversight, review and documentation, including the City employees, equipment, and mileage.

(16) Conflict, Interpretation, and Severability.

- (a) Conflict and Interpretation of Provisions. If the provisions of the different chapters of this code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum and are not deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the most restrictive requirements or interpretations shall apply.
- (b) Severability of Code Provisions. If any section, subsection, sentence, clause or phrase of the code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The City Council hereby declares that they would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions may be declared invalid or unconstitutional.

11.17 SMALL WIND ENERGY SYSTEMS (MC #1089)

- (1) Title. This ordinance is referred to as the Small Wind Energy System Ordinance.
- (2) Authority. This ordinance is adopted pursuant to authority granted by: Wisconsin Statutes 60.61 or 60.62 and 62.23(7), or 60.22(3) and 66.0401.
- (3) Purpose. The purpose of this ordinance is to:
  - (a) Oversee the permitting of small wind energy systems.
  - (b) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wisconsin Statute 66.0401).
- (4) Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.
- (5) Standards. A small wind energy system shall be allowed as an accessory use in all districts if the following use standards are met:
  - (a) Setbacks.
    - (1) If ground-mounted. A wind tower for a wind system shall be set back a distance equal to its total height, as measured from the normal grade to the tip of a wind generator blade when the tip is at its highest point, from the following:
      - (a) any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
      - (b) any overhead utility lines, unless written permission is granted by the affected utility;
      - (c) all property lines, unless written permission is granted from the affected land owner or neighbor.
    - (2) If roof-mounted. A wind tower for a wind system shall be set back a distance equal to its total height, as measured from the tip of a wind generator blade when the tip is at its highest point (measured from where the base meets the roof), from the following:
      - (a) any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
      - (b) any overhead utility lines, unless written permission is granted by the affected utility;
      - (c) all property lines, unless written permission is granted from the affected land owner or neighbor.
  - (b) Height.

- (1) If ground-mounted.
  - (a) Minimum. The height of the lowest part of the blade of a small wind energy system shall be a minimum of 10 feet from normal grade at the base of the small wind energy system.
- (2) If roof-mounted.
  - (a) Minimum. The height of the lowest part of the blade of a small wind energy system shall be a minimum of 10 feet from the base of the small wind energy system (measured from where the base meets the roof).
- (c) Sound. Sound produced by the turbine under normal operating conditions, as measured at the property line, shall not exceed the definition of nuisance noise. Sound levels, however, may be exceeded during short-term events out of anyone's control such as utility outages and/or severe wind storms.
- (d) Wind Turbine Equipment. Small wind turbines must have been approved under the state public benefits program or any other small wind certification program recognized by the American Wind Energy Association.
- (e) Requirement for Engineered Drawings. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings of the tower, base, footings, and/or foundation as provided by the manufacturer. Wet stamps shall not be required.
 

For roof-mounted installation: The sum of structural loads imposed by a roof or building mounted wind energy system plus structural design loads required by applicable building codes shall not exceed the calculated safe load limits of the building or any building component or assembly.
- (f) Soil Studies. For standard soil conditions (not including gravel, sand, or muck), foundations developed by the wind turbine manufacturer shall be acceptable for turbine installations of 20kW or less and will not require project-specific soils studies or an engineer's wet stamp.
- (g) Compliance with Federal Aviation Administration (FAA) Regulations: No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.
- (h) Compliance with the South Wood County Airport - Alexander Field Glide Path. No small wind energy system can be located within the South Wood County Airport – Alexander Field glide path, that exceeds the elevation determined in the most recently adopted South Wood County Airport Height Limitation Zoning Map, without an Federal Aviation Administration approval letter and a permit from the airport administrator.
- (i) Compliance with Electric Codes. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components, as supplied by the manufacturer, in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code and the Electrical Code of the City of Wisconsin Rapids.
- (j) Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- (k) Utility Notification and Interconnection. Wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities." No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
- (l) Signage. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- (m) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (n) Access. Any climbing foot pegs or rungs below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing. For lattice or guyed towers, sheets of metal or wood may be fastened to the bottom tower section such that it cannot readily be climbed.
- (o) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved otherwise in the building permit.

- (p) Maintenance. The wind generator and tower shall be maintained so that they operate in a manner in which the permit was originally approved.
  - (q) Automatic and Manual Controls.
    - (1) All small wind energy systems shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
    - (2) All small wind energy systems shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
    - (3) All small wind energy systems shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the small wind energy system from supplying power to a deenergized electrical distribution system.
  - (r) Electro-Magnetic Interference. Wind energy system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of the building permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (6) Permit Requirements.
- (a) Types of Permits Required. A building/zoning permit and an electrical permit will be required for the installation of a small wind energy system. The following information will be required for the building/zoning permit:
    - (1) Property lines and physical dimensions of the property;
    - (2) Location, dimensions, and types of existing major structures on the property;
    - (3) Location of the proposed wind system tower;
    - (4) The right-of-way of any public road that is contiguous with the property;
    - (5) Any overhead utility lines;
    - (6) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
    - (7) Tower foundation blueprints or drawings;
    - (8) Tower blueprint or drawing; and
    - (9) Any other information deemed necessary by the Administrator.
 A separate electrical permit will also be required for the small wind energy system and shall be accompanied with a complete electrical schematic.
  - (b) Fees. The applications for the required permits for a small wind energy system must be accompanied by the appropriate fees, as indicated in the most recently Common Council approved fee schedule.
  - (c) Expiration. A permit issued pursuant to this ordinance shall expire if:
    - (1) The small wind energy system is not installed and functioning within 12 months from the date the permit is issued; or,
    - (2) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.
- (7) Permit Procedure.
- (a) An owner or contractor shall submit an application to the Administrator for a building/zoning permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in O.
  - (b) The Administrator shall issue a permit or deny the application within one month of the date on which the application is received.
  - (c) The Administrator shall issue a building/zoning permit for a small wind energy system if the application materials show that the proposed energy system meets the requirements of this ordinance.
  - (d) If the application is approved, the Administrator will return one signed copy of the application with the permit and retain the other copy with the application.
  - (e) If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68 Wisconsin Statutes. The applicant may reapply if the deficiencies

- specified by the Administrator are resolved.
- (f) The owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.
  - (g) A separate electrical permit will be required for the electrical components of the system, and shall meet the requirements outlined in the Electrical Code.
- (8) Abandonment.
- (a) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
  - (b) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the owner's expense.
- (9) Violations. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a permit issued pursuant to this ordinance.
- (10) Administration and Enforcement.
- (a) This ordinance shall be administered by the Administrator or other official as designated.
  - (b) The Administrator may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
  - (c) The Administrator may issue orders to abate any violation of this ordinance.
  - (d) The Administrator may issue a citation for any violation of this ordinance.
  - (e) The Administrator may refer any violation of this ordinance to legal counsel for enforcement.
- (11) Penalties.
- (a) Any person who fails to comply with any provision of this ordinance or a permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in the Municipal Code of the City of Wisconsin Rapids.
  - (b) Nothing in this section shall be construed to prevent the City of Wisconsin Rapids from using any other lawful means to enforce this ordinance.
- (12) Definitions. In this ordinance:
- (a) "Administrator" means the City of Wisconsin Rapids Land Use Administrator or Planning and Zoning Administrator, or his/her designee. "Council" means the City of Wisconsin Rapids Common Council.
  - (b) "Meteorological tower" (met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
  - (c) "Owner" shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
  - (d) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
  - (e) "Small wind energy system" means a wind energy system that is:
    - (1) used to generate electricity;
    - (2) has a nameplate capacity of 100 kilowatts or less; and
    - (3) has a total height of 170 feet or less.
  - (f) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
  - (g) "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
  - (h) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wisconsin Statute 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.
  - (i) "Wind generator" means blades and associated mechanical and electrical conversion components

## 11.18 FENCES (MC#1104)

- (1) Definitions. The following words and terms, for purposes of this Ordinance, shall have the meanings herein provided:
  - (a) Arbor. A decorative solid or latticework structure or trellis, which is used as an entrance focal point along a barrier, which serves the purpose of a fence.
  - (b) Berm. A mound of earth higher than eighteen inches (18") above the final elevation of a lot.
  - (c) Department. The City of Wisconsin Rapids Department of Planning and Economic Development.
  - (d) Dog Enclosure. Any outdoor structure or enclosure used to restrict dogs to a contained yard area.
  - (e) Fence(s). A structure providing enclosure or serving as a barrier, such as wooden posts, iron, wire, or other similar manufactured material or combination of materials erected to enclose, screen, or separate areas.
  - (f) Fence, Agricultural/Farm. A fence consisting of chicken wire, deer fence, hog wire, high tensile, wire strands, used in the agricultural, farming and livestock business, specifically for livestock, animal, and bird control.
  - (g) Fence, Good Neighbor. A fence constructed of solid or spaced boards, where the face boards are installed at the center of the posts so that the fence looks the same from both sides.
  - (h) Fence, Ornamental. A fence, including gates, which for each one foot wide segment, extending the entire length and height of the fence, no more than fifty percent (50%) of the surface area is opaque, which affords a view through the fence, such as wooden open weave, picket, lattice, or wrought iron fences. Chain link fences are not considered ornamental or decorative.
  - (i) Fence, Patio. A privacy fence, which fully or partially encloses a patio.
  - (j) Fence, Solid. A fence, including gates, which conceals view from adjoining properties, streets, or alleys. A solid fence would also include fences that are at least ninety percent (90%) opaque.
  - (k) Install, Installation, Installed. To construct, erect, install, place, or replace over 16 lineal feet (16) of a legal conforming fence.
  - (l) Lot - Double Frontage. An interior lot having street frontage on the front and the rear of the lot.
  - (m) Person. Any person, firm, corporation, association or other legal entity.
  - (n) Property Owner. A person that owns or controls real property situated in the City.
  - (o) Trellis. A frame or structure of open latticework.
  - (p) Vision Clearance Area. A triangular area on a lot at the intersection of two streets or a street and an alley, driveway, at the intersection of a driveway/alley and sidewalk, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the property lines to a minimum distance of fifteen (15) feet from their intersection.
  - (q) Zoning Administrator. The Zoning Administrator of the Department and designees thereof.
- (2) Permit
  - (a) Permit Required. No person shall install a fence in the City without first obtaining a fence permit and complying in all respects with the terms and conditions and this ordinance. A fence permit shall be valid only for the term of issuance, unless sooner suspended or revoked. A fence permit is not required for painting, maintenance, or repair of a fence. Nor is a fence permit required for replacement of less than sixteen (16) lineal feet of a legally conforming fence.
  - (b) Permit Application. A fence permit application shall be filed with the Department, consisting of the following:
    - (1) A fully completed fence permit application and payment of full permit fee.
    - (2) A drawing, site plan or plat map displaying property boundaries, the location of the buildings and structures on the property, the proposed location of the fence and its distances from the existing structures on the property.
    - (3) Other information as may be required by the Department to assist in the review of the application.

- (c) Permit Fee. A fee in the amount indicated in the most recently City Council adopted fee schedule shall be remitted upon submittal of the fence application.
- (d) Application Review And Approval Required, Permit Issuance. The Zoning Administrator shall review, approve, and issue the fence permit, if the application complies with this ordinance and the standards of this ordinance for the fence to be installed have been met. The fence permit may contain reasonable conditions stated in the permit.
- (e) Completion of Installation. A fence authorized by a fence permit shall be fully installed in accordance with this ordinance and permit conditions, within one hundred eighty (180) days of the date of permit issuance. A fence permit shall expire one hundred eighty (180) days after the date of issuance. After a fence permit expires, no work requiring such a permit shall be commenced, resumed, or undertaken until a new permit is issued or the original permit is extended.

The permit applicant may file a written request for an extension of the fence permit stating the reason for the request, for up to one hundred eighty (180) additional days to complete the fence installation. The Zoning Administrator, in administering this code, shall grant the request if good cause is shown.

- (f) Responsibility of Department. The Department, through the Zoning Administrator, shall:
  - (1) Review and issue fence permits where the application complies with this ordinance.
  - (2) May issue reasonable site specific conditions.
  - (3) May waive or reduce vision clearance requirements where:
    - (a) Traffic can safely approach and enter the intersection, alley, driveway, or street given existing traffic control devices or other physical conditions of the area.
  - (4) May inspect the fence for compliance with this ordinance and the permit;
  - (5) Shall enforce this ordinance.
  - (6) Responsibility of Applicant The applicant is solely responsible for installing the fence:
    - (a) Within the boundaries of their property determined by survey, in compliance with this ordinance and the permit, including, but not limited to, proper materials, height, setback, and vision clearance.
    - (b) In compliance with any subdivision covenants or restrictions, deed restrictions, utility easement restrictions, land use restrictions of record, including applicable plan review and approval, or waiver requirements.
    - (c) In a manner as will not obstruct storm water drainage, or unreasonably divert storm water on the property of another.

(3) Fence Installation

- (a) General Requirements. No fence shall be installed, except in strict compliance with this ordinance, site specific permit conditions, and the following requirements:
  - (1) The owner or applicant shall be responsible for properly locating all property lines before construction of any fence. This requirement can be waived if it is clear that the fence will not encroach or overlap any property line.
  - (2) Lot pins/markers shall not be tampered with when installing a fence. Any violations of this requirement shall be subject to the penalty provisions outlined in this code, and/or within state statutes.
  - (3) No fence may be constructed or maintained which is detrimental to human life or safety, or causes a traffic hazard.
  - (4) Structural and support components of a fence shall face away from adjacent properties.
  - (5) Fences shall be installed with the finished side facing the adjacent property or public right-of-way, and the fence posts must be located on the inside of the fence facing -the property on which the fence is located, except when the style of fence commonly described as a "Good Neighbor Fence" is installed.

- (6) Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
    - (a) Exception: Fences that are commonly manufactured to have uniform deviations where the fence post height is higher than the fence wall, or where the fence wall is higher than the fence posts. In these cases, the highest portion of the fence shall be considered the height of the fence.
  - (7) The height of the fence shall be controlled by the applicable provisions of the City Zoning Ordinance for the district in which the fence will be located. Fence height shall be measured from the surface of the ground immediately below the fence. In the case of grade separation, such as the separation of properties by a retaining wall, the fence height shall be determined based on the measurement from the average point between highest and lowest grade. If the fence is set back from the retaining wall by a distance of at least two (2) feet, the fence height shall be measured from the base of the fence.
  - (8) The project site shall be marked by Diggers Hotline before digging holes for fence installation.
- (b) Obstruction of Ingress/Egress Area of a Dwelling. No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of three (3) feet shall be maintained between any solid fence and any such window or opening in a dwelling.
  - (c) Modifications. All modifications to an existing fence shall comply with this Ordinance.
  - (d) Fences In Front Yards. Fences installed in a front yard shall comply with the following requirements:
    - (1) In residentially zoned areas on interior lots with one frontage, fences, not exceeding four (4) feet in height, shall be allowed within a residentially required front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line. If the fence is setback at or beyond the minimum required setback, fences may exceed the four (4) foot height requirement, but shall not be higher than six (6) feet.
      - (a) Exception: Front yard or corner side yard fences may be increased to a maximum height of six (6) feet if open, decorative, ornamental fencing materials that are less than or equal to twenty (20) percent opaque are used. Chain link or similar type fences are not considered decorative, ornamental fences.
      - (b) Exception: Where adjacent properties are allowed to have a fence of six (6) feet in height along a property line, because the property line is the side or rear property line for their lot, the owner of the other lot may erect a fence not to exceed six (6) feet in height along the same area that the adjacent owner may erect a six (6) foot high fence. However, the fence must meet all other requirements outlined in this chapter, including not interfering with vision triangles.
    - (2) In commercially or industrially zoned areas on interior lots with one frontage, fences, not exceeding four (4) feet in height, shall be allowed within the front yard setback area. The front yard setback consists of any side lot line between the front property line and the front setback line or building line, whichever is closest to the front property line.
      - (a) Exception: When establishments are required to provide screening, screening standards shall supersede this standard.
      - (b) Exception: Front yard or corner side yard fences may be increased to a maximum height of six (6) feet if open, decorative, ornamental fencing materials that are less than or equal to twenty (20) percent opaque are used. Chain link or similar type fences are not considered decorative, ornamental fences.

- (c) Exception: Where adjacent properties are allowed to have a fence of six (6) feet in height along a property line, because the property line is the side or rear property line for their lot, the owner of the other lot may erect a fence not to exceed six (6) feet in height along the same area that the adjacent owner may erect a six (6) foot high fence. However, the fence must meet all other requirements outlined in this chapter, including not interfering with vision triangles.
- (e) Fences in Rear/Side Yard. Fences in rear and side yards shall meet the following requirements:
  - (1) In residentially zoned areas on interior lots with one frontage, no solid fence or wall shall exceed six (6) feet in height in any side or rear yard.
    - (a) Exception: A fence of up to eight (8) feet in height may be constructed between a residential district and a commercial or industrial district.
  - (2) A wall or solid fence not more than six (6) feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided such a wall or solid fence does not extend into a required front yard.
  - (3) In commercially or industrially zoned areas on interior lots with one frontage, no solid fence or wall shall exceed eight (8) feet in height in any side or rear yard. Fences not greater than eight (8) feet in height are permitted in side or rear yards and shall not extend beyond the front of the principal structure.
    - (a) Exception: When establishments are required to provide screening, screening standards shall supersede this standard.
- (f) Fences on Corner Lots. Fences on corner lots shall meet the following requirements:
  - (1) In residentially zoned areas, the maximum height of a solid fence or wall within a required front or corner side yard setback shall not exceed four (4) feet, except that a fence or wall of up to six (6) feet may be located within a corner side yard setback behind the rear plane of the principal building. If the fence is setback at or beyond the minimum required setback, fences may exceed the four (4) foot height requirement, but shall not be higher than six (6) feet.
  - (2) In commercially or industrially zoned areas the maximum height of a solid fence or wall within a required front or corner side yard setback shall not exceed six (4) feet, except that a fence or wall of up to eight (8) feet may be located within a corner side yard setback behind the rear plane of the principal building.
    - (a) Exception: When establishments are required to provide screening, screening standards shall supersede this standard.
- (g) Fences on a Lot-Double Frontage. Fences on double frontage or thru lots shall meet the following requirements.
  - (1) In residentially zoned areas, fences may not exceed a height of six (6) feet within the required rear setback.
  - (2) In commercially or industrially zoned areas, fences may not exceed a height of eight (8) feet within the required rear setback.
    - (a) Exception: When establishments are required to provide screening, screening standards shall supersede this standard.
- (h) Minimum Setbacks. Fences shall meet the following requirements.
  - (1) From Public Right-of-Ways. Fences must be a minimum of two (2) feet from the public right-of-way property line.
  - (2) From Adjacent Property Lines. Fences may be installed up to, but not across adjacent property lines.
    - (a) Exception. If an existing building is located on an adjacent lot, two (2) feet is the minimum distance in which the fence must be set back from the existing

building.

- (b) Note. Property owners must maintain their fence(s) as noted in Section 11.18(4). Erecting a fence too close to property lines can cause difficulty in properly maintaining said fence.
- (3) From Alleys. Fences must be a minimum of five (5) feet from the alley property line.
  - (a) Exception. If said alley does not support traffic, the fence may be located up to, but not over the property line.
- (4) Vision Clearance Areas. No fence or wall greater than 2 1/2 feet above the street grade shall be placed within the vision clearance area.
- (i) Approved Fence Materials. All fences shall meet the following material requirements:
  - (1) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential-style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chain link (with a minimum thickness of nine (9) gauge and a required top rail support), stockade or board-on-board wood.
  - (2) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trunks, trash, junk, or other similar items. Materials not specifically manufactured for fencing, such as railroad ties, wooden doors, landscape timbers or utility poles shall not be used for, or in the construction of a fence.
  - (3) Agricultural/Farm Fences shall only be permitted in agriculturally zoned or used districts and shall not exceed six (6) feet in height.
- (4) Maintenance of Fences. All fences shall be maintained in good repair and in structurally sound condition. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. Fences shall also meet the maintenance standards as outlined in the Property Maintenance Code.
- (5) Existing Fences. Any fence existing upon the effective date of this Ordinance shall not be enlarged, extended, or replaced, except in strict compliance with all of the requirements of this ordinance.
- (6) Prohibitions
  - (a) Prohibited Fences. No person shall install:
    - (1) An electric or razor wire fence.
    - (2) Any wire or chain link-type fence with the cut or salvage end of the fence exposed at the top.
    - (3) Chicken wire or similar type fences.
      - (a) Exception. May be used for gardening type purposes.
    - (4) A fence which creates a hazard to users of the street, sidewalk, or to nearby property.
    - (5) A fence composed solely of fence posts.
    - (6) An incomplete fence, consisting only of posts and supporting members.
  - (b) Barbed Wire Fences Restricted. No person shall construct, use or maintain any barbed wire fence on residential, business or institutionally zoned property.

Barbed wire fences may be installed in manufacturing zoning districts under circumstances whereby no more than three (3) strands of barbed wire are horizontally situated above a fence of boards or woven wire not less than seventy-two (72) inches in height, excluding the barbed wire. Barbed wire may be used on top of a six (6) foot fence surrounding a public utility, public use, or on a site storage area as approved under a Conditional Use Permit or Site Plan Review. Notwithstanding the above, barbed wire shall not be used along a property line

- abutting a residentially zoned area.
- (c) Storage of materials prohibited. No materials shall be stored on or between a fence located adjacent to a property line.
- (7) Fences Permitted without a Permit. The following types of fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:
- (a) Snow fencing shall be permitted in all districts not exceeding four (4) feet in height provided it is removed between May 1 and November 1 of each year. No snow fence shall extend into the street right-of-way line unless installed by the City or a contractor having a permit from the City.
- (b) Fences used for the protection of excavation and construction sites and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit.
- (c) Agricultural/Farm Fences are limited to agriculturally zoned or used districts.
- (d) Decorative fences not exceeding two (2) feet in height shall be permitted in all districts. Such fences shall not be placed in any manner that presents a hazard to pedestrians on any public or private sidewalk.
- (e) Underground electrical fences are permitted in all districts.
- (f) Garden fencing shall be allowed without a permit, but it shall not exceed a height of 6 feet, shall not be located closer than three (3) feet to any property line, and shall not be more than ten (10) percent opaque. Fencing shall be limited to the gardening area.
- (8) Non-Boundary Related Fence Standards. Fences and/or enclosures for swimming pools shall be permitted as required in Section 303.2 of the Code of General Ordinances. Fences surrounding tennis courts, and baseball and/or softball field backstops, or similar type facilities may be erected in conformance with accepted industry standards. A fence permit shall be required for such installation.
- (9) Security Fence Standards. Security fences are permitted up to the property lines in all districts except residential areas and shall be screened from public view by a fence not to exceed 10 feet in height and shall be of an approved type.
- (10) Dog Enclosures. Dog enclosures shall be permitted in residential districts subject to the following criteria:
- (a) No dog enclosure shall be installed on a lot unless approved by the Department and a permit is issued.
- (b) Dog enclosures shall be obscured from view from neighboring properties at grade and adjacent streets with a solid fence. Existing structures (i.e., sheds, garages) may be used to obscure view.
- (c) Dog enclosures must be located in the buildable area directly behind and adjacent to the principal building. In no event shall a dog enclosure encroach into a required setback or be located closer to a corner or interior side -property line than the principal building.
- (d) No dog enclosure shall be in excess of two hundred fifty (250) square feet in area, nor more than six (6) feet in height above the surface of the ground, as measured from the ground level at the lowest grade level within five (5) feet of either side thereof.
- (e) Dog enclosures shall be constructed on a hard surface.
- (f) Dog enclosures may be constructed of any material permitted for a residential fence.
- (g) No dog enclosure shall be constructed contrary to required vision clearance area requirements.

#### 11.19 COMMUNITY LIVING ARRANGEMENTS

Section 62.23(7)(i) of the Wisconsin Statutes, as amended, and all subsequent amendments thereto, is hereby adopted by reference. (MC#1102)

