

CHAPTER 17

ZONING CODE

INTRODUCTION

- 17.01 Applicability
- 17.02 Purpose
- 17.03 Definitions

GENERAL PROVISIONS

- 17.05 Establishment of Districts
- 17.06 Official Zoning Map
 - (1) Establishment
 - (2) Amendment
 - (3) Interpretation of Boundaries
- 17.07 Official Floodplain Zoning Map
 - (1) Establishment
 - (2) Areas to be Regulated
 - (3) Amendment
 - (4) Floodplain Boundaries
- 17.08 Application of Regulations
- 17.09 Interpretation
- 17.10 Severability
- 17.11 Nonconformities
 - (1) Applicability and Intent
 - (2) Nonconforming Uses of Land (or Land with Minor Structures Only)
 - (3) Nonconforming Uses of Structures
 - (4) Nonconforming Structures
 - (5) Nonconforming Characteristics of Use
 - (6) Nonconforming Lots of Record
 - (7) Nonconforming Signs
 - (8) Casual, Temporary, or Illegal Use
 - (9) Repairs and Maintenance
 - (10) Existing Special Exceptions
 - (11) Additional Provisions for Floodplain Districts

SCHEDULE OF DISTRICT REGULATIONS

- 17.15 Interpretation and Organization
- 17.16 RSF - Residential Single Family District
 - (1) Purpose
 - (2) Permitted Uses
 - (3) Special Exception Uses and Structures
 - (4) Dimensional Requirements
 - (5) Permitted Accessory Signs
 - (6) Off-Street Parking Requirements
 - (7) Other Requirements
- 17.18 RTF - Residential Two Family District
 - (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Special Exception Uses and Structures
 - (4) Dimensional Requirements
 - (5) Permitted Accessory Signs
 - (6) Off-Street Parking Requirements
 - (7) Other Requirements
- 17.19 RMF - Residential Multifamily District
 - (1) Purpose
 - (2) Permitted Uses
 - (3) Special Exception Uses and Structures
 - (4) Dimensional Requirements
 - (5) Permitted Accessory Signs
 - (6) Off-Street Parking Requirements
 - (7) Other Requirements
- 17.20 CCD - Commercial Core District
 - (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.21 CBD - Central Business District
 - (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.22 CHD - Commercial Highway District
 - (1) Purpose

- (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.23 CSD - Commercial Shopping Center District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.24 IT - Institutional District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.25 IND - Industrial District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.26 IPD - Industrial Park District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.27 CN - Conservancy District

- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.28 MH - Mobile Home District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
 - (8) Floodplain Requirements
- 17.29 FWD - Floodway District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
 - (8) Other Requirements
- 17.30 FFD - Flood Fringe District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.31 FPD - General Floodplain District
- (1) Purpose
 - (2) Permitted Principal Uses and Structures
 - (3) Permitted Accessory Uses and Structures
 - (4) Special Exception Uses and Structures
 - (5) Dimensional Requirements
 - (6) Permitted Accessory Signs
 - (7) Off-Street Parking Requirements
- 17.32 Supplementary District Regulations
- (1) General Application
 - (2) Lots and Yards
 - (3) Accessory Uses and Structures

- (4) Height Exceptions
- (5) Corner Visibility
- (6) Signs
- (7) Off-Street Parking
- (8) Off-Street Loading
- (9) Common Open Space
- (10) Landscaped Buffer
- (11) Site Plans
- (12) Placement of Structures

SPECIAL PROVISIONS

- | | |
|-------|---|
| 17.35 | General Application |
| 17.36 | PUD - Planned Unit Development |
| | <ol style="list-style-type: none"> (1) Intent (2) Character of Site (3) Locational Requirements (4) Unified Control (5) Permitted Uses (6) General Requirements (7) Area and Density Requirements (8) Internal Lots and Frontage (9) Access (10) Common Open Space Requirements (11) Engineering Design Standards (12) Procedures for Approving Planned Unit Developments |
| 17.37 | Cluster Subdivisions |
| | <ol style="list-style-type: none"> (1) Intent (2) Unified Control (3) Permitted Uses (4) General Requirements (5) Area and Density Requirements (6) Lot Area Requirements (7) Common Open Space Requirements (8) Procedures for Approving Cluster Subdivision Developments |
| 17.38 | Industrial Development |
| | <ol style="list-style-type: none"> (1) Intent (2) Standard of Operation (3) Administration |
| 17.39 | Mobile Home Park |
| | <ol style="list-style-type: none"> (1) Intent (2) Character of Tract (3) Access (4) Streets |

- (5) Sites
 - (6) Buffer Area
 - (7) Recreation Area
 - (8) Off-Street Parking
 - (9) Accessory Uses and Structures
 - (10) Garbage and Trash
 - (11) Utilities
 - (12) Management
 - (13) Park License
 - (14) License Revocation and Suspension
 - (15) Inspection
 - (16) Fees
- 17.40 Floodplain Development
- (1) Findings
 - (2) Intent
 - (3) General Standards Applicable to all Floodplain Districts
 - (4) Special Provisions for Flood Fringe Areas
 - (5) Procedures for Determining Floodway and Flood Fringe Areas in the General Floodplain District
 - (6) Floodproofing
 - (7) Compliance
 - (8) Warning and Disclaimer of Liability

ADMINISTRATION AND ENFORCEMENT

- 17.45 Building Permits
- (1) Applicability
 - (2) Application for Building Permit
 - (3) Data Requirements to Analyze Developments
 - (4) Approval of Permit
 - (5) Other Permits
 - (6) Use as Provided in Application and Plans
 - (7) Prior Permits
 - (8) Improper Issuance
 - (9) Certificate of Occupancy
 - (10) Sign Permit Regulations
- 17.46 Building Inspector
- 17.47 Special Exceptions
- (1) General
 - (2) Procedure
 - (3) Public Hearing
 - (4) Findings
 - (5) Conditions and Safeguards

- (6) Plan Commission Recommendation
- (7) Fees
- 17.48 Certificate of Appropriateness
 - (1) Findings
 - (2) Applicability
 - (3) Application
 - (4) Findings
 - (5) Procedures
 - (6) Appeals of Redevelopment Authority Decisions
- 17.50 Board of Appeals
 - (1) Establishment of Board
 - (2) Procedures, Meetings, Records, and Decisions
 - (3) Powers and Duties
 - (4) Procedures for Floodplain Boundary Disputes
 - (5) Public Hearings
 - (6) Appeal of Board Decisions
 - (7) Fees
- 17.51 Amendments
 - (1) Power of Amendment
 - (2) Procedures
 - (3) Public Hearing and Notice
 - (4) Final Approval
 - (5) Amendments to Floodplain Districts
 - (6) Fees
 - (7) Annexation to City
- 17.55 Remedies
- 17.56 Penalty

INTRODUCTION

17.01 APPLICABILITY. This chapter established under Section 62.23 and Section 87.30, Wisconsin Statutes, shall be known as the Zoning Code for the City and shall apply to:

- (1) The regulation and restriction of the height, number of stories, and the size of buildings and other structures.
- (2) The percentage of lot that may be occupied.
- (3) The size of yards, courts, and other open spaces.
- (4) The density of population.
- (5) The regulating of nonconforming uses.
- (6) The location and use of buildings, structures, and land for trade, industry, residence, or other purposes provided that there shall be no discrimination against temporary structures.
- (7) The regulation of development in the officially designated floodplain.

17.02 PURPOSE. The purpose of this chapter is to promote the public health, safety, and general welfare of the community through provisions designed to:

- (1) Encourage the most appropriate use of the land.
- (2) Conserve the value of land and buildings.
- (3) Prevent the overcrowding of land and the congestion of streets.
- (4) Provide adequate light and air.
- (5) Secure safety from fire, panic, and other dangers.
- (6) Avoid undue concentration of population.
- (7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

17.03 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

A ZONES. Areas shown on the official floodplain zoning map which would be inundated by the base flood or regional flood as defined herein. These areas may be numbered A0, A1 to A30, or A99. A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with the principal use or structure and of a nature customarily incidental and subordinate to the principal use or structure.

ALTERATION. A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

AUTOMOBILE FILLING STATIONS. Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed, such as ignition service, tire repair, repair and replacement of minor parts such as pumps and filters, brake service, and the like. A filling station is not a repair or body shop.

AUTOMOBILE WRECKING YARD. The dismantling, crushing, shredding, or disassembling of used motor vehicles or trailers or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

BASE FLOOD. See FLOOD, REGIONAL.

BASE FLOOD ELEVATION. See FLOOD, REGIONAL ELEVATION.

BOARDING HOUSES. An establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units, without limitation on time periods involved and for a total of at least 4 or more boarders.

ZONING CODE 17.03

BUILDABLE AREA. Buildable area includes the portion of a lot remaining after the required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on percent of the lot which may be covered by buildings may require open space within the buildable area.

BUILDING. A structure having one or more stories and a roof which is used or intended to be used for the shelter or enclosure of persons, property, or animals.

BUILDING FRONTAGE. For purposes of computation of number and area of signs permitted on buildings, in cases where lineal feet of building frontage is a determinant, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminant or cannot be applied, as for instance where there is a diagonal corner entrance or where 2 sides of a building have entrances of equal importance and carry approximately equal volumes of pedestrian traffic, the Building Inspector shall select building frontage on the basis of interior layout of the buildings, traffic on adjacent streets, or other indicators available. (See also LOT FRONTAGE.)

BUILDING HEIGHT. A building's vertical measurement, from the mean level of the finished grade in front of the building to the highest point on the roof line of a flat roof or of a roof having a slope of less than 15 degrees from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15 degrees or more.

BUILDING LINE. Building line is the rear edge of any required front yard or the rear edge of any required setback line.

BULKHEAD LINE. A geographic line along a reach of navigable water that has been adopted by a City ordinance and approved by the Department, pursuant to Section 30.11, Wisconsin Statutes, and which allows complete filling to the landward side of the line, except where such filling is prohibited by the floodway provisions of this chapter.

CHANNEL. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CHILDREN'S HOME. See CONVALESCENT HOME.

ZONING CODE 17.03

CLINIC. A clinic is an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State.

COMMON OPEN SPACE. A parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public, or for the exclusive recreational use and enjoyment of residents of the development from which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

CONVALESCENT HOME. A place where regular care is provided to 3 or more infirm persons, children, or aged persons who are not members of the family if care is provided in a private residence. This definition shall include institutions whether operated for profit or not, including places operated by units of government.

DAY NURSERY. A place where day care is provided to 4 or more children who are not members of the family which resides on the premises, provided this definition shall not include public or private schools organized, operated, or approved under Wisconsin law.

DEPARTMENT. The Wisconsin Department of Natural Resources.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures or accessory uses, mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, and deposition or extraction of materials.

DOG KENNEL. A place where more than 2 adult dogs are boarded for a fee on a recurrent basis, or a place where more than 3 adult dogs are kept for any purpose.

ZONING CODE 17.03

DRIVE-IN RESTAURANT. Any establishment dispensing or serving food in automobiles, including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.

DRY LAND ACCESS. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain.

DWELLING, MANUFACTURED HOME. A structure transportable in one or more sections, which in traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and any plumbing, heating, air conditioning, or electrical systems are included and contained therein.

DWELLING, MOBILE HOME. A building transportable in one or more sections, built on a permanent chassis, with body width exceeding 8 feet or body length exceeding 32 feet, designed to be used as a single dwelling with a permanent foundation when connected to the required utilities.

DWELLING, MULTIPLE FAMILY. A building containing 3 or more dwelling units. The term multiple family dwelling shall include cooperative apartments, condominiums, apartments, and the like. Regardless of how rental units are equipped, any multiple family dwelling in which units are available for rental periods of less than one week shall be considered a hotel.

DWELLING, SINGLE FAMILY ATTACHED. A building containing not more than one dwelling unit attached at the side or sides in a series or group of 3 or more buildings each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs. The term attached dwelling is intended to imply town houses, patio or atrium houses, or any form which

conforms to this definition.

DWELLING, SINGLE FAMILY DETACHED. A building containing not more than one dwelling unit, entirely separated from structures on adjacent lots. The term detached dwelling shall not include mobile homes, travel trailers, or other forms or portable or temporary housing.

ZONING CODE 17.03

DWELLING, TWO FAMILY. One building containing not more than two dwelling units or two buildings, attached at the side, with not more than one dwelling unit per building. The term two family dwelling is intended to imply single family semidetached buildings and duplexes or any form which conforms to this definition.

DWELLING UNIT. A room or rooms connected together, constituting a separate, independent housekeeping establishment for one family only, for owner occupancy or rental, lease, or other occupancy on a weekly or longer basis, physically separated from any other rooms or dwelling units and containing independent cooking and sleeping facilities.

ENCROACHMENT. Any fill, structure, building, accessory use, or development in the floodway.

ENCROACHMENT, HYDRAULIC; EQUAL DEGREE OF. Any encroachment into the floodway shall be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

ERECTED. Anything built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavation, fill, drainage, demolition of an existing structure and the like shall be considered part of erection.

FAMILY. One or more persons occupying a single dwelling unit

provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over 5 persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas caused by the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

ZONING CODE 17.03

FLOOD FRINGE. That portion of the floodplain between the floodplain limits and the floodway area which is covered by floodwaters during the regional flood. The flood fringe is generally associated with standing water rather than rapidly flowing water.

FLOOD HAZARD BOUNDARY MAP. A map prepared by the Federal Emergency Management Agency (FEMA), designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. Such map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

FLOOD INSURANCE STUDY. A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD PROFILE. A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOOD PROTECTION ELEVATION. An elevation 2 feet of freeboard above the water surface profile elevation designated for the regional flood.

FLOOD, REGIONAL. A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of similar characteristics once every 100 years; this means that in any given year there is a 1% chance that the regional flood may occur or be exceeded.

FLOOD, REGIONAL ELEVATION. An elevation equal to that which reflects the height of the regional flood.

FLOOD STORAGE. Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

ZONING CODE 17.03

FLOODPLAIN. Land which has been or may be covered by flood water during the regional flood. The floodplain encompasses both the floodway and flood fringe district.

FLOODPLAIN ISLAND. A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN, STORAGE CAPACITY OF. The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

FLOODPROOFING. Any combination of structural provisions, changes or adjustments to properties and structures, water, and sanitary facilities and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.

FLOODWAY. The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwaters or flood flows of any river or stream associated with the regional flood.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating 2 buildings, excluding public corridors, common restrooms, attic areas, unenclosed stairways, elevator structures, heating, or other

building machinery equipment or basement space.

FREEBOARD. A flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than the height calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development, and aggradation of the river or stream bed.

ZONING CODE 17.03

GARAGE, PRIVATE. An accessory structure designed or used for inside parking of private passenger vehicles, recreation vehicles, or boats by the occupants of the principal structure.

HABITABLE BUILDING. Any building or portion thereof used for human habitation.

HEARING NOTICE. A publication or posting meeting the requirements of Chapter 985, Wisconsin Statutes.

HEIGHT, BUILDING. See BUILDING HEIGHT.

HIGH FLOOD DAMAGE POTENTIAL. Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HOME OCCUPATION. The term home occupation shall mean an occupation conducted entirely in a dwelling unit, provided that:

- (a) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall, under no circumstances, change the residential character thereof.
- (b) No person, other than members of the family

residing on the premises, shall be engaged in such occupation.

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding 2 square feet in area, nonilluminated, mounted flat against the wall of the principal structure at a position not more than 2 feet distance from the main entrance to the residence.

(d) No home occupation shall occupy more than 25% of the first floor area of the residence. Home occupations may be conducted within an accessory building or structure provided that business is conducted entirely within the confines of such a building or structure and between the hours of 8 a.m. to 8 p.m.

ZONING CODE 17.03

(e) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

(f) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates audible or visual interference in any radio or television receivers off the premises.

HOTEL. An establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings and boarding houses, where rentals are for periods of a week or

longer and occupancy is generally by residents rather than transients. Hotels may serve meals to both occupants and others. The term hotel is also intended to imply motel, motor court, motor lodge, tourist court, or any form which conforms to this definition.

INCREASE IN REGIONAL FLOOD HEIGHT. A calculated upward rise in the regional flood elevation equal to or greater than 0.01 feet, resulting from a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain, but not attributable to manipulation of mathematical variables, such as roughness factors, expansion, and contraction coefficients and discharge.

KINDERGARTEN. See DAY NURSERY.

LANDSCAPING. Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and complimentary structural landscape architectural features such as rock, fountains, sculpture, decorative walls, and tree wells.

LIMITED ACCESS ROADS. A street or highway to which private drives for vehicular access are prohibited by a governing jurisdiction.

ZONING CODE 17.03

LOT. A parcel of land used or set aside and available for use as the site for one or more buildings and building accessories thereto, or for any other purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private street right-of-way. The term record lot shall mean land designated as a distinct and separate parcel on a legally recorded deed or plat in the County Clerk's office.

LOT, CORNER. A lot located at the intersection of 2 or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT COVERAGE. The percentage of lot area that is covered or occupied by buildings, including accessory buildings, or the percentage of a lot that may be covered or occupied by buildings, including accessory buildings, under the terms of these regulations.

LOT DEPTH. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

LOT FRONTAGE. The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in these zoning regulations. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the Building Inspector shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.

LOT, INTERIOR. A lot other than a corner lot with only one frontage on a street.

LOT, REVERSED FRONTAGE. A lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner, interior, or through lot.

ZONING CODE 17.03

LOT, THROUGH. A lot other than a corner lot with frontage on more than one street. Through lots abutting 2 streets may be referred to as double frontage lots.

LOT TYPES. The diagram which follows illustrates terminology used in these zoning regulations with reference to corner lots, interior lots, reversed frontage lots, and through lots.

LOT WIDTH. Width of a lot shall be considered to be the distance between each side lot line as measured along the street line (or right-of-way line). However, the width of lots facing cul-de-sacs may be reduced to not less than 85% of the normal required width.

MAY. Permissive.

MOBILE HOME. A structure transportable in one or more

sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. For the purposes of this chapter, it does not include recreational vehicles or travel.

MOBILE HOME PARK. Premises where mobile homes are located for nontransient living purposes and where sites or lots are set aside or offered for lease or rent for use by mobile homes for living purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.

MOBILE HOME SITE. A mobile home site is a lot or parcel within a mobile home park, designated for the accommodation of not more than one mobile home.

MOBILE HOME SUBDIVISION. Premises where mobile homes are located for nontransient living purposes and where lots are set aside or offered for sale for use by mobile homes for living purposes in with the City subdivision regulations, including land, building, structure, or facility used by occupants of mobile homes on such premises.

MUNICIPALITY OR MUNICIPAL. The City of Kaukauna.

ZONING CODE 17.03

NGVD OR NATIONAL GEODETIC VERTICAL DATUM.
Elevations reference to mean sea level datum, 1929 adjustment.

NET ACRE. The total acreage of a lot, tract, or parcel excluding land in existing and proposed streets and street right-of-ways.

NET DENSITY. The term net density refers to the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including streets or street right-of-ways. In the determination of the number of dwellings to be permitted on a specified parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

NONCONFORMING STRUCTURE. An existing lawful structure

or building which is not in conformity with the dimensional or structural requirements of this chapter.

NONCONFORMING USE. An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter.

NURSING HOME. See **CONVALESCENT HOME**.

OBSTRUCTION TO FLOW. Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

OCCUPIED. See **USED**.

OFFICE, BUSINESS. A business office is an office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies, or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barber and beauty shop is not a business office.

ZONING CODE 17.03

OFFICE, PROFESSIONAL. A professional office is an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians, psychiatrists, psychologists, and the like. It is characteristic that display advertising is not used and that the use is characterized by offering consultive services.

OFFICIAL FLOODPLAIN ZONING MAP. That map, adopted and made part of this chapter, which has been approved by the Department and FEMA.

OFF-STREET LOADING SPACE. Any off-street space or berth located on the same site with a building or structure having the principal use of the site and utilized for the temporary parking, less

than 24 hours, of commercial vehicles to facilitate the loading and unloading of merchandise and materials.

OFF-STREET PARKING SPACE. Any off-street space or berth available to the general public to patronize businesses and serve nonresidential uses, for employees' on-the-job storage of their vehicles used for access to their jobs and for occupants of dwellings for storage of their personal vehicles.

OPEN SPACE USE. Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGH WATERMARK. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PARI-MUTUEL RACING FACILITY. An entertainment facility containing a racetrack licensed under Section 562.05 (1), Wisconsin Statutes, at which pari-mutuel betting is conducted. This facility may include such accessory uses and structures as restaurants and taverns, as well as boarding and veterinary facilities for racing animals.

PERSON. Includes a firm, association, organization, trust, partnership, company, or corporation as well as an individual.

ZONING CODE 17.03

PLANNED UNIT DEVELOPMENT. A residential land development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces, and the preservation of significant natural resources.

PRESENT TENSE. Includes the future tense and the singular includes the plural.

PRIVATE SEWAGE SYSTEM. A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the

Department of Industry, Labor, and Human Relations, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES. Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems, such as water sanitary sewer and storm sewer.

REACH, HYDRAULIC. That portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in the stream bed slope or vegetation.

REGIONAL FLOOD. See FLOOD, REGIONAL.

REGIONAL FLOOD ELEVATION. See FLOOD, REGIONAL ELEVATION.

SHALL. Mandatory.

SHOPPING CENTER. A commercial land development consisting of 3 or more establishments, comprehensively planned as an entity via a unitary plan, under one ownership or unified control or management.

ZONING CODE 17.03

SIGN. Any structure, part thereof or device attached thereto or painted or represented thereon, which displays or includes any numeral, letter, word, model, banner, emblem, device, trademark, or other representation used as or in the nature of an announcement, advertisement, direction, or designation of any person or thing in such a manner as to attract attention from outside of the building. The following types of signs are exempted from permit requirements, but must be in conformance with all other requirements in this chapter:

(a) Construction Signs. Two construction signs per construction site not exceeding 100 sq. ft. in area which shall be confined to the site of construction and shall be removed 30 days after completion of construction or prior to occupancy after construction, whichever is sooner.

(b) Directional and Instructional Signs. Directional and instructional nonelectric signs, which provide instruction or direction and are located entirely on a property to which they pertain, do not exceed 6 square feet in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying rest rooms, telephones, parking areas, entrances, and exits.

(c) Nonilluminated Emblems. Nonilluminated emblems or insignia of any nation, political subdivision, or nonprofit organization.

(d) Government Signs. Government signs for control of traffic and other regulatory purposes and including danger signs, railroad crossing signs, and signs of public utilities indicating danger or aids to service or safety which are erected by or on the order of a public officer in the performance of his duty.

(e) Home Occupation Signs. Home occupation signs associated with permitted home occupations as defined in this section.

(f) House Numbers and Nameplates. Property numbers, post box numbers, names of occupants of the premises, or other identification not having commercial connotations.

(g) Interior Signs. Interior signs located entirely within a building.

ZONING CODE 17.03

(h) Memorial Signs and Plaques. Memorial signs or tablets, plaques, names of buildings, and date of erection, which are cut into masonry surfaces or

inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than 4 square feet in area.

(i) No trespassing or No Dumping Signs. No trespassing and no dumping signs not to exceed 1 ½ square feet in area.

(j) Public Notices. Public notices posted by public officials or employees in the performance of their duties.

(k) Public Signs. Public signs required as specifically authorized for a public purpose by any law, statute, or ordinance.

(l) Political and Campaign Signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that such signs are subject to the following regulations:

1. Such signs, except billboards, may be erected not earlier than 30 days prior to the primary election and shall be removed within 15 days following such general election.
2. No sign, except billboards, shall exceed 16 square feet in nonresidential zoning districts and 8 square feet in residential zoning districts.
3. No sign shall be located within 15 feet of the public right-of-way at a street intersection nor over the right-of-way.

(m) Real Estate Signs. One real estate sales sign for each street frontage on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated. Such signs are subject to the following regulations:

1. In residential zoning districts, such signs shall not exceed 6 square feet in area and shall be removed within 7 days after the sale, rental, or lease

has been accomplished.

ZONING CODE 17.03

2. In all other zoning districts, such signs shall not exceed 32 square feet in area and shall be removed within 15 days after the sale, rental, or lease has been accomplished.

(n) Temporary Window Signs. In commercial and industrial zoning districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 50% of the total window area and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.

(o) On-premises Symbols and Insignia. Religious symbols, commemorative plaques of recognized historic agencies or identification emblems of religious orders or historic agencies.

(p) On and Off-Premises Temporary Signs. Temporary signs not exceeding 32 square feet in area pertaining to fund or pledge drives or events of civic, philanthropic, educational, or religious organizations, provided such signs are posted not more than 30 days before such event and removed within 5 days after the event.

(q) Vehicular Signs. Truck, bus, trailer, or other vehicle signs while operating in the normal use of business, which is not primarily the display of signs.

(r) Neighborhood Identification Signs. In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name.

SIGN AREA. Shall include the entire area within the periphery of a regular geometric form or combinations of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed, but not including frames or structural elements of the sign bearing no advertising matter. In the case of double face signs, where both faces advertise a single facility, product, or service, only one face shall count toward total aggregate area. Where both faces do not advertise a single facility, product, or service, each face shall be measured as surface area.

ZONING CODE 17.03

SIGN, NUMBER. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or device containing elements organized, related, and composed to form a unit. In the case of double face signs, where both faces advertise a single facility, product, or service, the total sign shall constitute a single sign. Where both faces do not advertise a single facility, product, or service, each sign face shall constitute a single sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

SIGN, ON SITE. A sign relating in its subject matter to the premises on which it is located. Unless provided otherwise, all permitted signs shall be on site.

SIGN TYPES. (a) Abandoned Sign. A sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product, or activity and/or for which no legal owner can be found.

(b) Awning Sign. A sign painted on, printed on, or attached flat against the surface of an awning. Awning shall be defined as a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

(c) Billboard Sign. Any wall mounted or freestanding sign structure advertising an establishment, merchandise, service, or

entertainment, which is not sold, produced, manufactured, or furnished at the property on which such sign is located.

(d) Changeable Copy Sign (Automatic). A sign on which the characters, letters, or illustrations can be changed or rearranged automatically on a lampback or through mechanical means without altering the face or surface of the sign.

(e) Delivery Sign. Signs identifying the occupant shall be permitted at the rear entrance doors to the premises. Such signs shall be of a nonluminous type, but may be illuminated by a protected, shielded incandescent light directed at the sign. The size of the sign shall not exceed 6 square feet in area. No other sign shall be permitted on the rear of the building.

ZONING CODE 17.03

(f) Detached Sign. A sign not attached to or painted on a building, but which is supported by structures or supports in or upon the ground, fence, or wall and independent of support from any building.

(g) Directory Sign. A sign identifying 2 or more persons, agencies, or establishments located in a place or location common to all.

(h) Facade. The entire building front, including the store front, with an entrance and display windows, the upper facade usually with regularly spaced windows and the cornice that caps the building.

(i) Flat Sign. A sign attached to and parallel to the face of a building or erected or painted on the outside wall of a building and where support of such sign is provided by the wall. No part of such sign shall extend more than 18" from the building.

(j) Ground Sign. A sign erected on a freestanding frame, mast, pole, or more than one such mast or pole, not attached to any building.

(k) Home Occupation Sign. A sign that identifies only the name and/or occupation of a practitioner or one conducting a permitted home occupation in a dwelling.

(l) Identification Sign. A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

(m) Illuminated Sign. Any sign illuminated in any manner by an artificial light source.

(n) Logo. A symbol or trademark commonly used to identify a business or organization, but which in itself contains no word or numeral.

ZONING CODE 17.03

(o) Marquee Sign. Any sign attached to or supported by a marquee structure. Marquee shall be defined as a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

(p) Nonpermanent Sign. Any sign not permanently affixed to a structure or a self-propelled or towed vehicle or not permanently ground mounted, which is intended to be displayed for a short time on the premises.

(q) Owner. A person recorded as such on official records. For the purpose of this chapter, the owner of property on which the sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building Inspector.

(r) Projecting Sign. A sign, other than a flat sign, which is attached to and projects 18" or more from

the face of the building wall or other structure not specifically designed to support the sign.

(s) Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of such facade, excluding any cupolas, pylons, chimneys, or minor projections.

(t) Roof Sign. A sign erected upon, against, or above a roof line and extending above the highest point of the roof.

(u) Roof Street Sign. A sign erected on the roof of a building, no portion of which is above the roof line.

(v) Signable Area. Signable area of the building means one designated area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which a sign is to be displayed. The size of the signable area is determined by calculating the number of square feet which are enclosed by an imaginary rectangle or square drawn around the selected area. Signable area shall be limited to that portion of the building below the sill line of the second story, unless the business being signed is located on the second story, in which case the signable area may extend to the sill line of the third story.

ZONING CODE 17.03

(w) Subdivision Identification Sign. A sign containing the name of the subdivision in which it is located.

(x) Temporary Sign. A sign not constructed or intended for long term use.

(y) Wall Sign. A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building.

(z) Window Sign. Any sign installed inside or upon a window, facing the outside, and which is intended to be seen from the exterior.

STORAGE CAPACITY OF A FLOODPLAIN. See FLOODPLAIN, STORAGE CAPACITY OF.

STORY. That portion of a building, other than a basement, that is between the surface of any floor and the surface of the next floor above it, or, if there is not a floor above, then the space between such floor and the ceiling next above it.

STREET LINE. The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line.

STRUCTURE. Any man-made object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas, or liquid storage tanks, bridges, dams and culverts.

STRUCTURE, ACCESSORY. See ACCESSORY USE OR STRUCTURE.

ZONING CODE 17.03

SUBSTANTIAL IMPROVEMENT. Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure, either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other

structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
- (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

UNNECESSARY HARDSHIP. A situation in which circumstance or special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purpose of this chapter.

USED. Intended, designed, or arranged to be used or occupied.

UTILITY STORAGE STRUCTURE. An uninhabited, subordinate structure not attached to the principal structure or the accessory structure, the use of which is incidental to and customary in conjunction with the principal use of the structure, e.g. storage of lawn and garden equipment, etc., to be located in the rear yard of the principal structure.

VARIANCE. An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards contained in this chapter.

ZONING CODE 17.03

WATER SURFACE PROFILE. A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WELL. An excavation opening in the ground made by digging, boring, drilling, driving, or other methods for the purpose of

obtaining groundwater, regardless of its intended use.

YARD. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward provided, however, that fences, walls, poles, posts, and other customary yard accessory ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and extending from the street line to the nearest line of the principal structure or projection of the principal structure.

YARD, REAR. A yard extending across the rear of a lot between the side lot lines and extending from the rear property line to the nearest line of the principal structure or projection of the principal structure.

YARD, SIDE. A yard extending between the nearest building or projection thereto and the side lot line and extending from the front yard to the rear yard.

GENERAL PROVISIONS

17.05 ESTABLISHMENT OF DISTRICTS. For the purpose of this chapter, the City is hereby divided into the following districts:

RSF	Residential Single Family District
RNC	Residential Neighborhood Conservation District
RTF	Residential Two Family District
RMF	Residential Multifamily District
CCD	Commercial Core District
CBD	Central Business District
CHD	Commercial Highway District
CSD	Commercial Shopping Center District
IND	Industrial District
IPD	Industrial Park District
IT	Institutional District
MH	Mobile Home District
CN	Conservancy District
FWD	Floodway District
FFD	Flood Fringe District
FPD	General Floodplain District

17.06 OFFICIAL ZONING MAP. (1) ESTABLISHMENT. The location and boundaries of all districts except those relating to floodplain regulations, shall be as shown on the map entitled the official zoning map of Kaukauna, Wisconsin. The official zoning map, with all notations, dimensions, designations, references and other data shown shall accompany and be part of this chapter and, upon adoption by the City Council, shall be signed by the Mayor and attested to by the City Clerk-Treasurer.

(2) AMENDMENT. Amendments to the official zoning map shall be approved by the City Council in accordance with the regulations herein and Section 62.23, Wisconsin Statutes, and shall promptly be portrayed on the official zoning map. Amendments shall be effective upon adoption by the City Council. All amendments shall be noted on the official zoning map by date and ordinance number.

(3) INTERPRETATION OF BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(a) Boundaries as indicated as approximately following the centerlines of streets, highways, alleys, or a railroad right-of-way shall be construed to follow such centerlines.

ZONING CODE 17.06 (3) (b)

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(c) Where boundaries do not follow property lines and distances are not specified on the official zoning map, boundaries shall be determined by the use of the scale on the official zoning map.

17.07 OFFICIAL FLOODPLAIN ZONING MAP. (1) ESTABLISHMENT. The location and boundaries of the Floodway, Flood Fringe, and General Floodplain Districts shall be as shown on the flood insurance study maps with corresponding profiles from the Flood Insurance Study. These maps, dated July 16, 1981, are the official floodplain zoning maps of the City as approved by the Department and the Federal Emergency Management Agency (FEMA). Such maps shall be part of this chapter and are on file with the City Clerk-Treasurer.

(2) AREAS TO BE REGULATED. Areas regulated by this chapter include all areas within the City that would be covered by the regional flood and floodplain islands where emergency rescue and relief routes would be inundated by the regional flood.

(3) AMENDMENT. Any proposed amendment to the official floodplain zoning map shall be forwarded to the main office and appropriate district office of the Department and FEMA. No such amendment shall become effective until approved by the Department and until a letter of map amendment has been issued by FEMA, if appropriate. Amendments shall be approved by the City Council in accordance with the regulations herein and Chapter 62, Wisconsin Statutes.

(4) FLOODPLAIN BOUNDARIES. Where an apparent discrepancy exists between the location of the outermost boundary of the Flood Fringe District or General Floodplain District shown on the official floodplain zoning map and actual field conditions, the location of the district boundary line shall be initially determined by the Building Inspector using the criteria set forth in paragraphs (a) and (b) below. Where the Building Inspector finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in Section 17.51. Disputes between the Building Inspector and an applicant on the location of the district boundary shall be settled according to Section 17.50 (4).

ZONING CODE 17.07 (4) (a)

(a) Where flood profiles exist, the location of the district boundary line shall be determined by the Building Inspector using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the boundary line location shown on the map and the location indicated by the regional flood elevations and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the boundary line shown on the map and the location indicated by the regional flood elevations. The Building Inspector shall have the authority to immediately grant or deny a permit on the basis of a surface profile of the regional flood, whether or not a map amendment is required. The Building Inspector shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

(b) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Building Inspector using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the City and the Department, the Building Inspector shall have the authority to grant or deny permits.

17.08 APPLICATION OF REGULATIONS. The regulations set by this chapter shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

(1) No land, building, or structure shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

(2) No sign shall hereafter be erected, hung, placed, painted, altered, or moved except in conformity with the regulations of the district in which it is located.

(3) No part of a yard, open space, off-street parking, or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, off-street parking or loading space similarly required for any other building.

(4) No lot or yard existing at the effective date of adoption of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Lots or yards created after the effective date of adoption of this chapter shall meet the minimum requirements established by this chapter.

ZONING CODE 17.08 (5)

(5) No accessory building shall be constructed upon a lot until the construction of the

main building has actually commenced. No accessory building shall be used unless the principal building on the lot is also used. No cellar or basement shall be used as a dwelling prior to substantial completion of the dwelling of which it is part.

17.09 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be considered minimum requirements. Where the provisions of this chapter imposed greater restrictions than any statute, other regulation, ordinance, or covenant, the provisions of this chapter shall prevail. Where the provisions of any statute, other regulation, ordinance, or covenant impose greater restrictions than the provisions of this chapter, the provisions of such statute, other regulation, ordinance, or covenant shall prevail.

17.10 SEVERABILITY. It is hereby declared to be the legislative intent that should any provision of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this chapter in its entirety or any part thereof, other than that so declared to be invalid.

17.11 NONCONFORMITIES. (1) **APPLICABILITY AND INTENT.** Any use of land or structures, or any lot or structure which existed at the effective date of adoption or amendment of this chapter which would not be permitted or permissible by the provisions of this chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this chapter to permit such nonconformities to continue, subject to certain restrictions.

(2) **NONCONFORMING USES OF LAND (OR LAND WITH MINOR STRUCTURES ONLY).** Where, at the effective date of adoption or amendment of this chapter, a use of land exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure or structures with a replacement value of less than \$10,000, such use may be continued subject to the following restrictions:

(a) Such use shall not be enlarged, increased, or extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this chapter.

(b) Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this chapter.

ZONING CODE 17.11 (2) (c)

(c) When such use is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a permitted

or permissible use, a nonconforming use shall not thereafter be resumed.

(d) No additional structure in connection with such use shall be erected.

(3) **NONCONFORMING USES OF STRUCTURES.** Where, at the effective date of adoption or amendment of this chapter, the use of a structure exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure with a replacement value exceeding \$10,000, such use may be continued subject to the following restrictions:

(a) No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted or permissible in the district in which it is located.

(b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this chapter. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.

(c) There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.

(d) When such use of a structure is discontinued or abandoned for a period of more than 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.

(e) If a structure occupied by a nonconforming use is removed or destroyed, or damaged to an extent of more than 50% of its replacement cost at the time of destruction, the nonconforming use shall not be resumed.

(4) **NONCONFORMING STRUCTURES.** Where, at the effective date of adoption or amendment of this chapter, a structure exists which could not be erected in the district in which it is located by reason of restriction on lot area or coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

ZONING CODE 17.11 (4) (a)

(a) Such structure shall not be altered in any manner which would increase the

degree of nonconformity. The total structural repairs or alterations in such nonconforming structure shall not, during its life, exceed 50% of the replacement cost of the structure.

(b) If such structure is destroyed or damaged to an extent of less than 50% of its replacement cost at the time of destruction, it may be reconstructed provided reconstruction shall substantially reflect the prior structural arrangement and shall not increase the degree of nonconformity. If such structure is destroyed or damaged to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of the district in which it is located.

(5) NONCONFORMING CHARACTERISTICS OF USE. If characteristics of use such as lighting, parking, noise, or other matters pertaining to the use of land, structures, and premises are made nonconforming by the provisions of this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.

(6) NONCONFORMING LOTS OF RECORD. (a) In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this chapter. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.

(b) If 2 or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this chapter, the lands involved shall be considered to be an individual parcel for the purposes of this chapter, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.

ZONING CODE 17.11 (7)

(7) NONCONFORMING SIGNS. (a) No nonconforming signs shall be altered in any manner which would increase the degree of nonconformity. A legal nonconforming sign shall lose this designation if the sign is relocated or replaced or the structure or size of the sign is altered in any way (except for change of copy or normal maintenance), except towards

compliance with this chapter. The legal nonconforming sign is subject to all requirements of this chapter regarding safety, maintenance, and repair. If such a sign is destroyed or damaged to an extent of more than 50% of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign. If a nonconforming sign is destroyed or damaged to an extent of less than 50% of its replacement cost at the time of destruction, it may be reconstructed, provided any reconstruction does not increase the degree of nonconformity which previously existed.

(b) In the Commercial Core District, any nonconforming sign, the original cost of which was less than \$2,500, shall be removed or altered to comply with the provisions of that district within 2 years of the effective date of this chapter. Signs that originally cost from \$2,500 to \$5,000 shall be removed or altered to comply with the provisions of that district within 3 years of the effective date of this chapter. Signs that originally cost more than \$5,000 shall be removed or altered to comply with the provisions of that district within 5 years of the effective date of this chapter.

(8) CASUAL, TEMPORARY, OR ILLEGAL USE. The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.

(9) REPAIRS AND MAINTENANCE. Nothing in this chapter shall be deemed to prevent normal maintenance or repair of any structure, or to prevent restoring to a safe condition any structure declared to be unsafe.

(10) EXISTING SPECIAL EXCEPTIONS. Any use or structure existing on the effective date of adoption or amendment of this chapter which is classified as a special exception in the district in which it is located shall be deemed to have been granted approval, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement, or change in such use or structure shall require approval subject to Section 17.47 of this chapter.

ZONING CODE 17.11 (11)

(11) ADDITIONAL PROVISIONS FOR FLOODPLAIN DISTRICTS. In addition to the provisions of this section, the following requirements shall apply to Floodplain Districts:

(a) Floodway Districts. No modification or addition shall be allowed to any

nonconforming structure or any structure with a nonconforming use in a floodway, unless the following criteria are met:

1. The modification or addition will not increase the amount of obstruction to flood flows as provided in Section 17.40 (3).
2. Any addition to the structure shall be floodproofed, pursuant to Section 17.40 (6), by means other than the use of fill, to the flood protection elevation.
3. No new on-site sewage disposal system or addition to an existing system, except where an addition has been ordered by a government agency to correct a health hazard, shall be allowed. Any replacement, repair, or maintenance of an existing on-site sewage disposal system shall meet applicable requirements of all land ordinances and Chapter COMM, Wisconsin Administrative Code.

(b) Flood Fringe Districts. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Flood Fringe, unless the modification or addition is placed on fill or is floodproofed to the flood protection elevation as provided in Section 17.30 and Section 17.40 (6), except where compliance with this requirement would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, under Section 17.50 (3) (b), may grant a variance subject to the following criteria: Human lives are not endangered; public facilities, such as water or sewer, are not to be installed; flood depths will not exceed 2'; flood velocities will not exceed 2' per second; and the structure will not be used for storage of materials described in Section 17.30. In addition to the requirements herein, all new on-site sewage systems and all new wells or additions to, replacements, repair, or maintenance thereof shall meet all applicable provisions of all local ordinances and Chapters COMM 83, NR 111, and NR 112, Wisconsin Administrative Code.

SCHEDULE OF DISTRICT REGULATIONS

17.15 INTERPRETATION AND ORGANIZATION. (1) District regulations shall be as set forth in this section.

(2) Permitted principal and accessory uses and structures listed for any district shall be permitted by right, subject to conditions as specified.

(3) Special exception uses and structures listed for any district are permissible only upon approval by the City Council subject to the conditions as specified and any other conditions as may be imposed as provided by this chapter. (See Section 17.47 of this chapter.)

(4) All uses and structures, dimensional, sign and off street parking requirements shall be subject to Section 17.32, Supplementary District Regulations, and, where applicable, Section 17.35 through Section 17.40, Special Provisions, of this chapter.

(5) Off street loading requirements for all districts are specified in Section 17.32 of this chapter, Supplementary District Regulations.

(6) In those instances where district regulations set forth limited examples of permitted or permissible uses with reference to the phrase "and the like" or "and uses of a similar nature," it is understood that the examples serve as a guideline in determining other permitted or permissible uses.

17.16 RSF - RESIDENTIAL SINGLE FAMILY DISTRICT. (1) **PURPOSE** - This district is intended to provide for moderate density single family detached residential development in traditional development forms. Certain structures and uses designed to serve governmental, educational, religious, and noncommercial recreational uses are also permitted or permissible as special exceptions subject to restrictions and requirements necessary to preserve and protect the residential character of the district.

(2) **PERMITTED USES** - (a) Single family dwellings.

(b) Public and semi-public non-profit institutional uses provided principal access is directly onto a collector or arterial street to include:

1. Churches.
2. Schools.
3. Libraries.

ZONING CODE 17.16 (2) (c)

- (c) Parks, playgrounds, and community centers.
 - (d) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.
 - (e) Home occupations.
- (3) SPECIAL EXCEPTION USES AND STRUCTURES
- (a) Day Nurseries.
 - (b) Convalescent homes, children's homes, or nursing homes.
 - (c) Public utility installations.
 - (d) Cemeteries.
 - (e) Gardens, nurseries, orchards (provided no office or store is provided on the premises).
 - (f) Community living arrangements/group homes (subject to Wisconsin Statutes, Section 62.23 (7) (i)).
 - (g) Clinics.
- (4) DIMENSIONAL REQUIREMENTS - (a) Principal Structures.
- 1. Single Family Dwellings.
 - a. Lot Area: 7,200 square feet minimum.
 - b. Lot Width: 60 feet minimum.
 - c. Front Yard Setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.
 - d. Side Yard Setback: 7 feet minimum.

ZONING CODE 17.16 (4) (a) 1 e

- e. Rear Yard Setback: 20 feet minimum.
 - f. Lot Coverage: 30 percent maximum.
 - g. Height: 35 feet maximum.
2. Other Permissible Principal Uses and Structures.
- a. Lot Area: 10,000 square feet minimum.
 - b. Lot Width: 100 feet minimum.
 - c. Front Yard Setback: 25 feet minimum.
 - d. Side Yard Setback: 15 feet minimum.
 - e. Rear Yard Setback: 25 feet minimum.
 - f. Lot Coverage: 25 percent maximum.
 - g. Height: 35 feet maximum.
- (b) Accessory Structures/Uses.
- 1. Attached Garages.
 - a. All dimensional regulations (i.e. setbacks and height) of an attached garage shall be the same as the principal structure.
 - 2. Detached Garage In Rear Yard.
 - a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard Setback: 60 feet minimum.
 - c. Rear Yard Setback: 3 feet minimum.
 - d. Side Yard Setback: 3 feet minimum.
- ZONING CODE 17.16 (4) (b) 2 e
- e. Structure Area: Maximum 30 percent of the rear yard area

or 900 square feet, whichever is less. Combinations of attached/detached garages on a lot may not exceed 1,000 square feet.

- f. 5 feet minimum between principal and accessory structure.
3. Detached Garage In Side Yard or Less Than 60 Feet Front Yard Setback.
- a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard Setback: 25 feet or the same setback as the principal structure, whichever is greater.
 - c. Rear Yard Setback: 20 feet minimum.
 - d. Side Yard Setback: 7 feet minimum.
 - e. Structure Area: Maximum 30 percent of rear yard and side yard areas combined, or 900 square feet, whichever is less. Combinations of attached/detached garages on a lot may not exceed 1,000 square feet.
 - f. 5 feet minimum between principal and accessory structure.
4. Detached Garage On Corner Lots.
- a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard and Side Street (Front Yard) Setbacks: 25 feet or the same as the principal structure, whichever is greater.

ZONING CODE 17.16 (4) (b) 4 c

- c. Rear Yard Setbacks: 3 feet minimum setback provided the

accessory structure is a minimum of 10 feet from a neighboring principal structure.

- d. Side Yard Setbacks: 3 feet minimum setback provided the accessory structure is a minimum of 10 feet from a neighboring principal structure.
- e. Structure Area: 900 square feet maximum. Combinations of attached/detached garages on a lot may not exceed 1,000 square feet.
- f. 5 feet minimum between principal and accessory structure.

5. Utility Storage Structure.

- a. One utility storage structure when located on the same lot as the principal structure not occupied by nor involving the conduct of a business or home occupation.
- b. The location of the utility storage structure must be located in the rear yard and comply with all setback requirements governing a detached garage.
- c. Structure Area: 170 square feet maximum.
- d. The utility storage structure, combined with all other accessory structures, shall not occupy more than 30 percent of the rear yard area.

(5) PERMITTED ACCESSORY SIGNS - (a) One subdivision identification sign limited to 25 square feet in area.

- (b) One temporary sign for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of property. No temporary sign shall be erected within 10 feet of any adjacent side yard and no temporary sign shall remain after the sale, lease, or development of the property.

ZONING CODE 17.16 (5) (c)

- (c) In connection with any public or semi-public institution, the following signs are permitted:

1. One identification sign limited to 25 square feet in area.
2. One bulletin board limited to 20 square feet in area.
3. Not more than two temporary signs or banners limited to a combined area of 30 square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two weeks.

(6) OFF-STREET PARKING REQUIREMENTS - (a) Dwellings: One and a half (1½) per unit.

- (b) Churches: One per three fixed seats.
- (c) High Schools: One per three students and employees.
- (d) Elementary Schools, Junior High Schools, Day Nurseries: One per employee.
- (e) Libraries, Exhibits, Community Centers: One per three persons of maximum capacity.
- (f) Convalescent Homes, Children's Homes, Nursing Homes: One per four beds, plus one per employee.

(7) OTHER REQUIREMENTS - When property is used for any of the above allowable uses, it shall be landscaped and maintained in harmony with the surrounding area so as not to substantially interfere with the comfortable enjoyment of life or property by residents of the same area, nor to materially decrease the value of their properties. If a new construction, a lawn shall be planted within six months after the residence or other allowable building has been constructed.

17.18 RTF - RESIDENTIAL TWO FAMILY DISTRICT - (1) PURPOSE - This district is intended to provide for moderate to medium density residential development with emphasis on two family and single family attached residential uses. This district is also intended to provide for alternative development types and for infilling opportunities for parcels which, for various reasons, have been bypassed for development. Nonresidential uses are limited to those which are compatible with the medium density character of the district.

(2) PERMITTED PRINCIPAL USES AND STRUCTURES - (a) Single family dwellings.

(b) Two family dwellings.

(c) Single family attached dwellings.

(d) Public and semi-public non-profit institutional uses provided principal access is directly onto a collector or arterial street to include:

1. Churches.

2. Schools.

3. Libraries.

(e) Parks, playgrounds, and community centers.

(f) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.

(g) Home occupations.

(3) SPECIAL EXCEPTION USES AND STRUCTURES - (a) Day Nurseries.

(b) Convalescent homes, children's homes or nursing homes.

(c) Public utility installations.

(d) Cemeteries.

(e) Gardens, nurseries, orchards (provided no office or store is provided on the premises).

ZONING CODE 17.18 (3) (f)

- (f) Community living arrangements/group homes (subject to Wisconsin Statutes Section 62.23 (7) (i)).
 - (g) Clinics.
 - (h) Cluster Subdivisions per Section 17.37.
 - (i) PUD - Planned Unit Development per Section 17.36.
- (4) DIMENSIONAL REQUIREMENTS - (a) Principal Structures.
- 1. Single Family Detached Dwellings: Shall meet all RSF Residential Single Family Section 17.16 (4) (a) dimensional requirements.
 - 2. Two Family Dwellings.
 - a. Lot Area: 9,000 square feet minimum.
 - b. Lot Width: 70 feet minimum.
 - c. Front Yard Setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.
 - d. Side Yard Setback: 7 feet minimum.
 - e. Rear Yard Setback: 25 feet minimum.
 - f. Lot Coverage: 30 percent maximum.
 - g. Height: 35 feet maximum.
 - 3. Single Family Attached Dwellings.
 - a. Lot Area: 18,000 square feet minimum.
 - b. Lot Width: 100 feet minimum.

ZONING CODE 17.18 (4) (a) 3 c

- c. Front Yard Setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.
- d. Side Yard Setback: 12 feet minimum.
- e. Rear Yard Setback: 25 feet minimum.
- f. Density: 12 dwelling units per net acre maximum.
- g. Lot Coverage: 25 percent maximum.
- h. Height: 35 feet maximum.
- i. Not more than 8 dwelling units shall be contiguous or in one group or series and not more than 2 dwelling units in one group or series shall have the same or approximately the same roof or building line. Not less than 40 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas. A site plan under Site Plans Section 17.32 (11) is required for all single family attached developments. Common open space shall be subject to the requirements of Common Open Space Section 17.32 (9).

4. Other Permissible Principal Uses and Structures.

- a. Lot Area: 10,000 square feet minimum.
- b. Lot Width: 80 feet minimum.
- c. Front Yard: 25 feet minimum.
- d. Side Yard Setback: 10 feet minimum.
- e. Rear Yard Setback: 25 feet minimum.
- f. Lot Coverage: 25 percent maximum.
- g. Height: 35 feet maximum.

ZONING CODE 17.18 (4) (b)

(b) Accessory Uses and Structures

1. Single Family Detached Dwellings: Shall meet all RSF Residential Single Family Section 17.16 (4) (b) dimensional requirements.
2. Attached Garages.
 - a. All dimensional regulations (i.e. setbacks and height) of an attached garage shall be the same as the principal structure.
3. Detached Garage In Rear Yard.
 - a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard Setback: 60 feet minimum.
 - c. Rear Yard Setback: 3 feet minimum.
 - d. Side Yard Setback: 3 feet minimum.
 - e. Structure Area: Maximum 30 percent of the rear yard or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.
 - f. 5 feet minimum between principal and accessory structure.
4. Detached Garage In Side Yard or Less Than 60 Feet Front Yard Setback.
 - a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard Setback: 25 feet or the same setback as the principal structure, whichever is greater.

ZONING CODE 17.18 (4) (b) 4 c

- c. Rear Yard Setback: 25 feet minimum.

- d. Side Yard Setback: 7 feet minimum.
 - e. Structure Area: Maximum 30 percent of the rear yard and side yard areas combined or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.
 - f. 5 feet minimum between principal and accessory structure.
5. Detached Garage On Corner Lots.
- a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard and Side Street (Front Yard) Setbacks: 25 feet or the same as the principal structure, whichever is greater.
 - c. Rear Yard Setbacks: 3 feet minimum setback provided the accessory structure is a minimum of 10 feet from a neighboring principal structure.
 - d. Side Yard Setbacks: 3 feet minimum setback provided the accessory structure is a minimum of 10 feet from a neighboring principal structure.
 - e. Structure Area: Maximum 30 percent of the rear yard or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.
 - f. 5 feet minimum between principal and accessory structure.

ZONING CODE 17.18 (4) (b) 6

6. Utility Storage Structure.

- a. One utility storage structure when located on the same lot as the principal structure not occupied by nor involving the conduct of a business or home occupation.
- b. The location of the utility storage structure must be located in the rear yard and comply with all setback requirements governing a detached garage.
- c. Structure Area: 170 square feet maximum.
- d. The utility storage structure, combined with all other accessory structures, shall not occupy more than 30 percent of the rear yard area.

(5) PERMITTED ACCESSORY SIGNS - (a) One subdivision identification sign limited to 25 square feet in area.

- (b) One temporary sign for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of property. No temporary sign shall be erected within 10 feet of any adjacent side yard and no temporary sign shall remain after the sale, lease, or development of the property.
- (c) In connection with any public or semi-public institution, the following signs are permitted:
 - 1. One identification sign limited to 25 square feet in area.
 - 2. One bulletin board limited to 20 square feet in area.
 - 3. Not more than two temporary signs or banners limited to a combined area of 30 square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two weeks.

ZONING CODE 17.18 (6)

(6) OFF-STREET PARKING REQUIREMENTS - (a) Dwellings: One and a half (1½) per unit.

- (b) Churches: One per three fixed seats.

- (c) High Schools: One per three students and employees.
- (d) Elementary Schools, Junior High Schools, Day Nurseries: One per employee.
- (e) Libraries, Exhibits, Community Centers: One per three persons of maximum capacity.
- (f) Convalescent Homes, Children's Homes, Nursing Homes: One per four beds, plus one per employee.

(7) OTHER REQUIREMENTS - When property is used for any of the above allowable uses, it shall be landscaped and maintained in harmony with the surrounding area so as not to substantially interfere with the comfortable enjoyment of life or property by residents of the same area, nor to materially decrease the value of their properties. If a new construction, a lawn shall be planted within six months after the residence or other allowable building has been constructed.

ZONING CODE 17.19

17.19 RMF - RESIDENTIAL MULTIFAMILY DISTRICT - (1) PURPOSE - This district is intended to provide for medium to high density residential areas with emphasis on multifamily residential use. Nonresidential uses are limited to those which are compatible with the high density character of the district.

- (2) PERMITTED USES -
 - (a) Single family dwellings.
 - (b) Public and semi-public non-profit institutional uses provided principal access is directly onto a collector or arterial street to include:
 - 1. Churches.
 - 2. Schools.
 - 3. Libraries.
 - (c) Parks, playgrounds, and community centers.
 - (d) One attached garage, one detached garage, one utility storage structure, and other allowed accessory structures customarily incidental to the residential principal use when located on the same lot.
 - (e) Home occupations.
 - (f) Two family dwellings.
 - (g) Single family attached dwellings.
 - (h) Multifamily dwellings not exceeding three stories or 45 feet in height.
- (3) SPECIAL EXCEPTION USES AND STRUCTURES -
 - (a) Day Nurseries.
 - (b) Convalescent homes, children's homes, or nursing homes.
 - (c) Public utility installations.
 - (d) Cemeteries.
 - (e) Gardens, nurseries, orchards (provided no office or store is provided on the premises).

ZONING CODE 17.19 (3) (f)

- (f) Community living arrangements/group homes (subject to Wisconsin Statutes Section 62.23 (7) (i).
 - (g) Clinics.
 - (h) Cluster Subdivisions per Section 17.37.
 - (i) PUD - Planned Unit Development per Section 17.36.
 - (j) Multifamily dwellings exceeding three stories or 45 feet in height.
- (4) DIMENSIONAL REQUIREMENTS - (a) Principal Structures
1. Single Family Dwelling: Shall meet all RSF Residential Single Family, Section 17.16 (4) (a) 1 basic dimensional requirements..
 2. Two Family Dwelling: Shall meet all RTF Residential Two Family, Section 17.18 (4) (a) 2 basic dimensional requirements.
 3. Single Family Attached Dwellings: Shall meet all RTF Residential Two Family, Section 17.18 (4) (a) 3 basic dimensional requirements.
 4. Multifamily dwellings not exceeding three stories or 45 feet in height.
 - a. Lot Area: 10,000 square feet minimum.
 - b. Lot Width: 80 feet minimum.
 - c. Front Yard Setback: 25 feet minimum, except that the front yard setback for a principal structure may be the average of the existing front yard setbacks of the adjacent lots, but not less than 15 feet.
 - d. Side Yard Setback: 10 feet minimum.
 - e. Rear Yard Setback: 25 feet minimum.

ZONING CODE 17.19 (4) (a) 4 f

- f. Density: 20 dwelling units per net acre maximum.
- g. Lot Coverage: 30 percent maximum.
- h. Height: 45 feet maximum.
- i. Not less than 40 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas. A site plan under Site Plans Section 17.32 (11) is required for all multifamily developments.

(b) Accessory Structures/Uses.

- 1. Single Family Dwellings: Shall meet all RSF Residential Single Family Section 17.16 (4) (b) dimensional requirements.
- 2. Two Family Dwellings: Shall meet all RTF Residential Two Family Section 17.18 (4) (b) dimensional requirements.
- 3. Single Family Attached Dwellings: Shall meet all RTF Residential Two Family Section 17.18 (4) (b) dimensional requirements.
- 4. Attached Garages.
 - a. All dimensional regulations (i.e. setbacks and height) of an attached garage shall be the same as the principal structure.
- 5. Detached Garage In Rear Yard.
 - a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard Setback: 60 feet minimum.
 - c. Rear Yard Setback: 3 feet minimum.
 - d. Side Yard Setback: 3 feet minimum.

ZONING CODE 17.19 (4) (b) 5 e

- e. Structure Area: Maximum 30 percent of the rear yard or

500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.

- f. 5 feet minimum between principal and accessory structure.
6. Detached Garage In Side Yard or Less Than 60 Feet Front Yard Setback.
- a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard Setback: 25 feet or the same setback as the principal structure, whichever is greater.
 - c. Rear Yard Setback: 25 feet minimum.
 - d. Side Yard Setback: 7 feet minimum.
 - e. Structure Area: Maximum 30 percent of the rear yard and side yard areas combined or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.
 - f. 5 feet minimum between principal and accessory structure.
7. Detached Garage On Corner Lots.
- a. Height: Total building height of 18 feet, maximum side wall height of 10 feet, and one story maximum.
 - b. Front Yard and Side Street (Front Yard) Setbacks: 25 feet or the same as the principal structure, whichever is greater.

ZONING CODE 17.19 (4) (b) 7 c

- c. Side Yard Setbacks: 3 feet minimum setback provided the accessory structure is a minimum of 10 feet from a

neighboring principal structure.

- d. Rear Yard Setbacks: 3 feet minimum setback provided the accessory structure is a minimum of 10 feet from a neighboring principal structure.
- e. Structure Area: Maximum 30 percent of the rear yard or 500 square feet per unit, whichever is less. Combination of attached/detached garages on a lot may not exceed 500 square feet per unit.
- f. 5 feet minimum between principal and accessory structure.

8. Utility Storage Structure.

- a. One utility storage structure when located on the same lot as the principal structure not occupied by nor involving the conduct of a business or home occupation.
- b. The location of the utility storage structure must be located in the rear yard and comply with all setback requirements governing a detached garage.
- c. Structure Area: 170 square feet maximum.
- d. The utility storage structure, combined with all other accessory structures, shall not occupy more than 30 percent of the rear yard area.

(5) PERMITTED ACCESSORY SIGNS - (a) One subdivision identification sign limited to 25 square feet in area.

- (b) One temporary sign for each street frontage advertising the sale or lease of real estate and one temporary sign advertising the development of property. No temporary sign shall be erected within 10 feet of any adjacent side yard and no temporary sign shall remain after the sale, lease, or development of the property.

ZONING CODE 17.19 (5) (c)

- (c) In connection with any public or semi-public institution, the following signs are permitted:

1. One identification sign limited to 25 square feet in area.
2. One bulletin board limited to 20 square feet in area.
3. Not more than two temporary signs or banners limited to a combined area of 30 square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two weeks.

(6) OFF-STREET PARKING REQUIREMENTS - (a) Dwellings: One and a half (1½) per unit.

- (b) Churches: One per three fixed seats.
- (c) High Schools: One per three students and employees.
- (d) Elementary Schools, Junior High Schools, Day Nurseries: One per employee.
- (e) Libraries, Exhibits, Community Centers: One per three persons of maximum capacity.
- (f) Convalescent Homes, Children's Homes, Nursing Homes: One per four beds, plus one per employee.

(7) OTHER REQUIREMENTS - When property is used for any of the above allowable uses, it shall be landscaped and maintained in harmony with the surrounding area so as not to substantially interfere with the comfortable enjoyment of life or property by residents of the same area, nor to materially decrease the value of their properties. If a new construction, a lawn shall be planted within six months after the residence or other allowable building has been constructed.

ZONING CODE 17.20

17.20 CCD - COMMERCIAL CORE DISTRICT. (1) **PURPOSE.** This district is established to provide for a centrally located intensely developed core of commercial activity. It is intended that the physical development of the district be highly concentrated and integrated offering a convenient and attractive shopping environment. It is also intended that, to the maximum extent practicable, various establishments be operated and managed in a coordinated manner. Permitted uses are limited to those which are highly compatible, mutually reinforcing, and conducive to common approaches in operation, area design improvements, traffic and pedestrian circulation, and parking. In addition, buildings and structures are subject to a certificate of appropriateness in Section 17.48.

(2) **PERMITTED PRINCIPAL USES AND STRUCTURES.** (a) Retail outlets for sale of food, home furnishings, appliances, and wearing apparel (including repair strictly incidental to sales), office equipment, hardware, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, camera or photographic supplies (including camera repair), alcoholic beverages for off premise consumption, sporting goods, hobby and pet shops, delicatessen, bake shop (but not wholesale bakery), musical instruments, florist and gift shops, and similar products.

(b) Service establishments such as barber and beauty shops, shoe repair, restaurants (except drive-in restaurants), interior decorator, photographic studios, dance or music studio, tailor or dressmaker, laundry or dry cleaner, radio or television repair, and similar uses.

(c) Banks and other financial institutions, employment offices, business offices, professional offices, and similar establishments.

(d) Dwellings above or behind other principal uses so as to not interrupt business frontage.

(3) **PERMITTED ACCESSORY USES AND STRUCTURES.** Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be kept in closed containers and that such containers shall not be visible from portions of the premises customarily open to pedestrian or automobile circulation or parking.

ZONING CODE 17.20 (4)

(4) SPECIAL EXCEPTION USES AND STRUCTURES. (a) Clubs and organizations.

(b) Printing and publishing establishments.

(c) Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.

(d) Dwellings.

(e) Hotels.

(f) Taverns.

(g) Bowling Alleys.

(h) Automobile Sales and Service.

(i) Automobile Filling Stations.

(j) Mortuaries.

(5) DIMENSIONAL REQUIREMENTS. There are no minimum lot area or width requirements, no yard requirements or maximum height limitations; provided, however, that buildings and structures are subject to a certificate of appropriateness in Section 17.48.

(6) PERMITTED ACCESSORY SIGNS. One exterior sign permitted on each side wall of a building fronting on a street or public way. On all exterior signs, the name and graphics/logo of the business must occupy at least 60 percent of the sign area. Advertising by material or product manufacturers and suppliers shall not be considered the graphics/logo of the business, except when such manufacturer constitutes the entire official name of the business (i.e. Domino's Pizza or Pizza Hut). No sign or any part of a sign structure shall extend above the roof line of buildings. Signs shall not be permitted on side walls, unless fronting on a street or public way and no sign shall be painted directly onto the surface of a building.

(a) Flat Signs. For each principal structure, flat signs limited in aggregate area to 15 percent of the wall area fronting on a street or public way (total wall area, including the window area). Flat signs are permitted, provided that:

1. Flat signs may not project more than 18" beyond the primary surface of the building.

2. Flat signs may be luminous or illuminated by any acceptable method, but no blinking, flashing, or alternating lighting shall be permitted. All lighting and electrical elements, such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from public view.

ZONING CODE 17.20 (6) (a) 3

If 3. Flat signs shall be located in the signable area of the building facade. no signable area can be distinguished in the facade, a suitable signable area shall be determined by the redevelopment authority under Section 17.49 of this chapter. If a sign is placed between windows, the height of the sign may not exceed more than 2/3 the height of the space.

4. In buildings containing 2 or more businesses, the signable area may also include an area adjacent to the entrance to be used for a business directory. This sign shall not exceed 7 square feet in total area. In addition, in buildings that contain 2 or more businesses, the owner may divide the signable area for the building occupants. In buildings where the facade is divided by architectural details, each business may be allowed a signable area.

(b) Projecting Signs. Projecting signs are permitted, provided that:

1. One projecting sign per street front.
2. Size of the sign not to exceed 16 square feet.
3. Projecting signs may be displayed only if a building facade is 20" or more in width, unless the sign consists solely of a symbol.
4. Signs shall project no more than 5 feet from the face of a building.
5. Distance from a projecting sign to a side property line shall not be less than 3 feet.
6. Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade of the right-of-way line of 9 feet.
7. Projection shall be at 90° to the building face.
8. Both sides of the sign shall be finished.
9. Signs should be a simple, geometric shape, such as a square, rectangle, circle, hexagon, etc., or may be a cutout symbolic or representational shape related to the nature of the business.
10. For one story structures, projecting signs may extend to the juncture of roof and wall.

ZONING CODE 17.20 (6) (c)

(c) Awnings. Flameproofed, fabric awnings shall be permitted. The only items

of information allowed on an awning shall be the name of the business, graphics/logo, and the street number and the combined area of such signs in excess of 15 square feet must be counted as part of the total area allowed that building for its exterior signs.

(d) Window Signs. No window sign shall occupy more than 30 percent of the total area of the window in which the sign is located. No window sign shall be affixed to a window surface, except that the name, monogram, logo, address, and telephone number of the person or firm occupying the premises as well as a description of products or services offered may be permanently affixed upon a window. The surface area of such signs is not to be included in the overall computation of allowable signage. The provisions of this paragraph shall not restrict the reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of business, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowing window signs.

(e) Detached Signs. For every 100 feet of lot frontage, one detached sign limited to 50 square feet in area on each side (limit of 2 sides and 100 square feet) and 25 feet in height provided, however, the building is set back at least 35 feet from the street curb.

(f) Nonpermanent Signs. Nonpermanent signs shall be restricted in use to the display of special limited time promotions, sales, or events and shall be used for the sole purpose of serving as an identification sign. Such signs shall be limited in use on any premises to a period not to exceed 14 consecutive days at a time and not more frequently than 4 times per calendar year with a minimum of 30 days lapsed between each period of use. A sign permit shall be obtained prior to each time a sign is placed on a premise. The maximum size of such signs shall be 20 square feet on each face, back to back.

(g) Roof Street Signs. Roof street signs shall be displayed within the selected signable area. The gross area permitted for the sign may not be more than 40% of the signable area. If the sign is enclosed by a box or outline, the total area of the sign, including the background, is counted as the gross area. If the sign consists of individual letters, only the area of the letters is counted as the gross area. In case of multiple occupancy, the signable area may be divided among the occupants.

ZONING CODE 17.20 (7)

(7) OFF-STREET PARKING REQUIREMENTS. (a) All permitted principal uses

except dwelling units. Any exterior expansion of a building or construction of a building shall be subject to review by the City Plan Commission to assure that adequate off street parking is available in the area. New construction or expansion creating 750 square feet or more of floor space shall provide specific locations of employee and customer parking and attest to its availability in writing, specifically noting if the parking is private or public and what parking space is available. Lack of parking is grounds for denial of the building permit application. Denials for permits shall be provided in writing, noting the reasons for denial and any supporting documentation of the denial. Appeals from this determination can be submitted to the Kaukauna Common Council within forty five (45) days of written notice of the denial. The Common Council can override the City Plan Commission's denial by a three quarter (3/4) vote of the Common Council.

(b) Dwelling units. One and a half (1-1/2) parking stalls per dwelling unit. Dwelling units classified as elderly housing through applicable State or Federal designations shall have one parking stall per dwelling unit.

17.21 CBD - CENTRAL BUSINESS DISTRICT. (1) PURPOSE. This district is established to provide for a centrally located readily accessible area which offers a wide range of retail, service, and governmental uses. The Central Business District should also provide convenient parking and safe, convenient pedestrian circulation.

(2) PERMITTED PRINCIPAL USES AND STRUCTURES. (a) See Section 17.20 (2) of this chapter.

(b) Clubs and organizations.

(c) Printing and publishing establishments.

(d) Commercial recreation facilities in completely enclosed buildings including theaters, arcades, and amusement centers.

(e) Hotels.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. (a) Drive-in banks and restaurants.

(b) Taverns.

(c) Bowling alleys.

(d) Automobile sales and service.

ZONING CODE 17.21 (4) (e)

(e) Automobile filling stations.

(f) Building equipment and supply establishments.

- (g) Mortuaries.
- (h) Dwellings.
- (i) Veterinary hospitals.

(5) DIMENSIONAL REQUIREMENTS. There are no minimum lot area or width requirements and no maximum height requirements. Any lot adjacent to a residential district without an intervening street shall have a yard at least 25 feet in width if at the side and 25 feet in depth if at the front or rear. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of Section 17.32 (10).

(6) PERMITTED ACCESSORY SIGNS. (a) Flat Signs. For each principal structure, flat signs limited in aggregate area to 20 percent of the wall area fronting on a street or public way (total wall area, including the window area). Flat signs are permitted, provided:

1. Flat signs may not project more than 18" beyond the primary surface of the building.
2. Flat signs may be luminous or illuminated by any acceptable method, but no blinking, flashing, or alternating lighting shall be permitted. All lighting and electrical elements, such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from public view.
3. Flat signs shall not be permitted on side walls, unless fronting on a street or public way, and no sign shall be painted directly on the surface of a building.
4. Flat signs shall be located in signable area of the building facade. If a sign is placed between windows, the height of the sign may not exceed more than 2/3 the height of the space.

ZONING CODE 17.21 (6) (a) 5

5. In buildings containing two or more businesses, the signable area may also include an area adjacent to the entrance to be used for a business directory. This sign shall not exceed 7 square feet in total area. In addition, in buildings that

contain two or more businesses, the owner may divide the signable area for the building occupants. In buildings where the facade is divided by architectural details, each business may be allowed a signable area.

(b) Projecting Signs. Projecting signs are permitted, provided that:

1. One projecting sign per street front.
2. Size of the sign not to exceed 20 square feet.
3. Projecting signs may be displayed only if a building facade is 20 feet or more in width, unless the sign consists solely of a symbol.
4. Signs shall project no more than 5 feet from the face of a building.
5. Distance from a projecting sign to a side property line shall not be less than 3 feet.
6. Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade of the right-of-way line of 9 feet.
7. Projection shall be at 90° to the building face.
8. Both sides of the sign shall be finished.
9. Signs should be a simple, geometric shape, such as a square, rectangle, circle, hexagon, etc., or may be a cutout symbolic or representational shape related to the nature of the business.
10. For one story structures, projecting signs may extend to the juncture of roof and wall.

(c) Awnings. Flameproofed, fabric awnings shall be permitted. The only items of information allowed on an awning shall be the name of the business, graphics/logo, and the street number and the combined area of such signs in excess of 15 square feet must be counted as part of the total area allowed that building for its exterior sign.

ZONING CODE 17.21 (6) (d)

(d) Window Signs. No window sign shall occupy more than 30 percent of the total area of the window in which the sign is, except that the name, monogram, logo, address, and telephone number of the person or firm occupying the premises as well as a description of products or services offered may be permanently affixed upon a window.

The surface area of such signs is not to be included in the overall computation of allowable signage. The provisions of this paragraph shall not restrict the reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of business, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowable window signs.

(e) Detached Signs. For every 100 feet of lot frontage, one detached sign limited to 100 square feet in area on each side (limit of 2 sides and 200 square feet) and 25 feet in height provided, however, the building is set back at least 35 feet from the street curb.

(f) Nonpermanent Signs. Nonpermanent signs shall be restricted in use to the display of special limited time promotions, sales, or events and shall not be used for the sole purpose of serving as an identification sign. Such signs shall be limited in use on any premise to a period not to exceed 14 consecutive days at a time and not more frequently than 4 times per calendar year with a minimum of 30 days lapsed between each period of use. A sign permit shall be obtained prior to each time a sign is placed on a premise. The maximum size of such signs shall be 20 square feet on each face, back to back.

(g) Roof Street Signs. Roof street signs shall be displayed within the selected signable area. The gross area permitted for the sign may not be more than 40% of the signable area. If the sign is enclosed by a box or outline, the total area of the sign, including the background is counted as the gross area. If the sign consists of individual letters, only the area of the letters is counted as the gross area. In case of multiple occupancy, the signable area may be divided among the occupants.

(7) OFF-STREET PARKING REQUIREMENTS. (a) Dwelling Units. 1 ½ spaces per dwelling unit shall be required.

(b) Hotels. One parking space per sleeping room shall be required for hotels.

ZONING CODE 17.22

17.22 CHD - COMMERCIAL HIGHWAY DISTRICT. (1) PURPOSE. This district is intended to provide for general commercial uses convenient to major streets. Many of these uses require large lot areas, do not readily relate to pedestrian circulation, require significant parking and loading areas and, in general, operate independent of one another.

(2) PERMITTED PRINCIPAL USES AND STRUCTURES. (a) See Section 17.21 (2) of this chapter.

- (b) Drive-in banks and restaurants.
- (c) Building equipment and supply establishments.
- (d) Taverns, billiard parlors, and bowling alleys.
- (e) Automobile, boat, construction equipment and farm implement sales, service, repair, and automobile filling stations.
- (f) Wholesale and warehouse establishments.
- (g) Mortuaries.
- (h) Veterinary hospitals and dog kennels.
- (i) Gardens, orchards, and nurseries including where an office or store is maintained on the premises.
- (j) Agricultural related uses such as feedmills and farm co-ops.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. (a) Public utility installations.

- (b) Light manufacturing uses, including packaging bottling, storage, and laboratory uses provided all activities are conducted in completely enclosed buildings.
- (c) Commercial recreational uses such as golf and archery ranges, rinks, and the like.
- (d) Pari-mutuel racing facility.

ZONING CODE 17.22 (5)

(5) DIMENSIONAL REQUIREMENTS. For all permissible principal uses and structures, the following apply:

- (a) Minimum Dimensions. 1. Lot Area: 15,000 square feet.

2. Lot Width: 100 feet.
3. Front Yard: 25 feet.
4. Side Yards: 10 feet each.
5. Rear Yard: 10 feet.

(b) Maximum Dimensions. 1. Lot Coverage: 25%.

2. Height: 45 feet.

(c) Required Yards. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of Section 17.32 (10). To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip not less than 15 feet in depth if at the front and 15 feet in width if at the side shall be required along any lot line adjacent to a street. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street.

(6) PERMITTED ACCESSORY SIGNS. For all permissible principal uses and structures, for each 10 lineal feet of frontage on a public street (frontage being determined by the principal entrance to the premises), a maximum of one sign and 30 square feet of sign area. The sign area may be used in a lesser number of signs than permitted, but the maximum number of signs shall not be exceeded even though the total area permitted is not used. No sign shall be erected within 5 feet of any lot line.

(7) OFF-STREET PARKING REQUIREMENTS. (a) Applicable Parking Requirements as Specified in the CBD District. See Section 17.21 (7) of this chapter.

- (b) Wholesale and Warehouse Establishments. One per 300 feet of floor space.
- (c) Light Manufacturing. One per employee on maximum shift.

ZONING CODE 17.23

17.23 CSD - COMMERCIAL SHOPPING CENTER DISTRICT. (1) PURPOSE. This district is intended to provide for the establishment of new planned and unified shopping centers in areas not presently zoned for commercial uses, but the district may be applied to existing centers generally meeting the requirements of the district. This district is also intended to encourage the development of a variety of commercial establishments with depth rather than single purpose strip type commercial development. Since the shopping center may extend near

residential areas, great care is required in fitting it into its surroundings. Rezoning to this district requires a showing of need for the establishment of new commercial development outside existing commercial areas.

(2) PERMITTED PRINCIPAL USES AND STRUCTURES. See Section 17.20 (2) (a) through (c) of this chapter. All uses are subject to the requirement that all sales, storage, and display shall be within completely enclosed buildings.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be kept in closed containers and that such containers shall not be visible from residential districts, from portions of the premises customarily open to customer parking, traffic, or public ways.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. Public utility installations.

(5) DIMENSIONAL REQUIREMENTS. For all shopping center developments, the following apply:

(a) Minimum Dimensions. 1. Lot Area: 2 acres.

2. Lot Width: Street Frontage requirement, 200 feet.

(b) Maximum Dimensions. 1. Lot Coverage: 25%.

2. Height: 35 feet.

ZONING CODE 17.23 (5) (c)

(c) Yards Adjacent to Streets or Residential Districts. All yards adjacent to streets or residential districts shall be at least 100 feet in depth if at the front or rear, and 100 feet in width if at the side. Yards adjacent to other than streets or residential districts shall be at least 50 feet in depth if at the front or rear and 50 feet in width if at the side. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of Section 17.32 (10). To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip not less than 15 feet in depth if at the front and 15 feet in width if at the side shall be required along any lot line adjacent to a street. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent

to the street. A site plan under Section 17.32 (11) is required for all shopping center developments.

(6) **PERMITTED ACCESSORY SIGNS.** (a) For Each Shopping Center Development. One general identification sign limited to 200 square feet in area if mounted approximately parallel to the right-of-way or 2 signs limited to 100 square feet in area if mounted back to back or angled to be read from opposite directions for each frontage of the development.

(b) For Each Establishment. One sign and 1 square feet of sign area for each lineal foot of building frontage. Such signs shall refer only to the name and nature of the business conducted in the building and to goods and services offered, and shall be mounted flat against the wall of the building. Insofar as practicable, such signs shall be oriented away from surrounding residential areas.

(7) **OFF-STREET PARKING REQUIREMENTS.** Shopping centers, one per 200 square feet of floor area.

17.24 IT - INSTITUTIONAL DISTRICT. (1) **PURPOSE.** The intent of this district is to provide for areas of the community where public or semipublic institutional uses are or can be established and to ensure that such areas will continue in this use unless otherwise approved by the City.

(2) **PERMITTED PRINCIPAL USES AND STRUCTURES.** (a) Public parks, parkways, playgrounds, golf courses, and other uses of a similar nature.

(b) Public and semipublic zoos, arboretums, museums, exhibits, and libraries.

(c) Public and semipublic institutional uses including churches, convents, elementary schools, high schools, colleges, hospitals, clinics, elderly homes, children's homes, convalescent homes, and other uses of a similar nature.

(d) Public administrative offices.

ZONING CODE 17.24 (2) (e)

(e) Public utility installations, navigation works, flood control works, and other uses of a similar nature.

(3) **PERMITTED ACCESSORY USES AND STRUCTURES.** Uses and structures which are necessary and desirable adjuncts to permissible principal uses and structures and are under the management or control of the public or semipublic agency or entity responsible for the principal use and structure.

(4) **SPECIAL EXCEPTION USES AND STRUCTURES.** Public garages, maintenance yards, equipment yards, and other uses of a similar nature.

(5) **DIMENSIONAL REQUIREMENTS.** There are no minimum lot requirements. Any lot adjacent to a public street or residential district shall have a yard at least 25 feet in width if at the side, and 25 feet in depth if at the front or rear. Maximum lot coverage shall not exceed 30%. Maximum height of any structure within 40 feet of a residential district shall not exceed 45 feet.

(6) **PERMITTED ACCESSORY SIGNS.** Identification, informational, or directional signs erected by public or semipublic agencies or entities in connection with permissible principal uses and structures or for other public purposes. No sign shall be erected within 10 feet of any side or rear lot line.

(7) **OFF-STREET PARKING REQUIREMENTS.** (a) Applicable Parking Requirements as Specified in the RSF District. See Section 17.16 (7) of this chapter.

(b) Offices. One per 250 square feet of floor space.

(c) Hospitals. One per 3 beds.

(d) Exhibits, Museums, Libraries. One per 3 persons of maximum capacity.

17.25 IND - INDUSTRIAL DISTRICT. (1) **PURPOSE.** This district is intended to provide for industrial, warehousing and wholesaling, and certain service and commercial activities in areas already established for such uses.

(2) **PERMITTED PRINCIPAL USES AND STRUCTURES.** (a) Supply establishments, wholesale, warehouse, and building equipment.

(b) Automobile, boat, construction and farm implement sales, service, and repair.

(c) Agricultural related uses, including feedmills and co-ops.

ZONING CODE 17.25 (2) (d)

(d) Printing and publishing.

(e) Service establishments catering to commercial and industrial uses, including business machine services, linen supply, freight movers, communication services, canteen services, and uses of a similar nature.

(f) Transportation terminals.

(g) Light manufacturing uses, including bottling, packaging, laboratories, and uses of a similar nature.

(h) Manufacturing uses, including production, cleaning, processing, testing, and the distribution of materials and goods, except wrecking yards, fertilizer, and chemical manufacture, cement manufacture, explosive storage or manufacture smelting, tanneries, and slaughterhouses. All manufacturing uses are subject to the provisions of Section 17.38 of this chapter.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. (a) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(b) Outside storage of equipment and materials shall be located behind the building setback line and screened from view of any public street or residential district boundary by a fence, wall, or shrubs. All outside areas shall be clean and orderly.

(c) Railroad spurs and service rails with side or rear yards only.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. None.

(5) DIMENSIONAL REQUIREMENTS. For all permissible principal uses and structures, the following shall apply:

(a) Minimum Dimensions. 1. Lot Area: 9,000 square feet.

2. Lot Width: 90 feet.

3. Front Yard: 25 feet.

4. Side Yards: 15 feet each; provided, however, side yards shall be increased 1 foot in width for every 3 feet in building height above 35 feet.

5. Rear Yard: 30 feet.

ZONING CODE 17.25 (5) (b)

(b) Railroad Right-of-way. There are no side or rear yard requirements when a railroad right-of-way abuts at the side or rear property line.

(c) Required Side or Rear Yard Adjacent to Residential District Boundary. Any required side or rear yard adjacent to a residential district boundary shall be subject to the landscape buffer requirements of Section 17.32 (10).

(6) PERMITTED ACCESSORY SIGNS. For each principal structure, the following shall apply:

(a) Flat Signs. Flat signs limited in aggregate area to 25% of the wall area fronting on a street.

(b) Detached Signs. For every 90 feet of lot frontage, one detached sign limited in area to 200 square feet on each side (limit of 2 sides and 400 square feet) and 30 feet in height.

(c) Temporary Signs. Temporary signs as provided in Section 17.16 (6) (b).

(7) OFF-STREET PARKING REQUIREMENTS. (a) Applicable Parking Requirements as Specified in the CH District. See Section 17.22 (7) of this chapter.

(b) Manufacturing and Service Uses. One per employee on maximum shift.

(c) Other Uses. Sufficient off-street parking such that no public street shall be used for parking.

17.26 IPD - INDUSTRIAL PARK DISTRICT. (1) PURPOSE. This district is intended to provide for industrial, warehousing and wholesaling, and certain service and commercial activities in an industrial park setting or individual tract or parcel of substantial size. (Note: development in this district may be subject to protective covenants and approval by the Industrial and Commercial Commission.)

(2) PERMITTED PRINCIPAL USES AND STRUCTURES. Permitted principal uses and structures of Section 17.25 (2) of this chapter, subject to the industrial performance standards of Section 17.38 of this chapter; provided that, to the maximum extent practicable, all primary production activities shall be conducted within completely enclosed buildings; the front of all buildings shall be faced with decorative masonry or other materials of suitable aesthetic, safety, and durability value; and such facing shall extend not less than 20 feet on each side of the building or to an appropriate natural dividing point.

ZONING CODE 17.26 (3)

(3) PERMITTED ACCESSORY USES AND STRUCTURES. (a) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

(b) Outside storage of materials or products provided such storage shall not be closer than 70 feet from the street line; all storage areas shall be surfaced with gravel or hard surface materials; all aisles shall be hard surfaced; and materials shall be palletized or stored in containers if they are piled or stacked and such stacking shall not exceed 20 feet in height or the building height, whichever is less. All outside storage areas shall be clean and orderly.

(c) Temporary storage of waste materials and trash provided such materials/trash

shall be enclosed by a fence of solid material not less than 6 feet in height.

(d) Railroad spurs and service rails within side or rear yards.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. None.

(5) DIMENSIONAL REQUIREMENTS. For all permissible principal uses and structures, the following shall apply:

(a) Minimum Dimensions. 1. Lot Area: 12,000 square feet.

2. Lot Width: 100 feet.

3. Front Yard: 50 feet.

4. Side Yards: 10 feet for any one side yard, 30 feet aggregate width for both side yards.

5. Rear Yard: 25 feet.

(b) Railroad Right-of-way. There are no side or rear yard requirements when a railroad right-of-way abuts at the side or rear property line.

(c) Required Side or Rear Yard Adjacent to Residential District Boundary. Any required side or rear yard adjacent to a residential district boundary shall be subject to the landscaped buffer requirements of Section 17.32 (10).

ZONING CODE 17.26 (5) (d)

(d) Maximum Dimensions. 1. Lot coverage: 30%.

2. Building Height: 50 feet.

(e) Site Plan. A site plan under Section 17.32 (11) is required for all development in the district.

(6) PERMITTED ACCESSORY SIGNS. See Section 17.25 (6) of this chapter.

(7) OFF-STREET PARKING REQUIREMENTS. See Section 17.25 (7) of this chapter.

17.27 CH - CONSERVANCY DISTRICT. (1) PURPOSE. This district is intended to provide for the conservation and protection of natural resources. Generally this district is

intended to include marshlands, drainage ways, river frontage, woodlands, and other lands of significant natural environmental or aesthetic value.

(2) PERMITTED PRINCIPAL USES AND STRUCTURES. Open space uses including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection, and water retention and control provided; however, that no such uses involve structures, fill, soil or peat removal, or disruption of the natural flow of any watercourse or natural topography.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. Uses customarily and clearly incidental to permissible uses provided such uses do not require structures or fill.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. (a) Structures and fill accessory to permitted principal uses.

(b) Parks, campgrounds, and accessory structures.

(c) Public shooting ranges and accessory structures.

(d) Fish hatcheries, raising of minnows, waterfowl and other lowland animals, and accessory structures.

(e) Public utilities.

ZONING CODE 17.27 (5)

(5) DIMENSIONAL REQUIREMENTS. For all permissible principal uses and structures, the following apply:

(a) Minimum Dimensions. 1. Lot Area: 20,000 square feet.

2. Lot Width. There are no lot width requirements.

(b) Use Involving a Structure. Any use involving a structure shall provide front and rear yards of at least 50 feet in depth and side yards at least 50 feet in width each.

(6) PERMITTED ACCESSORY SIGNS. All permissible principal uses and structures are allowed one identification sign limited in aggregate area to 200 square feet.

(7) OFF-STREET PARKING REQUIREMENTS. Sufficient off street parking such that

no public street shall be used for parking.

17.28 MH - MOBILE HOME DISTRICT. (1) **PURPOSE.** It is the intent of this district to provide for mobile homes as a means of providing balance and variety to dwelling types by allowing this type of housing in a conventional residential setting through a mobile home subdivision and, to a more limited extent, a mobile home park.

(2) **PERMITTED PRINCIPAL USES AND STRUCTURES.** All mobile homes shall be certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and, in addition, meet the following requirements:

(a) Minimum Width. Minimum width of the main body shall not be less than 20 feet as measured across the narrowest portion.

(b) Length to Width Ratio. A length to width ratio shall not exceed 2 ½ times to one.

(c) Roof Pitch. The pitch of the main roof shall not be less than 1 foot of rise for every 4 feet of horizontal run and minimum distance from eaves to ridge shall be 10 feet.

(d) Reflection From Exterior Surfaces. Reflection from exterior surfaces shall not be greater than from siding coated with clean, white, gloss exterior enamel.

(e) Foundation. Each mobile home shall have a permanent foundation.

ZONING CODE 17.28 (3)

(3) **PERMITTED ACCESSORY USES AND STRUCTURES.** See Section 17.16 (3) of this chapter.

(4) **SPECIAL EXCEPTION USES AND STRUCTURES.** Mobile home parks. (See Section 17.39 of this chapter.)

(5) **DIMENSIONAL REQUIREMENTS.**

(a) Mobile Home Subdivisions.

1. Minimum Dimensions.

a. Tract area: 2 acres.

- b. Lot area: 4,800 square feet.
- c. Lot width: 60 feet.
- d. Front yard: 25 feet.
- e. Rear yard: 20 feet.
- f. Side yards: 10 feet each.

2. Site Plan. A site plan under Section 17.32 (11) of this chapter is required.

(b) Mobile Home Parks.

1. Minimum Dimensions.

- a. Tract area: 2 acres.
- b. Site area: 4,000 square feet.
- c. Site width: 50 feet.
- d. Front yard: 2 feet.
- e. Rear yard: 20 feet.
- f. Side yards: 10 feet each.

ZONING CODE 17.28 (5) (b) 2

2. Site Plan. A site plan under Section 17.32 (11) of this chapter is required. All mobile home parks are subject to the provisions of Section 17.39 of this chapter.

(6) PERMITTED ACCESSORY SIGNS. See Section 17.16 (6) of this chapter.

(7) OFF-STREET PARKING REQUIREMENTS. Dwellings, one per unit.

(8) FLOODPLAIN REQUIREMENTS. (a) Owners or operators of all existing mobile home parks and mobile home subdivisions located in the regional floodplain shall file an evacuation plan, indicating alternate vehicular access and escape routes including mobile home hauler routes, with the appropriate local disaster preparedness authorities and shall provide for adequate surface drainage to minimize flood damage.

(b) All new, replacement, and substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall be

elevated to the flood protection elevation, shall be anchored so they do not float, collapse, or move laterally during a flood and shall meet the development standards contained in Section 17.30 (2).

17.29 FWD - FLOODWAY DISTRICT. (1) **PURPOSE.** This district applies to all areas within the regional floodway so designated on the official floodplain zoning map showing the regional flood limits and designated on flood insurance study maps as approved by the Department. This district also applies to the floodway portion of the General Floodplain District as determined pursuant to Section 17.40 (5). All development in the Floodway District is subject to the provisions of Section 17.40.

(2) **PERMITTED PRINCIPAL USES AND STRUCTURES.** (a) Open space uses having a low flood damage potential and not obstructing flood flows or involving fill, including:

1. Agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Nonstructural industrial and commercial uses such as loading, parking, and storage areas.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching facilities, swimming areas, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, marinas, and boat rentals.

ZONING CODE 17.29 (2) (b)

(b) Utility facilities such as dams, flowage areas, transmission lines, pipelines, water monitoring devices, and water related uses such as docks, piers, wharves, bridges, and culverts subject to regulations pursuant to Chapter 30, Wisconsin Statutes, and applicable federal regulations.

(c) Navigational and drainage aids such as channels, channel markers, buoys, and the like, provided that prior to any alteration or relocation of a watercourse, the Building Inspector shall notify adjacent communities, the Department of Natural Resources and the Federal Insurance Administration and require the applicant to secure necessary permits. The flood carrying capacity within the altered or relocated portion of the watercourse shall be maintained.

(d) Public utilities, streets, and bridges provided that adequate floodproofing measures are provided to the flood protection elevation.

(e) Uses permitted by the Department of Natural Resources pursuant to Chapters 30 and 31, Wisconsin Statutes, provided the necessary permits are obtained.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. Uses and structures customarily and clearly incidental to permissible principal uses, are essential for historical areas or are functionally dependent on a waterfront location provided, however, that accessory structures are:

(a) Not designed for human habitation.

(b) Have a low flood damage potential.

(c) Are constructed and placed on the building site so as to cause an increase less than 0.01' in flood height and offer minimum obstruction to flow of floodwaters (to include, whenever possible, construction with the longitudinal axis parallel to the direction of the flow of floodwaters and approximately on the same line as adjoining structures).

(d) Are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the river or stream.

(e) Have all service facilities, such as electrical and heating equipment, at or above the flood protection elevation.

ZONING CODE 17.29 (4)

(4) SPECIAL EXCEPTION USES AND STRUCTURES. Fill or deposition of materials provided that such fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wisconsin Statutes, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable; and the fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, and/or bulkheading sufficient to prevent erosion.

(5) DIMENSIONAL REQUIREMENTS. (a) Minimum Lot Area. Any permitted use involving livestock or poultry raising or firearms shall have a minimum lot area of 5 acres. There are no minimum lot area requirements for other uses.

(b) Accessory Buildings. No accessory building shall be located closer than 25 feet to any lot line. There are no height or lot coverage limitations.

(6) PERMITTED ACCESSORY SIGNS. Identification, informational, or directional signs limited in aggregate area to 200 square feet subject to the requirements and conditions for

accessory structures.

(7) **OFF-STREET PARKING REQUIREMENTS.** Sufficient off-street parking so that no public street shall be used for parking.

(8) **OTHER REQUIREMENTS.** (a) All uses not listed as permitted uses above are prohibited within the Floodway District and in the floodway portion of the General Floodplain District, including the storage of any materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life; any uses which are not in harmony with or which may be detrimental to the uses permitted in the adjoining districts; all private or public on-site sewage disposal systems, except portable latrines that are removed during flooding, and systems in accordance with Chapter COMM 83, Wisconsin Administrative Code; all public or private wells which are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of Chapters NR 111 and NR 112, Wisconsin Administrative Code, and any local ordinances; all solid and hazardous waste disposal sites, whether public or private; all wastewater treatment ponds or facilities, except those permitted under Section NR 110.15 (3) (b), Wisconsin Administrative Code, and all sanitary sewer or waterlines, except those to service existing or proposed development outside the floodway which comply with the regulations for the floodplain are occupied.

ZONING CODE 17.29 (8) (b)

(b) Applicants shall provide the following data for the Building Inspector to determine the effects of the proposed development, pursuant to Section 17.40 (3):

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
2. An analysis calculating the effects of this proposal on regional flood height.

17.30 FFD - FLOOD FRINGE DISTRICT. (1) **PURPOSE.** This is an overlay district applicable to all areas within the regional flood fringe so designated on the official floodplain zoning map showing the A Zones and designated on flood insurance study maps as approved by the Department. This district also applies to the flood fringe portion of the General Floodplain District as determined pursuant to Section 17.40 (5) of this chapter. All development in the Flood Fringe District is subject to the provisions of Section 17.40 of this chapter. As an overlay district, these regulations supplement the regulations of the underlying district.

(2) **PERMITTED PRINCIPAL USES AND STRUCTURES.** (a) Permitted principal uses and structures in the underlying district, except for solid waste disposal sites, provided,

however, that the following standards shall be met:

1. For residential uses, any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards:

a. The elevation of the lowest floor, excluding the basement or crawlway, shall be placed on fill at or above the flood protection elevation, a point 2 feet above the regional elevation, except where subparagraph 2 is applicable. The fill elevation shall be 1 foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.

b. The basement or crawlway floor may be placed at the regional flood elevation, providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement, or crawlway below the regional flood elevation.

c. Contiguous dry land access shall be provided from a structure or building to land which is outside of the floodplain, except as provided in subparagraph 4.

ZONING CODE 17.30 (2) (d)

d. In existing developments where existing streets or sewer lines are at elevations which make compliance with subparagraph 3 impractical, the City may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:

° The City has written assurance from the appropriate local units of police, fire, and emergency services that rescue and relief will be provided to the structures by wheeled vehicles, considering the anticipated depth, duration, and velocity of the regional flood event; or

°° The City has an adequate natural disaster plan concurred with by the Division of Emergency Government and approved by the Department.

2. In commercial areas, any structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements of subparagraph 1.d° above. Storage yards, parking lots, and other accessory structures or land uses may be at lower elevations, subject to the requirements of subparagraph 4 below. However, no such area in general use by the public shall be inundated to a depth greater than 2' or subjected to flood velocities greater than 2' per second during the regional flood. Inundation of such

yards or parking areas exceeding 2' may be allowed, provided an adequate warning system exists to protect life and property.

3. Any manufacturing, agricultural, or industrial structure or building which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, flood walls, adequate floodproofing measures in accordance with Section 17.40(6) or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in subparagraph 1.d^{oo} above and 4 below, may be permissible for storage yards, parking lots, and other accessory structures or uses.

4. The storage or processing of materials that are capable of floating, flammable, explosive or which in time of flooding could be injurious to property, water quality, or human, animal, plant, fish, or aquatic life shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with Section 17.40 (6). Adequate measures shall be taken to assure that such materials will not enter the river or stream during the flooding.

ZONING CODE 17.30 (2) (a) 5

5. Public utilities, streets, and bridges should be designed to be compatible with the local comprehensive floodplain development plans and:

a. When failure or interruption of public utilities, streets, and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 17.40 (6) to the flood protection elevation.

b. Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations, providing they withstand flood forces to the regional flood elevation.

6. All on-site sewage disposal systems shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Chapter COMM 83, Wisconsin Administrative Code.

7. All public or private wells shall be floodproofed to the flood protection elevation, pursuant to Section 17.40 (6), and shall meet the applicable provisions of Chapter NR 111 and NR 112, Wisconsin Administrative Code.

8. All public or private solid or hazardous waste disposal sites are prohibited in flood fringe areas.

9. The disposition of materials for any purpose may only be allowed if all the provisions of this chapter are met.

(b) If there is no underlying district designation, the underlying district shall be the RSF District (See Section 17.16 of this chapter).

(3) PERMITTED ACCESSORY USES AND STRUCTURES. As for the underlying district subject to applicable standards listed for permissible principal uses and structures in this district.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. As for the underlying district subject to applicable standards listed for permissible principal uses and structures in this district.

(5) DIMENSIONAL REQUIREMENTS. As for the underlying district.

(6) PERMITTED ACCESSORY SIGNS. As for the underlying district subject to applicable standards listed for permissible principal uses and structures in this district.

(7) OFF-STREET PARKING REQUIREMENTS. As for the underlying district.

ZONING CODE 17.31

17.31 FPD - GENERAL FLOODPLAIN DISTRICT. (1) PURPOSE. This district applies to all floodplains for which regional flood data is not available or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be placed in the Floodway (Section 17.29) or Flood Fringe Districts (Section 17.30) of this chapter as appropriate. The General Floodplain District encompasses both the floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 17.40 (5) of this chapter to determine whether the proposed use is located within a floodway or flood fringe area. If it is determined that a proposed use is located within a floodway, the Floodway District (see Section 17.29 of this chapter) shall apply. If it is determined that the proposed use is located within the flood fringe, the Flood Fringe District (see Section 17.30 of this chapter) shall apply.

(2) PERMITTED PRINCIPAL USES AND STRUCTURES. Permitted principal uses and structures in the Floodway District (See Section 17.29 of this chapter) subject to the conditions and standards as specified.

(3) PERMITTED ACCESSORY USES AND STRUCTURES. Permitted accessory uses and structures in the Floodway District (see Section 17.29 of this chapter) subject to the conditions and standards as specified.

(4) SPECIAL EXCEPTION USES AND STRUCTURES. Permitted principal uses and

structures in the Flood Fringe District (see Section 17.30 of this chapter) subject to the conditions and standards as specified; provided, however, there is a determination that the proposed use is located in the flood fringe portion of the floodplain pursuant to Section 17.40 (5) of this chapter. If there is no underlying district designation, or if no such designation is provided by the City within 60 days from the date the City receives a determination by the Department of Natural Resources that the proposed use is located in the flood fringe, the underlying district shall be the RSF District (see Section 17.16 of this chapter).

(5) **DIMENSIONAL REQUIREMENTS.** As for the Floodway (Section 17.29) or Flood Fringe Districts (Section 17.30) as applicable.

(6) **PERMITTED ACCESSORY SIGNS.** As for the Floodway (Section 17.29) or Flood Fringe Districts (Section 17.30) as applicable.

(7) **OFF-STREET PARKING REQUIREMENTS.** As for the Floodway (Section 17.29) or Flood Fringe Districts (Section 17.30) as applicable.

ZONING CODE 17.32

17.32 SUPPLEMENTARY DISTRICT REGULATIONS. (1) **GENERAL APPLICATION.** The regulations set forth herein shall supplement or modify the regulations set forth in Sections 17.15 through 17.31.

(2) **LOTS AND YARDS.** (a) More Than One Building Per Lot. In any district, more than one building housing a principal use may be erected on a single lot provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot.

(b) Through Lots. On through lots, the required front yard shall be as provided on each street, except that on through lots fronting limited access roads, the setbacks for fences, hedges, berms, or accessory buildings shall be as if for a rear yard setback in the yard adjacent a limited access road.

(c) Development in Mapped Streets. Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.

(d) Access. Every building housing a principal use hereafter erected or moved shall be on a lot with direct access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off street parking.

(e) Building Groups. In any nonresidential district, a group of buildings

separated only by common or party walls shall be considered as one building.

(f) Yard Encroachments. Every part of every required yard shall be open and unobstructed from 30" above the general ground level of the graded lot upward to the sky except as hereinafter provided or as otherwise permitted in these regulations:

1. Roof eaves may project into a required side yard not more than 3 feet where the required side yard is 8 feet or more in width. Roof eaves may project into a required side yard not more than 2 feet where the required side yard is less than 8 feet.
2. Sills, belt courses, cornices, vertical solar screens, and other ornamental features may project not over 1 foot into a required yard.
3. Fire escapes, stairways, and balconies whether unroofed, open and unenclosed, or enclosed shall not intrude into required yards.

ZONING CODE 17.32 (2) (f) 4

4. Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed 10 feet, and solar collectors may extend into a required side yard, provided that they have a minimum 7 feet clearance from grade, and provided, further, that such extension shall be at least 5 feet distant from the adjacent lot line and shall not extend more than 3 feet from the building.

(g) Corner Lots. On corner lots, the street side yard shall equal the required front yard for lots fronting on that street.

(h) Through Lot Map. There shall be created and maintained for public review within the Department of Public Works a "Through Lot Map" that designates all through lots within the Corporate Limits of the City. The map shall label those roads listed as "a limited access road" for purposes of issuing building permits.

(3) **ACCESSORY USES AND STRUCTURES.** (a) Accessory Buildings on Vacant Lots. In any residential district no accessory building shall be built on a lot without a principal building.

(b) Fences, Walls, Hedges, Driveways, Swimming Pools.

1. For the purpose of this section, a fence is defined as a structure of masonry, posts and boards, palings or woven wire or wrought iron. A permanent fence is defined as a fence which is in place or intended to be in place for a period of more than

six months.

2. All fences, screens or other similar structures shall be constructed to withstand a wind pressure of at least thirty (30) pounds per square foot. The construction of any opaque fence that is four (4) feet or more in height shall be properly anchored into a depth of not less than thirty (30) inches below grade, either by solid ground fill, or in the case where steel vertical supports are used, slurry concrete shall be used with an overall diameter of not less than six (6) inches or other approved methods.
3. For all zoning districts, permanent fence materials must be either naturally decay resistant or treated wood, galvanized and/or vinyl coated chain link material, wrought iron or other materials as approved by the Building Inspector. No permanent fence shall be constructed of snow fence, chicken wire, construction safety fence, single, double or triple strand fences, or any other like materials or construction not designed for such use.

ZONING CODE 17.32 (3) (b) 4

4. Temporary fences erected for the protection of plantings or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit for a fence shall not be necessary for temporary fences as described herein, but such fences shall not be erected and continue for a period of more than six (6) months.
5. Notwithstanding other provisions of these regulations and excluding the industrial districts, ornamental fences, walls and hedges may be permitted in any required yard or along the edge of any required yard, provided that no such fence, wall or hedge shall exceed a height of three and one half (3 ½) feet along the sides or front edge of any front yard and no such fence, wall or hedge shall exceed a height of six (6) feet in any other required yard. In the industrial districts, all fences shall be allowed to a maximum height of eight (8) feet with the option of return arms, if necessary, to project outward. However, such return arms must remain inside the property lines. No fence, wall, hedge or driveway shall be closer than one (1) foot from any property line.
6. No fence shall be constructed which is in a dangerous condition, or which is designed to electrically shock. No barbs or sharp points designed to injure, shall be allowed on any fence, wall or hedge constructed hereafter, except in industrial districts. In industrial districts, no barbs or sharp points shall be allowed, except at a minimum height of seven (7) feet.

7. In all zoning districts, the supporting horizontal and vertical members of a fence shall face the interior of the lot on which the fence is erected.
8. All permanent outdoor swimming pools shall be enclosed to a height of not less than four (4) feet and guarded against accidental trespassers.
9. In all residential districts, driveways in the front yard setback(s), emplaced to provide access to an open parking area in the side or rear yard or a garage or car port in the rear yard shall not be wider than 12 feet.

Exception:

In all residential districts, driveways in the front yard setback(s), emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall not be greater than the width of such garage or carport. The width being that length of structure which provides vehicular access to such garage or carport.

ZONING CODE 17.32 (3) (c)

(c) Accessory Parking and Storage - 1. No person shall store any motor vehicle, vehicular driven sports vehicle, boat, trailer, utility trailer, vehicular drawn camper, or any like business or recreational vehicle in the required front yard of any residential district, except upon the customary driveway emplaced to provide access to a garage attached or adjacent to the principal building, a carport, or a rear parking area. Any of the herein vehicles parked within the front yard, on a driveway shall be parked in such a manner as to maintain all wheels and trailer tongues on the driveway surface. For the purposes of this paragraph, "store" shall be defined as leaving any such vehicle unattended for more than 4 hours.

2. No person shall park or store such units as defined above or any other equipment on any terrace in the City except for those places where the City Council has authorized the removal of a terrace for the purpose of parking.

3. No person shall park or store more than 2 unlicensed motor vehicles or offer any motor vehicles for sale on a recurrent basis in any residential district.

4. No person shall store in the open more than 3 full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than 2 feet to any residential lot line.

(4) HEIGHT EXCEPTIONS. The height limitations in Section 17.15 through Section 17.31 do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(5) CORNER VISIBILITY. On a corner lot in all zoning districts, no fence, wall, hedge,

planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 ½ feet and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along such street lines 50 feet from the point of intersection.

(6) SIGNS. (a) Prohibited Signs. The following exterior building signs shall be prohibited within the City:

1. Abandoned signs.
2. Flashing signs, remnants, banners, streamers, and all other fluttering or spinning signs, except in connection with temporary sales, civic or cultural events, or officially recognized holidays.
3. Snipe signs or signs attached to trees, telephone poles, public benches, street lights, or placed on any public property or public right-of-way.
ZONING CODE 17.32 (6) (a) 4
4. Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying such sign, excluding allowed portable signs or signs or lettering on buses, taxis, or vehicles operated during the normal course of business.
5. Signs displaying flashing or intermittent lights customarily associated with danger or emergencies. An illuminated sign or lighting device shall employ only lights of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving lights or lights creating the illusion of movement. Signs located wholly within a building, public service information signs, and other electronic message or mechanical message centers which are classified as changing signs are permitted and are not subject to this restriction.
6. Signs which purport to be or are an imitation of or resemble an official traffic sign or signal or which bear words “stop,” “caution,” “warning” or similar words that are displayed in the colors normally associated with them as official signs are prohibited.

(b) Construction Specifications. 1. All signs shall be constructed in accordance with the requirements of Chapter 14 of this Municipal Code and the National Electric Code, as amended, and the additional construction standards hereinafter set forth, where applicable.

2. All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
3. Electric service to ground signs shall be concealed.

4. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:

a. For solid signs, 30 lbs. per square foot on any face of the sign or structure.

b. For skeleton signs, 30 lbs. per square foot of the total face cover of the letters and other sign surfaces or 10 lbs. per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.

5. No sign shall be suspended by nonrigid attachments that will allow the sign to swing due to wind action. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations. All nonpermanent signs shall be braced or secured to prevent motion.

ZONING CODE 17.32 (6) (b) 6

6. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of ingress and egress.

7. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the City Fire Prevention Code.

8. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead conductors in accordance with the National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 6" horizontally or vertically from any conductor or public utility guy wire.

(c) Signs in Residential Districts. No sign in a residential district shall exceed 8 feet in height or produce artificial light from within.

(d) Signs in Commercial Districts. 1. Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations.

2. A detached sign, any part of which is closer than 15 feet to the right-of-way shall have a minimum vertical distance of 10 feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than 3 feet in height above grade.

3. Any detached sign or projecting sign within 25 feet of an intersection

or 15 feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of 10 feet or shall be not more than 3 feet in height above grade.

4. All other projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of 9 feet.

5. Canopy, marquee, and awning signs be placed at such a height so that the extreme lower edge of such structure be at least 7 feet above sidewalk grade and such signs shall not extend more than 72" into public right-of-way. The vertical dimension of a sign, any portion of which is below the lower edge of the canopy or marquee structure, shall not exceed 20".

6. Detached signs shall not project more than 72" into the public right-of-way, but in no case closer than 2 feet from the curb line as measured from the property line. The area of a ground sign shall not exceed 150 square feet per side.

ZONING CODE 17.32 (6) (e)

(e) Billboard Requirements. Pursuant to Chapter 14 of this Municipal Code, the following regulations shall be enforced:

1. No billboards may be erected within a 500 feet radius of another existing billboard.

2. No billboard may be erected within 200 feet of an existing residential use or within 200 feet of a residential district.

3. The maximum size of billboards shall be 300 square feet on each face, except within 100 feet of U.S. 41, where the maximum size shall be 400 square feet on each face.

4. Billboards shall be set back from all property lines and existing buildings equal to the height to the top of the billboard.

5. Roof mounted billboards are not permitted.

6. Billboards shall only be permitted in the Commercial Highway, Commercial Shopping Center, Industrial, and Industrial Park Districts.

7. All billboards which are not in conformance with the above provisions shall be placed in conformance no later than July 9, 1990.

(f) Installation, Maintenance, and Repair. 1. All signs shall be constructed and installed in accordance with the requirements of Chapter 14 of this Municipal Code and the National Electric Code. Every sign including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting except when a weathered or natural surface is intended, repainting, cleaning, and other acts required for

the maintenance of such signs.

2. The Building Inspector shall require compliance with all standards of this chapter. If the sign is not maintained to comply with safety standards outlined under Chapter 14 of this Municipal Code, the Building Inspector shall require its removal in accordance with this section.

(g) Abandoned Signs. Except as otherwise provided in this chapter, any sign that is located on property which becomes vacant and is unoccupied for a period of 2 months or more or any sign which pertains to a time, event, or purpose which no longer applies shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of 3 months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises. If the owner fails to remove the sign, the Building Inspector shall take appropriate legal action to cause the same to be removed.

ZONING CODE 17.32 (6) (h)

(h) Defective Signs and Signs for Which No Permit has been Issued. The Building Inspector shall cause to be removed or repaired any sign that is defective or endangers the public safety, such as a dangerous or materially, electrically, or structurally defective sign or a sign for which no permit has been issued.

(i) Notice. The Building Inspector shall give the owner of the sign 30 days written notice to remove any abandoned sign, repair, or remove any defective sign or to remove a sign for which no permit has been issued. The notice shall describe the sign and specify the violation involved. The notice shall be sent by certified mail.

(j) Appeals. 1. The owner of the sign may appeal the determination of the Building Inspector ordering removal or compliance by filing a written notice of appeal under Section 17.50 of this chapter within 30 days after the date of mailing the notice.

2. For property located within the Commercial Core District, the owner of the sign may appeal to and be heard before the Redevelopment Authority, pursuant to Section 17.49 of this chapter.

(k) Removal of Signs by the Building Inspector. 1. Notwithstanding the above, in cases of emergency, the Building Inspector may cause the immediate removal without notice of a dangerous or defective sign or for failure to comply with the written order of removal or repair.

2. After removal or demolition of the sign, a notice shall be mailed to the owner of the sign stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the Building Inspector, together with an additional 10% for inspection and incidental costs.

3. If the amount specified in the notice is not paid within 30 days of the

notice, it shall become an assessment against the property of the sign owner and will be certified as an assessment against the property, together with interest at 10% per annum, for collection in the same manner as real estate taxes.

4. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, unless facts to the contrary are brought to the attention of the Building Inspector as in the case of a leased sign.

5. For the purpose of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

ZONING CODE 17.32 (7)

(7) OFF-STREET PARKING. (a) Requirements Not Specified. Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.

(b) Fractional Spaces. Where computation of the required parking spaces results in a fractional number, only the fraction of ½ or larger shall be counted as one.

(c) Changes in Buildings or Use. Whenever a building or use is changed, structurally altered, or enlarged to create a need for an increase of 25% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50% or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.

(d) Mixed Uses. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the uses computed separately.

(e) Joint Use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually provided such uses are not operated during the same hours. A written agreement satisfactory to the City Attorney shall accompany any joint use arrangement.

(f) Off-Lot Parking. Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met such parking spaces may be located off lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the City Attorney. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within

300 feet of the entrance of the establishment.

(g) Off-Street Parking: Measurement. Floor space or area shall mean the gross floor area inside exterior walls, where floor space is indicated in Section 17.15 through Section 17.31 as a basis for determining the amount of off-street parking required.

ZONING CODE 17.32 (7) (h)

(h) Design Standards. 1. Each required off-street parking space shall have a stall width of at least 9 feet and a stall length of at least 18 feet.

2. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows:

a. 11 feet for 30° parking.

b. 20 feet for 90° parking.

3. Minimum width of aisles providing access to stalls for 2 way traffic shall be 24 feet.

4. No parking area of more than 2 spaces shall be designed as to require any vehicle to back into a public street.

5. Any parking area of more than 5 spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses.

6. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.

7. All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated.

(8) OFF-STREET LOADING. (a) Loading Space Requirements. The loading space requirements specified in the following table shall apply to all districts.

<u>Use</u>	<u>Floor Area (Square Feet)</u>	<u>Loading Spaces</u>
Retail, Wholesale,	2,000 - 10,000	1

Warehouse, Service, Manufacturing, and Industrial Establishments	10,000 - 20,000 20,000 - 40,000 40,000 - 60,000 Each Additional 50,000	2 3 4 1
Hotels, Offices, Hospitals, Places of Public Assembly	5,000 - 10,000 10,000 - 50,000 50,000 - 100,000 Each Additional 25,000	1 2 3 1

ZONING CODE 17.32 (8) (a)

<u>Use</u>	<u>Floor Area (Square Feet)</u>	<u>Loading Spaces</u>
Funeral Homes	2,500 - 4,000	1
	4,000 - 6,000	2
	Each Additional 10,000	1

(b) Multiple or Mixed Uses. Where a building is devoted to more than one use or for different uses, and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

(c) Location. Required off street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of 2 streets or require any vehicle to back into a public street.

(d) Design Standards. Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to 10 feet in width, 25 feet in length, and 8 feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.

(9) COMMON OPEN SPACE. (a) Nature. Common open space shall not include street right-of-ways, driveways, parking areas, or yards required in connection with any building.

(b) Buildings and Structures. Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.

(c) Dedication. When common open space or any portion thereof is approved for dedication, and complementary improvements are completed and accepted, a deed shall

be conveyed to the City and the supervision and maintenance shall be the responsibility of the City.

ZONING CODE 17.32 (9) (d)

(d) Reservation. When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary by the City to assure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument satisfactory to the City Attorney as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors, and assigns and shall constitute a covenant running with the land and be in recordable form.

(e) Maintenance. If common open space is improperly maintained, the City may serve written notice upon any property owner or association setting forth the manner in which such property owners or association has failed to maintain the common open space and demand maintenance deficiencies as originally set forth or subsequently modified are not corrected within 30 days, the City may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien on such properties. The City, at the time of entry, shall file notice of any liens in the office of the City Clerk-Treasurer.

(10) LANDSCAPED BUFFER. The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.

(a) Requirements. Where these regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area shall not be less than 8 feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted, and maintained as to be 75% or more opaque between 2 feet and 6 feet above average ground level when viewed horizontally.

3. Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.

ZONING CODE 17.32 (10) (a) 4

4. Plantings shall be of a size and type which will insure the meeting of the 75% opacity requirement within no longer than 12 months of the date of the first planting.

5. Failure to maintain the landscaped buffer area as set out above shall be a violation of these zoning regulations.

(b) Substitution for Landscaped Buffer Area. Except when otherwise specifically provided by these regulations, a 6 feet high opaque structure set in a 6 feet wide landscaped buffer area may be substituted for the 6 feet high planted buffer above. If such opaque structure is of nonliving material, for each 10 feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced 10 feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscaping.

(c) Sight Distance. When an accessway intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross-visibility at a level between 2 ½ feet and 6 feet within the areas of property on both sides of the accessway formed by the intersection of each side of the accessway and public right-of-way lines with 2 sides of each triangle being 10 feet in length from the point of intersection and the third side being a line connecting the ends of the 2 other sides. No structure or landscaping except required grass or ground cover shall be located closer than 3 feet from the edge of any accessway pavement.

(11) SITE PLANS. (a) Applicability and Procedures. Where, by the terms of these zoning regulations, a site plan is required prior to the issuance of a building permit, such site plan shall be submitted to the Building Inspector. The Building Inspector shall forward such site plan to the Plan Commission for their recommendation. No public notice and hearing is required for site plan consideration by the Plan Commission, but such matters shall be handled in a public session, as part of previously prepared agenda. All matters relating to Plan Commission consideration of site plans shall be a public record and approval shall require formal action of the Plan Commission. The site plan shall be submitted to the Plan Commission not less than 15 days

prior to the public meeting of the Plan Commission at which approval is to be considered.

(b) Contents. A site plan required to be submitted by the requirements of these zoning regulations shall include the following elements, where applicable:

1. Statements of ownership and control of the proposed development.
2. Statement describing in detail the character and intended use of the development.

ZONING CODE 17.32 (11) (b) 3

3. A site plan containing the title of the project and the names of the project planner and developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:

a. Boundaries of the project, any existing streets, buildings, water courses, easements, and section lines.

b. Exact location of all buildings and structures.

from c. Access and traffic flow and how vehicular traffic will be separated pedestrian and other types of traffic.

d. Off-street parking and off-street loading areas.

e. Recreation facilities locations.

f. All screening and buffers.

g. Refuse collection areas.

h. Access to utilities and points of utility hookups.

4. Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to:

a. The various permitted uses.

b. Ground coverage by structures.

c. Impervious surface coverage.

5. Tabulations showing:

a. The derivation of numbers of off-street parking and loading spaces shown in subparagraph 4 above.

b. Total project density in dwelling units per net acre.

6. Architectural definitions for buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.

ZONING CODE 17.32 (11) (b) 7

7. Storm drainage and sanitary sewage plans.

8. If common facilities (such as recreation areas or structures, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners associations, surety arrangements, or other legal instruments providing adequate guarantee to the City that such common facilities will not become a future liability for the City.

9. Plans for signs, if any.

10. Landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for maintenance.

11. In the Industrial Districts, plans for the exterior walls of all buildings, lighting, outside storage, and industrial processes and materials pertinent to conformance with the industrial performance standards herein.

12. Such additional data, maps, plans, or statements as may be required for the particular use or activity involved or as the applicant may believe is pertinent.

(12) PLACEMENT OF STRUCTURES. (a) No dwelling shall be erected, placed, or built within any district unless the structure has a minimum width of 22 feet for at least 70 percent of the structures length and has a perimeter frost barrier footing.

(b) No dwelling built prior to June 15, 1976, shall be relocated to any residential lot within the City, except to an approved mobile home lot. Dwellings built after June 15, 1976, must have proof of compliance with applicable Department of Housing and Urban Development (HUD) codes and bear the HUD Seal of Compliance in order to be eligible for a moving permit. Proof of compliance must be provided by applicant to the City Plan Commission along with a site plan for Commission concurrence prior to the issuance of a moving permit.

ZONING CODE 17.32 (12) (c)

(c) No non-dwelling structure exceeding 170 square feet in ground area, which has its place of origin off premises, shall be relocated on to any residentially zoned lot, unless the structure complies with current City of Kaukauna building regulations and that a bond or irrevocable cashier's check be received by the City of Kaukauna for 100 percent of the market replacement value of the structure. Said bond or cashiers check shall be returned upon final inspection of the structure finding compliance with all applicable building codes and zoning ordinances. If 60 days after issuance of a permit for the moving of the structure, the structure fails to comply with the building codes and zoning ordinances, then in addition to any compliance action taken by the building inspector, the bond or cashiers check shall be retained and may be applied to the costs of effecting compliance and to any forfeiture, court costs, and cost of prosecution imposed by the court.

17.32 (13) TELECOMMUNICATIONS ANTENNAS AND TOWERS.

(a) Purpose. The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (a) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, (b) strongly encourage the joint use of new and existing tower sites, (c) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (d) minimize the adverse visual impact of the towers and antennas, (e) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently, and (f) protect the public health, safety and general welfare of the City.

(b) Definitions. As used in this section of the Zoning Ordinance, the following terms shall have the meanings indicated:

ANTENNAS - Any exterior apparatus designed for telecommunications, radio or pager services through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunication signals, including but not limited to directional antennas, such as panel(s), microwaves and satellite dishes, and omni directional antennas, such as whip antennas.

ANTENNA SUPPORT STRUCTURES - Any building, pole, telescoping mast, tower, tripod or any other structure which supports an antenna.

CITY - The City of Kaukauna, Wisconsin.

CO-LOCATION - The location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

FAA - The Federal Aviation Administration.

ZONING CODE 17.32 (13) (b)

FCC - The Federal Communications Commission

HEIGHT - Under this section to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

PERSONAL COMMUNICATION SERVICES (PCS) - A provider of personal wireless service facilities as now defined within the Telecommunications Act of 1996 and as may be amended from time to time.

PERSONAL WIRELESS FACILITIES - Transmitters, antenna structures and other types of installations used to provide personal wireless services.

PRE-EXISTING TOWERS AND ANTENNAS - Any legally placed tower or antenna permitted prior to the effective date of this article that shall not be required to meet the requirements of this section other than applicable Federal or State requirements or City Building Codes.

TOWER - Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self supporting lattice towers or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. Guy towers are towers supported externally by a set or series of wires from the tower to the ground.

TOWER SITE - The area encompassing a tower and all supporting equipment, structures paved or graveled areas, fencing and other items used in connection with said tower.

WIRELESS TELECOMMUNICATIONS SERVICES - Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhances specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

(c) Special Exception Required. A Special Exception permit in accordance with Section 17.47 of the Municipal Zoning ordinance shall be required for the locating and construction of a new tower or for the co-location of an antenna on an existing tower not previously granted a Special Exception.

1. No Special Exception shall be granted for the placement of a tower in any

residential zone or area zoned Conservancy.

2. Antennas not exceeding 30 feet in antenna height may be placed on existing structures that have an existing height greater than 45 feet irrespective of the zoning district.

ZONING CODE 17.32 (13) (c) 3

3. No Special Exception for a tower site exceeding 30 feet in height shall be granted within 2,500 feet of an existing tower site whether the existing site is within or without the City.
4. If a Special Exception permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
5. Any information of an engineering nature required by the Special Exception that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.
6. Private ham radio operators and citizen band radio operators, along with their associated towers and apparatus, licensed under applicable FCC regulations, shall be exempt from the provisions of this Ordinance provided that the facilities are situated on the same lot as the transmitter/receiver set.

(d) Information Required. Each applicant requesting a Special Exception permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance including but not limited to the provision of co-location per Section 17.32(12)(f) .

(e) Factors Considered In Granting Special Exception Permits. The governing authority shall consider the following factors in determining whether to issue a Special Exception permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria, if the governing authority concludes that the goals of this article are better served thereby.

1. Height of the proposed tower;
2. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment;

3. Proximity of the tower to residential structures and residential district boundaries;
4. Nature of uses on adjacent and nearby properties;

ZONING CODE 17.32 (13) (e) 5

5. Surrounding topography;
6. Surrounding tree coverage and foliage;
7. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
8. Proposed ingress and egress to the tower site;
9. Availability of suitable existing towers and other structures as discussed in Section 17.32(13)(f).
10. Compliance with current FAA and FCC regulations so as to, in part, minimize the possibility of interference with locally received transmissions.

(f) Co-Location.

1. Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all other respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
2. The holder of a permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through independent arbitration or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the original permit on the tower site shall become null and void.
3. No new tower shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the governing authority, that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet

applicant's engineering requirements.

ZONING CODE 17.32 (13) (f) 3 c

- c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- f. The fees, costs or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower.

(g) Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a Special Exception permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this ordinance would be better served thereby.

- 1. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
- 2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

(h) Landscaping. The following requirements shall govern the landscaping surrounding towers for which a Special Exception permit is required; provided however, that the governing authority may waive such requirements if the goals of this ordinance would be better served thereby.

- 1. Tower sites shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
- 2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
- 3. Existing mature trees growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such towers sited on large wooded lots, natural growth around the property perimeter may be sufficient

buffer.

ZONING CODE 17.32 (13) (i)

(i) Removal Of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(j) Applicability.

1. **District Height Limitation.** The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed, at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower (excluding antennas) exceed a height of two hundred and twenty (220) feet.
2. **Inventory of Existing Sites:** Each applicant for an antenna and or tower shall provide to the Planning Department an inventory of all existing towers that are within a five (5) mile radius of the proposed site, on which the company is also located, leased or owned. Include specific information about the location, height and design of each tower that applies.

The Planning Department may share such information with other applicants applying for Special Exception permits under this article or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

SPECIAL PROVISIONS

17.35 GENERAL APPLICATION. Regulations for uses and structures specified in this section shall apply to such uses and structures whether permitted by "right" or permissible by special exception.

17.36 PUD - PLANNED UNIT DEVELOPMENT. (1) **INTENT.** The intent of the Planned Unit Development provisions is to encourage quality and desirable development by allowing for greater flexibility and design standards for projects conceived and implemented as comprehensive and cohesive developments. These regulations are established to permit and encourage:

ZONING CODE 17.36 (1) (a)

- (a) Diversification, variation, and imagination in the relationship of uses, structures, and
- (b) The preservation of open space.
- (c) More rational, economic development with respect to the provisions of public services.

(2) CHARACTER OF SITE. All Planned Unit Developments shall be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence, or slipping of the soil, or other dangers, annoyances, or inconveniences.

(3) LOCATIONAL REQUIREMENTS. All Planned Unit Developments shall have direct access to major streets or highways without creating traffic on local residential streets outside the district. PUDs shall be so located in relation to existing public utilities and facilities that no additional public expense will be involved, unless the developer agrees to offset the added public expense.

(4) UNIFIED CONTROL. (a) All land included for development as a PUD shall be under the legal control of the applicant, whether applicant be an individual, partnership, corporation, or group of individuals, partnership, corporation, or group of individuals, partnerships, or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.

(b) The applicant shall state agreement to:

- 1. Proceed with the proposed development according to the provisions of these zoning regulations.
- 2. Provide agreements, contracts, deed restrictions, and sureties acceptable to the City for completion of the development according to the approved plans and maintenance of such areas, functions, and facilities as are not to be provided, operated, or maintained.
- 3. Bind their successors in title to any commitments made under Attorney that such agreements and evidence of unified control meet the requirements of these zoning regulations. subchapter 17.36

ZONING CODE 17.36 (5)

(5) PERMITTED USES. Any use permitted in the RMF District (See Section 17.19 of this chapter).

(6) GENERAL REQUIREMENTS. All permitted uses shall be subject to the accessory use and structure, sign, height, and parking requirements of the district in which it is located.

(7) AREA AND DENISTY REQUIREMENTS. A tract of land proposed for development as a Planned Unit Development shall contain a minimum area of 2 acres and a maximum density of 14 dwelling units per net acre in the RTF District (See Section 17.18 of this chapter) and 24 dwelling units per net acre in the RMF District (See Section 17.19 of this chapter).

(8) INTERNAL LOTS AND FRONTAGE. Within the boundaries of the PUD, no minimum lot size or minimum yards shall be required; provided, however, that no structure shall be located close to any peripheral property line than 2 times the height of such structure.

(9) ACCESS. Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrian way, court, or other area dedicated to public or private use, or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.

(10) COMMON OPEN SPACE REQUIREMENTS. There shall be a minimum open space requirement of 40% of the total net acreage of the tract. Common open space areas shall be subject to the conditions for such areas as specified in Section 17.32 (9).

(11) ENGINEERING DESIGN STANDARDS. Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, street lighting, and similar environmental design criteria shall not be mandatory in a Planned Unit Development, but precise standards satisfactory to the Plan Commission shall be made a part of the approved plan and shall be enforceable as a part of this chapter.

(12) PROCEDURES FOR APPROVING PLANNED UNIT DEVELOPMENTS. Approval of a Planned Unit Development is subject to the following conditions:

(a) Preapplication Conference. Prior to initiating a request for a special exception, a preapplication conference with the City Plan Commission is required. The purpose of such those variations from application of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.

(b) Concept Plan. A concept plan shall accompany the application and shall contain the foll
ZONING CODE 17.36 (12) (b) 1

1. The title of the project and names of the professional project planner and dev
2. Scale, date, north arrow, and general location map.
3. Boundaries of the property involved, all existing streets, buildings, water c
4. Master plan locations and the acreages of each component thereof of the diff

5. Master plan showing access and traffic flow and how vehicular traffic will be
6. Tabulations of total gross acreage in the development and the percent density shall be computed by deducting gross acreage used for nonresidential purposes other than open space recreation uses.
7. Architectural drawings and sketches illustrating the design and character
8. Deed restrictions and other documents pertaining to the improvement, operation
9. In addition, the Plan Commission may require additional material such as plans

(c) Plan Commission Recommendation and City Council Approval. After conferences with conditions, a request for a special exception. In making its decision, the Plan Commission shall find that the plans, maps, and documents submitted by the applicant have met the requirements of these regulations. Council approval applies to the concept plan and request for a special exception only. Final City Council approval is necessary for the final development plan according to subdivision procedures.

ZONING CODE 17.36 (12) (d)

(d) Binding Nature of Approval. All terms, conditions, safeguards, and stipulations that constitute a violation of these zoning regulations.

(e) Preliminary and Final Development Plans. Plans for development of land approved for a standard subdivision development. The preliminary plan required and submitted shall be in substantial compliance with the concept plan. In addition to the requirements of the City for reviewing subdivision plats, the following information shall be provided:

1. Building locations and architectural definitions of all structures proposed which
2. Master landscape plan depicting existing and proposed vegetation and location
3. Fence, wall, and planting screens location, heights, and materials.
4. Tabulations analyzing the number of total gross acres in the project and the percentage thereof proposed to be devoted to the several dwelling types, other nonresi
5. Tabulations of total number of dwelling units in the project by types and the
6. In addition to the plat certificates required when reviewing standard subdivi improving, perpetually operating, and streets, drives, parking areas, and such documents as are necessary to show how such common areas are to be improved, operated, or maintained. Such documents shall be subject to the

approval of the City Attorney.

(f) Changes in Plans. Changes in plans not in substantial compliance with the site and development are in accordance with all regulations in effect when the changes are requested. Changes other than those indicated shall be processed as for a new application for a PUD.

ZONING CODE 17.36 (12) (g)

(g) Deviations From Approved Plans. Deviations from the approved plans or failure to complete

(h) Building Permits. Final approval of the PUD does not constitute approval for the construction of individual buildings or structures in the development. Separate approval shall be required for

17.37 CLUSTER SUBDIVISIONS. (1) **INTENT.** The intent of the Cluster Subdivision provisions is to promote imaginative, well designed subdivisions which preserve open space, respect the physical qualities of the land, and reduce the cost of a subdivision.

(2) **UNIFIED CONTROL.** All land included for development as a Cluster Subdivision shall meet the requirements of unified control for Planned Unit Developments in Section 17.36 (4).

(3) **PERMITTED USES.** Single family detached and 2 family dwellings.

(4) **GENERAL REQUIREMENTS.** All permitted uses shall be subject to the accessory use and structure, sign, height, and parking requirements of the district in which it is located.

(5) **AREA AND DENSITY REQUIREMENTS.** A tract of land proposed for development as a Cluster Subdivision shall contain a minimum area of one acre and a maximum density of 8 dwelling units per net acre.

(6) **LOT AREA REQUIREMENTS.** All single family detached dwellings shall have a minimum lot area of 3,600 square feet, front yard of 10 feet, rear yard of 20 feet, and side yards of 5 feet each. All 2 family dwellings shall have a minimum lot area of 4,800 square feet (2,400 square feet per dwelling), front yard of 10 feet, rear yard of 20 feet, and side yards of 6 feet each. No principal residential structure shall be located closer than 10 feet from any exterior boundary of the tract.

(7) **COMMON OPEN SPACE REQUIREMENTS.** There shall be a minimum open space requirement of 35% of the total net acreage of the tract. Common open space areas shall be subject to the conditions for such areas as specified in Section 17.32 (9).

(8) PROCEDURES FOR APPROVING CLUSTER SUBDIVISION DEVELOPMENTS. Approval of a Cluster Subdivision is subject to the following conditions:

(a) Preapplication Conference. Prior to initiating a request for a special exception, a pro these regulations applying generally to the property involved and to define specifically those variations from general regulations which appear justified in view of equivalent service of the public purposes of such regulations.

(b) Concept Plan. A concept plan shall accompany the application meeting the requirements fo

(c) Plan Commission Recommendation and City Council Approval. After conferences wi conditions, a request for a special exception. In making its decision, the Plan Commission shall find that plans, maps, and documents submitted by the applicant have met the requirements of these regulations. Council approval applies to the concept plan and request for a special exception only. Final Council approval is necessary for the final plan according to subdivision procedures.

(d) Binding Nature of Approval. All terms, conditions, safeguards, and stipulations ma safeguard shall constitute a violation of these zoning regulations.

(e) Preliminary and Final Plans. Plans for development of land approved for a Cluster Subdiv standard subdivision development.

17.38 INDUSTRIAL DEVELOPMENT. (1) INTENT. It is the intent of this chapter to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control, and to insure that the community is adequately protected from potential hazardous and nuisance like effects.

(2) STANDARD OF OPERATION. (a) Vibration. 1. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.

2. Vibrations not directly under the control of the property user and vibratio

(b) External Lighting. No operation or activity shall produce any intense glare or

lighting with the source directly visible beyond the Industrial District boundaries.

(c) Odor. No operation or activity shall emit any substance or combination of

(d) Particulate Emissions. No operation or activity shall emit any particulate

(e) Visible Emissions. No operation or activity shall emit into the ambient air

(f) Hazardous Pollutants. No operation or activity shall emit any hazardous
Administrative Code.

(3) ADMINISTRATION. Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment, to those requiring substantial technical competence and complex equipment. It is the intent of this chapter that the methods to be used in determining compliance shall be the responsibility of the Building Inspector subject to the following procedures:

(a) Approval of Building Permits. Prior to approving a zoning permit for any
standards of this chapter.

ZONING CODE 17.38 (3) (b)

(b) Violation of Standards. Whenever the Building Inspector has reason to
shall describe the alleged violation and shall require an answer or correction of the alleged
violation within 30 days. Failure to reply or correct the alleged violation within 30 days may
cause the City to take lawful action to cause correction as provided in this chapter or to refer the
alleged violation to the Wisconsin Department of Natural Resources.

17.39 MOBILE HOME PARK. (1) INTENT. It is the intent of this chapter to provide limited opportunities for mobile home parks as a means of providing balance and variety to housing in the City.

(2) CHARACTER OF TRACT. Each mobile home park tract shall be suitable for the development proposed recognizing and preserving to the maximum extent practicable outstanding natural features. Every mobile home park shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. No mobile home park shall be located in any area that is situated so that drainage or contaminated liquids or solids can be deposited on its location.

(3) ACCESS. Access shall be designed for safe and convenient movement of traffic into and out of the park. All vehicular traffic into and out of the park shall be through designated entrances and exits.

(4) STREETS. All sites shall abut upon a street. For a 2 way street, the width shall be at least 32 feet if parking is to be permitted on both sides of the street; 25 feet in width if parking is permitted on only one side; or 18 feet in width if parking on the street is prohibited. A one-way street shall be at least 14 feet in width and parking is prohibited unless the width is appropriately

increased.

(5) SITES. Each site shall be clearly defined and delineated. The basic dwelling unit shall not occupy more than 25% of the site area and the basic dwelling unit and all accessory buildings shall not occupy more than 35% of the site area. Each site shall contain a concrete slab not less than 10 feet by 20 feet in dimension for carport or patio; such slab shall not be required until after the mobile home is in position.

(6) BUFFER AREA. A buffer area not less than 25 feet in width may be required along public streets and mobile home park boundaries. Such buffer strip may be used for drainage structures and utility easements but shall not be used for any other purpose. All such buffer strips shall be planted in suitable ground cover material.

ZONING CODE 17.39 (7)

(7) RECREATION AREA. Ten (10%) percent of the gross area of the park shall be developed for recreational purposes; provided, however, that the minimum recreation area shall be ½ acre. No mobile home site, required buffer strip, street right-of-way, storage area, or utility easement, or facility shall be computed as recreation area in meeting this requirement. Recreation areas and facilities shall be owned and operated by park management.

(8) OFF-STREET PARKING. Two off-street parking spaces shall be provided for each site. One parking space for each 200 square feet of nonstorage floor space shall be provided for offices, recreation facilities, and the like.

(9) ACCESSORY USES AND STRUCTURES. (a) See Section 17.16 (3) of this chapter.

(b) Park recreation facilities, including room or center, courts for games, and the like.

(c) Park offices, maintenance, and laundry facilities.

(d) Enclosed storage structures and storage garage facilities, with use limited to park residents

(10) GARBAGE AND TRASH. Each mobile home site shall be provided with at least one garbage container of not less than 20 gallon capacity, so located as to be obstructed from view from the roads within and without the park. All such containers shall be leakproof and

nonabsorbent and equipped with tightfitting covers.

(11) UTILITIES. Each mobile home site shall be connected to central water and sewer. No individual water supply or sewage disposal system shall be permitted in any mobile home park. Each site shall also be provided with electrical power and central gas (if used) and shall be serviced by individual meters.

(12) MANAGEMENT. (a) Maintenance by Management. The park management shall maintain an office in the park or in close proximity for immediate communication. It is the duty of the mobile home park owner or operator to:

1. Keep a register which is to be open at all reasonable times and upon
2. Maintain the park in a clean and orderly condition at all times.
3. Cooperate with local health officers in all cases of communicable

ZONING CODE 17.39 (12) (b)

(b) Maintenance by Occupants. All occupants shall maintain their site in a clean, orderly, and sanitary condition and abide by all regulations and park rules.

(13) PARK LICENSE. No person shall establish, operate, or maintain a mobile home park within the City without first obtaining a license from the City Council. Such license shall expire one year from the date of issuance, but may be renewed under the provisions of this chapter for additional periods of one year. The application for a license or renewal shall be made on forms furnished by the City Clerk-Treasurer and shall include the name and address of the owner of the mobile home park (if the park is owned by someone other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the park and make application shall be provided) and such legal description of the premises upon which the park is or will be located. The application for a new mobile home park license shall be accompanied by 10 copies of the park site plan and other information necessary to ensure compliance with these regulations.

(14) LICENSE REVOCATION AND SUSPENSION. The City Council may revoke or suspend a license after a hearing is held in accordance with Section 66.058 (2) (d), Wisconsin Statutes.

(15) INSPECTION. An annual sanitary survey (inspection) shall be conducted by the Building Inspector in accordance with Chapter HSS 177 (11), Wisconsin Administrative Code.

(16) FEES. The application for each license shall be accompanied by a fee of \$2 for each space in the existing or proposed park but not less than \$25 nor more than \$100. The City shall collect a fee of \$10 for each transfer of a license.

17.40 FLOODPLAIN DEVELOPMENT. (1) FINDINGS. The uncontrolled use of the floodplain, rivers, or streams of the City adversely affects the public health, safety, convenience, and general welfare.

(2) INTENT. The floodplain regulations are intended to provide a uniform basis for the preparation, implementation, and administration of sound floodplain regulations to:

- (a) Protect life, health, and property.
- (b) Minimize expenditures of public monies for costly flood control projects.
- (c) Minimize rescue and relief efforts generally undertaken at the expense of the general public.
- (d) Minimize business interruptions.

ZONING CODE 17.40 (2) (e)

- (e) Minimize damage to public facilities on the floodplain, such as water mains, sewer lines, streets, and bridges.
- (f) Minimize the occurrence of future flood blight areas on floodplains.
- (g) Discourage the victimization of unwary land and home buyers.

(3) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

(a) No development, except as provided in paragraph (b) below, shall be allowed in floodplain areas which will cause an obstruction to flow, will cause an increase equal to or greater than 0.01' in the height of the regional flood or will adversely affect existing drainage courses or facilities.

(b) Obstructions or increases equal to or greater than 0.01' may be permitted, but only if amendments are made to this chapter, the official floodplain zoning maps (including floodway lines) and water surface profiles in accordance with Section 17.51, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1' for the affected hydraulic reach of the stream.

(c) The Building Inspector shall deny permits when it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01' or greater.

(4) SPECIAL PROVISIONS FOR FLOOD FRINGE AREAS. No developments in flood fringe areas shall materially affect the storage capacity of floodplains, based upon an equal degree of hydrologic encroachment (volume of the storage area which is lost). For the purpose of this subsection, "materially" is defined as any surface profile of 0.1'. Such developments may be permitted only if amendments are made to this chapter pursuant to Section 17.47 herein; provided further that the total cumulative allowable increase in height of the regional flood for any given reach of a stream shall not exceed 1 foot.

(5) PROCEDURES FOR DETERMINING FLOODWAY AND FLOOD FRINGE

AREAS IN THE GENERAL FLOODPLAIN DISTRICT. When any developments are proposed within the General Floodplain District, a determination shall be made to establish the boundaries of the floodway and determine whether floodway or flood fringe uses apply and, where applicable, to determine the regional flood elevation. Upon receiving an application for development, the Building Inspector shall:

(a) Require the applicant to submit, at the time of application, 2 copies of an aerial photograph as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations, and floodproofing measures.

ZONING CODE 17.40 (5) (b)

(b) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department of Natural Resources for evaluation of the effects of the proposal upon flood flows and to determine the boundaries of the floodway and, where applicable,

1. A typical valley cross section showing the channel of the stream, the floodplain
2. Plan (surface view) showing elevations or contours of the ground, pertinent facilities, soil types, and other pertinent information.
3. Profile showing the slope of the bottom of the channel or flow line of the stream
4. Specifications for building construction and materials, floodproofing, filling,

(c) Transmit one copy of the information described above to the Department of Natural Resources

(6) FLOODPROOFING. Floodproofing measures such as the following shall be designed to withstand the flood velocities, forces, and other factors associated with the regional flood to assure protection to the flood protection elevation. No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect to the flood protection elevation for the particular area. All floodproofing shall provide anchorage to resist flotation and lateral movement. Other floodproofing measures may include:

- (a) Installation of watertight doors, bulkheads, and shutters.
- (b) Reinforcement of walls and floors to resist pressures.
- (c) Use of paints, membranes, or mortars to reduce seepage of water through walls.

ZONING CODE 17.40 (6) (d)

(d) The above floodproofing measures shall insure that structural walls and floors are watertight to the flood protection elevation and completely dry during flooding without human

(7) COMPLIANCE. Compliance with the provisions of this chapter shall not be grounds

for removal of lands from the Floodplain District unless; such lands are filled to a height of at least 2 feet above the elevation of the regional flood for the particular area and are contiguous to other lands lying outside the Floodplain District, approval has been granted by the Department of Natural Resources pursuant to Section 17.47 and, where required, an official letter of map amendment has been issued by the Federal Insurance Administration.

(8) **WARNING AND DISCLAIMER OF LIABILITY.** The degree of flood protection intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the Floodplain District boundaries or land uses permitted within such district will always be totally free from flooding or flood damage, nor shall this chapter create liability on the part of, or a cause of action against, the City, or any officer or employee thereof, for any flood damage that may result from reliance on this chapter.

ADMINISTRATION AND ENFORCEMENT

17.45 BUILDING PERMITS. (1) **APPLICABILITY.** No structure (except signs exempt from the provisions of this chapter) and no building shall be erected, constructed, reconstructed, altered, moved, or enlarged until a building permit has been obtained from the Building Inspector.

(2) **APPLICATION FOR BUILDING PERMIT.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall include the following information:

- (a) Name and address of the owner and the applicant.
- (b) Legal description and statement as to the proposed use of the structure, building, or land.
- (c) Site layout drawn to scale showing lot dimensions and the location and dimensions of a building.
- (d) Methods to be used for screening, where applicable, design of parking areas and the number of parking spaces.
- (e) Other information, including existing buildings on the lot, current use of existing buildings, and other structures on the lot.
- (f) For floodplains, the ordinary high watermark of any abutting or nearby floodplain, and floodway limits on the property as determined from the official floodplain zoning map, the elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD) and data sufficient to determine the regional flood elevation and compliance with Section 17.40 (3).

ZONING CODE 17.45 (3)

(3) **DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS.** (a) The applicants shall at their expense provide all survey and computations required to show the effects of the project on flood heights, velocities, and floodplain storage for all subdivision proposals, as “subdivision” is defined in Section 236.02(3), Wisconsin Statutes, and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:

- 1. An analysis of the extent of the development on the regional flood profile,

outside 2. A map showing location and details of vehicular access to lands the floodplain.

3. A surface drainage plan with adequate details showing how flood damage

(b) The estimated cost of the proposal shall include all structural development, landscaping im

(c) The Department will determine elevations and evaluate the proposal where the applicant is the request for analysis.

(4) APPROVAL OF PERMIT. If the Building Inspector determines that the proposed building or structure will comply with the provisions of this chapter and all applicable laws and orders of the State, he shall officially approve and sign one set of plans and return it to the owner, and shall issue a building permit which shall be kept on display at the site of the proposed building.

(5) OTHER PERMITS. It is the responsibility of the applicant to secure any and all other necessary permits from all appropriate federal, State, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334.

ZONING CODE 17.45 (6)

(6) USE AS PROVIDED IN APPLICATION AND PLANS. Building permits issued on the basis of plans and applications approved by the Building Inspector authorizes only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, and construction at variance with that authorized shall be deemed a violation of this chapter.

(7) PRIOR PERMITS. No building permit lawfully issued by the Building Inspector prior to the effective date of adoption or amendment of this chapter shall be invalidated by the adoption or amendment of this chapter. Such permit shall remain valid and subsisting subject only to its own terms.

(8) IMPROPER ISSUANCE. A permit which was improperly issued or not issued in accordance with the standards and procedures as set forth in this chapter shall not create any right in such permit and the City shall be entitled to revoke such permit.

(9) CERTIFICATE OF OCCUPANCY. (a) Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued

within 10 days after the erection, alteration, repair, or moving of such buildings has been completed in conformity with the provisions of this chapter and in conformity with the statements on the application. A record of all certificates issued shall be kept in the City Clerk-Treasurer's office.

(b) No vacant land shall be occupied or used and no building hereafter erected or altered shall be

(c) A certificate of occupancy shall state that the building, or proposed use of a building or land furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. No fee shall be charged for an original certificate applied for coincident with the application for a building permit; for all other certificates or for copies of any original certificate there shall be a charge of \$1 each.

(d) No permit for excavation for any building shall be issued before application has been made

ZONING CODE 17.45 (9) (d) 1

1. For a Building. Certificate of occupancy for a new building, or the alteration been completed in conformity with the provisions of these regulations.

2. For Land. Certificate of occupancy for the use of vacant land or the change has been made, provided such use is in conformity with the provision of these regulations.

3. For Nonconforming Use. Certificates of occupancy for nonconforming the cert nonconforming uses existing on October 22, 1985, shall be issued by the Building Inspector, and nonconforming uses and such occupants shall, within 30 days after receipt of such notice, apply at the office of the Building Inspector for a certificate of occupancy.

4. For Floodplains. No certificate shall be issued unless a professional engineer or registered surveyor certifies that the fill and lowest floor elevations and floodproofing, if necessary, comply with the standards of this chapter.

(10) SIGN PERMIT REGULATIONS. (a) Permit Required. Except as otherwise provided in this chapter, no person shall erect, construct, enlarge, or structurally modify any sign in the City or cause the same to be done without first obtaining a sign permit for such sign from the Building Inspector as required by this chapter. Permits shall not be required for a change of copy on any sign or for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure.

(b) Permit Fees. Application for permit shall be filed with the Building Inspector, together with the fee. The Building Inspector shall require the payment of a double permit fee.

Inspector, together with the fee.

ZONING CODE 17.45 (10) (c)

(c) Permit Issuance and Denial. The Building Inspector shall issue a permit sticker for the sign in accordance with the ordinances of the City. When a permit is denied by the Building Inspector, he shall give a written notice to the applicant along with a brief written statement of the reasons for the denial.

(d) Inspection Upon Completion. 1. Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Building Inspector upon completion of the work. The Building Inspector may require a final inspection, including an electrical inspection and inspection of footings on detached signs.

2. The Building Inspector may require in writing upon issuance of a permit that the sign be inspected by the Building Inspector.

(e) Sign Permit Appeal. 1. Appeal from denial of permit may be taken to the Zoning Board of Appeals.

2. The failure of the Building Inspector to either formally grant or deny a sign permit shall constitute a denial of the permit.

3. In cases of extraordinary hardship to an appellant, the Board may grant a limited variance from the sign ordinance.

(f) Indemnification for Sign Installation and Maintenance. All persons engaged in the business of installing, altering, or relocating signs on public property so that a portion of the public right-of-way is used or encroached upon by the sign contractor shall agree to hold harmless and indemnify the City, its officers, agents, and employees from any and all claims resulting from the erection, alteration, relocation, maintenance of any sign, or any sign work insofar as this chapter has not specifically directed the placement of the sign.

ZONING CODE 17.46

17.46 BUILDING INSPECTOR. The provisions of this chapter shall be administered and enforced by the Building Inspector. The Building Inspector shall:

(1) Examine all applications for building permits and approve such permits only where there is compliance with the provisions of this chapter. Site plans and special exceptions shall be referred to the Plan Commission. Permits for a variance shall be referred to the Board of Appeals for action thereon and shall issue only upon order of the Board of Appeals.

(2) Following refusal of a building permit, receive application for interpretation, appeals, and variances and refer such applications to the Board of Appeals.

(3) Conduct inspections to determine compliance or noncompliance with the provisions of this chapter and to issue certificates of occupancy.

(4) Issue stop, cease and desist orders, and orders requiring the correction of all conditions found to be in violation of the provisions of this chapter. Such written orders shall be served personally or by certified mail upon persons deemed by the Building Inspector to be in violation of the provisions of this chapter. No person shall violate any such order issued by the Building Inspector.

(5) With the approval of the City Council, or when directed by them, institute in the name of the City any appropriate action or proceedings to prevent violation of this chapter.

(6) Revoke by order, any building permit approved under a misstatement of fact or contrary to the law or provision of this chapter.

(7) Maintain maps of all special exceptions and maintain a file on each.

(8) Upon the request of the City Council, Mayor, Plan Commission, or Board of Appeals, present to such persons or bodies, facts, records, or reports which they may request to assist them in making decisions or assist them in any other way as requested.

(9) Maintain a map or maps showing the current zoning classification of all lands in the City. The Building Inspector shall also provide the City Clerk-Treasurer with a current copy of the official zoning map for public inspection in the office of the City Clerk-Treasurer.

(10) Maintain maps of all nonconformities and maintain a file on each. The replacement value at the effective date of adoption of this chapter shall be recorded for each nonconforming use and structure, as required by Section 17.11 of this chapter.

ZONING CODE 17.46 (11)

(11) In floodplain districts, maintain a list of certified lowest floor and regional flood elevations for floodplain development; maintain records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances, and amendments; and submit copies of the following items to the Department district office:

(a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

(b) Copies of any case-by-case analysis and any other information required by the Department

17.47 SPECIAL EXCEPTIONS. (1) **GENERAL.** A special exception is a use or structure that may not be appropriate generally or without restriction throughout a district but which, if controlled as to number, area, location, or relation to neighborhood would promote the public health, safety, welfare, comfort, convenience, or the general welfare. Such uses or structures may be permissible in a zoning district as a special exception if specific provision for such special exception is made in the district. A special exception shall not be issued for any other use or structure.

(2) **PROCEDURE.** All applications for a special exception shall be considered first by the Plan Commission. The application should include material necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of these zoning regulations, will not be injurious to the neighborhood or adjacent properties, or otherwise detrimental to the public welfare. Such material may include, but is not limited to, information required for a building permit under this chapter; findings required under subparagraph (4) below, site plans; and special studies.

(3) **PUBLIC HEARING.** Upon the filing of an application for a special exception, the Plan Commission shall notify the City Council of such application and shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing. A Class 2 notice pursuant to Chapter 985, Wisconsin Statutes, shall be published in the official newspaper of the City specifying the date, time, and place of hearing and the matters to come before the Plan Commission. Notice shall also be mailed to the parties at interest, as determined by the Plan Commission.

(4) **FINDINGS.** Before any special exception shall be recommended for approval, the Plan Commission shall make findings that the granting of a special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the applicant. No special exception shall be recommended for approval unless the Plan Commission shall find:

ZONING CODE 17.47 (4) (a)

(a) That the establishment, maintenance, or operation of the special exception use or structure will not be detrimental or injurious to the use and enjoyment of adjacent properties or pr

(b) That the special exception is compatible with the adjacent existing uses and structures or us

- (c) That adequate public facilities and services are available to the development.
- (d) That adequate measures are taken to provide for drainage.
- (e) That ingress and egress to the property is provided in such a manner as to minimize traffic.
- (f) That adequate parking and loading areas are provided.

(5) **CONDITIONS AND SAFEGUARDS.** In addition to the conditions and requirements specified in this chapter, the Plan Commission may recommend appropriate additional conditions and safeguards as deemed necessary to insure the proposed use or structure will secure the objectives of this chapter and promote the public health, safety, comfort, convenience, and general welfare. Violation of such conditions and safeguards, when made part of the terms under which the special exception is granted, shall be deemed a violation of this chapter.

(6) **PLAN COMMISSION RECOMMENDATION.** (a) The Plan Commission may recommend to the City Council to approve, disapprove, or approve subject to stipulated conditions and safeguards a request for a special exception. If the Plan Commission shall recommend disapproval of a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in subparagraph (4) above, or such of them as may be applicable to the action of disapproval and the particular regulations relating to the special exception requested, if any. The report and recommendations of the Plan Commission shall be advisory only and shall not be binding on the City Council.

(b) The City Council shall act on the Plan Commission recommendation at its next regularly scheduled meeting upon request but the matter shall be handled in a public session as part of a previously prepared agenda. All matters relating to City Council consideration of a request for a special exception and Plan Commission recommendation shall be a public record and require formal action of the City Council.

ZONING CODE 17.47 (7)

(7) **FEES.** Any application for a special exception shall be accompanied by a fee of \$25 to compensate the City for publication of notices and other expenses. No action shall be taken until such fee has been paid.

17.48 CERTIFICATE OF APPROPRIATENESS. (1) **FINDINGS.** The City Council hereby finds that an economically strong commercial core serving as the focus of commercial and cultural activity of the City will promote the general welfare; that to establish and maintain an economically strong commercial core it is necessary for physical development to be highly concentrated, coordinated, and aesthetically attractive and distinctive; and that

dissimilar, uncoordinated, or otherwise inappropriate physical development will adversely affect the economy, have a detrimental affect on property values, discourage private investment, adversely affect public investments, and cause the loss of distinctive and unique characteristics of the area.

(2) **APPLICABILITY.** No structure (except signs exempt from the provisions of this chapter) and no building shall be erected, constructed, reconstructed, moved, enlarged, or exterior architectural feature altered in the Commercial Core District until a certificate of appropriateness has been obtained from the Redevelopment Authority. A certificate of appropriateness shall be in addition to, not in lieu of, a building permit. A certificate of appropriateness shall not be required for interior alterations or design features not subject to any public view or ordinary repairs and maintenance to the exterior of any structure or building where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, its prior condition.

(3) **APPLICATION.** Application for a certificate of appropriateness shall be made in writing upon a form furnished by the Building Inspector. Applications shall include the following information: statement of ownership and control of the property affected; statement describing in detail the character and extent of improvements contemplated; site layout drawn to scale showing the location orientation and dimensions of buildings and structures; front elevations and architectural definitions of buildings and structures by sketches, drawings, photographs, or other information showing the proposed exterior alterations, additions, changes, or new construction as reasonably required by the Redevelopment Authority to make a decision. The Building Inspector shall transmit the application for a certificate of appropriateness to the Redevelopment Authority for their determination.

ZONING CODE 17.48 (4)

(4) **FINDINGS.** Before granting a certificate of appropriateness, the Redevelopment Authority shall find that to the maximum extent practicable:

- (a) The historic or cultural significance of buildings or structures affected is maintained or e
- (b) The architectural style, value and significance, and general design arrangement, te
- (c) Principal entrances are visually and functionally related and coordinated with other buildings

- (d) Activity nodes, such as plazas and arcades, are created, retained, and coordinated.
- (e) Building facades and other appurtenances, such as fences, walls, and landscaping, are
- (f) The scale, orientation, and directional expression of buildings and structures are visually and
- (g) Views are protected, created, or enhanced.

(5) PROCEDURES. After the Building Inspector transmits the application for a certificate of appropriateness, together with the supporting information and material, to the Redevelopment Authority, the Redevelopment Authority shall act upon the application within 30 days of the filing thereof. Failure of the Redevelopment Authority to act within 30 days shall be deemed to be approval of the application and a certificate of appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been made and the Redevelopment Authority may advise the applicant and make recommendations in regard to the application. If the Redevelopment Authority approves the application, a certificate of appropriateness shall be issued. If the Redevelopment Authority disapproves the application, a certificate of appropriateness shall not be issued and the Redevelopment Authority shall give written notice of its findings.

ZONING CODE 17.48 (6)

(6) APPEALS OF REDEVELOPMENT AUTHORITY DECISIONS. Any applicant or person aggrieved by a final decision of the Redevelopment Authority shall have the right to appeal and be heard before the City Council, provided a written appeal is filed with the City Clerk-Treasurer within 30 days of the Redevelopment Authority's decision. The City Clerk-Treasurer shall notify the Mayor and schedule a public hearing before the City Council not less than 30 days after the filing with the Clerk-Treasurer. A Class 2 notice, pursuant to Chapter 985, Wisconsin Statutes, shall be published in the official newspaper of the City specifying the date, time, and place of the hearing and the matters to come before the City Council. A concurring vote of at least 2/3 of the City Council present at the proceedings shall be necessary to reverse a final decision of the Redevelopment Authority.

17.50 BOARD OF APPEALS. (1) ESTABLISHMENT OF BOARD. In order that the objectives of this chapter may be more fully and equitably achieved and a means for interpretation provided, there is established a Board of Appeals (hereinafter referred to as the Board) for the City. (See also Section 1.38 of this Municipal Code.)

(2) PROCEDURES, MEETINGS, RECORDS, AND DECISIONS. (a) Procedures. The Board shall be governed by the provisions of Section 62.23 (7), Wisconsin Statutes, this chapter, and rules and procedures adopted by the Board and approved by the City Council. No rule or procedure shall be changed without the affirmative vote of 4 members of the Board and

the concurrence of the City Council.

(b) Meetings. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman or, in his absence, the acting chairman

(c) Records and Decisions. The Board 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 filed immediately as public records. All actions or decisions shall be taken by resolution in which 4 members, present during the proceedings, shall concur. Each resolution or decision shall contain a statement of the grounds forming the basis of such resolution or decision. The Chairman shall notify the Mayor, City Council, and Plan Commission of all resolutions and decisions. The district office of the Department shall be notified of all decisions affecting floodplains.

ZONING CODE 17.50 (3)

(3) POWERS AND DUTIES. (a) Appeals. 1. Powers. The Board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of this chapter. The Board may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all the powers of the Building Inspector and may issue or direct the issue of a permit.

2. Procedures. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the Building Inspector without 30 days of the decision involved by filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for a hearing on the appeal and give public notice thereof as well as due notice to parties in interest, and shall decide the same within a reasonable time. In floodplain districts, the Board shall review all data constituting the basis for the appeal of permit denial. For appeals concerning increases in regional flood elevation, the Board shall uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01' may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners. The appeal

shall be granted where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01', provided no other reason for denial exists.

3. Preliminary Review. The Secretary of the Board shall, as promptly as possible the applicant elects to withdraw the appeal any time before final determination is made by the Board, this fact shall be noted on the application, with the signature of the applicant attesting withdrawal. Copies of the withdrawn application shall be returned to the secretary for the files of the Board, to the Building Inspector, and to the applicant. If the appeal is not withdrawn, the Board may request the applicant to provide such additional information as may be needed to determine the case and shall instruct the secretary to proceed with public notice of a hearing on the case.

ZONING CODE 17.50 (3) (a) 4

4. Amendments. Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice, the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the Chairman shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given and will state the reasons for the deferral.

(b) Variances. 1. Power. The Board shall have the power to grant a variance by varying the strict application of the provisions of this chapter to any lot, tract, parcel, land or buildings.

2. Requirements for a Variance. In general, the power to authorize a variance shall be granted when the Board finds that:

- a. The variance is not contrary to the public interest and that such a variance is in the best interests of the community;
- b. The variance will not permit the establishment of a use which is not permitted by the provisions of this chapter;
- c. The hardship is due to the adoption of the floodplain ordinance and/or other special circumstances;
- d. The literal interpretation of the provisions of this chapter would result in an unnecessary hardship.

deprive district.

the applicant of rights commonly enjoyed by other properties in the same

e. The hardship is not shared generally by other land or buildings in the area.

f. The hardship results from the strict application of this chapter and is not the result of self-created or self-imposed circumstances.

ZONING CODE 17.50 (3) (b) 2 g

g. A variance shall not be granted solely on the basis of economic gain or loss.

h. In floodplain districts, the variance shall not permit a lower degree of flood pr

(c) Interpretations. The Board shall have the power to hear and decide applications for

(4) PROCEDURES FOR FLOODPLAIN BOUNDARY DISPUTES. The following procedure shall be used by the Board of Appeals in hearing disputes concerning the district boundaries shown on the official floodplain zoning map:

(a) Where a floodplain district boundary is established by approximate or detailed floodplain studies pursuant to Section 17.07, the regional flood elevations shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are av

(b) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals. Within 30 days of the boundary line to petition the City Council for a map amendment pursuant to Section 17.51.

(5) PUBLIC HEARINGS. (a) Time Period. Upon filing with the Board an application for an appeal or variance, the Board shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing.

(b) Notice of Hearing. A Class 2 notice pursuant to Chapter 985, Wisconsin Statutes, shall be given to the Board.

(c) Notification. Within 10 days of the filing date of an application and prior to fixing a date for

ZONING CODE 17.50 (6)

(6) APPEAL OF BOARD DECISIONS. Any person or persons, or any board, taxpayer, department, or bureau of the City aggrieved by any decision of the Board of Appeals, may

appeal such decision to a court of record in accordance with Section 62.23 (7), Wisconsin Statutes.

(7) FEES. New applications for an appeal or variance shall be accompanied by a fee of \$100 to compensate the City for publication of notice and other expenses. No action shall be taken until such fee has been paid.

17.51 AMENDMENTS. (1) POWER OF AMENDMENT. The City Council may, from time to time on its own motion or petition, amend, supplement, or change this chapter, including the official zoning map.

(2) PROCEDURES. The City Council shall refer every proposed amendment to the Plan Commission for a report and recommendation. If the City Council does not receive a report and recommendation from the Plan Commission within 60 days of submitting the proposed amendment, the City Council may proceed with the necessary hearing.

(3) PUBLIC HEARING AND NOTICE. No amendment of this chapter shall become effective until a public hearing is held before the City Council where parties in interest and citizens shall have the opportunity to be heard. A Class 2 notice in accordance with Chapter 985, Wisconsin Statutes, shall be published in the official newspaper of the City once during each of the 2 weeks prior to such hearing. At least 10 days before the public hearing, a written notice of such hearing shall also be given to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

(4) FINAL APPROVAL. (a) An amendment shall become effective upon a majority vote of the members of the City Council voting on the proposed change. However, in case of a protest against such amendment, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed amendment or by owners of 20% or more of the area immediately adjacent extending 100 feet therefrom, or by owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by a favorable vote of 3/4 of the members of the City Council voting on the proposal.

(b) No amendment concerning the Floodway, Flood Fringe, or General Floodplain Districts, shall become effective until also being approved by the Department of Natural Resources, the Federal Insurance Administration and, in the case of district boundary amendments, until an official letter of the boundary change has been issued by the Federal Insurance Administration.

ZONING CODE 17.51 (5)

(5) AMENDMENTS TO FLOODPLAIN DISTRICTS. (a) Actions Requiring Amendment. Actions which require amendment include, but are not limited to, the following:

1. Any change to the official floodplain zoning map, including the
2. Correction of significant discrepancies between the water surface
3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying
4. Any fill or encroachment into the floodplain that will cause a change
5. Any upgrading of floodplain zoning ordinances required by Section 116.05 (4), Wisconsin Administrative Code, or otherwise required by law.

NR

(b) Referral and Approval. Copies of the proposed amendment and notice of amendments to the official zoning map in areas where no water surface profile exists, the City shall consider data submitted by the Department, on-site inspections, and other available information.

(c) Flood Easements. All persons petitioning for a map amendment which may approve such amendment.

(6) FEES. Any petition for an amendment shall be accompanied by a fee of \$25 to compensate the City for publication of notices and other expenses. No action shall be taken until such fee has been paid.

(7) ANNEXATION TO CITY. All new territory annexed to the City shall automatically become Residential Single Family District until definite boundaries and regulations for such territory are recommended by the Plan Commission and adopted by the Council.

ZONING CODE 17.55

17.55 REMEDIES. If any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained; or any building, structure, or land is or is proposed to be used in violation of this chapter, the appropriate authorities of the City, or any adjacent or neighboring property owners who would be damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent, restrain, correct, or abate such violation; to prevent the occupancy of such building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises.

17.56 PENALTY. Any person who violates any provision of this chapter, or any order, rule, or regulation made hereunder, shall be subject to a penalty as provided in Section 25.04 of

this Municipal Code. In floodplain districts, violators shall be subject to penalties as provided in Section 87.30, Wisconsin Statutes. Whenever a person shall have been notified in writing by the Building Inspector that he is in violation of the provisions of this chapter, such person shall commence correction of all violations within 7 days after notice, and shall correct all violations within 30 days after notice. If corrections are not commenced within 7 days of written notice, each day that a violation continues shall be considered a separate offense.