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ZONING CODE

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ZONING CODE 17.01

AUTHORITY, PURPOSE, INTERPRETATION, DEFINITIONS

17.01 AUTHORITY. This chapter is adopted under the authority granted in §§62.23(7) and 87.30, Wis. Stats.

17.02 PURPOSE. The provisions of this chapter shall be held to be the minimum requirements adopted to:

- (1) Promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the City and environs.
- (2) Lessen congestion in the public streets.
- (3) Secure safety from fire, explosion, noxious fumes and other hazards.
- (4) Provide adequate light, air privacy and convenience of access to property.
- (5) Prevent the overcrowding of land.
- (6) Avoid undue concentration of population.
- (7) Facilitate the adequate provision of transportation, water sewerage, schools, parks and other public requirements.
- (8) Conserve and enhance the taxable value of land and buildings.
- (9) Encourage the most appropriate use of land throughout the City and environs.
- (10) Preserve and increase the amenities of the City and environs.
- (11) Protect residential, commercial and manufacturing areas alike from harmful encroachments by incompatible uses.
- (12) Protect the character and maintain the stability of residential, commercial and manufacturing areas within the City and environs, and to promote the orderly and beneficial development of such areas.
- (13) Regulate and restrict the location and intensity of use of buildings, structures and land for residential, commercial, manufacturing and other uses, and to establish building or setback lines for such uses.

(14) Segregate and control avoidable nuisance producing uses.

(15) Establish districts of such number, shape and area as may be deemed best suited to carry out the purposes of this chapter.

(16) Prevent such additions to and alterations or remodeling of existing buildings or structures as would not comply with restrictions and limitations imposed hereinafter.

(17) Provide for the elimination of those uses of land, buildings and structures which are adversely affecting the character, development and taxable value of property in each district.

(18) Define the powers and duties of the administrative officers and bodies, as provided hereinafter.

17.03 INTERPRETATION. (1) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(2) This chapter shall not repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

17.04 DEFINITIONS. For the purpose of this chapter, certain terms and words herein shall be as interpreted or defined in this section. Words used in the present tense include the future tense. The singular includes the plural. "Person" includes an individual, all partnerships, associations and bodies politic and corporate. "Lot" includes the words "plot" or "parcel." "Used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

(1) ACCESSORY USE. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

(2) ALLEY. A street or thoroughfare less than 21' wide and affording only secondary access to abutting property.

(3) AMENDMENT. A formal change in the text or map of the Zoning Code.

ZONING CODE 17.04(4)

- (4) BOATHOUSE. Any structure located on the same lot as the principal building and used for protecting or storing of boats used for noncommercial purposes in conjunction with a residence.
- (5) BUILDING. Any structure used, designed or intended for the protection, shelter or roofed enclosure of persons, animals or property.
- (6) BUILDING, HEIGHT OF. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the to mean height between eaves and ridge for gable, hip and gambrel roofs.
- (7) CAMPING GROUND. A parcel of land used or intended to be used, let or rented for occupancy by campers or for occupancy by or of trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.
- (8) CONDITIONAL USE. A use of a special nature that can be permitted in a zoning district in which it would not ordinarily be a permitted use because of the additional safeguards that would be placed upon it by the zoning agency.
- (9) DWELLING. A building designed or used exclusively as the living quarters for one or more families, including modular homes which meet the dimensional requirements.
- (10) DWELLING, MULTI-FAMILY. A dwelling or group of dwellings on one plot containing separate living units for 2 or more families, but which may have joint services or facilities or both.
- (11) ESSENTIAL SERVICES. Services provided by public and private utilities, necessary for the exercise of the principal use of service of the principal structure. These services include underground surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, hydrants, but not including buildings.
- (12) FAMILY. One or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.
- (13) FARMING, GENERAL. The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.

ZONING CODE 17.04(14)

(14) FLOODPLAIN. The land adjacent to a water course or other body of water subject to overflow therefrom.

(15) HOME OCCUPATION. A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.

(16) HOSPITAL. Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments.

(17) JUNK YARD. A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and the the sale of parts thereof.

(18) LOT. A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this chapter.

(19) LOT, DEPTH OF. A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

(20) LOT, WIDTH OF. The mean width measured at right angles to its depth.

(21) LOT LINES. Any line dividing one lot from another.

(22) MOBILE HOME. Any structure originally designed to be capable of transportation by any motor vehicle upon public highways which does not require substantial on-site fabrication; which is intended for occupancy as a year-round residence.

(23) NAVIGABLE WATER. All natural or other waters which are navigable under the laws of this State.

(24) NONCONFORMING USE. A building, structure or use of land existing at the time of enactment of this chapter, and which does not conform to the regulations of the district or zone in which it is situated.

(25) PROFESSIONAL AND PROFESSIONAL OFFICE. (Cr. 1/5/83)
An occupation, vocation or employment for gain or livelihood including, but not limited to, attorneys, physicians, dentists, accountants, insurance agents, real estate agents, investment counselors, psychologists, family counselors and teachers, requiring specialized knowledge and academic preparation that can be performed without intense manual labor or extensive physical facilities.

(26) RECONSTRUCTION. (Cr. 4/23/85) Less than 75% of the equalized valuation of a given building being constructed in a given year.

(27) SALVAGE YARD. A lot, land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded items; or for the collecting, dismantling, storage and salvaging of machinery of vehicles not in running condition and for the sale of parts thereof.

(28) SIGN. Any structure or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement.

(29) STREET. All property dedicated or intended for public or private street purposes or subject to public easements therefor and 21' or more in width.

(30) STRUCTURE. Anything constructed or erected.

(31) SWIMMING POOL. A structure, designed to hold water more than 30" deep for the purpose of swimming.

(32) TRAILER. A portable vehicle designed and used for temporary living purposes.

(33) USE. The specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

(34) VARIANCE. The granting of relief from the terms and conditions of this chapter is a prerogative of the Zoning Board of Appeals when application is made to them by an individual. It should be granted only if the individual has proved that he cannot be fairly treated unless certain of the requirements of this chapter are relaxed in his particular situation.

(35) YARD, FRONT. An open, unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

(36) YARD, REAR. An open, unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

(37) YARD, SIDE. An open, unoccupied space on the same lot with the building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ZONING DISTRICTS AND MAP

17.05 ESTABLISHMENT OF DISTRICTS. (Am. 12/4/90) For the purposes of this chapter, the City is hereby divided into the following zoning districts:

- (1) R-1 Residential.
- (2) R-2 Multi-Family Residential.
- (3) C-1 Commercial.
- (4) C-2 Neighborhood Commercial.
- (5) I-1 Industrial.
- (6) A-1 Agricultural.
- (7) FP-1 Floodplain 1 (an overlay district).
- (8) W-1 Wetlands Conservancy.
- (9) PUD Planned Unit Development (an overlay district).

17.06 ZONING MAP AND DISTRICT BOUNDARIES. (1) The official zoning district map is an integral part of this chapter. The single official copy of this map entitled "City of Phillips Official Zoning Map," together with a copy of this chapter shall be available for public inspection during office hours. The map shall be certified by the Mayor and attested by the City Clerk. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a certified and attested certificate describing the change is filed with the map.

(2) The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.

(3) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the district boundary line.

ZONING CODE 17.06(4)

(4) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.

ZONING CODE 17.06(5)

(5) In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

(6) Land uses and minimum dimensional requirements apply to the district delineations on the zoning district map.

17.07 R-1 RESIDENTIAL DISTRICT. This district provides for one-family and 2-family year-round residential development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development and in those areas which can be economically and readily served by utilities and municipal facilities.

(1) PERMITTED USES. (a) One-family and 2-family year round dwellings.

(b) Private garages and carports.

(c) Essential services and utilities intended to serve the principal permitted use.

(d) Signs subject to the provisions of §§17.30 to 17.38.

(e) Horticulture and gardening.

(f) Customary accessory uses provided such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public or private nuisance.

(2) USES AUTHORIZED BY CONDITIONAL PERMIT. (a) Multi-family (3 or more) dwelling units.

(b) Rooming or boarding houses.

(c) Mobile home parks subject to the provisions of §17.44.

(d) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks, funeral homes and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites, grocery stores and professional buildings. Sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings shall not be permitted.

(e) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.

ZONING CODE 17.07(2)(f)

(f) Home occupations of professional offices, as defined in §17.04(25), provided no such use occupies more than 25% of the total floor area of the dwelling or the structure attached by a common wall to the dwelling, not more than one nonresident person is employed on the premises and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding residential area. (Am. 1/5/83)

(3) AREA REQUIREMENTS. See §17.15 of this chapter for dimensional requirements.

(4) PARKING. (Ren. 12/4/90) (a) Off-Street Residential. One per family and one per 2 boarders or guests.

(b) Places of Public Hearing. One per 5 seats.

(5) MINIMUM FLOOR AREA PER FAMILY. (Ren. 12/4/90) 1,000 sq. ft. for 3 bedroom apartments, 800 sq. ft. for 2 bedroom apartments and 600 sq. ft. for one bedroom apartments.

17.08 R-2 MULTI-FAMILY RESIDENTIAL DISTRICT. This district is intended to provide for multi-family year-round residential development in areas which are served by utilities and municipal facilities.

(1) PERMITTED USES. (a) Any use permitted in the R-1 District.

(b) Multi-family year-round dwellings.

(2) USES AUTHORIZED BY CONDITIONAL PERMIT. (a) Any use authorized by conditional permit in the R-1 District.

(b) Rooming and boarding homes, tourist homes and motels.

(3) AREA REQUIREMENTS. (Am. 12/4/90) See §17.15 of this chapter for dimensional requirements.

(4) PARKING. (Ren. 12/4/90) (a) Off-Street Residential. One per family and one per 2 boarders or guests.

(b) Places of Public Gathering. One per 5 seats.

(5) MINIMUM FLOOR AREA PER FAMILY. (Ren. 12/4/90) 1,000 sq. ft. for 3 bedroom apartments, 800 sq. ft. for 2 bedroom apartments and 600 sq. ft. for one bedroom apartments.

17.09 C-1 COMMERCIAL DISTRICTS. This district is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices and similar commercial establishments.

(1) PERMITTED USES. Facilities such as, but not limited to, the following:

(a) Retail stores and shops offering convenience goods and services.

(b) Business and professional offices and studios.

(c) Banks and savings and loan offices.

(d) Public and semi-public buildings and institutions.

(e) Commercial entertainment facilities.

(f) Laundromats.

(g) Restaurants.

(h) Taverns.

(i) Medical and dental clinics.

(j) Auto service stations and maintenance facilities.

(k) Public and private marinas.

(l) Recreation service oriented facilities.

(m) Motels and tourist homes.

(n) Rooming and boardinghouses.

(o) Signs subject to provisions of §§17.30 through 17.38.

(2) USES AUTHORIZED BY CONDITIONAL PERMIT. (a) Public and semi-public conditional uses as stated in the R-1 District.

- (b) New and used car sales establishments.
- (c) Wholesaling establishments.
- (d) Transportation terminals.
- (e) Farm implement sales firms.
- (f) Outdoor theaters.
- (g) Miniature golf, go-karts and amusement parks.
- (h) Drive-in establishments offering in-car service to customers.

(3) AREA REQUIREMENTS. (Am. 12/4/90) See §17.15 of this chapter for dimensional requirements.

(4) PARKING. (Ren. 12/4/90) (a) Off-Street Residential. One per family.

(b) Commercial. Two per 200 sq. ft. of floor space.

(c) Places of Public Gathering. One per 5 seats.

(5) TRUCK UNLOADING AREA. Sufficient space so that no streets or alleys need be blocked.

(6) PREVIOUSLY DEVELOPED BLOCKS. (Ren. 12/4/90) In the blocks in the commercial district which are already developed, setbacks, minimum lot widths, commercial parking and truck unloading areas for new or renovated buildings may correspond with the existing setbacks, minimum lot widths, commercial parking and truck unloading areas, provided the Planning Commission determines such action will be in keeping with the purposes of this chapter.

17.095 C-2 NEIGHBORHOOD COMMERCIAL DISTRICT. (Cr. 12/4/90) This district is intended to provide for orderly and attractive commercial development within a neighborhood setting to be laid out in such a way that it is compatible with the adjacent residential development. Approval for rezoning to this zone and the reuse of property within this zone will require the submission of a site plan as part of the conditional use application herein required.

(1) PERMITTED USES. All uses in this district are conditional uses and must be approved in accordance with the procedures established in §17.55 of this chapter.

(2) CONDITIONAL PERMITTED USES. Uses authorized by conditional permit.

(a) Public and semi-public conditional uses as stated in the R-1 District.

(b) Retail shops and stores offering convenience goods and services.

(c) Businesses and professional offices.

(d) Banks and savings and loan offices.

(e) Open space and public parks.

(3) AREA REQUIREMENTS. See §17.15 of this chapter for dimensional requirements.

(4) PARKING REQUIREMENTS. For all commercial units, parking requirements shall be one space per 200 sq. ft. of commercial floor space and one space for each 2 employees.

(5) TRUCK LOADING REQUIREMENTS. The site plan will provide sufficient space so that no streets or alleys will be blocked by the proposed use.

17.10 I-1 INDUSTRIAL DISTRICT. This district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare and safety. Those industries requiring outdoor storage for raw materials and/or finished products may be required to provide a fence or screen in accordance with the provisions of §17.50.

(1) PERMITTED USES. (a) Manufacturing, assembly, fabricating and processing plants and similar type industrial operations consistent with the purposes of this district.

(b) General warehousing.

ZONING CODE 17.10(1)(c)

(c) Accessory uses clearly incidental to a permitted use.

(d) Airports, including terminal facilities and necessary concessions.

(e) Any use determined to be objectionable by the Plan Commission on the basis of pollution, noise, dust, smoke, vibration, odor, flashing lights or danger of explosion may be permitted only upon the issuance of a conditional use permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use.

(2) USES AUTHORIZED BY CONDITIONAL PERMIT. (a) Salvage yards, subject to the provisions of §17.42.

(b) Quarrying, mining and processing of products from these activities, subject to the provisions of §17.41.

(3) AREA REQUIREMENTS. (Am. 12/4/90) See §17.15 of this chapter for dimensional requirements.

(4) INDUSTRIAL PARKING. (Ren. 12/4/90) One per 3 employees.

(5) TRUCK UNLOADING AREA. (Ren. 12/4/90) Sufficient space so that no streets or alleys need be blocked.

17.11 A-1 AGRICULTURAL DISTRICT. This district is established to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential, commercial or industrial development. Since it results in excessive costs to the community for provision of essential public improvements and services (sewer and water lines, etc.), the following uses are permitted:

(1) PERMITTED USES. (a) One family and 2 family farm residences, but only when occupied by owners and/or persons engaged in farming activities on the premises.

(b) Farming, provided that buildings in which farm animals are kept shall be at least 100' from the nearest residential district.

(c) Roadside stands for the sale of products grown on the premises, if sufficient off-street parking space for customers is provided.

(d) Cemeteries and mausoleums.

(e) Customary accessory uses, provided such uses are clearly incidental to a principal permitted use.

(f) Signs subject to the provisions of §§17.30 through 17.38.

(2) USES AUTHORIZED BY CONDITIONAL PERMIT. (a) One family and 2 family year-round dwellings.

(b) Mobile home parks and trailer parks, subject to the provisions of §17.44.

(c) Dumps for the disposal of garbage, sewage, rubbish or offal, subject to the applicable provisions of the Wisconsin Administrative Code and the provisions of §17.43.

(d) Public and semi-public uses including, but not limited to, public and private schools, churches, public parks and recreation areas, golf courses, hospitals, rest homes and home for the aged, fire and police stations, historic sites. Sewage disposal plants, garbage incinerators and maintenance repair or storage buildings shall not be permitted.

(e) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.

(3) AREA REQUIREMENTS. (Am. 12/4/90) See §17.15 of this chapter for dimensional requirements.

(4) PARKING. (Ren. 12/4/90) (a) Off-Street Residential. One per family unit.

(b) Places of Public Gathering. One per 5 seats.

17.12 W-1 CONSERVANCY DISTRICT. The W-1 District is intended to preserve the natural state of scenic areas, preserve natural areas and buffer strips and discourage intensive development of marginal lands so as to prevent potential hazards to public and private property. The following uses are permitted:

ZONING CODE 17.12(1)

(1) PERMITTED USES. (a) Management of forestry, wild-life and fish.

(b) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, fruit trees and tree seeds.

(c) Fishing and trapping.

(2) USES AUTHORIZED BY CONDITIONAL PERMIT. (a) Drainage where such activity will not be in conflict with the state purposes of this district.

(b) Public and private parks.

(c) Dams, plants for the production of electric power and flowage areas.

(d) Grazing where such activities will not be in conflict with the stated purposes of this district.

(e) Orchards and wild crop harvestings.

(f) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housings and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and microwave radio relay towers.

(g) Signs subject to the provisions of §§17.30 through 17.38.

(3) PROHIBITED USES. No use shall involve dumping or filling of mineral soil or peat removal or any other use that would disturb the natural fauna, flora, watercourses, water regimen or topography.

17.13 FP-1 GENERAL FLOODPLAIN OVERLAY DISTRICT. The purpose of this district is to promote the public health, safety and general welfare by prohibiting floodplain uses, such as fill, dumping, storage of materials, structures, buildings and any other works which acting along or in combination with other existing or future uses which will increase potential flood heights and velocities and by requiring the storage or processing of materials that are

buoyant, flammable or potentially dangerous to human, animal or plant life and the construction, reconstruction or alteration to structures and buildings on or that are moved on the floodplain to be elevated above the flood potential in such a way to prevent future loss of life and property damage, public responsibilities for rescue and relief and the installation of public streets, sewer, water and other public utilities or services below the flood potential.

(1) PERMITTED USES. Any use permitted in the underlying districts, subject to the standards set forth in all Wisconsin Statutes and Administrative Codes governing the use of areas subject to flooding.

(2) DISTRICT BOUNDARIES. (Rep. & recr. 1/5/82) The Flood Hazard Boundary Map prepared by Owen Ayres & Associates, Inc., of Eau Claire, Wisconsin, will be used to delineate the FP-1 District boundaries within the City.

17.14 PUD PLANNED UNIT DEVELOPMENT DISTRICT. (1) The PUD District is intended to provide for large scale residential or residential-recreational development. This district shall have no definite boundaries until such are approved by the City Council on the recommendation of the Planning Commission in accordance with procedures prescribed for zoning amendments by §62.23, Wis. Stats. It is recognized that carefully planned large scale developments may deserve certain exceptions from the otherwise fixed requirements of the zoning district, such as setbacks and minimum lot sizes, where the resulting development of the same land without the use of exceptions. A condition of all Planned Unit Developments would require the preservation of certain open space in perpetuity. See §17.15 of this chapter for dimensional requirements. Specific variations from those dimensional requirements can be granted by the Planning Commission during the planned unit development designation process. The variances must be specified in writing and supported with a site plan showing the proposed setbacks. (Am. 12/4/90)

(2) The area proposed for the Planned Unit Development must be at least 5 acres in size. Application for establishing a Planned Unit Development District must be made in writing to the City Council, which must include duplicate plans showing the location of all boundaries, buildings, sewage disposal and water supply facilities, together with information showing how all the applicable provisions of this chapter will be complied with, the exceptions requested and the reasons why the applicant considers the exceptions to be consistent

17.15 LOT SIZE AND SETBACKS¹. (Cr. 12/4/90)

<u>Districts</u>	<u>Height</u> ²	<u>Lot Area (2')</u>	<u>Min. Lot Width</u>	<u>Front Lot Line</u>	<u>Front St. Center Lane</u>	<u>One Side</u>	<u>Both Sides</u>	<u>Rear</u>	<u>% Lot Coverage</u>	<u>Minimum Lot Depth</u>
R-1 Residential	35	10,000 8,000*	100	25	58	10 5	20 10	35 5	0.25	100'
R-2 Multi-Family	35	10,000 6,000* 3,000**	100	25	58	10 5	20 10	35 5	0.35	100'
C-1 Commercial	45	7,500	50	25	58	10 5	20 10	25	0.50	100'
C-2 Neighborhood Commercial	35	10,000	100	25	58	10 5	20 10	30	0.25	100'
I-1 Industrial	60	20,000	100	50	83	20	40	20	0.35	100'
A-1 Agricultural	45	43,560	200	40	73	10	20	10	0.25	100'
W-1 Conservancy (See §17.12 of this chapter.)										
FP-1 Floodplain (See §17.13 of this chapter.)										
PUD Planned Unit Development ³	45	5 Ac.	500	25	58	25	50	35	0.35	200'

* Per unit for duplexes.

** For all units, 3 or more. Example: 1st unit, 10,000 sq. ft.; 2nd unit, 6,000 sq. ft.; 6,000 additional sq. ft. All additional units require 3,000 sq. ft. each.

¹ The City has adopted airport, wetland and floodplain ordinances as overlays to the City's Zoning Code. Consult these codes prior to permit application.

² All dimensions are in feet or square feet.

³ These requirements may be modified by the Planning Commission at the PUD approval.

ZONING CODE 17.14(3)

with the spirit of this chapter. The plans may provide for a combination of single and multiple family development, as well as related commercial uses. The City Council may request the applicant to submit such other maps, studies, plans or pertinent information as shall be necessary to its consideration of the application.

(3) The application shall be submitted to the City Planning Commission, which shall hold a public hearing thereon and make report to the City Council as required by law. If an application seeks approval of a Planned Unit Development plat, without first seeking the granting of an overlay, a hearing must be held on such plat as on any regular amendment to the zoning ordinance. If, however, a hearing is first held on the overlay for a Planned Unit Development District, a second public hearing need not be held in connection with the approval of a subsequent plat or plats which complies with the overlay district as approved.

(4) After a report from the Planning Commission, the City Council shall hold a public hearing thereon and shall make written findings as to the compliance or non-compliance of the proposed Planned Unit Development overlay district with the provision of this chapter. If the application is granted in whole or in part, the City Council's approval shall attach such written conditions to the approval as shall be required by or be consistent with this chapter. The condition of approval shall, in all cases, establish the specific restrictions applicable with regard to minimum lot sizes, widths, setbacks, preservation of ground cover and open space, etc. In passing upon an application for a Planned Unit Development District, the City Council shall evaluate the effect of the proposed development upon:

- (a) The maintenance of safe and healthful conditions.
- (b) The prevention and control of water pollution, including sedimentation.
- (c) Existing topographic and drainage features and vegetative cover on the site.
- (d) The location of the site with respect to any floodplains.
- (e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (f) The location of the site with respect to existing or future roads.
- (g) Whether the development will constitute a reasonable extension of the living areas in the City and will be compatible with surrounding land uses.

ZONING CODE 17.14(4)(h)

(h) The type and adequacy of the sewerage disposal and water supply systems.

(i) The anticipated demand for police, fire, ambulance, solid waste disposal, and school facilities and services and the adequacy of the existing facilities and services to accommodate the anticipated demand.

GENERAL PROVISIONS

17.20 APPLICATION OF PROVISIONS. (1) No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit as provided in this chapter, except minor structures specifically excepted from zoning permits, and without full compliance with the provisions of this chapter and all other applicable local, county and State regulations.

(2) The City Council shall designate the Building Inspector, with the aid of the Police Department, to investigate all complaints, give notice of violations, and to enforce the provisions of this chapter. The Building Inspector and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

17.21 STANDARD DISTRICT PROVISIONS. (1) SETBACK REQUIREMENTS ON STREETS AND ROADS. (a) All building setback lines shall meet minimum distances as listed in Zoning District Regulations §§17.05 through 17.14.

(b) A setback equal to the average setback of existing principal buildings located within 500' of a proposed building site and on the same side of the street, shall be permitted where 5 of these buildings do not conform with the appropriate setback line.

(c) Minor readily removable structures such as open fences or signs permitted by this chapter may be placed within setback lines. Public utility equipment without permanent foundations is also permitted. When deemed necessary by the Planning Commission in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right-of-compensation, any such structures erected within setback lines.

(2) VISUAL CLEARANCE AT INTERSECTIONS. In each quadrant of every street intersection there shall be designated a vision clearance triangle, bounded by the inner street lines and a line connecting them 35' from their intersection. Within this triangle no object shall be allowed above a height of 2-1/2' above the streets if it obstructs the view across the triangle. Posts or open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of 10' and located a minimum of 30' apart.

ZONING CODE 17.21(3)

(3) ACCESS DRIVEWAYS. The maximum number and width of access driveways to streets and service roads shall be as follows:

(a) Type of Access <u>Driveway</u>	Maximum Number of <u>Access Driveways</u>	Maximum Width of <u>Access Driveways</u>
1. Commercial and Industrial Land Uses	2	35'
2. Other Land Uses	1	24'

(b) Where cross-overs in median strips have been provided, access driveways shall be directly opposite these cross-overs.

(4) EXCESSIVE HEIGHT PERMITTED. Heights of the following structures may exceed limits for the district in which it is to be located with the approval of the Planning Commission: cooling towers, penthouses, stacks, lookout towers, silos, windmills, water towers, spires, radio and television aerials, masts, antennae and necessary mechanical appurtenances.

(5) LOT SIZES. (a) After adoption of this chapter, no lot area shall be so reduced that the dimensional and yard requirements required by this chapter cannot be met. Lots existing and of record prior to adoption of this chapter, but of substandard size, may be devoted to uses permitted in the district in which located.

(b) If 2 or more substandard lots with continuous frontage have the same ownership as of July 3, 1981, the lots involved shall be considered to be an individual parcel for the purpose of this chapter.

(c) Lots created after July 3, 1981, and which are not served by public water and sewer systems shall meet minimum area requirements of the Price County Sanitary Code, the City Subdivision Control Ordinance, and appropriate Wisconsin Administrative Codes.

(d) All lots shall abut upon a public street with at least 100' of frontage unless a variance has been approved or it is part of an approved planned unit development project.

(6) PRINCIPAL AND ACCESSORY USES AND STRUCTURES.

(a) Only one principal structure shall be located, erected, or moved onto any lot.

(b) Any permanent, roofed structure serving as an accessory use, if attached to the principal building, shall be considered a part of the principal building. If such structure is a building and is not attached to the principal building, it shall conform to the setback, and other dimensional requirements of the district within which it is located.

ZONING CODE 17.21(7)

(7) DRAINAGE, SANITATION AND WATER SUPPLY. (a) No principal building shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, periodic flooding, or where the lowest floor level is less than 4' above the highest groundwater level.

(b) No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage. Private on-site water and sewer systems shall comply with the Price County Sanitary Code and appropriate State Administrative Codes.

17.22 SUPPLEMENTARY REGULATIONS. (1) AIRPORT SAFETY ZONES. Pursuant to §114.136, Wis. Stats., height limitation restrictions will be adopted as an overlay district as soon as adequate data is available.

(2) OFF STREET PARKING. Any building hereafter erected or placed on a lot shall be provided with off street parking spaces for those using such building.

(a) Each parking space required shall be at least 200 sq. ft. in area.

(b) Residential users shall be provided with at least one parking space for each dwelling unit.

(c) Commercial and industrial uses as listed and permitted in the zoning districts, shall be provided, except as noted below with one parking space for each 200 sq. ft. of floor area. However, restaurants, taverns, and similar establishments, shall be provided with at least one space for each 3 seats devoted to patron use; motels, tourist cabins and similar establishments, shall be provided with at least one space for each unit; drive-in eating stands offering in-car service shall be provided with at least 4 spaces for each person employed to serve customers.

(d) Public gathering uses shall be provided with at least one space for each 5 patrons to be accommodated on the premises.

(3) OFF STREET LOADING AND UNLOADING. Any commercial or industrial building hereafter erected or placed on a lot, shall be provided with sufficient off street loading and unloading space so that no public streets or alleys need be blocked by such activities. In the Industrial District such buildings shall be provided with a minimum of 400 sq. ft. of off street loading and unloading space.

ZONING CODE 17.23

17.23 SHORELAND REGULATIONS. (1) SETBACK. For lots that abut on navigable waters the following setback regulations shall apply:

(a) All permanent structures, except piers and boathouses, shall be set back 75' from the normal high-water elevation of navigable waters. Boathouses shall be set back 20' from the water's edge.

(b) A setback equal to the average setback of existing principal buildings within 500' of a proposed building site, shall be permitted where such existing buildings do not conform with the appropriate setback line. A minimum setback of 40' shall be required in all such cases.

(c) Private sewage disposal systems shall conform to the setback requirements of the Price County Sanitary Code and the applicable rules, regulations and laws as set forth in the Wisconsin Statutes and Wisconsin Administrative Codes.

(d) The Building Inspector shall determine the normal highwater elevation where not established.

(2) REMOVAL OF SHORELINE COVER. Cutting of trees and natural shrubbery within a strip paralleling the shoreline and extending inland 35' from the normal highwater mark of the shoreline, shall be limited as follows:

(a) Within any 100' length of this strip no more than 30% shall be clear cut.

(b) A conditional use permit will be required for any clear cutting on slopes greater than 20%.

(c) Provided, further, that cutting of this 30% shall not create a clear cut opening in this strip greater than 30' wide for every 100' of shoreline. In the remaining 70% of the strip, cutting shall be limited so as to preserve the natural beauty of a woodland cover and to control runoff.

(3) COMMERCIAL FORESTRY. From the inland edge of the 35' strip to the outer limits of the shoreland, the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations. The purpose of this order will favor long-lived species adapted to the site and will prescribe slash disposal methods necessary for aesthetic value.

17.24 SWIMMING POOLS. (1) USE PERMITTED. Above and below ground swimming pools are permitted in any district other than the W-1 District, subject to the following:

(a) The pool shall be intended to be used solely by the occupants of the principal use of the property on which the pool is intended to be located and their guests.

(b) Any pool, or portion of a pool, 3' or more in depth, together with its surrounding walks, patios, diving platforms, boathouses and accessory structures shall be so located that the parts of the complex are in conformity with the minimum setback requirements of the applicable district. A pool shall be set back 15' from side lot lines and 25' from a front lot line. (Am. 4/23/85)

(c) Walls or fences of at least 4' shall be provided to restrict access by children.

(2) PERMIT REQUIRED. No swimming pool shall be constructed unless a land use permit has been issued.

17.25 TENNIS COURTS. (Cr. 4/23/85) Tennis courts are permitted in any district other than the W-1 District.

17.26 SATELLITE DISHES. (Cr. 4/23/85) (1) USE PERMITTED. Permitted in any district other than the W-1 District, subject to the following:

(a) Satellite dishes shall not be placed in front yards.

(b) Satellite dishes shall be securely anchored and meet the Building Code specifications of the City.

(2) PERMIT REQUIRED. No satellite dish shall be constructed unless a building permit has been issued.

17.27 STREET NUMBERS. (Cr. 6/3/86) Every building and structure in the City shall be assigned a number corresponding with the block within which it is located. The owner of that building or structure must prominently display the number on or near the entrance to the building. The number must be at least 3" in height.

17.28 ACCESS TO PUBLIC STREET FROM PRIVATE PROPERTY.
(Cr. 2/3/87) (1) DRIVEWAYS. There shall be no access to the public streets of the City from any private property in the form of a driveway, entrance, exit, parking area, loading zone or waiting zone without a permit from the Zoning Committee.

(a) All applications for access to the public street from private properties shall contain information indicating the location of the opening, including the street or alley on which it abuts, the length of the opening with a specific description, its intended uses and the established zoning district of the private property that access is being granted to.

(b) All applications shall be obtained from the City Clerk-Treasurer, who in turn shall have the Director of Public Works and the Building Inspector review the proposed opening and if it meets the approval of the Building Inspector and Director of Public Works, the Building Inspector shall grant the opening permit.

(c) All openings must be paved or covered with concrete. The openings granted for entrances to driveways shall be a maximum of 15' and those openings granted for loading zones containing angle parking shall be a minimum of 12' per parking space. Those openings granted for loading zones with parallel parking shall be 22' per space.

(d) All applications for permits under this section shall be accompanied by a \$10 application fee. All loading zones require an additional annual fee of \$10 per every parallel parking spot and \$7.50 for every angular parking spot.

(2) PENALTY. In case of any violation of this section, the City Council, Building Inspector, Planning Commission, City Attorney or any property owner who would be specifically damaged by such violation may institute appropriate actions or proceedings to join a violation of this section. Any person who fails to comply with or violates any provision of this section shall upon conviction thereof be subject to the penalties of §17.82.

SIGNS

17.30 PERMIT REQUIRED. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a land use permit, except those signs listed in §17.31 and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the Building Code.

17.31 SIGNS PERMITTED WITHOUT ZONING PERMIT. The following signs are permitted in the residential, commercial, industrial and agricultural districts.

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

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

(3) Name, occupation and warning signs not to exceed 2 sq. ft. located on the premises.

(4) Bulletin boards for public, charitable or religious institutions not to exceed 8 sq. ft. in area located on the premises.

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

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

(7) Temporary signs or banners when authorized by the Planning Commission.

17.32 SIGNS PERMITTED, LAND USE PERMIT REQUIRED.
(Am. 1/5/83) (1) COMMERCIAL AND INDUSTRIAL DISTRICTS ONLY.
The following signs are permitted in all commercial and industrial districts subject to the following restrictions and they shall relate only to the activity conducted on the same premises:

ZONING CODE 17.32(1)(a)

(a) Wall signs placed against or painted on or applied to the exterior walls of buildings shall not extend more than 6" outside of a building's wall surface, shall not exceed 500 sq. ft. in area for any one premises and shall not exceed 20' in height above the mean centerline street grade.

(b) Projecting signs fastened to, suspended from or supported by structures shall not exceed 50 sq. ft. in area for any one premises; shall not extend more than 6' into any required yard; shall not extend into any public right-of-way; shall not be less than 10' from all side lot lines; shall not exceed a height of 20' above the sidewalk nor 15' above a driveway or an alley.

(c) Ground signs shall not exceed 10' in height above the mean centerline street grade; shall meet all yard requirements for the district in which it is located; shall not exceed 100 sq. ft. in area for any one premises.

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

(e) Combinations of any of the above signs shall meet all the requirements for the individual sign.

(2) RESIDENTIAL DISTRICT ONLY. In residential districts, only one sign is permitted per residence and for the sole purpose of identifying a home occupation permitted under §17.07(2)(f). If the sign is a ground sign, it shall not exceed 48" in height above the mean centerline street grade; shall meet all yard requirements for the district in which it is located; and shall not exceed 16 sq. ft. in area for any one premises. If the sign is a wall sign placed against or painted on or applied to the exterior walls, it must be attached or on the dwelling as defined in §17.04(9) and shall not extend more than 6" outside of the dwelling's wall surface; shall not exceed 16 sq. ft. in area for any one premises; and shall not exceed 4' in height above the ground level at the sign location on the residential premises.

17.33 SIGNS PERMITTED AS A CONDITIONAL USE. Local information signs are permitted in all districts, but only as a conditional use. These are the only signs permitted in the City which do not relate to the activity conducted on the same premises. They shall indicate the directions to local business, service or industrial establishments.

17.34 FACING. No sign except those permitted in §17.31 shall be permitted to face the residential district within 100' of such district boundary.

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

17.36 EXISTING SIGNS. Signs lawfully existing as of July 3, 1981, may be continued although the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of §§17.60 through 17.64 shall apply.

17.37 BONDS. Every applicant for a zoning permit for a sign wholly or partially within a public right-of-way shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Building Inspector, but not to exceed \$25,000, and it shall be a form and type approved by the City Attorney indemnifying the City against all loss, cost, damages or expense incurred or sustained by or recovered against the City by reason of the erection, construction or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State and conforming to the requirements of this section may be permitted by the City Attorney in lieu of bond.

17.38 SIGN RESTRICTIONS. No commercial signs shall be constructed on City owned property.

REGULATION OF SPECIAL USES

17.40 GENERAL PROVISIONS. Except as added to alter hereafter in this section, the procedures and requirements of §§17.55 and 17.56 governing conditional uses shall apply.

17.41 QUARRIES AND MINES. (1) APPLICATION REQUIRED. Application requesting Planning Commission approval of a proposed quarrying activity shall be accompanied by:

(a) A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.

(b) A legal description of the proposed site.

(c) A topographic map (at a minimum contour interval of 5') of the proposed site and the area extending beyond the site to a minimum distance of 300' on all sides.

(d) A restoration plan as hereinafter required.

(2) CONSIDERATION OF COMPATIBILITY. In reviewing a proposal for a quarrying activity, the Planning Commission shall take into consideration:

(a) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.

(b) The possibility of soil erosion as a result of the proposed operation.

(c) The most suitable land use for the area.

(3) RESTORATION PLAN AND FINANCIAL GUARANTEE REQUIRED. No grant to carry on a quarrying operation shall be given until the Planning Commission approves a restoration plan and the owner agrees to restore the quarried area to a condition of practical usefulness and reasonable physical attractiveness as soon as practicable after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the City Attorney.

ZONING CODE 17.41(4)

(4) **CONDITIONS FOR APPROVAL.** The Planning Commission may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.

(5) **DURATION OF CONDITIONAL GRANT.** The initial grant to carry on a quarrying operation shall not be effective for more than 5 years. Authorization may be extended for 3 additional years, subject to conditions specified by the Planning Commission.

(6) **EXISTING QUARRY OPERATIONS.** (a) Within 60 days after the date of this code (July 3, 1981), the owners of all existing quarrying operations shall submit to the Planning Commission the names of the quarry owners and operators and information regarding its operation.

(b) Within one year after July 3, 1981, the owners shall submit to the Planning Commission a plan for restoration of the quarrying site in accordance with sub. (3) of this section. The restoration plan shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operations prior to enactment of this chapter.

(c) Within 3 years after July 3, 1981, any such existing operation shall be subject to the provisions of subs. (4), (5) and (6) of this section.

17.42 **SALVAGE YARDS.** No salvage yard shall be permitted in the City except in conformance with the standards, rules and regulations of NR 51, Wis. Adm. Code, and the requirements herein specified.

(1) All salvage yards shall have minimum front, side and rear yards of 100'.

(2) Salvage yards shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.

17.43 **GARBAGE AND REFUSE DISPOSAL SITES.** (1) No garbage or refuse disposal sites shall be permitted in the City except in conformance with the rules and regulations of NR 51, Wis. Adm. Code.

ZONING CODE 17.43(2)

(2) All such disposal sites shall have a minimum front, side and rear yard of 100' each.

(3) Garbage and refuse disposal sites shall be screened so that the salvage materials are not visible from other property in the vicinity, nor from a public right-of-way such as roads, streets, highways and waterways.

17.44 MOBILE HOME PARKS. Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located within the City except in a mobile home park, the plan of which has been approved by the Planning Commission and appropriate State agency. Such parks shall meet the following requirements:

- (1) Minimum size - 10 acres.
- (2) Maximum number of mobile home sites - 6 per acre.
- (3) Minimum width of mobile home site - 40'.
- (4) Maximum height of mobile home trailer - 25'.
- (5) Minimum distance between mobile trailers - 20'.
- (6) Minimum distance between mobile home and service road - 10'.
- (7) Each mobile home site shall be connected to a public or common water supply system and a public or common sewage disposal system.
- (8) All drives, parking areas and walkways shall be hard surfaced. There shall be one parking space for each mobile home and additional parking spaces for automotive vehicles within the park, totaling not less than one and a quarter parking spaces for each mobile home space.
- (9) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment, storage and one office are permitted.
- (10) Minimum side yard setback - 40' at all front, side and rear lot lines of the mobile home park.

ZONING CODE 17.44(11)

(11) Each mobile home shall be placed on a concrete slab 4" thick and of size to accommodate the use. The stand should provide for practical placement on and removal from the lot of the mobile home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings. The size of a development will be acceptable if it is suitable for the general market to be served by the individual proposal and fits the dimensions of mobile homes anticipated. The location of each mobile home stand shall be at such elevation, distance and accessway that placement and removal of the mobile homes is practical. Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipation loads during all seasons should be used.

(12) All mobile home parks shall be screened in accordance with §17.50.

(13) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.

(14) Mobile home parks shall comply with the sanitation regulations of the Price County Sanitary Code and the appropriate requirements of the Wisconsin Administrative Code.

17.45 TRAILER CAMPS AND CAMPING GROUNDS. A trailer, camper or tent must be located in a federal, State, town, City or county camp or in a private campsite, the plan of which has been approved by the Planning Commission and appropriate State agencies.

(1) Each trailer site shall be plainly marked and surfaced.

(2) Maximum number of trailer sites shall be 15 per gross acre.

(3) All drives and parking areas other than those at individual trailer sites shall be surfaced, at least gravel surface.

(4) Central toilet, shower and washing facilities shall be provided in sufficient quantity, as determined by the State Department of Health and Social Services requirements.

(5) Water supply and sewage disposal shall be provided by City public systems or shall comply with regulations of the Price County Sanitary Code and appropriate Wisconsin Administrative Codes.

(6) No trailer shall be less than 50' from the front, side or rear lot lines of the camp.

(7) Marshland and shoreline areas shall not be altered.

ZONING CODE 17.46

17.46 MAJOR RECREATIONAL EQUIPMENT. The parking, storage, or use of major recreational equipment shall not be subject to the provisions of this section, except that no major recreational equipment shall be parked or stored on any lot in a residential district except in a garage or carport or behind the nearest portion of a building to a street. Such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

SCREENING AND FENCING

17.50 GENERAL PROVISIONS. Screening or fencing as required by this chapter shall be subject to the following provisions:

(1) APPROVAL REQUIRED. Any use or conditional use listed in this chapter requiring screening or fencing shall be permitted only when authorized by the Planning Commission and subject to its approval of a screening or fencing plan for that particular use.

(2) OBJECTIVE. Planting or other suitable screening, including fences or freestanding walls, shall be required where deemed necessary for screening or enclosure purposes by the Planning Commission, such as around outdoor storage yards and industrial property lines, salvage yards, refuse disposal sites, quarries and mines, mobile home parks and trailer camps. Such provisions shall be required to the extent needed to provide for:

- (a) Screening of objectionable views.
- (b) Adequate shade.
- (c) Enclosure of storage materials.
- (d) Public health and safety.
- (e) A suitable setting for the particular use and other facilities.

17.51 FENCING; OTHER. (Cr. 12/4/90) (1) HEIGHT AND CONSTRUCTION. Fences shall not exceed 6' in height for residential or commercial areas. Fences shall not exceed 8' in height for industrial or municipal areas. Fences must be constructed of good, serviceable materials, such as wood, mason construction or other material which is compatible with the adjacent residential, commercial, industrial or municipal construction used in this area.

(2) FRONT AND REAR YARD FENCES. Where there is a street or alley adjoining the fenced in area, no fences shall be constructed 12' from the edge of an alley or street, except fences may be erected in these areas, but cannot be over a maximum height of 30".

(3) BUILDING PERMIT. A building permit is required for all construction of fences within the City.

(4) OTHER FENCING LIMITS. Other fencing limits may be granted through specific application to the Planning Commission and their approval. All other sections of this chapter regarding fences apply. Specifically, requirements for vision triangles must be observed on alleys and streets. Fences shall not be constructed in such a way as to block traffic on alleys and streets.

CONDITIONAL USES

17.55 GENERAL PROVISIONS. One of the purposes of this chapter is to divide the City into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible and substantially uniform. There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use or its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land or public facilities, and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified herein.

(1) APPROVAL REQUIRED. Any conditional uses listed in this chapter shall be permitted only when authorized by the Planning Commission and subject to the City Council's approval. Upon such approval, issuance of a conditional use permit will be granted.

(2) BASIS OF APPROVAL. The Planning Commission shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the City and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains and floodways, the movement of traffic and the relationship to existing or proposed roads, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke or odor and other factors.

17.56 PROCEDURE. (1) APPLICATION. Application for a conditional use permit shall be made to the Building Inspector who shall promptly refer the application to the Planning Commission. In addition to the information required under §17.80 for a land use permit, the Planning Commission may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.

(2) FEES. (Am. 4/23/85) The fee for filing of applications for conditional use permits shall be \$100^{\$ 200} as established by the City Council. A copy of the current fee schedule shall be kept on file in the office of the City Clerk-Treasurer.

(3) PUBLIC NOTICE AND HEARING. (Am. 12/4/90) The Planning Commission shall schedule a public hearing on the application within 30 days after it is filed. Notice of the public hearing shall be given by certified mail or personally served to the owners of all lands within 100' of any part of the land included in such conditional use at least 7 days before such public hearing as a Class 2 notice under Ch. 985, Wis. Stats. A notice of the public hearing shall also be given by publishing such notice in the local newspaper. Testimony of all interested parties will be recorded at the public hearing. At the hearing, any party may appear in person or by agent or attorney.

(4) DETERMINATION. The Planning Commission shall report its findings to the City Council for their review and decision. The City Council's final decision shall be made within 30 days after the public description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto.

(5) MAPPING AND RECORDING. When a conditional use permit is granted, an appropriate record shall be made of the land use and building permits and such grant shall be applicable solely to the structures, use and property so described.

(6) TERMINATION. Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the Planning Commission.

NONCONFORMING USES

17.60 EXISTING NONCONFORMING USES. (Am. 4/23/85) The lawful nonconforming use of a structure, land, parking lot or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter; however, only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order, or so as to comply with the provisions of this chapter.

17.61 ABOLISHMENT OF REPLACEMENT. (1) If such nonconforming use is discontinued or terminated for a period of 12 mos., any future use of the structure, land, parking lot or water shall conform to the provisions of this chapter. (Am. 4/23/85)

(2) A current file of all nonconforming uses shall be maintained by the Building Inspector listing the following: owner's name and address; use of the structure, land or water; and assessed value at the time of its becoming a nonconforming use.

17.62 EXISTING NONCONFORMING STRUCTURES. (Am. 4/23/85) The lawful nonconforming structure existing at the time of the adoption or amendment of this chapter.

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

17.64 SUBSTANDARD LOTS. (1) In the residential district, one family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this chapter.

(2) Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall

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not be sold or used without full compliance with the provisions of this chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following:

- (a) Lot. 1. Width. Minimum 30'.
2. Area. Minimum 4,000'.
- (b) Building. 1. Area. Minimum 1,000 sq. ft.
2. Height. Maximum 30'.
- (c) Yards. 1. Front. Minimum 25', the second front yard on corner lots shall be not less than 10'.
2. Rear. Minimum 25'.
3. Side. Minimum 18% of the frontage, but not less than 5'.

BOARD OF ZONING APPEALS

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

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

(1) Terms shall be for staggered 3 yr. periods.

(2) **Chairman shall be designated by the Mayor.**

(3) An alternate member may be appointed by the Mayor for a term of 3 yrs. and shall act only when a regular member is absent or refuses to vote because of conflict of interest.

(4) One member shall be a **Planning Commissioner** and one member shall be a **registered architect, registered professional engineer, building or real estate appraiser.**

(5) **Secretary shall be the City Clerk-Treasurer.**

(6) Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

(7) Official oaths shall be taken by all members in accordance with §19.01, Wis. Stats., within 10 days of receiving notice of their appointment.

(8) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(9) The Mayor shall be an ex officio member with no voting right. (Cr. 4/23/85)

17.72 ORGANIZATION. (1) The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

(2) Meetings shall be held at the call of the Chairman and shall be open to the public.

(3) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

(4) The concurring vote of 2/3 of the members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified or substituted use. (Am. 4/23/85)

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

(1) ERRORS. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector.

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

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

(4) UNCLASSIFIED USES. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.

(5) TEMPORARY USES. To hear and grant applications for temporary uses, in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable,

subject to any conditions required by the Board of Zoning Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.

(6) PERMITS. The Board may request assistance from other City officers, departments, commissions and boards.

(7) OATHS. The Chairman may administer oaths and compel the attendance of witnesses.

(8) ASSISTANCE. The Board may request assistance from other City officers, departments, commissions and boards.

17.74 APPEALS AND APPLICATION. Appeals from the decision of the Building Inspector concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board or bureau of the City. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall include the following:

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

(2) Plat of survey prepared by a registered land surveyor showing all of the information required under §17.50.

(3) Additional information required by the Planning Commission, City Engineer, Board of Zoning Appeals or Building Inspector. The fee for filing applications to the Board of Appeals for their action shall be ~~\$100~~ as established by the City Council. A copy of the current fee schedule shall be kept on file in the City Clerk's office. (Am. 4/23/85)
 \$200

17.75 PUBLIC NOTICE AND HEARING. (Am. 12/4/90) The Board of Appeals shall schedule a public hearing on the application within 30 days after it is filed. Notice of the public hearing shall be given by certified mail or personally served to the owners of all lands within 100' of any part of the land included in such an appeal at least 7 days before such public hearing. A notice of the public hearing shall also be given by publishing such notice in the local newspaper at least

7 days before the hearing date. Testimony of all interested parties will be recorded and any party may appear in person, by agent or attorney.

17.76 FINDINGS. The Board shall grant no variance to the provisions of this chapter unless it finds beyond a reasonable doubt and so indicates in the minutes of its proceedings that all the following facts and conditions exist.

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

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

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

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

(2) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(3) Variances, substitutions or use permits granted by the Board shall expire within 6 mos. unless substantial work has commenced pursuant to such grant.

(4) The City Council may override or uphold a decision of the Board of Zoning Appeals with the votes of 4 members. (Cr. 4/23/85)

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

ENFORCEMENT AND PENALTIES

17.80 LAND USE PERMIT. (1) Applications for a land use permit shall be made in duplicate to the Building Inspector on forms furnished by the Building Inspector and shall include the following where applicable:

(a) Names and addresses of the applicant, owners of the site, architect, professional engineer, and contractor.

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

(c) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40' of the subject site.

(d) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall be approved by the City Engineer who shall certify in writing that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and State health regulations.

(e) Proposed water supply plan if municipal water service is not available. This plan shall be approved by the City Engineer who shall certify in writing that an adequate and safe supply of water will be provided.

(f) Additional information as may be required by the Plan Commission, City Engineer, Zoning, Building, Plumbing or Health Inspectors.

(g) The fee for filing applications to the Building Inspector for his action shall be established by the City Council. A copy of the current fee schedule shall be kept on file in the City Clerk's office.

(2) Land use permit shall be granted or denied in writing by the Building Inspector within 30 days. The permit shall expire within 6 months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

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

17.82 PENALTIES. Any person who fails to comply with provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

CHANGES AND AMENDMENTS

17.85 AUTHORITY. Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may by ordinance change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendments shall be subject to the review and recommendation of the Plan Commission.

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

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

(1) Plot plan drawn to a scale of 1" equals 100' showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 300' of the area proposed to be rezoned.

(2) Owners' names and addresses of all properties lying within 300' of the area proposed to be rezoned.

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

(4) The fee for filing applications to the City Council for their action shall be established by the City Council. A copy of the current fee schedule shall be kept on file in the City Clerk's office. \$200

17.88 RECOMMENDATIONS. The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the City Council.

17.89 PUBLIC NOTICE AND HEARING. (Am. 12/4/90) The Commission shall schedule a public hearing on the application within 30 days after it is filed. Notice of the public hearing shall be given by certified mail or personally served to the owners of all lands within 100' of any part of the land included in the proposed amendment or change at least 7 days before such public hearing. A notice of the public hearing shall also be given by publishing such notice in the official newspaper by a Class 2 notice under Ch. 985, Wis. Stats. Written notice shall also be made to the clerk of any municipality within 1,000' of any land to be affected by the proposed change or amendment. At the hearing any party may appear in person, by agent or attorney.

17.90 CITY COUNCIL ACTION. (1) Following such hearing and after careful consideration of the Plan Commission recommendations, the City Council shall vote on the passage of the proposed change or amendment.

(2) The Planning Commission's recommendations shall only be overruled by 4 or more members of the full Council membership. (Am. 4/23/85)

17.91 PROTEST. (Am. 4/23/85) In the event of a protest against such district change or amendment to the regulations of this chapter, signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100' therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100' from the street frontage of such opposite land, such changes or amendments shall not become effective, except by the favorable vote of 4 members of the full Council membership.

17.92 ANNEXATION. All territory annexed by the City shall be assigned a zoning district according to its use as provided by §66.021(7)(a), Wis. Stats., as amended, until the zoning district map can be amended as provided in §§17.85 through 17.91.