23Title 23

ZONING[1]

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Chapter 23.01

INTENT AND PURPOSE

Sections:

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23.01.010 Title. This title shall be known, cited, and referred to as: "The City of Wausau Zoning Ordinance." (Ord. 61-4504 Art. I., 1967.)

23.01.020 Purpose. This title is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote and to protect the public health, safety, comfort, convenience, and general welfare; to provide adequate standards of light, air, and open space; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all. (Ord. 61-4504 Art. II, 1967.)

23.01.030 Interpretation. In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare.

Where the conditions imposed by any provision of this title, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than compatible conditions imposed by any other provision of this title or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

This title is not intended to abrogate any easement, covenant or any other private agreement; provided, that where the regulations of this title are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements, the requirements of this title shall govern.

No building, structure or use which was not lawfully existing at the time of the adoption of this title shall become or be made lawful solely by reason of the adoption of this title; and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with the requirements of this title, the building, structure or use remains unlawful hereunder. (Ord. 61-4054 §4.1, 1967.)

Chapter 23.02

DEFINITIONS

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23.02.010 Word construction. In the construction of this title the rules and definitions contained in this chapter shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following finite definitions of word use shall apply:

(a) Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular;

(b) "Shall" is mandatory and not discretionary;

(c) "May" is permissive;

(d) "Lot" includes the words "piece," "parcel," and "plots"; "building" includes all other structures of every kind regardless of similarity to buildings; "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"

(e) All "measured distances" are to the nearest "integral foot." If a fraction is one-half foot or less, the "integral foot" next below shall be taken. (Ord. 61-4054 Art. III (part), 1967.)

23.02.015 Accessory building or use. "Accessory building or use" means one which:

(a) Is subordinate and incidental to, and serves, a principal building or principal use;

(b) Is subordinate in area, extent, and purpose to the principal building or principal use served;

(c) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and

(d) Is located on the same zoning lot as the principal building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served. (Ord. 61-4054 Art. III (part), 1967.)

23.02.017 Adult-oriented establishment. "Adult-oriented establishment" shall include, but is not limited to, "adult bookstores, adult novelty stores, adult video stores," "adult motion picture theaters," and "adult cabarets." It further means any premises to which public patrons or members of a private organization are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member of a private organization, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

(a) "Adult bookstore, adult novelty store or adult video store" means:

(1) A commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are characterized by the depiction or description of “specified sexual activities” and/or “specified anatomical areas”; or

(B) Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

(2) A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as “adult bookstore, adult novelty store or adult video store.” Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” and/or “specified anatomical areas.”

(3) Notwithstanding the foregoing, a commercial establishment which offers for sale or rental any of the items listed in subsection (1) of this section will not be considered to have as one of its principal business purposes the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” provided all of the following conditions are met:

(A) Total gross revenues from the sale or rental of any of the items listed in subsection (1) do not exceed fifty percent of the commercial establishment's gross revenue;

(B) Total gross square footage of display space and stock area devoted to the sale or rental of any of the items listed in subsection (1) does not exceed fifty percent of the commercial establishment's total square footage;

(C) No electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained on the premises of the commercial establishment to show images of items listed in subsection (1) to any customers or potential customers of the commercial establishment.

(b) “Adult motion picture theater” means a commercial establishment which regularly features nonlive performances or entertainment such as films, motion pictures, video cassettes, slides, or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting, describing or relating to “specified sexual activities” and/or “specified anatomical areas,” as defined below, for observation by patrons therein.

(c) “Adult cabaret” means a nightclub, tavern, restaurant or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity or semi-nudity; or

(2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”; or

(3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

(d) “Adult entertainment” means any exhibition of motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated "specified sexual activities," or "specified anatomical areas," as defined below, or the removal of articles of clothing to appear totally nude or to display a nude genital area or female nude breast or breasts.

(e) “Specified sexual activities” means simulated or actual:

(1) Showing of human genitals in a state of sexual stimulation or arousal; or

(2) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse; fellatio or cunnilingus; or

(3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

(f) “Specified anatomical areas” means:

(1) Human genitals, pubic region, buttocks, anus or the areola of a female breast or breasts less than completely and opaquely covered by clothing; or

(2) Human male genitals in a discernibly turgid state, even if opaquely covered by clothing.

(Ord 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-5035 §1, 1999.)

23.02.020 Advertising device. “Advertising device” means any advertising sign, billboard, statuary or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed; but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises. (Ord. 61-4054 Art. III (part), 1967.)

23.02.025 Agriculture. "Agriculture" means the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. (Ord. 61-4054 Art. III (part), 1967.)

23.02.030 Airport. "Airport" means any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces. (Ord. 61-4054 Art. III (part), 1967.)

23.02.035 Alley. "Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street. (Ord. 61-4054 Art. III (part), 1967),

23.02.040 Apartment hotel. An "apartment hotel" means a hotel in which at least ninety percent of the hotel accommodations are occupied by permanent guests. (Ord. 61-4054 Art. III (part), 1967.)

23.02.044 Arboretum or botanical garden. "Arboretum or botanical garden" means a nonprofit institution with facilities for horticultural display, education, botanical research, and/or plant conservation, and its necessary maintenance facilities. (Ord. 61-5251 §1(part), 2005, File No. 05-0404.)

23.02.047 Awnings. "Awnings" means a retractable shade or roof-like cover usually over a store window or door, supported by and/or attached to a framework which raises, lowers, withdraws or extends the awning. (Ord. 61-4362 §1(part), 1978.)

23.02.050 Basement. "Basement" means that portion of a building the floor line of which is below lot grade and the ceiling of which is not more than five feet above lot grade. (Ord. 61-4054 Art. III (part), 1967.)

23.02.053 Bed and breakfast establishments. "Bed and breakfast establishment" means any place of lodging that:

(a) Provides eight or fewer rooms for rent to no more than a total of twenty tourists or transients;

(b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;

(c) Is the owner's personal residence;

(d) Is occupied by the owner at the time of rental;

(e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and

(f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure. (Ord. 61-4830 §1(part), 1994.)

23.02.055 Block. "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of the city. (Ord. 61-4054 Art. III (part), 1967.)

23.02.057 Brew pub. "Brew pub" means an establishment which brews beer and sells it for consumption on premises, and which can sell wholesale and/or retail up to 500 barrels of beer per year. (Ord. 61-5330 §1(part), 2007, File No. 07-0404.)

23.02.060 Building. "Building" means any structure built, used, designed or intended for the support, shelter, protection or enclosure of persons, animals, chattels or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building. (Ord. 61-4054 Art. III (part), 1967.)

23.02.065 Building, detached. " Detached building" means a building surrounded by open space on the same lot and separated from all other buildings on that lot by a minimum distance of five feet. (Ord. 61-4054-31 §7, 1968; Ord. 61-4054 Art. III (part), 1967.)

23.02.070 Building height. " Building height" means the vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of the under side of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the under side of the rafters between the eaves and the ridge of a gable, hip or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building. (Ord. 61-4054 Art. III (part), 1967.)

23.02.075 Bulk. "Bulk" means the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

(a) Size and height of buildings;

(b) Location of the perimeter of the building at all levels in relation to lot lines, streets, or to other buildings;

(c) Gross floor area of buildings in relation to lot area (floor area ratio or F.A.R.);

(d) All open spaces allocated to buildings;

(e) Amount of lot area provided per dwelling unit. (Ord. 61-4395 §1, 1978; Ord. 61-4054 Art. III (part), 1967.)

23.02.078 Canopy. "Canopy" means a shade or a roof-like cover usually over a store window or door, supported by a framework which may or may not be attached to the face of a building. (Ord. 61-5097 §1(part), 2000, File No. 00-1137.)

23.02.080 Capacity in persons. "Capacity in persons" of an establishment of use means the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the building code or as may be determined by the director of inspections and electrical systems. (Ord. 61-4054 Art. III (part), 1967.)

23.02.082 Car wash. An area of land and/or a structure with automated machinery or hand-operated equipment used for the commercial cleaning, washing, polishing and/or waxing of motor vehicles as a principal or accessory use. (Ord. 61-4969 (part), 1997.)

23.02.084 Church. "Church" means a structure used primarily as a place where persons gather for the purpose of religious exercise, including any exercise of religion, whether or not compelled by, or central to, a system of religious beliefs. "Church" includes synagogues, mosques, temples, and chapels. (Ord. 61-5251 §1(part), 2005, File No. 05-0404.)

23.02.085 Clinic, medical or dental. "Medical or dental clinic" means an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care. (Ord. 61-4054 Art. III (part), 1967.)

23.02.090 Club or lodge, private (nonprofit). "Private club or lodge" means a nonprofit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such private club or lodge are conducted by a board of directors, executive committee, or similar body chosen by members. It is permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests is allowed; provided it is secondary and incidental to the promotion of some other common objective of the organization; and further provided, that the sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws. (Ord. 61-4054 Art. III (part), 1967.)

23.02.091 Columbarium. "Columbarium" means an above-ground or below-ground vault with niches for urns containing the ashes of cremated bodies. (Ord. 61-5251 §1(part), 2005, File No. 05-0404.)

23.02.091.1 Community center. "Community center" means a facility other than a religious or educational institution operated by a nonprofit organization where support services for the needy are provided and which includes space for some or all of the following:

(a) Offices for social services activities such as employment or health counseling;

(b) Food distribution;

(c) Providing meals for people with limited financial resources;

(d) Educational and vocational programs;

(e) Meetings;

(f) Recreational activities. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4947 §1(part), 1996.)

23.02.092 Community living arrangements. "Community living arrangements" means any of the following facilities licensed or operated, or permitted under the authority of the Department of Health and Social Services: Child welfare agencies, group foster homes for children, and community-based residential facilities. (Ord. 61-4404 §1, 1979.)

23.02.093 Country inn. "Country inn" means a residential building, or portion thereof, other than a motel, apartment, hotel or hotel containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly, monthly or daily basis. The operation must comply with the appropriate department of industry, labor and human relations building code requirements, fire department codes and health department codes for a motel. (Ord. 61-4830 §1(part), 1994; Ord. 61-4562 §1, 1984.)

23.02.094 Crematorium. "Crematorium" means a building with a furnace for cremating dead bodies. (Ord. 61-5251 §1(part), 2005, File No. 05-0404.)

23.02.095 Curb level. "Curb level" for any building means the level of the established curb in front of the building measured at the center of the front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building is considered the curb level. (Ord. 61-4054 Art. III (part), 1967.)

23.02.097 Day care center. "Day care center" means any place other than a family day care home which receives at any one time for compensation four or more children under the age of seven years, for care and supervision, for less than twenty-four hours a day for more than ten days a month, without the attendance of a parent, relative or legal guardian. (Ord. 61-5206 §1(part), 2003, File No. 03-0612; Ord. 61-4446 §1(part), 1980.)

23.02.098 Demolition and construction material. "Demolition and construction material" means solid waste resulting from the construction, demolition or razing of buildings, roads and other structures. Demolition and construction material typically consists of concrete, bricks, bituminous concrete, wood, glass, masonry, roofing, siding and plaster, alone or in combinations. It does not include asbestos, waste paints, solvents, sealers, adhesive or similar materials. (Ord. 61-4637 §1, 1988.)

23.02.100 District. "District" means a portion of the territory of the city within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this title. (Ord. 61-4054 Art. III (part), 1967.)

23.02.105 Drive-in establishment. An establishment of the "drive-in" type is one which accommodates the patrons' automobiles, from which the occupants may watch, purchase, etc.

A drive-in restaurant is any structure and/or premises where food and/or beverages are sold to customers solely for consumption:

(a) Off the premises; or

(b) In the customer's automobile parked upon the premises; or

(c) In other facilities located outside of but adjacent to the premises. (Ord. 61-4054-E §1, 1969; Ord. 61-4054 Art. III(part), 1967.)

23.02.107 Drive-up facility. A "drive-up facility" consists of a driveway and window, opening, canopy, or other facilities used for serving patrons seated in a motor vehicle. A drive-up facility is an accessory use, incidental to, and on the same zoning lot as, a principal use. (Ord. 61-5407 §1, 2009, File No. 09-1012)

23.02.110 Dwelling. "Dwelling" means a building, or portion thereof, but not a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two family dwellings, and multiple family dwellings, but not including hotels, or lodging houses. (Ord. 61-4943 §1, 1996; Ord. 61-4054 Art. III(part), 1967.)

23.02.125 Dwelling, multiple family. "Multiple family dwelling" means a building, or portion thereof, containing three or more dwelling units. (Ord. 61-4054 Art. III(part), 1967.)

23.02.130 Dwelling, single family. A "single family dwelling" is a building containing one dwelling unit only. (Ord. 61-4054 Art. III(part), 1967.)

23.02.135 Dwelling, two family. "Two family dwelling" means a building containing two dwelling units. (Ord. 61-4054 Art. III(part), 1967.)

23.02.140 Dwelling unit. A "dwelling unit" consists of one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit. (Ord. 61-4054 Art. III(part), 1967.)

23.02.145 Efficiency unit. "Efficiency unit" means a dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing the dining alcove does not exceed one hundred twenty-five square feet in area. (Ord. 61-4054 Art. III(part), 1967.)

23.02.150 Establishment, business. "Business establishment" means a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each business establishment shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment. (Ord. 61-4054 Art. III (part), 1967.)

23.02.155 Family. "Family" consists of one person living individually or a group of persons living as a single household unit, using common housekeeping facilities, not to include, however, more than three persons unrelated by blood, marriage or adoption. (Ord. 61-4054-31 §5, 1968; Ord. 61-4054 Art. III (part), 1967.)

23.02.157 Family day care home. "Family day care home" means a dwelling licensed as a day care center by the department of health and family services under Section 48.65 of the Wisconsin Statutes where care is provided for not more than eight children. (Ord. 61-5206 §1(part), 2003, File No. 03-0612.)

23.02.160 Floor area determining floor area ratio. For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having head room of seven feet ten inches or more, interior balconies and mezzanines, porches, and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading is not included in floor area.

The "floor area" of structures devoted to bulk storage of materials, including, but not limited to, grain elevators and petroleum storage tanks, is determined on the basis of height in feet; i.e., ten feet in height shall equal one floor. (Ord. 61-4393 §1, 1978; Ord. 61-4054 Art. III (part), 1967.)

23.02.165 Floor area determining off-street parking and loading requirements. "Floor area" when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

However, "floor area" for the purposes of measurement for off-street parking spaces does not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. (Ord. 61-4054 Art. III(part), 1967.)

23.02.170 Floor area ratio (F.A.R.). "Floor area ratio" of the building or buildings on any zoning lot means the floor area of the building or buildings on the zoning lot divided by the area of the zoning lot, or, in the case of planned developments, by the net site area. The "floor area ratio" requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot. (Ord. 61-4054 Art. III(part), 1967.)

23.02.175 Frontage. "Frontage" means the length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street. (Ord. 61-4054 Art. III(part), 1967.)

23.02.180 Frontage, zoning lot. "Frontage of a zoning lot" means the length of all the property of the zoning lot fronting on a street, measured between side lot lines. For purposes of calculating the allowable sign area for a zoning lot, the zoning lot frontage shall include only the length of the zoning lot fronting on the streets where motor vehicle access is allowed. (Ord. 61-5399 §1 (part), 2009, File no. 08-0915, Ord. 61-4054 Art. III(part), 1967.)

23.02.185 Grade. "Grade" means the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure. (Ord. 61-4054 Art. III(part), 1967.)

23.02.187 Gross floor area. "Gross floor area" is the total area of all habitable space in a building or structure. (Ord. 61-4943 §2, 1996.)

23.02.190 Guest house. "Guest house" means a detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests; such quarters shall not be rented. (Ord. 61-4054 Art. III(part), 1967.)

23.02.195 Guest, permanent. "Permanent guest" means a person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence. (Ord. 61-4054 Art. III(part), 1967.)

23.02.197 Habitable space. "Habitable space" is space in a structure used for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces, or any space where the floor to ceiling height is less than seven feet and similar areas are not considered habitable spaces. (Ord. 61-4943 §3, 1996.)

23.02.200 Home occupation. "Home occupation" means any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice

of his profession. No accessory building shall be used for such home occupation. (Ord. 61-4054 Art. III (part), 1967.)

23.02.202 Home satellite communication dishes. "Home satellite communication dishes" means a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia and is used to transmit and/or receive radio or electromagnetic waves. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, satellite microwave antennas, and dish antenna. (Ord. 61-4764 §1, 1992.)

23.02.203 Homeless shelter. "Homeless shelter" means a building or portion thereof designated for a maximum of forty people which provides temporary accommodations without charge for up to ninety days' residence, to adults and/or families with no ordinary or regular home or residence address due to indigency or homelessness as a result of fire or other catastrophe, domestic violence, or eviction. Meals may be provided. (Ord. 61-4056-323 §1, 1992.)

23.02.205 Hotel. "Hotel" means an establishment which is open to transient guests, in contradistinction to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service. (Ord. 61-4054 Art. III (part), 1967.)

23.02.220 Incompatible use. "Incompatible use" means a use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant. (Ord. 61-4054 Art. III (part), 1967.)

23.02.225 Industrial park. "Industrial park" means a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations or government organizations. (Ord. 61-4054 Art. III (part), 1967.)

23.02.230 Integrated center. "Integrated center" means a grouping of compatible uses on a single zoning lot, the uses being in single ownership or under unified control. (Ord. 61-4054 Art. III (part), 1967.)

23.02.235 Interchange district. "Interchange district" means a zoning district designed to be mapped in the four quadrants of expressway interchanges and extending to approximately one mile therefrom. The primary purpose of the district is to encourage the best use of interchange area land while maintaining optimum traffic efficiency and safety. (Ord. 61-4054 Art. III (part), 1967.)

23.02.240 Junkyard. "Junkyard" means an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings. (Ord. 61-4054 Art. III (part), 1967.)

23.02.245 Limited access highway. "Limited access highway" is a trafficway, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over the trafficway. (Ord. 61-4054 Art. III (part), 1967.)

23.02.250 Lodging house (boarding and rooming house). "Lodging house" means a residential building, or portion thereof—other than a motel, apartment hotel, or hotel—containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis. (Ord. 61-4054 Art. III (part), 1967.)

23.02.255 Lodging room. "Lodging room" means a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this title. (Ord. 61-4054 Art. III (part), 1967.)

23.02.260 Lot. "Lot" means a parcel of land which is either a "lot of record" or a "zoning lot." Lot boundaries shall be established by certified survey which shall be recorded pursuant to Section 236.34 of the Wisconsin Statutes of 1965. (Ord. 61-4054 Art. III (part), 1967.)

23.02.265 Lot area, gross. "Gross lot area" means the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river. (Ord. 61-4054 Art. III (part), 1967.)

23.02.270 Lot, corner. "Corner lot" means a lot situated at the intersection of two streets, the interior angle of the intersection not exceeding one hundred thirty-five degrees. (Ord. 61-4054 Art. III (part), 1967.)

23.02.275 Lot depth. "Lot depth" means the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries. (Ord. 61-4054 Art. III (part), 1967.)

23.02.280 Lot, interior. "Interior lot" means a lot other than a corner or reversed corner lot. (Ord. 61-4054 Art. III (part), 1967.)

23.02.285 Lot line, front. "Front lot line" means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line. (Ord. 61- 4054 Art. III (part), 1967.)

23.02.290 Lot line, rear. "Rear lot line" means that boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line. (Ord. 61-4054 Art. III (part), 1967.)

23.02.295 Lot line, side. "Side lot line" means any boundary of a lot which is not a front lot line or a rear lot line. (Ord. 61-4054 Art. III (part), 1967.)

23.02.300 Lot of record. "Lot of record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the register of deeds of Marathon County; or a parcel of land, the deed to which was recorded in the office of the register of deeds prior to the adoption of this title. (Ord. 61-4054 Art. III (part), 1967.)

23.02.305 Lot, reversed corner. "Reversed corner lot" means a corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. (Ord. 61-4054 Art. III (part), 1967.)

23.02.310 Lot, through. "Through lot" means a lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines. (Ord. 61-4054 Art. III(part), 1967.)

23.02.315 Lot width. "Lot width" means the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty feet of lot depth immediately in back of the front yard setback line. (Ord. 61-4054 Art. III(part), 1967.)

23.02.320 Lot, zoning. "Zoning lot or lots" means a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a zoning lot or lots may or may not coincide with a lot of record. (Ord. 61-4054 Art. III(part), 1967.)

23.02.321 Manufactured building. A "manufactured building" means any structure or component thereof which is intended for use as a dwelling and:

(a) Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection or assembly and installation at the building site; or

(b) Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation, on the building site and for which certification is sought by the manufacturer under the Manufactured Building Code, Sections 101.70 - 101.77 of the Wisconsin Statutes.

"Manufactured building" does not mean any manufactured home or mobile home under Section 101.91 of the Wisconsin Statutes, or any building of open construction which is not subject to subsection (b) above. (Ord. 61-4943 §6, 1996.)

23.02.322 Manufactured dwelling. A "manufactured dwelling" is any structure or component thereof which is intended for use as a dwelling and:

(a) Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection or assembly and installation at the building site; or

(b) Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation on the building site and for which certification is sought by the manufacturer pursuant to the Uniform Dwelling Code, Chapters Comm 20-25 of the Wisconsin Administrative Code.

The term "manufactured dwelling" does not include a building of open construction which is not subject to subsection (b) above. A single or double width manufactured home is not considered a manufactured dwelling and is not subject to the Uniform Dwelling Code, Chapters Comm 20-25 of the Wisconsin Administrative Code. (Ord. 61-4943 §7, 1996.)

23.02.323 Manufactured home. A "manufactured home" is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. Sections 5401-5426, or which has been certified and labeled as a manufactured home under Sections 101.90-101.96 of the Wisconsin Statutes, and Chapter Comm 27 of the Wisconsin Administrative Code: and

(a) Is designed to be used as a dwelling; and

(b) When placed on-site:

(1) Is set upon an enclosed permanent foundation upon land which is owned by the manufactured home owner, and

(2) Is off its wheels, and

(3) Is properly connected to utilities, and

(4) Is installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to insure proper support for the home, and

(5) Has no tow bars, wheels or axles attached to it.

No manufactured home which bears a label certifying approval under 42 U.S.C. Sections 5401-5426 or Sections 101.90-101.96 of the Wisconsin Statutes, shall be required to comply with any building, plumbing, heating or electrical code or any construction standards other than those promulgated under those laws. In all other respects, manufactured homes are subject to the same standards as site built homes. (Ord. 61-4943 §8, 1996.)

23.02.324 Marquee. "Marquee" means a nonretractable shade or roof-like cover usually over the entrance to a door and extending more than eighteen inches from a wall of the building. (Ord. 61-4943 §9, 1996; Ord. 61-4362 §1(part), 1978.)

23.02.325 Mausoleum. "Mausoleum" means a building with vaults for the entombment of a number of bodies. (Ord. 61-5251 §1, 2005, File No. 05-0404.)

23.02.325.1 Memorial. "Memorial" means a freestanding tablet, plaque, statue, sculpture or similar object as determined by the plan commission. (Ord. 61-5251 §1, 2005, File No. 05-0404; Ord. 61-4943 §10, 1996; Ord. 61-4667 §7, 1989.)

23.02.326 Mezzanine. "Mezzanine" means an intermediate story between the floor and ceiling of a main story and extending over only part of the main floor. (Ord. 61-4943 §11, 1996; Ord. 61-4054 Art. III(part), 1967.)

23.02.326.5 Microbrewery. "Microbrewery" means an establishment which brews beer and sells less than 8,000 barrels (250,000 gallons) of beer per year to the public through wholesalers or retailers or directly to the consumer through carry-outs and/or on-site sales. (Ord. 61-5330 §1(part), 2007, File No. 07-0404.)

23.02.327 Mobile home. A "mobile home" is a vehicle manufactured or assembled prior to June 15, 1976, designed to be towed as a single unit or in sections on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of forty-five feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

"Mobile home" includes a structure which has been certified and labeled as a manufactured home under 42 U.S.C. Sections 5401-5426, or which has been certified and labeled as a manufactured home under Sections 101.90-101.96 of the Wisconsin Statutes, and Chapter Comm of the Wisconsin Administrative Code, if the structure:

(a) Is not set upon an enclosed permanent foundation upon land owned by the mobile home owner; or

(b) Is on wheels; or

(c) Is not properly connected to utilities; or

(d) Has tow bars, wheels or axles attached to it; or

(e) Has not been installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to insure proper support for the structure. (Ord. 61-4943 §12, 1996.)

23.02.328 Model home. "Model home" means a building, but not a house trailer, designed to represent a single-family dwelling, used for the purpose of displaying homes manufactured or constructed by a firm, organization, corporation or individual. The model shall be converted to a dwelling, as defined in this chapter, and shall be designed for such residential occupancy. (Ord. 61-4943 §13, 1996; Ord. 61-4341 §1, 1977.)

23.02.329 Mobile home park. "Mobile home park" means a parcel or tract of land developed with facilities for locating three or more mobile homes, provided each mobile home contains a

kitchen, flush toilet, and shower or bath. It shall not include a sales lot in which automobiles or unoccupied trailers are parked for the purpose of inspection or sale. (Ord. 61-4943 §14, 1996.)

23.02.330 Motel. "Motel" means an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A motel furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a motel, less than fifty percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists. (Ord. 61-4054 Art. III(part), 1967.)

23.02.335 Motor vehicle. "Motor vehicle" means any passenger vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power. (Ord. 61-4054 Art. III(part), 1967.)

23.02.340 Nonconforming building or structure. "Nonconforming building or structure" means any building or structure which:

(a) Does not comply with all of the regulations of this title or of any amendment hereto governing bulk for the zoning district in which the building or structure is located; or

(b) Is designed or intended for a nonconforming use. (Ord. 61-4054 Art. III (part), 1967.)

23.02.345 Nonconforming use. "Nonconforming use" means any use of land, buildings, or structures, lawful at the time of the enactment of this title, which does not comply with all of the regulations of this title or of any amendment hereto governing use for the zoning district in which the use is located. (Ord. 61-4054 Art. III (part), 1967.)

23.02.347 One-time disposal. "One-time disposal" means the disposal of small volumes of demolition material, generally involving no more than ten thousand cubic yards of material with disposal generally taking place over a project life of less than six months. (Ord. 61-4483 §1 (part), 1981.)

23.02.350 Planned development. "Planned development" means a tract of land which contains or will contain two or more principal buildings developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements. (Ord. 61-4054 Art. III (part), 1967.)

23.02.352. Portable storage container. "Portable storage container" means a portable, weather-resistant receptacle designed and used for the temporary storage or shipment of household goods. (Ord. 61-5424 §1 (part), 2010, File No. 10-0210)

23.02.355 Property lines. "Property lines" means the lines bounding a zoning lot, as defined herein. (Ord. 61-4054 Art. III (part), 1967.)

23.02.357 Public lands. "Public lands" means any real estate owned, leased, dedicated to or otherwise under the control of the city or other governmental body subject to city zoning codes. (Ord. 61-4362 §1(part), 1978.)

23.02.360 Public way. "Public way" means any sidewalk, street, alley, highway, or other public thoroughfare. (Ord. 61-4054 Art. III (part), 1967.)

23.02.362 Radio and television antennas and towers. The definitions contained in section 18.32.010 shall apply to radio and television antennas and towers where referred to in this chapter. (Ord. 61-4764 §2, 1992.)

23.02.365 Reservoir parking facilities. "Reservoir parking facilities" means those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment. (Ord. 61-4054 Art. III (part), 1967.)

23.02.370 Rest home, nursing home, or convalescent home. "Rest home, nursing home, or convalescent home" means a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury. (Ord. 61-4054 Art. III (part), 1967.)

23.02.375 Roadside stand. "Roadside stand" means a structure for the display and sale of agricultural products, with no space for customers within the structure itself. (Ord. 61-4054 Art. III (part), 1967.)

23.02.377 Rummage Sale. "Rummage Sale" means the sale of personal household goods on a property primarily used as a residence. The term Rummage Sale shall include garage sales, lawn sales, yard sales, attic sales, moving sales and like terms but shall not include sales of any kind on a continuous basis other than those legally permitted under this Title. (Ord. 61-5414 §1 (part), 2009.)

23.02.380 Setback. "Setback" means the minimum horizontal distance between the front line of a building or structure and the front property line. (Ord. 61-4054 Art. III (part), 1967.)

23.02.385 Sign. (a) "Sign" means a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business. However, a "sign" does not include any display of official court or public office notices nor does it include the flag, emblem or insignia of a nation, political unit, school or religious group. Signs located on the inside of a window are not considered as part of the gross area of all signs located on a zoning lot but window signs must meet all of the other regulations of the district in which they are located. Window signs are not allowed in any residence zoning district. (Ord. 61-5376, Art. XX, 2008.)

(b) The definitions that appear in subsections 15.48.020(b), (c), (d), (e), (f), (g), (h) and (i) shall be applicable to this title. (Ord. 61-4362 §1(part), 1978; Ord. 61-4054 Art. III (part), 1967.)

23.02.390 Sign, advertising. "Advertising sign" means a sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where the sign is located or to which it is affixed. (Ord. 61-4054 Art. III (part), 1967.)

23.02.395 Sign, business. "Business sign" means a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where the sign is located or to which it is affixed. (Ord. 61-4054 Art. III (part), 1967.)

23.02.397 Sign, community service organization. "Community service organization sign" means a sign which notifies the public of the existence of particular community service organizations within the city. These signs are located off the premises occupied by a particular community service organization. For purposes of this definition, community service organizations include churches, clubs, fraternal organizations, philanthropic organizations and other nonprofit institutions. (Ord. 61-4906 §1(part), 1995.)

23.02.400 Sign, flashing. "Flashing sign" means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when the sign is in use. For the purpose of this title, any moving, illuminated sign shall be considered a "flashing sign."

An electrically activated sign whose internal text message copy can be changed by means of remote, electrically energized on-off switching combinations of alphabetic components or graphics arranged on a display surface and whose variable message capability can be electronically programmed to scroll left, right, up or down is not considered a "flashing sign" provided the message is displayed a minimum of six (6) seconds. Any pictures broadcast on such signs shall also be static, not moving, and displayed a minimum of six (6) seconds. (Ord. 61-5376, Art. XXIII, 2008; Ord. 61-4054 Art. III (part), 1967.)

23.02.405 Sign—Gross area of. "Gross area of a sign" means the entire area within a single continuous perimeter enclosing the extreme limits of the sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of the sign and not forming an integral part of the display. (Ord. 61-4054 Art. III (part), 1967.)

23.02.406 Signs, integrated merchants. "Integrated merchants sign" means a sign which directs attention to a cohesive group of businesses, commodities, services, or entertainment located on the same city block. (Ord. 61-5551 §1 part, 2013, File No. 12-1213.)

23.02.407 Signs, sponsorship. "Sponsorship sign" means a sign which indicates or recognizes a business or other entity which sponsors or supports a particular sport, team, event, or other activity in which persons are or will be engaged at the location where the sign is displayed. (Ord. 61-5539 §1 (part), 2012.)

23.02.410 Story. "Story" means that part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is five feet or more above the level from which the height of the building is measured, or if it is used

for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises. (Ord. 61-4054 Art. III (part), 1967.)

23.02.415 Street. "Street" means a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings. (Ord. 61-4054 Art. III (part), 1967.)

23.02.420 Structural alteration. "Structural alteration" means any change, other than incidental repairs, which prolongs the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations. (Ord. 61-4054 Art. III (part), 1967.)

23.02.425 Tent. "Tent" means any temporary structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvas, fabric, or a similar pliable material. (Ord. 61-4054 Art. III (part), 1967.)

23.02.430 Trailer. "Trailer" means any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, or commercial purposes and referred to in this title as a "trailer." (Ord. 61-4054 Art. III (part), 1967.)

23.02.435 Transitional use. "Transitional use" means permitted use of residential zone for passenger automobile parking when the residential property abuts a business or industrial zone. (Ord. 61-4367 §1, 1978; Ord. 61-4054 Art. III (part), 1967.)

23.02.440 Use. The "use" of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained. (Ord. 61-4054 Art. III (part), 1967.)

23.02.445 Use, conditional. "Conditional use" means a use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of the use upon neighboring land and of the public need for the particular use at the particular location, the conditional use may or may not be granted, subject to the terms of this title. A conditional use permit may be granted only by the common council after public hearing and written recommendation by the city plan commission. (Ord. 61-4054 Art. III (part), 1967.)

23.02.450 Use, permitted. "Permitted use" means a use which may be lawfully established in a particular district or districts; provided it conforms with all requirements, regulations, and standards of the district. (Ord. 61-4054 Art. III (part), 1967.)

23.02.455 Use, principal. "Principal use" means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional. (Ord. 61-4054 Art. III (part), 1967.)

23.02.465 Yard. "Yard" means an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which the zoning lot is located. (Ord. 61-4054 Art. III (part), 1967.)

23.02.470 Yard, corner side. "Corner side yard" means a side yard which adjoins a public street. (Ord. 61-4054 Art, III (part), 1967.)

23.02.475 Yard, front. "Front yard" means a yard extending along the full length of the front lot line between the side lot lines. (Ord. 61-4054 Art. III (part), 1967.)

23.02.480 Yard, interior side. "Interior side yard" means a side yard which is located immediately adjacent to another zoning lot or to an alley separating the side yard from another zoning lot. (Ord. 61-4054 Art. III (part), 1967.)

23.02.485 Yard, rear. "Rear yard" means a yard extending along the full length of the rear lot line between the side lot lines. (Ord. 61-4054 Art. III (part), 1967.)

23.02.490 Yard, side. "Side yard" means a yard extending along a side lot line from the front yard to the rear yard. (Ord. 61-4054 Art. III (part), 1967.)

23.02.495 Yard, transitional. "Transitional yard" means that yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residence district, or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residence or business district. (Ord. 61-4054 Art. III (part), 1967.)

Chapter 23.04

DISTRICTS ESTABLISHED—MAP

Sections:

23.04.010 Districts established.
23.04.020 Map adopted.
23.04.030 District boundaries.
23.04.040 Zoning of annexed land.
23.04.050 Exempted uses.

23.04.010 Districts established. For the purposes of this title the city is hereby organized into the following zoning districts:

Residence Districts

R1 — Single family residence district
R2 — Single family residence district
R3 — Two family residence district
R3-1 — Two family residence district
R4 — General residence district
R4-1—Limited general residence district
R4-2—Medium density residence district
A/R — Agriculture/residence district

Business Districts

B1 — Neighborhood shopping district
B2 — Community service district
B3 — General commercial district
B4 — Central business district

Industrial Districts

M1 — Limited industrial district
M1-P — Limited industrial park district
M2 — General industrial district
M2-P — General industrial park district

Interchange Districts

IR — Interchange residence district
IB — Interchange business district
IM — Interchange industrial district

Special Districts

UDD — Unified development district
RE — River edge overlay district
WH — Well head protection overlay district
Floodplain districts
Shoreland Wetlands

23.04.020 Map adopted. The location and boundaries of the zoning districts established by this title are set forth on the zoning map entitled "City of Wausau Zoning Map," and dated March 28, 1967, which is incorporated herein and hereby made a part of this title. The map, together with everything shown thereon and all amendments thereto, shall be as much a part of this title as though fully set forth and described herein. (Ord. 61-4054 §7.2-1, 1967.)

23.04.030 District boundaries. The following rules shall apply with respect to the boundaries of the various districts as shown on the zoning map:

(a) District boundary lines are the centerlines of highways, streets, alleys, and easements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or the lines extended, unless otherwise indicated;

(b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of the strips shall be in accordance with dimensions shown on the map measured at right angles from the centerline of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or centerlines of streets or highways, or railroad rights-of-way, unless otherwise indicated;

(c) Where a district boundary line divides a lot in single ownership on the effective date of the ordinance codified in this title, the board of appeals, after due hearing, may extend the regulations for either portion of the lot. (Ord. 61-4054 §7.2-2, 1967.)

23.04.040 Zoning of annexed land. On land hereafter annexed to, or consolidated with, the city, no building or structure shall be erected, enlarged, or moved and no change in the use of land or existing buildings or structures shall be made until an ordinance designating the zoning district classification of the annexed land is duly adopted by the common council. Within thirty days of the annexation the plan commission shall file an application for an amendment to establish the zoning district classification of the land. However, if no action is taken regarding the classification of annexed land within ninety days of the date of annexation, the land shall acquire the R1 district classification and shall remain so zoned until properly reclassified. (Ord. 61-4054 §7.3, 1967.)

23.04.050 Exempted uses. The following uses are exempted by this title and permitted in any district: poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines, provided that the installation shall conform to FCC and CAA rules and regulations and the regulations of other authorities having jurisdiction. (Ord. 61-4054 §7.4, 1967.)

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Chapter 23.08

GENERAL PROVISIONS

Sections:

23.08.010 Applicability.
23.08.020 Prior issuance of permit.
23.08.030 Time limit of permits.
23.08.040 Conditional use permit.
23.08.050 Yard requirements.
23.08.060 Land use to correspond to district.
23.08.070 Fences, walls and hedges—Height limits.
23.08.075 Fences – Materials.
23.08.080 Tents.
23.08.090 Fallout shelters.
23.08.100 Sewage disposal and water supply.
23.08.105 Minimum standards for dwellings.
23.08.110 Number of buildings on a zoning lot.
23.08.120 Minimum lot size.
23.08.130 Time of construction of accessory building.
23.08.140 Percentage of required yard occupied for accessory buildings.
23.08.150 Height of accessory buildings.
23.08.160 Accessory buildings on reversed corner lots.
23.08.170 Continued conformity with bulk regulations.
23.08.180 Required yards—Existing buildings.
23.08.190 Permitted obstructions in required yards.
23.08.200 Conditional uses.
23.08.210 Nonconforming uses.
23.08.220 Obstruction of water course channels.

23.08.010 Applicability. All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing buildings occurring hereafter shall be subject to all regulations of this title which are applicable to the zoning districts in which the buildings, uses or land are located. (Ord. 61-4054 §4.3-1, 1967.)

23.08.020 Prior issuance of permit. However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance codified in this title, and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, the building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Chapter 23.70. (Ord. 61-4054 §4.3-2, 1967.)

23.08.030 Time limit of permits. Where the has issued a permissive use permit, a conditional use permit, or a permit for a variance pursuant to the provisions of this title, the permit

shall become null and void unless work thereon is substantially underway within six months of the date of the issuance of the permit by the director of inspections and electrical systems. (Ord. 61-4054 §4.3-3, 1967.)

23.08.040 Conditional use permit.[2] A conditional use permit is deemed to authorize only one particular conditional use and shall expire if the conditional use ceases for more than six months for any reason. (Ord. 61-4054 §4.3-4, 1967.)

23.08.050 Yard requirements. Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for the lot shall be provided and maintained unless otherwise stipulated in this title, except that side yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation areas. (Ord. 61-4054 §4.3-5, 1967.)

23.08.060 Land use to correspond to district. No land which is located in a residence district shall be used for driveway, walkway, or access purposes to any land which is located in a business or industrial district, or used for any purpose not permitted in a residence district. (Ord. 61-4054 §4.3-6, 1967.)

23.08.070 Fences, walls, and hedges—Height limits. (a) Except as provided in sections 23.08.170 - 23.08.220, a fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six feet above the ground level, except that no fence, wall, hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three feet. Where the lot line is adjacent to nonresidentially zoned property, there shall be an eight foot limit on the height of a fence, wall, hedge, or shrubbery along such lot line.

(b) No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any nonresidentially zoned property, adjacent to residentially zoned property, to a height exceeding eight feet.

(c) In any residence district no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the street grade nearest thereto, within twenty-five feet of the intersection of any street lines or of street lines projected. (Ord. 61-4054 §4.4-1, 1967.)

23.08.075 Fences – Materials. (a) Permitted materials. Materials permitted for a decorative low profile yard fence are brick, stone, decorative block, wood, metal tubing or wrought iron. Vinyl or fiberglass composite materials may be utilized if the material is listed, designed, and constructed for fencing materials. Metal post will be allowed for wood fences. Chain link is permitted only when top and bottom rails are installed.

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[2] See also Chapter 23.72.

Garden fences are permitted to be made of agricultural fencing materials intended for garden use provided the garden is located to meet all yard setbacks.

(b) Prohibited materials

1. No person shall use for a decorative low-profile yard fence rope, string, wire products (except as allowed in other sections of this code) including, but not limited to chicken wire, hog wire, wire fabric, barbed wire, razor ribbon wire and similar welded or woven wire fabrics, chain, netting, cut or broken glass, paper, metal panels, corrugated metal panels, galvanized sheet metal, plywood, pallets, fiberglass panels or plastic panels in any fence or any other materials that are not manufactured specifically as fencing materials. The building official of the building inspection department may require the property owner to provide the manufacturer's standards to establish the intended use of a proposed fencing material.
2. No person shall construct a fence of wood, metal, or plastic products that are designed specifically for uses other than fence construction.
3. No person shall construct a fence of used, damaged, or unsafe materials. (Ord. 61-5569 §1(part), 2013, File No. 13-0510.)

23.08.080 Tents. (a) No tent shall be erected, used or maintained for living quarters.

(b) The requirements for tents used for purposes other than residential are as specified in section 23.80.020. (Ord. 61-4054 §4.4-3, 1967.)

23.08.090 Fallout shelters. (a) Fallout shelters shall be used only for the protection of life from radioactive fallout and for no other purpose.

(b) Fallout shelters shall be located:

(1) Within any new or existing accessory or principal building or structures; or

(2) Attached to any new or existing principal building or structure with direct access from such building or structure; or

(3) Wholly underground.

(Ord. 61-4054 §4.4-4, 1967.)

23.08.100 Sewage disposal and water supply. Regardless of other provisions of this title, in all classifications and in all districts there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the city engineer, and the Wisconsin State Board of Health. Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if any. (Ord. 61-4054 §4.5, 1967.)

23.08.105 Minimum standards for dwellings. The standards set forth in this section shall apply to all dwellings constructed after May 14, 1996, (the effective date of this section).

(a) Roof. All dwellings shall have a roof with a pitch of at least three inches in height for each foot of width and an eave which extends at least six inches from the wall which supports the roof. All dwellings, accessory garages and carports shall have a roof surfaced with any of the following:

(1) Wood shakes;

(2) Asphalt;

(3) Composition or wood shingles;

(4) Clay, concrete or metal tiles;

(5) Slate;

(6) Build-up gravel materials.

(7) Other material as approved by the building advisory board.

(b) Siding. The exterior sides of all dwellings, and accessory garages and carports, shall be covered with siding made of wood, masonry, concrete, stucco, masonite, vinyl or metal lap. The exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.

(c) Foundation. All dwellings shall be placed on an enclosed permanent foundation which does not extend more than twenty-four inches above the exterior finished grade of the lot. Exception: When the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet the requirements of this subsection.

(d) Minimum Width. The street side of every dwelling shall be not less than twenty-four feet in width. Only one street side of a dwelling on a corner lot need be twenty-four feet in width. Attached garages, carports and open decks shall not be included in the measurement of the width of the street side of a dwelling.

(e) Ratio of Length to Width. The ratio of a dwelling's length to its width shall be no greater than 5 to 2.

(f) Minimum Gross Floor Area. Every dwelling shall contain a minimum gross floor area of not less than eight hundred square feet.

(g) Waivers for New Construction. The board of appeals may waive one or more of the minimum standards set forth herein upon a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious

with other dwellings in the vicinity. (Ord. 61-5399 §1(part), 2009, File 08-0915; Ord. 61-4943 §15, 1996.)

23.08.110 Number of buildings on a zoning lot. Except in the case of planned developments and unified development districts, not more than one principal residential building shall be located on a zoning lot, nor shall a principal residential building be located on the same zoning lot with any other principal building. (Ord. 61-5251 §1, 2005, File No. 05-0404; Ord. 61-4054 §4.6, 1967.)

23.08.120 Minimum lot size. Every residential building hereafter erected on a lot or parcel of land created subsequent to the effective date of the ordinance codified in this title, shall provide a lot or parcel of land having not less than seven thousand square feet of area and having an average minimum width of not less than sixty feet. However, in any residence district, on a lot of record on the effective date of the ordinance codified in this title, a single family dwelling may be established regardless of the size of the lot, provided all other requirements of this title are complied with. (Ord. 61-4054 §4.7, 1967.)

23.08.130 Time of construction of accessory building. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory. (Ord. 61-4054 §4.8-1, 1967.)

23.08.140 Percentage of required yard occupied for accessory buildings. No detached accessory building or buildings shall occupy more than fifty percent of the area of a required yard. (Ord. 61-4054 §4.8-2, 1967.)

23.08.150 Height of accessory buildings. No detached accessory building or structure shall exceed the height of the principal building or structure. (Ord. 61-4054 §4.8-3, 1967.)

23.08.160 Accessory buildings on reversed corner lots. On a reversed corner lot in a residence district, and within fifteen feet of any adjacent property to the rear in a residence district, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to two-thirds the least depth which would be required under this title for the front yard on such adjacent property to the rear.

Further, in the above instance, no accessory buildings shall be located within five feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any residence district.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street. (Ord. 61-4054 §4.8-4, 1967.)

23.08.170 Continued conformity with bulk regulations. The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of the building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy

yard, other open space, or minimum lot area requirements for any other building. (Ord. 61-4054 §4.9-1, 1967.)

23.08.180 Required yards—Existing buildings. No yards, now or hereafter provided for a building existing on the effective date of the ordinance codified in this title, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this title for equivalent new construction. (Ord. 61-4054 §4.9-2, 1967.)

23.08.190 Permitted obstructions in required yards. The following shall not be considered to be obstructions when located in the required yards. However, accessory uses and permitted obstructions shall not, in the aggregate, occupy more than fifty percent of any required yard:

(a) In all yards. Open terraces not over two feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting eighteen inches or less into the yard; recreational and laundry-drying equipment; arbors and trellises; flag poles, fences, and walls not exceeding six feet in height above natural grade level; and open type fences exceeding six feet in height, but not more than eight feet in height, provided that visibility at right angles to any surface of such fence not be reduced by more than fifty percent. However, such fences and walls shall be subject to applicable height restrictions of sections 23.08.070 - 23.08.090;

(b) In front yards. One story bay windows projecting three feet or less into the yard; overhanging eaves and gutters projecting three feet or less into the yard; and fuel, air, and water pumps in conjunction with automobile service stations, provided they are set back at least fifteen feet from the front lot line;

(c) In rear yards. Open off-street parking spaces; balconies; fallout shelters; breezeways and open porches; one story bay windows projecting three feet or less into the yard; and overhanging eaves and gutters projecting three feet or less into the yard;

(d) In side yards. Overhanging eaves and gutters projecting eighteen inches or less into the yard; and fuel, air, and water pumps in conjunction with automobile service stations, provided they are set back at least fifteen feet from the side lot line. (Ord. 61-4054 §4.9-3, 1967.)

23.08.200 Conditional uses. Where a use is classified as a conditional use under this title, and exists as a conditional or permitted use on April, 1967, it is considered to be a legal conditional use. (Ord. 61-4054 §4.12-1, 1967.)

23.08.210 Nonconforming uses. Where a use is not allowed as a conditional or permitted use under this title, and exists as a conditional use at the date of the adoption of the ordinance codified in this title, it shall be considered to be a nonconforming use and shall be subject to the applicable nonconforming use provisions of Chapter 23.70. (Ord. 61-4054 §4.12-2. 1967.)

23.08.220 Obstructing of water course channels. To prevent encroachment upon, or constriction of, river or creek channels, and thereby avoid obstruction to the natural conveyance of

water flow in such rivers, creeks, and other natural water courses, there shall not be placed, erected, or located within the banks of the water courses any building or structure, pier or marina, or retaining or revetment wall, except authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill.

However, this provision may be waived if the structure or fill is approved by the city engineer and common council, and the U.S. Corps of Engineers where applicable. (Ord. 61-4054 §4.13, 1967.)

Chapter 23.12

RESIDENCE DISTRICTS

Sections:

23.12.010 Permitted uses.
23.12.020 Conditional uses.
23.12.030 Lot size requirements.
23.12.040 Yard requirements.
23.12.050 Building bulk limitations.
23.12.055 Home satellite communication dishes and outdoor radio and television antennas and towers.
23.12.060 Signs.
23.12.070 Off-street parking.
23.12.080 Utilization of off-street parking.
23.12.090 Computation of off-street parking.
23.12.100 Collective provisions for off-street parking.
23.12.110 Size of parking spaces.
23.12.115 Driveway.
23.12.120 Access to parking spaces.
23.12.130 Off-street parking.
23.12.135 One and two family dwellings—Garage construction required.
23.12.140 Design and maintenance of parking spaces.
23.12.150 Maximum number of off-street parking spaces.
23.12.160 Location of parking spaces.
23.12.170 Employee parking.
23.12.180 Off-street loading.
23.12.190 Location of loading berths.
23.12.200 Size of loading berth.
23.12.210 Access to loading berth.
23.12.220 Surfacing of loading berths.
23.12.230 Repair and service in loading berth.
23.12.240 Utilization of loading berth.
23.12.250 Minimum off-street loading facilities.
23.12.255 Portable storage container.

23.12.010 Permitted uses. Unless otherwise specifically set forth, wherever a permitted use is named as a major category in Chapters 23.14 - 23.24, it is deemed to include all and only those itemized uses under the major category listed in the R1 district, Chapter 23.14. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which the building or tract of land is located, with the exception of the following:

(a) Uses lawfully established on the effective date of the ordinance codified in this title;

(b) Conditional uses, allowed in accordance with the provisions of section 23.12.020.

Uses already established on the effective date of the ordinance codified in this title and rendered nonconforming by the provisions thereof shall be subject to the regulations of Chapter 23.70. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.020 Conditional uses. Conditional uses, as hereinafter listed, may be allowed in the zoning district indicated, subject to the issuance of conditional use permits in accordance with the provisions of Chapter 23.72. Unless otherwise specifically set forth, wherever a conditional use is named as a major category in Chapters 23.14 - 23.24, it is deemed to include all and only those itemized uses listed under the category in the R1 district. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.030 Lot size requirements. Lot size requirements shall be as specified under each zoning district in Chapters 23.14 - 23.24. In addition, the following regulations shall be complied with:

(a) No use shall be established or hereafter maintained on a lot recorded after the effective date of the ordinance codified in this title which is of less area or less width than prescribed hereinafter for the use in the zoning district in which it is to be located. However, where the front, side, or rear lot line of a residential lot adjoins an accessible and usable common or public open space which is at least five acres in area and of a depth perpendicular to the lot line of not less than two hundred feet, the required lot area may be reduced by twenty percent;

(b) In a residence district on a lot of record on the effective date of the ordinance codified in this title, a single family dwelling may be established regardless of the size of the lot, provided that all other requirements of this title are met;

(c) No building shall be converted so as to conflict with, or further conflict with, the lot size requirements of the district in which the building is located;

(d) Lot width shall be measured at the narrowest width within the first thirty feet of lot depth immediately in back of the front yard setback line. (Ord. 61-5376, Art. XXII, 2008; Ord. 61-4053 Art. VIII(part), 1967.)

23.12.040 Yard requirements. (a) Yard requirements shall be as set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as allowed in section 23.08.190.

(b) All accessory buildings which are attached to principal buildings (e.g., attached garages) shall comply with the yard requirements of the principal building.

(c) Where more than thirty percent of the frontage on one side of a duly recorded subdivided block is occupied by residences on the effective date of the ordinance codified in this title, a majority of the residences having observed or conformed to an average setback line with a variation of no more than six feet, no building shall hereafter be erected or structurally altered so as to project beyond the average setback line. However, no front yard setback shall be less than the

minimum required front yard prescribed in this title. (Ord. 61-4125 §1, 1969; Ord. 61-4054 Art. VIII (part), 1967.)

23.12.050 Building bulk limitations. (a) Building bulk limitations are expressed in terms of minimum yard requirements and maximum building height, or in terms of floor area ratio. Single family and two family residences are regulated on the basis of maximum building height, whereas all other uses in all districts must comply with the floor area ratio limitations prescribed in each zoning district in Chapters 23.14 - 23.24.

(b) The floor area ratio requirements determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot. (Ord. 61-4054 Art. VIII(part), 1967.)

23.12.055 Home satellite communication dishes and outdoor radio and television antennas and towers. (a) Building Permit Required.

(1) No person shall build, construct or place or cause to be built, constructed or placed any outdoor home satellite communication dish in the city without first obtaining a uniform building permit. Such building permit shall be furnished by the city. A permit shall be automatically revoked if the project set forth in the permit is not completed within one year from the date of the permit.

(2) No person shall build, construct or place or cause to be built, constructed or placed any outdoor radio and television antennas and towers in the city without first obtaining a uniform building permit. Such building permit shall be furnished by the city. A permit shall be automatically revoked if the project set forth in the permit is not completed within one year from the date of the permit.

(3) The requirements set forth in Chapter 18.32 of this code shall apply to the installation of radio and television antennas and towers.

(b) Installation Requirements.

(1) A dish shall be composed of material that is noncombustible, resistant to corrosion, and a dish shall be securely mounted to withstand minimum wind velocities of eighty miles per hour.

(2) All electrical lines, cables and conduits running to and from a dish shall be buried underground.

(Ord. 61-4764 §4, 1992.)

23.12.060 Signs. Signs are classified and permitted in accordance with the regulations specified under each zoning district in Chapters 23.14 - 23.24. (Ord. 61-4054 Art. VIII(part), 1967.)

23.12.070 Off-street parking. Off-street parking spaces, accessory to uses allowed in residence districts, shall be provided in accordance with the regulations set forth hereinafter as well as in Chapter 23.68. (Ord. 61-4054 Art VIII(part), 1967.)

23.12.080 Utilization of off-street parking. Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed herein are solely for the parking of passenger vehicles of patrons, occupants or employees of the uses and recreational equipment. Passenger vehicles include vans, trucks with a rated load capacity of one and one-half tons or less, sport utility vehicles, sports cars and other similar motor vehicles primarily used for general transportation purposes. Semi-trailer trucks, school buses, dump trucks and similar vehicles shall not be parked in accessory off-street parking facilities. (Ord. 61-5376 Art. X, 2008; Ord. 61-4054 Art. VIII (part), 1967.)

23.12.090 Computation of off-street parking. When determination of the number of off-street parking spaces required by this title results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.100 Collective provisions for off-street parking. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use; provided, that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. No parking space or portion thereof shall serve as required space for more than one use unless otherwise authorized by the board of appeals. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.110 Size of parking spaces. Each required off-street parking space shall be at least eight feet six inches in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least six feet six inches and shall be measured at right angles to the axis of the vehicle. Aisles shall be not less than twenty-four feet wide for ninety degree parking, eighteen feet wide for sixty degree parking, fifteen feet wide for forty-five degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve feet wide for parallel parking. For parallel parking, the minimum length of the parking space shall be increased to twenty-three feet. (Ord. 61-4308 §1(part), 1976; Ord. 61-4054 Art. VIII (part), 1967.)

23.12.115 Driveway. For purposes of interpreting Chapter 23.12, driveway means a private road that connect a garage or parking area with street. (Ord. 61-5376, Art.XI, 2008)

23.12.120 Access to parking spaces. Each required off-street parking space shall open directly upon an aisle or driveway at least twelve feet wide or such additional width and design as to provide safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width as established in Chapter 12.20. (Ord. 61-5376, Art. XII, 2008; Ord. 61-4054 Art. VIII (part), 1967.)

23.12.130 Off-street parking in yards. It is recognized that residential off-street parking and the outside storage of recreational equipment not in conformance with these regulations, especially in residential front yards and corner side yards, is a public nuisance.

(a) Parking is permitted anywhere in the rear yard or interior side yard on an improved surface as defined in 23.12.140(b). Parking in the required front yard or required corner side yard will only be permitted if located on a driveway. Vehicles parked on a driveway shall not obstruct the public way. Driveways shall not be wider than:

1) Thirty percent (30%) of the lot width or thirty (30) feet, whichever is less for single family dwellings;

2) Forty percent (40%) of the lot width or forty-two (42) feet, whichever is less for two family and multi-family dwellings.

(b) No parking shall be allowed in the front or corner side yard where a transitional use is involved.

(c) Enclosed buildings and carports containing off-street parking are subject to applicable yard requirements. (Ord. 61-5376, Art. XIII, 2008; Ord. 61-4323 §1, 1976; Ord. 61-4054 Art. VIII (part), 1967.)

23.12.133 Storage of recreational equipment in yards. (a) Recreational equipment as used in this section shall include but not be limited to all-terrain vehicles, camping and travel trailers, motor homes, recreational vehicles, canoes, boats, boat trailers, snowmobiles, snowmobile trailers, utility trailers and all trailers designed for use in transporting said equipment.

(b) No person shall park or store any recreational equipment within the front yard or corner side yard of any residence zoning district unless the equipment is parked on a driveway which meets the surfacing requirements of section 23.12.140(b). Recreational equipment may be stored on any type of surface in the rear yard or the interior side yard areas.

If the rear yard of a corner lot abuts the side yard of an adjacent residence, any recreational equipment stored in said rear yard shall not be closer to the street than the required front yard setback distance for said adjacent residence.

(c) Recreational equipment longer than thirty (30) feet shall not be stored anywhere outdoors in any residence zoning district unless the piece of recreational equipment is being loaded, unloaded, cleaned or otherwise prepared for use or extended storage. The time period that recreational equipment longer than thirty (30) feet may be kept outdoors shall not exceed seven (7) days during any thirty (30) day period. For purposes of this subsection, the length of a piece of recreational equipment shall include any portion of a trailer that the equipment is loaded onto. (Ord. 61-5376, Art. XIV, 2008)

23.12.135 One and two family dwellings—Garage construction required. All one and two family dwellings for whom building permits are taken out after March 1, 1991, shall have constructed on the same building lot as the dwelling, an attached or detached garage, as defined in section 15.08.320, of at least two hundred square feet. (Ord. 61-4733 §1, 1991.)

23.12.140 Design and maintenance of parking spaces. (a) Character. Accessory off-street parking spaces may be open to the sky or enclosed in a building.

(b) Surfacing. All open off-street parking areas and driveways shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand pounds. (Generally, two inches of asphalt on a four-inch base; five inches of Portland cement on a four-inch base; or solid brick pavers laid end-to-end and side-to-side or grass pavers which allow grass or other suitable vegetation to grow through openings in the block pavers, both of which shall be installed according to the manufacturer's specifications, meets this requirement). (Ord. 61-5376, Art. XVI (part), 2008)

(c) Screening and Landscaping. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional premises by a wall, fence, or densely planted compact hedge not less than five feet nor more than eight feet in height and in conformance with Section 23.08.070. (Ord. 61-5376, Art. XVI (part), 2008)

(d) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall lighting exceed three footcandles measured at the lot line.

(e) Signs. Accessory signs shall be permitted on parking areas in accordance with the provisions specified under each zoning district in Chapters 23.14 through 23.24.

(f) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts. (Ord. 61-4054 Art. VIII (part), 1967.) (Ord. 6-5579 §1, 2013, File No. 13-0707)

23.12.150 Maximum number of off-street parking spaces. The total number of accessory parking spaces provided for a single family, two family, or multiple family dwelling shall not exceed that required by this title for such use or for an equivalent new use by more than fifty percent or four spaces, whichever number is greater. For a single family dwelling the maximum number of off-street parking spaces open to the sky is five (5). For a two family dwelling the maximum number of off-street parking spaces open to the sky is seven (7).

Each item of recreational equipment parked outdoors shall be considered as occupying an off-street parking space. If multiple pieces of recreational equipment are on one trailer (i.e. two snowmobiles and two ATVs) the trailer containing this equipment shall be considered as occupying only one of the permitted parking spaces. (Ord. 61-5376, Art. XVII (part), 2008; Ord. 61-4054 Art. VIII (part), 1967.)

23.12.160 Location of parking spaces. All parking spaces required for uses which are established after the effective date of the ordinance codified in this title shall be located on the same zoning lot as the use served. Uses which are in existence on the effective date of the ordinance codified in this title and which are subsequently altered or enlarged so as to require the provision of parking space under this title, may be served by parking facilities located on land other than the

zoning lot on which the building or use served is located, provided that the facilities are located within five hundred feet walking distance of a main entrance to the use served. Owners of property nonconforming as to parking who elect to provide parking may locate such parking as allowed by this section. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.170 Employee parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.180 Off-street loading. Off-street loading berths accessory to uses allowed in residence districts shall be provided in accordance with the regulations set forth hereinafter as well as in Chapter 23.68. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.190 Location of loading berths. All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths shall be completely screened from residential properties by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height. No permitted or required loading berth shall be located within thirty feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.200 Size of loading berth. Unless otherwise specified, a required off-street loading berth shall be at least twelve feet in width by at least thirty feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen feet. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.210 Access to loading berth. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to approval by the director of inspections and electrical systems. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.220 Surfacing of loading berths All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphalt or treated with some comparable all-weather dustless material. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.230 Repair and service in loading berth. No motor vehicle repair work or service of any kind is permitted in conjunction with loading facilities provided in any residence district. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.240 Utilization of loading berth. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.250 Minimum off-street loading facilities. Uses for which off-street loading facilities are required, but which are located in buildings of less floor area than the minimum prescribed for the required facilities, shall be provided with adequate receiving facilities, accessible by motor

vehicle, off any adjacent alley, service drive, or open space on the same zoning lot. (Ord. 61-4054 Art. VIII (part), 1967.)

23.12.255 Portable storage containers. Portable storage containers are allowed in residence districts, subject to the following conditions:

(a) A permit is obtained from the Inspections Department if a storage container is located on the premises for more than ten (10) business days. If a storage container is located on the premises more than 10 business days, a permit will be required for each 90-day period thereafter.

(b) No storage container shall be located closer than 5 feet from a property line unless approved by the Zoning Administrator.

(c) No storage container shall obstruct traffic vision.

(d) No portable storage container shall have dimensions greater than twenty five (25) feet in length and ten (10) feet in width or height. Storage capacity shall be no greater than two thousand five hundred (2500) cubic feet.

(e) Not more than two (2) portable storage containers shall be located on a lot at any given time.

(f) All portable storage containers in use on a lot shall be in a condition free from rust, peeling paint and other visible forms of deterioration.

If a storage container is to be located in the street or any part of the public right-of-way, a street privilege permit shall be obtained from the Department of Public Works. (Ord. 61-5424 §1 (part), 2010, File No. 10-0210)

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Chapter 23.14

R1—SINGLE FAMILY RESIDENCE DISTRICT

Sections:

23.14.010 Permitted uses.
23.14.020 Conditional uses.
23.14.030 Lot size requirements.
23.14.040 Yard requirements.
23.14.050 Building bulk limitations.
23.14.060 Signs.
23.14.070 Off-street parking requirements.
23.14.080 Off-street loading requirements.

23.14.010 Permitted uses. The following uses are permitted in the R1 district:

(a) Single family dwellings;

(b) Adult family home as defined in Section 50.01(1)(a) of the Wisconsin Statutes;

(c) Adult family home as defined in Section 50.01(1)(b) of the Wisconsin Statutes, provided the proposed adult family home is not located within two thousand five hundred feet of another such facility or any community living arrangement;

(d) Agriculture;

(e) Cemeteries;

(f) Community living arrangements for not more than eight persons provided:

(1) That the applicant disclose in writing the capacity of the community living arrangement,

(2) That no other community living arrangement is within two thousand five hundred feet of the site of the proposed facility,

(3) That the total capacity of all community living arrangements in an aldermanic district has not and will not by the inclusion of a new community living arrangement exceed twenty-five persons or one percent of the population, whichever is greater, of such district,

(4) That the local capacity of all community living arrangements in the city does not exceed one percent of the city's population as determined in the last decennial census by the U.S. Bureau of the Census;

(g) Educational (nonboarding) and cultural institutions:

(1) Arboretums, botanical gardens,

(2) Elementary and nursery schools,

(3) Junior or senior high schools,

(4) Public libraries and public art galleries,

(5) Public museums,

(6) Institutions for vocational, technical and adult education,

(7) Music conservatory;

(h) Family day care homes;

(i) Recreational and social facilities:

(1) Athletic fields, noncommercial,

(2) Golf courses, but not golf driving ranges, pitch and putt, or miniature golf courses,

(3) Grounds of recreational clubs, noncommercial,

(4) Parks and playgrounds,

(5) Recreational buildings and community centers, noncommercial,

(6) Swimming pools, noncommercial,

(7) Tennis clubs and courts;

(j) Religious institutions, as follows:

(1) Churches,

(2) Convents, seminaries, monasteries, and nunneries,

(3) Rectories, parsonages, and parish houses,

(4) Religious retreats;

(k) Rummage sales, provided that:

(1) No sale shall exceed four (4) days in duration.

(2) Not more than four (4) sales are held in any twelve (12) month period.

(3) Not more than two (2) sales shall be held within 30 days of one another.

(l) Signs, as regulated hereunder;

(m) Accessory uses and buildings incidental to and on the same zoning lot as a principal use, as follows:

(1) Agricultural buildings and structures,

(2) Athletic fields and playgrounds,

(3) Boathouses, private,

(4) Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs,

(5) Crematoriums, columbaria, and mausoleums on the grounds of cemeteries,

(6) Garages and carports,

(7) Greenhouses and conservatories, private,

(8) Guest houses, private,

(9) Home occupations,

(10) Home satellite communication dishes/radio and television antennas and towers,

(11) Living quarters, detached, for persons employed on the premises if occupied only by such persons and their immediate family,

(12) Roadside stands, for the display and sale of agricultural products on zoning lots where the principal use is agriculture,

(13) Sewage disposal units, individual—-in accordance with section 23.08.100,

(14) Stables, private (noncommercial),

(15) Stadiums and grandstands in athletic fields,

(16) Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of such construction,

(17) Swimming pools and tennis courts, private,

(18) Temporary real estate tract offices, for the purpose of conducting the sale of lots of the tract upon which such tract office is located, for a period not to exceed two years,

(19) Tool houses, sheds, and other similar buildings for the storage of domestic supplies,

(20) Water systems, individual—in accordance with section 23.08.100.

(Ord. 61-5414 §1 (part), 2009, File No. 09-0705; Ord. 61-5251 §1, 2005, File No. 05-0404; Ord. 61-5206 §1(part), 2003, File No. 03-0612; Ord. 61-4949 §1(part), 1996; Ord. 61-4922 §1(part), 1995; Ord. 61-4888 §1(part), 1995; Ord. 61-4764 §5, 1992; Ord. 61-4603 §1, 1986; Ord. 61-4404 §2, 1979; Ord. 61-4054-B §1, 1967; Ord. 61-4054 §8.1-1, 1967.)

23.14.020 Conditional uses. The following conditional uses may be allowed in the R1 district, subject to the provisions of Chapters 23.60, 23.64 and 23.72.

(a) Adult family home as defined in Section 50.01(1)(b) of the Wisconsin Statutes, except those which are permitted under section 23.14.010;

(b) Airports and commercial heliports, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities, airport related repair, office, warehouse, distribution and commercial uses as determined by the plan commission;

(c) Columbaria on the grounds of a church;

(d) Community living arrangement, except those which are permitted under section 23.14.010 (d), provided:

(1) That the loss of any state license or permit by a community living arrangement be an automatic revocation of that facility's use permit,

(2) That any use permit issued pursuant to this paragraph shall not be transferable to another location or another holder,

(3) That the applicant disclose in writing the capacity of the community living arrangement;

(e) Day care centers;

(f) Demolition and construction material disposal site;

(g) Educational institutions, boarding as follows:

(1) Colleges, junior colleges, universities, vocational, technical and adult educational schools, business colleges, including fraternity and sorority houses, dormitories and other structures and facilities necessary to the operation of a college, university or other school,

(2) Nursery, elementary and junior and senior high school—boarding;

(h) Golf driving ranges;

(i) Excavations for specified purposes, as follows:

(1) Artificial lakes,

(2) Barrow pits,

(3) Topsoil removal;

(j) Health and medical institutions, as follows:

(1) Convalescent, nursing and rest homes,

(2) Hospitals and sanitariums, but not including institutions for the care or treatment of the insane, feeble-minded, alcoholic or drug-addict patients,

(3) Institutions for the care of the aged and for children;

(k) Mobile home parks, subject to the provisions of Chapter 23.66;

(l) Memorials;

(m) Model homes, subject to the following:

(1) Such use shall be subject to all applicable regulations and requirements for a single family dwelling in the zoning district in which it is located,

(2) The model home shall be converted to a single family dwelling within two years of the issuance of the conditional use permit,

(3) A temporary sales office may be located in the model home, not to exceed fifteen percent of the gross floor area,

(4) Hours of operation shall be from eight a.m. to eight p.m. daily;

(n) Parking lots, open and accessory, for the storage of private passenger automobiles provided the proposed parking lot only serves and educational (non-boarding) or cultural institution.

(o) Philanthropic and charitable institutions;

(p) Planned developments, residential—in accordance with Chapter 23.60;

(q) Public utility and service uses, as follows:

(1) Electric substations,

(2) Fire stations,

(3) Gas regulator stations,

(4) Police stations,

(5) Other municipal, town and county buildings owned by a governmental entity and used to conduct governmental business, including such facilities as the courthouse, county jail, office of the health department, and offices of the social services department,

(6) Post offices,

(7) Railroad passenger stations,

(8) Railroad rights-of-way, but not including railroad yards and shops other than for passenger purposes,

(9) Sewage treatment plants, community,

(10) Telephone exchanges, telephone transmission-equipment buildings and microwave relay towers,

(11) Waterworks, reservoirs, pumping stations and filtration plants;

(r) Radio and television stations and towers, transmitting and receiving;

(s) Signs, as regulated by conditional use reference hereunder;

(t) Accessory uses, incidental to, and on the same zoning lot as a principal use. (Ord. 61-5417 §1, 2009, File No. 09-1212; Ord. 61-5376, Art. XIX, 2008; Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §16, 1996; Ord. 61-4922 §1(part), 1995; Ord. 61-4667 §8, 1989; Ord. 61-4649 §1, 1988; Ord. 61-4637 §2, 1988; Ord. 61-4596 §1, 1986; Ord. 61-4483 §1(part),

1981; Ord. 61-4446 §1(part), 1980; Ord. 61-4437 §1, 1980; Ord. 61-4404 §3, 1979; Ord. 61-4341 §2, 1977; Ord. 61-4241 §4, 1973; Ord. 61-4054 §8.1-2, 1967.)

23.14.030 Lot size requirements. (a) Permitted Uses. For each principal permitted uses located in the R1 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single-family dwellings, rectories, parsonages, and parish houses	10,000 sq. ft.	80 ft.
Agriculture	3 acres	200 ft.
Cemeteries	2 acres	175 ft.
Educational (nonboarding) and cultural institutions	40,000 sq. ft.	150 ft.
Recreational and social buildings and community centers	20,000 sq. ft.	100 ft.
Religious institutions—except rectories, parsonages, and parish houses	20,000 sq. ft.	100 ft.

(b) Conditional Uses. For each principal conditional use located in the R1 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Airport and commercial heliports	In accordance with Chapters 23.60, 23.64 and 23.72	
Educational institutions, boarding	2 acres	175 ft.
Excavations for specified purposes	In accordance with Chapters 23.60, 23.64 and 23.72	
Health and medical institutions	40,000 sq. ft.	150 sq. ft.
Mobile home parks	20 acres	None
Model homes	10,000 sq. ft.	80 ft.
Philanthropic and charitable institutions	40,000 sq. ft.	150 ft.
Planned developments, residential	10 acres	None
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72	

	Minimum Lot Area	Minimum Lot Width
Radio and television stations and towers	2 acres	175 ft.

(c) Accessory Uses. Each accessory use may be established on the same lot as a principal use, provided that the lot meets the lot size requirements of the R1 district as provided in subsections (a) and (b); except, however, as indicated for the following accessory uses:

	Minimum Lot Area	Minimum Lot Width
Boathouses, private	20,000 sq. ft.	100 ft.
Guest houses, private	20,000 sq. ft.	100 ft.
Living quarters, detached—for persons employed on the premises	20,000 sq. ft.	100 ft.
Sewage disposal units, individual	20,000 sq. ft.	100 ft.
Stables, private	3 acres	200 ft.
Water systems, individual	20,000 sq. ft.	100 ft.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §17, 1996; Ord. 61-4341 §3, 1977; Ord. 61-4054 §8.1-3, 1967.)

23.14.040 Yard requirements. (a) Permitted Uses. For each principal permitted use located in the R1 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single-family dwellings, rectories, parsonages, and parish houses	25 ft.*	10 ft.	20 ft.	35 ft.
Agriculture	No requirements			
Cemeteries	No requirements			
Educational (nonboarding) and cultural institutions	50 ft.	15 ft.**	30 ft.**	75 ft.
Home satellite communication dishes	Not allowed	10 ft.*	Not allowed	3 ft.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Model homes	25 ft.	10 ft.	20 ft.	35 ft.
Radio and television antennas and towers	Not allowed	10 ft.*	Not allowed	3 ft.
Recreational and social buildings and community centers	40 ft.	15 ft.**	30 ft.**	50 ft.
Religious institutions—except rectories, parsonages, and parish houses	40 ft.	15 ft.**	30 ft.**	50 ft.

*Or twenty percent of the lot depth, whichever is less.

**Plus one foot for each two feet by which the building height exceeds fifteen feet.

(b) Conditional Uses. For each principal conditional use located in the R1 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Airport and commercial heliports	In accordance with Chapters 23.60,23.64 and 23.72			
Educational, institutions, boarding	50 feet from the nearest property line			
Excavations for specified purposes	50 feet from the nearest property line			
Health and medical institutions	50 ft.	15 ft.*	30 ft.*	75 ft.
Mobile home parks	In accordance with Chapter 23.66			
Philanthropic and charitable institutions	40 ft.	15 ft.*	30 ft.*	75 ft.
Planned developments	As provided in Chapter 23.60			
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72			
Radio and television stations				

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
and towers	50 ft.*	30 ft.*	35 ft.*	100 ft.

*Plus one foot for each two feet by which the building or structure height exceeds fifteen feet.

(c) Accessory Buildings. Except as indicated below, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Agricultural buildings	100 ft.	50 ft.	50 ft.	100 ft.
Boathouses, private	No Requirements			
Buildings, accessory to single family dwellings, other than those specified herein	25 ft.	10 ft.*	20 ft.	3 ft.
Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs	Shall be located not less than two hundred feet from the nearest residential property line			
Crematoriums, columbaria, and mausoleums in cemeteries	50 ft.	50 ft.	50 ft.	50 ft.
Roadside stands on lots where the principal use is agriculture	20 ft.	50 ft.	20 ft.	No Requirements
Stables, private	100 ft.	50 ft.	50 ft.	100 ft.
Stadiums and grand stands in athletic fields	Shall be located not less than two hundred feet from the nearest residential property line			
Temporary buildings for construction purposes	No yard requirements, provided that there shall not be undue interferences with the use and enjoyment of neighboring property			

*Unless the entire structure is located on the rear thirty-five percent of the lot, in which case only three feet shall be required.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §18, 1996; Ord. 61-4764 §6, 1992; Ord. 61-4341 §4, 1977; Ord. 61-4054-31 §1, 1968; Ord. 61-4054 §8.1-4, 1967.)

23.14.050 Building bulk limitations. (a) Permitted Uses.

	Maximum Building Height
Single-family dwellings, rectories, parsonages, and parish houses	2-1/2 stories, but not to exceed 35 ft.

All other permitted uses shall be regulated on the basis of maximum floor area ratio.

	Floor Area Ratio
Educational (nonboarding) and cultural institutions	0.75
Recreational and social buildings	0.50
Religious institutions—except rectories, parsonages, and parish houses	0.50

(b) Conditional Uses.

	Floor Area Ratio
Airports and commercial heliports	In accordance with Chapters 23.60, 23.64 and 23.72
Educational institutions, boarding	0.30
Health and medical institutions	0.75
Mobile home parks	See Chapter 23.66
Philanthropic and charitable institutions	0.50
Planned developments, residential	As provided in Chapter 23.60
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72
Radio and television stations and towers	0.30

(c) Accessory Uses. In the R1 district, the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot—as specified for the principal uses in subsections (a) and (b). However, any floor area devoted to off-street parking or loading

facilities shall be exempt from floor area ratio requirements. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §19, 1996; Ord. 61-4054 §8.1-5, 1967.)

23.14.060 Signs. (a) In an R1 district the following nonflashing, nonilluminated signs are permitted under the conditions specified. Advertising devices are expressly prohibited.

(1) Nameplate and identification signs subject to the following:

(A) Area and Content—Residential. There shall be not more than one nameplate, not exceeding one square foot in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation. On a corner lot, two nameplates for each dwelling unit, one facing each street, are permitted.

(B) Area and Content—Nonresidential. For nonresidential buildings, a single identification sign, not exceeding nine square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two signs, one facing each street, are permitted.

(C) Projections. Such signs shall be affixed flat against the wall of the building.

(D) Height. No sign shall project higher than one story or fifteen feet above curb level, whichever is lower;

(2) “For sale” and “to rent” signs subject to the following:

(A) Area and number. There shall be not more than one such sign per zoning lot, except that on a corner zoning lot two signs, one facing each street, are permitted. No sign shall exceed twelve square feet in area nor be closer than eight feet to any other zoning lot,

(B) Height. No sign shall project higher than one story or fifteen feet above curb level, whichever is lower, when attached to a building; detached or freestanding signs shall be not more than four feet in height;

(3) Signs accessory to parking area subject to the following:

(A) Area and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance, and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, is permitted. On a corner lot two signs, one facing each street are permitted,

(B) Projection. No sign shall project beyond the property line into the public way or obstruct sight vision,

(C) Height. No sign shall project higher than seven feet above curb level;

(4) Signs accessory to roadside stands subject to the following:

(A) Content. The signs shall be only for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein,

(B) Area and number. The signs shall be on the same zoning lot as the roadside stand, and there shall be not more than two signs per lot. No sign shall exceed twelve square feet in area nor be closer than fifty feet from any other zoning lot,

(C) Projection. No sign shall project beyond the property line into the public way,

(D) Height. No sign shall project higher than fifteen feet above curb level;

(5) Temporary signs accessory to subdivision developments or other permitted improvements in residential districts subject to the following:

(A) Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction,

(B) Area, number and setback. Such signs shall not exceed two in number for each subdivision nor two hundred square feet each in area. They shall observe the front yard requirements of the principal use and shall be located at least fifty feet from all other boundaries of the site,

(C) Height. No sign shall project higher than fifteen feet above curb level,

(D) Time limitations. The sign or signs shall be removed by the applicant or property owner within two years of the date of the issuance of the zoning certificate;

(6) Subdivision identification signs subject to the following:

(A) Content. The signs shall bear only the name of the subdivision or development,

(B) Area and number. There shall be not more than one sign located at each entrance to a subdivision. No sign shall exceed two hundred square feet in area,

(C) Height. No signs shall project higher than fifteen feet above curb level;

(7) Philanthropic and charitable institution and government park signs subject to the following:

(A) Content. The signs shall bear only the name of the philanthropic or charitable institution or government park,

(B) Area and number. There shall be not more than one sign located at each street entrance thereto. No sign shall exceed ten square feet per one hundred linear feet of street frontage nor more than two hundred square feet, whichever is the smaller area,

(C) Height. No sign shall project higher than fifteen feet above curb level.

(8) Signs containing a political message, as defined in Chapter 12 of the Wisconsin Statutes, subject to the following:

(A) Area. No free-standing sign may exceed 16 square feet in area per side. Signs affixed to a permanent structure are regulated in accordance with Chapter 12 of the Wisconsin Statutes.

(B) Content. The signs shall only contain a political message as defined in Chapter 12 of the Wisconsin Statutes.

(C) Illumination. No sign may be illuminated or flashing.

(D) Projection. No sign shall project beyond the property line into the public way.

(E) Height. No sign shall be higher than fifteen feet above the curb.

(F) Duration. Political message signs may only be displayed during an election campaign period, as defined in Chapter 12 of the Wisconsin Statutes.

(b) In an R1 district, the following nonflashing, illuminated signs are permitted under the conditions specified.

(1) Signs for emergency facilities. Illuminated, nonflashing signs may be allowed for emergency facilities such as hospitals, police station, etc. under a

conditional use permit issued by the plan commission. The size shall be no greater than necessary to display the pertinent information. The plan commission shall determine the size and placement of the signs, and where desirable for public benefit, the signs may be situated at strategic locations in residential areas to provide direction to the emergency facilities. The design of the sign and its illumination characteristics shall be approved by the plan commission.

(2) Church bulletins—subject to the following:

(A) Area and number. There shall be not more than one sign per lot, except that on a corner lot, two signs, one facing each street, are permitted. No sign shall exceed sixteen square feet in area nor be closer than eight feet from any other zoning lot;

(B) Projection. No sign shall project beyond the property line into the public way;

(C) Height. No sign shall project higher than one story or fifteen feet above the curb level, whichever is lower.

(3) Radio and television stations—except towers:

(A) Area and content. There shall be not more than two signs, not to exceed twenty square feet per sign for each station, indicating the name, address, and/or logo of the station. No product or commercial advertising shall be allowed.

(B) Height. No sign shall project higher than one story or fifteen feet above curb level, whichever is lower.

(C) Setback. The setback shall be determined by the city plan commission; however, no sign shall be located within five feet of the street right-of-way.

(D) Illumination. The type and intensity of illumination shall be determined by the plan commission.

(4) Signs for public, municipal, educational and cultural institutions. Signs designating public or municipal institutions such as churches, city hall, public museums, schools, etc. may be allowed in a residential district subject to issuance of a conditional use permit by the plan commission. Such signs may be freestanding and shall be set back at least fifteen feet from the property line.

(5) Neighborhood identification signs may be allowed in a residential district subject to issuance of a conditional use permit by the plan commission. Such

signs may be free-standing, shall not exceed 24 square feet in area and shall be set back at least 15 feet from the street right-of-way.

The plan commission shall approve the size and shall ensure that the design blends aesthetically into the surrounding landscape.

Only one sign shall be permitted per building, except that on corner lots one sign may face each direction.

(c) Sponsorship signs for educational and public institutions may be allowed in a residential district subject to issuance of a conditional use permit by the Plan Commission. Approval of the signs shall be based on the following criteria:

(1) Area. Each sign shall be limited to 32 square inches in area.

(2) Number. The total number of signs on a zoning lot shall be approved by the Plan Commission with the intention of minimizing overall visual pollution.

(3) Type. Signs may be affixed to fences of recreational fields or to structures on the premises. Freestanding signs are not permitted. Signs shall face the interior of the field, facility, etc. for greatest visibility to the users of the premises.

(4) Setback. Signs must meet the yard requirements for the use or structure specified in each zoning district.

(5) Height. Signs shall not project higher than the fences or structures to which they are mounted. Signs mounted or other structures shall not exceed fifteen (15) feet in height.

(6) Content. Signs may contain the name, logo, telephone number, street address, and website address of the sponsor, but shall not contain mottos, slogans, or other commercial messages unless they are an integral part of the logo.

(7) Illumination. Signs shall not be electronically lighted or have any electronic components as part of the display.

(8) Duration. Signs may be displayed for a total of 150 days in any calendar year.

(Ord. 61-5539 §2 (part), 2012, File no. 12-1213; Ord. 61-5399 §1, (part), 2009, File No. 08-0915, Ord. 61-5395 §1, 2009, File No. 09-0407; Ord. 61-5189 §1, 2002, File No. 02-0819; Ord. 61-4659 §1, 1989; Ord. 61-4628 §1, 1987; Ord. 61-4278 §1, 1975; Ord. 61-4241 §§2, 3, 1973; Ord. 61-4119 §1, 1969; Ord. 61-4054 §8.1-6, 1967.)

23.14.070 Off-street parking requirements. Off-street parking spaces accessory to uses allowed in the R1 district shall be provided in accordance with the following minimum requirements:

(a) Single family dwellings. One parking space shall be provided for each dwelling unit.

(b) Agriculture. There shall be no requirements except with respect to accessory roadside stands for which shall be provided spaces adequate in number, as determined by the director of inspections and electrical systems, to serve the public.

(c) Airports and commercial heliports. Parking spaces shall be provided in adequate number, as determined by the plan commission, to serve the public.

(d) Educational (nonboarding) and cultural institutions.

(1) Elementary schools—nonboarding. One parking space shall be provided for each two employees,

(2) High schools (Junior or Senior)—nonboarding. One parking space shall be provided for each two employees, and one parking space shall be provided for each ten students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four hour period,

(3) Public Libraries, Art Galleries, Museums and Aquariums. One space shall be provided for each eight hundred square feet of gross floor area,

(4) School Auditoriums. One parking space shall be provided for each eight seats,

(5) School Gymnasiums, Stadiums and Grandstands. One parking space shall be provided for each eight seats.

(e) Educational Institutions, Boarding.

(1) Colleges, Junior Colleges and Universities. One parking space shall be provided for each six students, based upon the maximum number of students attending classes on the premises at any one time during any twenty-four hour period,

(2) Fraternities, Sororities and Dormitories in Conjunction with Colleges, Junior Colleges and Universities. One parking space shall be provided for each three active members or dormitory residents, plus one parking space for the manager,

(3) Gymnasiums, Stadiums and Grandstands. One parking space shall be provided for each eight seats,

(4) Nursery, Elementary and High Schools—Boarding. One parking space shall be provided for each two employees,

(5) School Auditoriums. One parking space shall be provided for each eight seats;

(f) Health and Medical Institutions.

(1) Institutions for the care of the aged and for children, and sanitariums and convalescent, nursing, and rest homes. One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff,

(2) Hospitals. One parking space shall be provided for each two hospital beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff;

(g) There shall be at least two off-street parking spaces available to each individual mobile home lot and located within one hundred feet of the lot as provided by section 23.66.060;

(h) Philanthropic and Charitable Uses. One parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the director of inspections and electrical systems, to serve the public;

(i) Planned Developments, Residential. Parking spaces shall be provided on the basis of the required spaces for each individual use;

(j) Public Utility and Service Uses. One parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the plan commission, to serve the public;

(k) Recreational and Social Facilities.

(1) Athletic Fields, Golf Courses, Swimming Pools and Tennis Courts. Parking spaces shall be provided in adequate number, as determined by the director of inspections and electrical systems, to serve the public,

(2) Private Clubs. One parking space shall be provided for each lodging room, plus parking spaces equal in number to thirty percent of the capacity in persons of the clubs,

(3) Recreational Buildings and Community Centers—Noncommercial. Parking spaces equal in number to thirty percent of the capacity in persons shall be provided;

(l) Radio and Television Stations. One parking space shall be provided for each two employees;

(m) Religious institutions.

(1) Churches. One parking space shall be provided for each six seats,

(2) Convents, Seminaries, Monasteries, Nunneries, Rectories, Parsonages, Parish Houses and Religious Retreats. Parking spaces shall be provided in adequate number, as determined by the director of inspections and electrical systems, to serve persons employed or residing on the premises, as well as the visiting public.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §20, 1996; Ord. 61-4054 §8.1-7, 1967.)

23.14.080 Off-street loading requirements. Off-street loading facilities, accessory to nonresidential uses allowed in the R1 district, shall be provided in accordance with the following minimum requirements:

(a) For the uses listed hereunder, one loading berth shall be provided for buildings containing ten thousand to one hundred thousand square feet of gross floor area, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of twenty thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length:

(1) Airports and commercial heliports,

(2) Health and medical institutions;

(b) For the uses listed hereunder, one loading berth shall be provided for buildings containing ten thousand to two hundred thousand square feet of gross floor area, plus one additional loading berth for each additional two hundred thousand square feet of gross floor area or fraction thereof:

(1) Educational and cultural institutions,
(2) Philanthropic and charitable institutions,
(3) Religious institutions;

(c) Planned developments, residential: Loading berths shall be provided on the basis of the required berths for each individual uses;

(d) Recreational and social facilities: For buildings containing ten thousand to one hundred thousand square feet of gross floor area, one loading berth shall be provided, and for each additional one hundred thousand square feet of gross floor area up to five hundred thousand square feet, one additional loading berth shall be provided, plus one additional loading berth for each additional five hundred thousand square feet of gross floor area or fraction thereof in excess of five hundred thousand square feet;

(e) For all other nonresidential uses, loading facilities shall be provided in accordance with the following requirements:

(1) For buildings containing less than ten thousand square feet of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities, accessible by motor vehicle, off any adjacent alley, service drive, or open space,

(2) For buildings containing ten thousand to one hundred thousand square feet of gross floor area, one off-street loading berth shall be provided,

(3) For buildings containing over one hundred thousand square feet of gross floor area, there shall be provided one loading berth for each one hundred thousand square feet of gross floor area or fraction thereof.

(Ord. 61-4054 §8.1-8, 1967.)

Chapter 23.16

R2—SINGLE FAMILY RESIDENCE DISTRICT

Sections:

23.16.010 Permitted uses.
23.16.020 Conditional uses.
23.16.030 Lot size requirements.
23.16.040 Yard requirements.
23.16.050 Building bulk limitations.
23.16.060 Signs.
23.16.070 Off-street parking requirements.
23.16.080 Off-street loading requirements.

23.16.010 Permitted uses. Any use permitted in the R1 district. (Ord. 61-4054 §8.2-1, 1967.)

23.16.020 Conditional uses. Any use allowed as a conditional use in the R1 district, and two family dwellings only when the zoning lot abuts a designated arterial street and is also fronting on a business or industrial zone across said arterial street, subject to the provisions of Chapters 23.60, 23.64 and 23.72, except mobile home parks. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §21, 1996; Ord. 61-4170 §1, 1970; Ord. 61-4054 §8.2-2, 1967.)

23.16.030 Lot size requirements. (a) Permitted Uses. For each principal permitted use located in the R2 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single family dwellings, rectories, parsonages, and parish houses	7,000 sq. ft.	60 ft.
Agriculture	3 acres	200 ft.
Cemeteries	2 acres	175 ft.
Educational (nonboarding) and cultural institutions	40,000 sq. ft.	150 ft.
Recreational and social buildings and community centers	20,000 sq. ft.	100 ft.
Religious institutions—except rectories, parsonages, and parish houses	20,000 sq. ft.	100 ft.

(b) Conditional Uses. For each principal conditional use located in the R2 district a lot shall be provided as stipulated in the R1 district.

	Minimum Lot Area	Minimum Lot Width
Model homes	7,000 sq. ft.	60 ft.
Two family dwelling	10,500 sq. ft.	80 ft.

(c) Accessory Use. Lot size requirements for accessory uses in the R2 district are as specified in the R1 district. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4341 §5, 1977; Ord. 61-4170 §2, 1970; Ord. 61-4054 §8.2-3, 1967.)

23.16.040 Yard requirements. (a) Permitted Uses. For each principal permitted use located in the R2 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single-family dwellings, rectories, parsonages, and parish houses	20 ft.*	8 ft.	15 ft.	30 ft.
Agriculture		No requirements		
Cemeteries		No requirements		
Educational, (nonboarding) and cultural institutions	40 ft.	15 ft.**	30 ft.**	75 ft.
Home satellite communication dishes	Not allowed	8 ft.*	Not allowed	3 ft.
Radio and television antennas and towers	Not allowed	8 ft.*	Not allowed	3 ft.
Recreational and social buildings and community centers	30 ft.	10 ft.**	25 ft.**	40 ft.
Religious institution—except rectories, parsonages, and parish houses	30 ft.	10 ft.**	25 ft.**	40 ft.

*Or twenty percent of the lot depth, whichever is less.

**Plus one foot for each two feet by which the building height exceeds fifteen feet.

(b) Conditional Uses. For each principal conditional use located in the R2 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the R1 district.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Model homes	20 ft.	8 ft.	15 ft.	30 ft.
Two-family dwellings	20 ft.	8 ft.	15 ft.	30 ft.

(c) Accessory buildings. Except as indicated, the yard requirements of the principal uses shall apply to their accessory buildings:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Agricultural buildings	100 ft.	50 ft.	50 ft.	100 ft.
Boathouses, private	No Requirements			
Buildings accessory to dwellings—except those uses specifically itemized in this section	20 ft.	8 ft.*	15 ft.	3 ft.
Buildings accessory to dwellings, on through lots whose entrance is opposite street address frontage				
(1) Garage doors facing street	18 ft.	5 ft.		
(2) Garage doors facing side yard	5 ft.	5 ft.		
Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs	Shall be located not less than two hundred feet from the nearest residential property line			
Guest houses, private	25 ft.	10 ft.	20 ft.	35 ft.
Living quarters, detached, for persons employed on the premises	25 ft.	10 ft.	20 ft.	35 ft.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Roadside stands where the principal use is agriculture	20 ft.	50 ft.	20 ft.	No Requirements
Stables, private	100 ft.	50 ft.	50 ft.	100 ft.
Stadiums and grandstands in athletic fields	Shall be located not less than two hundred feet from the nearest residential property line			
Temporary buildings for construction purposes	No yard requirements, provided that there shall not be under interference with the use and enjoyment of neighboring property			

* Unless entire structure is located on the rear thirty-five percent of the lot, in which case only three feet shall be required.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4764 §7, 1992; Ord. 61-4341 §6, 1977; Ord. 61-4170 §3, 1970; Ord. 61-4167 §1, 1970; Ord. 61-4155 §1, 1970; Ord. 61-4054-31 §2, 1968; Ord. 61-4054 §8.2-4, 1967.)

23.16.050 Building bulk limitations. The building bulk limitations established in the R1 district apply in the R2 district.

	Maximum Building Height
Two-family dwellings	2-1/2 stories but not to exceed 35 feet

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4170 §4, 1970; Ord. 61-4054 §8.2-5, 1967.)

23.16.060 Signs. The regulations governing signs in the R1 district apply in the R2 district. (Ord. 61-4054 §8.2-6, 1967.)

23.16.070 Off-street parking requirements. Off-street parking facilities shall be provided as required in the R1 district.

Two-family dwellings	One parking space shall be provided for each dwelling unit plus one additional parking space for guests.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4170 §5, 1970; Ord. 61-4054 §8.2-7, 1967.)

23.16.080 Off-street loading requirements. Off-street loading facilities shall be provided as required in the R1 district. (Ord. 61-4054 §8.2-8, 1967.)

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Chapter 23.18

R3—TWO FAMILY RESIDENCE DISTRICT

Sections:

23.18.010 Permitted uses.
23.18.020 Conditional uses.
23.18.030 Transitional use.
23.18.040 Lot size requirements.
23.18.050 Yard requirements.
23.18.060 Building bulk limitations.
23.18.070 Signs.
23.18.080 Off-street parking requirements.
23.18.090 Off-street loading requirements.

23.18.010 Permitted uses. Permitted uses include any use permitted in the R1 district, plus two family dwellings. (Ord. 61-4390 §1, 1978.)

23.18.020 Conditional uses. Any use allowed as a conditional use in the R1 district is allowed in the R3 district, (subject to the provisions of Chapters 23.60, 23.64 and 23.72), and in addition, the following:

(a) Bed and breakfast establishments;

(b) Country inn establishments;

(c) Parking lots, open and other than accessory, for the storage of private passenger automobiles provided the proposed parking lot is adjacent to a manufacturing or commercial zone or the proposed parking lot abuts an arterial street;

(d) Mobile home parks. (Ord. 61-4943 §22, 1996; Ord. 61-4932 §1, 1996; Ord. 61-4918 §1, 1995; Ord. 61-4887 §1, 1995; Ord. 61-4864 §1, 1994.)

23.18.030 Transitional use. Automobile parking lots accessory to a business or industrial use are allowed in the R3 and R4 districts; provided, that the lots are solely for the use of employees and customers of the use to which it is accessory. The lot may be used in part for the storage of new automobiles awaiting distribution when the principal use to which it is accessory is a motor vehicle sales establishment. In addition, the following conditions shall apply:

(a) The parking lot is used solely for the parking of passenger automobiles.

(b) The parking lot is closed between the hours of ten p.m. and seven a.m., except as may be specifically authorized by the director of inspections and electrical systems.

(c) Each entrance to and exit from such parking lot is at least twenty feet distant from any adjacent property located in any residence district, except when ingress and egress is provided from a public alley or public way separating the residential areas from the parking lot.

(d) Wherever transitional use lot lines abut residential use lot lines, there shall be erected along such transitional use lot lines an effective screen of at least fifty percent opacity and subject to the approval of the zoning administrator or plan commission.

(e) No repair or servicing of motor vehicles is permitted in conjunction with a transitional use.

(f) The pertinent provisions of sections 23.12.070 through 23.12.170 apply to transitional uses. (Ord. 61-5421 §1, 2010; File No. 10-0209;Ord. 61-4367 §2, 1978; Ord. 61-4054 §8.3-2.1, 1967.)

23.18.040 Lot size requirements. (a) Permitted Uses. For each principal permitted use located in the R3 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single family dwellings, rectories, parsonages, and parish houses	7,000 sq. ft.	60 ft.
Two family dwellings	7,000 sq. ft.	60 ft.
Agriculture	3 acres	200 ft.
Cemeteries	2 acres	175 ft.
Educational (nonboarding) and cultural institutions	20,000 sq. ft.	100 ft.
Recreational and social buildings and community centers	15,000 sq. ft.	90 ft.
Religious institutions—rectories, parsonages, and parish houses	15,000 sq. ft.	90 ft.

(b) Conditional Uses. For each principal conditional use located in the R3 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Educational institutions, boarding	2 acres	175 ft.

	Minimum Lot Area	Minimum Lot Width
Health and medical institutions	20,000 sq. ft.	100 ft.
Model homes	7,000 sq. ft.	60 ft.
Philanthropic and charitable institutions	20,000 sq. ft.	100 ft.
Planned developments, residential	100,000 sq. ft.	None
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72	

(c) Accessory Uses. Lot size requirements for accessory uses in the R3 district are as specified in the R1 district. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4341 §7, 1977; Ord. 61-4054 §8.3-3, 1967.)

23.18.050 Yard requirements. (a) Permitted Uses. For each principal permitted use located in the R3 district, a front yard, two side yards, and a rear yard shall be provided each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single-family dwellings, rectories, parsonages, and parish houses	20 ft.*	8 ft.	15 ft.	30 ft.
Two-family dwellings	20 ft.*	8 ft.	15 ft.	30 ft.
Agriculture	No requirements			
Cemeteries	No requirements			
Educational (nonboarding) and cultural institutions	30 ft.	10 ft.**	25 ft.**	40 ft.
Recreational and social facilities—except recreational buildings and community centers	25 ft.	8 ft.**	20 ft.**	35 ft.
Religious institutions—except rectories, parsonages, and parish houses	25 ft.	8 ft.**	20 ft.**	35 ft.

*Or twenty percent of the lot depth, whichever is less.

**Plus one foot for each two feet by which the building height exceeds fifteen feet.

(b) Conditional Uses. For each principal conditional use located in the R3 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Educational institutions, boarding	50 feet from the nearest property line			
Health and medical	30 ft.	10 ft.*	25 ft.*	40 ft.
Model homes	20 ft.	8 ft.	15 ft.	30 ft.
Philanthropic and charitable institutions	30 ft.	10 ft.*	25 ft.*	40 ft.
Planned developments, residential	As specified in Chapter 23.60			
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72			

*Plus one foot for each two feet by which the building height exceeds fifteen feet.

(c) Accessory uses. Yard requirements for accessory buildings are as specified in the R2 district. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4341 §8, 1977; Ord. 61-4054 §8.3-4, 1967.)

23.18.060 Building bulk limitations. (a) Permitted Uses.

	Maximum Building Height
Single-family dwellings, rectories, parsonages, and parish houses; and two-family dwellings	2-1/2 stories, but not to exceed 35 ft.

All other permitted uses shall be regulated on the basis of maximum floor area ratio:

	Floor Area Ratio
Educational (nonboarding) and cultural institutions	1.00
Recreational and social buildings	0.80
Religious institutions—except rectories, parsonages, and parish houses	0.80

(b) Conditional uses.

	Floor Area Ratio
Educational institutions, boarding	0.60
Health and medical institutions	1.00
Philanthropic and charitable institutions	0.80
Planned developments, residential	As provided in Chapter 23.60
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72

(c) Accessory uses. In the R3 district, the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot as specified for the principal uses in paragraphs (a) and (b). However, any floor area devoted to off-street parking or loading facilities is exempt from floor area ratio requirements. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4054 §8.3-5, 1967.)

23.18.070 Signs. The regulations governing signs in the R1 district apply in the R3 district. (Ord. 61-4054 §8.3-6, 1967.)

23.18.080 Off-street parking requirements. Off-street parking facilities shall be provided as required in the R1 district, and for additional uses as follows:

Two family dwellings. One parking space shall be provided for each dwelling unit plus one additional parking space for guest. (Ord. 61-4054 §8.3-7, 1967.)

23.18.090 Off-street loading requirements. Off-street loading facilities shall be provided as required in the R1 district. (Ord. 61-4054 §8.3-8, 1967.)

Chapter 23.19

R3-1—TWO FAMILY RESIDENCE DISTRICT

Sections:

23.19.010 Permitted uses.
23.19.020 Conditional uses.
23.19.030 Transitional use.
23.19.040 Lot size requirements.
23.19.050 Yard requirements.
23.19.060 Building bulk limitations.
23.19.070 Signs.
23.19.080 Off-street parking requirements.
23.19.090 Off-street loading requirements.

23.19.010 Permitted uses. Permitted uses in the R3-1 district include any use permitted in the R1 district, plus two family dwellings. (Ord. 61-4506 §1(part), 1983.)

23.19.020 Conditional uses. Any use allowed as a conditional use in the R3 district is allowed as a conditional use in the R3-1 district. (Ord. 61-5376 Art. VI (part), 2008; Ord. 61-4506 §1(part), 1983.)

23.19.030 Transitional use. The regulations governing transitional use in the R3 district apply in the R3-1 district. (Ord. 61-4506 §1(part), 1983.)

23.19.040 Lot size requirements. (a) Permitted Uses. For each principal permitted use located in the R3-1 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single family dwellings, rectories, parsonages, and parish houses	10,000 sq. ft.	80 ft.
Two family dwellings	10,000 sq. ft.	80 ft.
Agriculture	3 acres	200 ft.
Cemeteries	2 acres	175 ft.
Educational (nonboarding) and cultural institutions	20,000 sq. ft.	100 ft.
Recreational and social buildings and community centers	15,000 sq. ft.	90 ft.
Religious institutions, except rectories, parsonages,		

	Minimum Lot Area	Minimum Lot Width
and parish houses	15,000 sq. ft.	90 ft.

(b) Conditional Uses. For each principal conditional use located in the R3-1 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Educational institutions, boarding	2 acres	175 ft.
Health and medical institutions	20,000 sq. ft.	100 ft.
Model homes	10,000 sq. ft.	80 ft.
Philanthropic and charitable institutions	20,000 sq. ft.	100 ft.
Planned developments, residential	100,000 sq. ft.	None
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72	

(c) Accessory Uses. Lot size requirements for accessory uses in the R3-1 district are as specified in the R1 district. (Ord. 61-4506 §1(part), 1983.)

23.19.050 Yard requirements. (a) Permitted Uses. For each principal permitted use located in the R3-1 district, a front yard, two side yards, and a rear yard shall be provided each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single family dwellings, rectories, parsonages, and parish houses	25 ft.*	10 ft.	20 ft.	35 ft.
Two family dwellings	25 ft.*	10 ft.	20 ft.	35 ft.
Agriculture		No requirements		
Cemeteries		No requirements		
Educational (nonboarding) and cultural institutions	30 ft.	10 ft.**	25 ft.**	40 ft.
Recreational and social facilities—except recreational buildings and community centers	25 ft.	8 ft.**	20 ft.**	35 ft.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Religious institutions, except rectories, parsonages, and parish houses	25 ft.	8 ft.**	20 ft.**	35 ft.

*Or twenty percent of the lot depth, whichever is less.

**Plus one foot for each two feet by which the building height exceeds fifteen feet.

(b) Conditional Uses. For each principal conditional use located in the R3-1 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Educational institutions, boarding	50 feet from the nearest property line			
Health and medical	30 ft.	10 ft.*	25 ft.*	40 ft.
Model homes	25 ft.	10 ft.	20 ft.	35 ft.
Philanthropic and charitable institutions	30 ft.	10 ft.*	25 ft.*	40 ft.
Planned developments, residential	As specified in Chapter 23.60			
Public utility and service uses	In accordance with Chapters 23.60, 23.64, and 23.72			

*Plus one foot for each two feet by which the building height exceeds fifteen feet.

(c) Accessory Uses. Yard requirements for accessory buildings are as specified in the R2 district. (Ord. 61-4506 §1(part), 1983.)

23.19.060 Building bulk limitations. The regulations governing building bulk limitations in the R3 district apply in the R3-1 district. (Ord. 61-4506 §1(part), 1983.)

23.19.070 Signs. The regulations governing signs in the R1 district apply in the R3-1 district. (Ord. 61-4506 §1(part), 1983.)

23.19.080 Off-street parking requirements. Off-street parking facilities shall be provided as required in the R1 district, and for additional uses as follows:

Two Family Dwellings. One parking space shall be provided for each dwelling unit plus one additional parking space for guest. (Ord. 61-4506 §1(part), 1983.)

23.19.090 Off-street loading requirements. Off-street loading facilities shall be provided as required in the R1 district. (Ord. 61-4506 §1(part), 1983.)

Chapter 23.20

R4—GENERAL RESIDENCE DISTRICT

Sections:

23.20.010 Permitted uses.
23.20.020 Conditional uses.
23.20.030 Transitional use.
23.20.040 Lot size requirements.
23.20.050 Yard requirements.
23.20.060 Building bulk limitations.
23.20.070 Signs.
23.20.080 Off-street parking requirements.
23.20.090 Off-street loading requirements.

23.20.010 Permitted uses. The following uses are permitted in the R4 district:

(a) Single family dwelling;

(b) Two family dwellings;

(c) Apartment hotels;

(d) Multiple family dwellings;

(e) Boarding, lodging, and rooming houses;

(f) Community living arrangements for not more than fifteen persons provided:

(1) That the applicant disclose in writing the capacity of the community living arrangement,

(2) That no other community living arrangement is within two thousand five hundred feet of another such facility,

(3) That the total capacity of all community living arrangements in an aldermanic district has not and will not by the inclusion of a new community living arrangement exceed twenty-five persons or one percent of the population, whichever is greater, of such district,

(4) That the total capacity of all community living arrangements in the city does not exceed one percent of the city's population as determined in the last decennial census by the U.S. Bureau of the Census;

(g) Educational and cultural institutions, nonboarding;

(h) Family day care homes;

(i) Radio and television stations;

(j) Recreational and social facilities;

(k) Religious institutions;

(l) Signs, as regulated hereunder;

(m) Only the following accessory uses and buildings incidental to, and on the same zoning lot as a principal use, are permitted in the R4 district:

(1) Athletic fields and playgrounds,

(2) Boathouses, private, but not accessory to dwelling units other than single family,

(3) Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs,

(4) Garages and carports,

(5) Greenhouses and conservatories, private—but not accessory to dwellings having less than five thousand square feet of lot area per dwelling unit,

(6) Guest houses, private—but not accessory to dwelling units other than single family,

(7) Home occupations,

(8) Living quarters, detached, for persons employed on the premises if occupied only by such persons and their immediate family—but not accessory to dwelling units other than single family,

(9) Stadiums and grandstands in athletic fields,

(10) Storage of building materials and equipment, and temporary buildings for construction purposes, for a period not to exceed the duration of the construction,

(11) Swimming pools and tennis courts, private,

(12) Temporary real estate tract offices for the purposes of conducting the sale of lots of the tract upon which the tract office is located, for a period not to exceed two years,

(13) Tool houses, sheds and other similar buildings for the storage of domestic supplies.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-5206 §1(part), 2003, File No. 03-0612; Ord. 61-4949 §1(part), 1996; Ord. 61-4888 §1(part), 1995; Ord. 61-4404 §6, 1979; Ord. 61-4054-D §1, 1968; Ord. 61-4054 §8.4-1, 1967.)

23.20.020 Conditional uses. Any use allowed as a conditional use in the R3 district is allowed as a conditional use in the R4 district (unless already permitted in Section 23.20.010) and in addition, the following:

(a) Clubs and lodges, private;

(b) Community living arrangements, except those which are permitted under section 23.20.010(f) provided:

(1) That the loss of any state license or permit by a community living arrangement is an automatic revocation of that facility's use permit,

(2) That any use permit issued pursuant to this paragraph shall not be transferable to another location or another holder,

(3) That the applicant disclose in writing the capacity of the community living arrangement;

(c) Offices, business and professional (excluding retail sales) only when the zoning lot abuts a designated arterial street or adjoins a lot(s) or parcel of land which is zoned for business or industrial uses;

(d) Health and medical institutions;

(e) Philanthropic and charitable institutions;

(f) Planned developments, residential;

(g) Public utility and service uses;

(h) Accessory uses, incidental to, and on the same zoning lot as a principal use. (Ord. 61-4865 §1, 1994; Ord. 61-4637 §3, 1988; Ord. 61-4465 §1, 1980; Ord. 61-4446 §1(part), 1980; Ord. 61-4404 §7, 1979; Ord. 61-4054 §8.4-2, 1967; Ord.61-5376 §1(part), 2008.)

23.20.030 Transitional use. Automobile parking lots accessory to a business or industrial use are allowed in the R3 and R4 districts; provided, that the lots are solely for the use of employees and customers of the use to which it is accessory. The lot may be used in part for the storage of new

automobiles awaiting distribution when the principal use to which it is accessory is a motor vehicle sales establishment. In addition, the following conditions shall apply:

(a) The parking lot is used solely for the parking of passenger automobiles.

(b) The parking lot is closed between the hours of ten p.m. and seven a.m., except as may be specifically authorized by the director of inspections and electrical systems.

(c) Each entrance to and exit from the parking lot is at least twenty feet distant from an adjacent property located in any residence district, except when ingress and egress is provided from a public alley or public way separating the residential areas from the parking lot.

(d) Wherever transitional use lot lines abut residential use lot lines, there shall be erected along such transitional use lot lines an effective screen of at least fifty percent opacity and subject to the approval of the zoning administrator or plan commission.

(e) No repair or servicing of motor vehicles is permitted in conjunction with a transitional use.

(f) The pertinent provisions of sections 23.12.180 through 23.12.250 apply to transitional uses. (Ord. 61-5421, §1, 2010, File No. 10-0209; Ord. 61-5376, Art. VI (part), 2008; Ord. 61-4367 §4, 1978; Ord. 61-4054 §8.4-2.1, 1967.)

23.20.040 Lot size requirements. (a) Permitted uses. For each principal permitted use located in the R4 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single family dwellings, rectories, parsonages, and parish houses	7,000 sq. ft.	60 ft.
Two family dwellings	7,000 sq. ft.	60 ft.
Multiple family dwellings, including apartment hotels: two or more bedrooms	1,500 sq. ft.* per dwelling unit	60 ft.
One bedroom or efficiency per dwelling unit	1,200 sq. ft.*	60 ft.
Boarding, lodging and rooming houses	900 sq. ft.* per room	60 ft.
Educational and cultural institutions, nonboarding	20,000 sq. ft.	100 ft.
Recreational buildings and community centers	10,000 sq. ft.	70 ft.
Religious institutions—rectories, parsonages, and parish houses	10,000 sq. ft.	70 ft.

	Minimum Lot Area	Minimum Lot Width
Radio and television stations	2 acres	220 ft.

*However, in no case shall the lot area be less than seven thousand sq. ft.

(b) Conditional uses. For each principal conditional use located in the R4 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Clubs and lodges	10,000 sq. ft.	70 ft.
Educational institutions, boarding	40,000 sq. ft.	150 ft.
Health and medical institutions	20,000 sq. ft.	100 ft.
Philanthropic and charitable institutions	20,000 sq. ft.	100 ft.
Planned developments, residential	100,000 sq. ft.	None
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72	

(c) Accessory uses. Each accessory use may be established on the same lot as a principal use, provided that the lot meets the lot size requirements of the R4 district, except, however, as indicated for the following accessory uses:

	Minimum Lot Area	Minimum Lot Width
Boat houses, private	20,000 sq. ft.	100 ft.
Guest houses, private	10,000 sq. ft.	70 ft.
Living quarters, detached, for persons employed on the premises.	10,000 sq. ft.	70 ft.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4054-D, §2, 1968; Ord. 61-4054 §8.4-3, 1967.)

23.20.050 Yard requirements. (a) Permitted uses. For each principal permitted use located in the R4 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side	Rear Yard

			Yard	
Single family dwellings, rectories, parsonages, and parish houses	15 ft.*	5 ft.	12 ft.	30 ft.
Two family and multiple family dwellings, apartment hotels, and boarding, lodging and rooming houses	15 ft.	5 ft.**	12 ft.****	30 ft.
Educational and cultural institutions, nonboarding	25 ft.	10 ft.***	20 ft.****	40 ft.
Home satellite communication dishes	Not allowed	5 ft.*	Not allowed	3 ft.
Radio and television antennas and towers	Not allowed	5 ft.*	Not allowed	3 ft.
Radio and television stations	20 ft.	8 ft.	15 ft.	30 ft.
Recreational and social facilities—except recreational buildings and community centers	20 ft.	8 ft.***	15 ft.***	30 ft.
Religious institutions—except rectories, parsonages, and parish houses	20 ft.	8 ft.***	15 ft.***	30 ft.

*or twenty percent of the lot depth, whichever is less.

**plus one foot for each three feet by which the building height exceeds twenty-five feet.

***plus one foot for each two feet by which the building height exceeds fifteen feet.

****plus one foot for each five feet by which the building height exceeds twenty-five feet.

(b) Conditional uses. For each principal conditional use located in the R4 district a front yard, two side yards and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Clubs and lodges	20 ft.	8 ft.*	15 ft.*	30 ft.
Educational institutions, boarding	35 feet from the nearest property line			
Health and medical institutions	25 ft.	10 ft.*	20 ft.*	40 ft.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Philanthropic and charitable institutions	25 ft.	10 ft.*	20 ft.*	40 ft.
Planned developments, residential	As provided in Chapter 23.60			
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72			

*plus one foot for each two feet by which the building height exceeds fifteen feet.

(c) Accessory buildings. Except as indicated below, the yard requirements of the principal uses apply to their accessory buildings.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Boathouse, private	No Requirements			
Buildings accessory to dwellings—except those uses specifically itemized in this section	15 ft.	5 ft.*	12 ft.	3 ft.
Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs	Shall be located not less than two hundred feet from the nearest residential property line			
Guest houses, private	20 ft.	8 ft.	15 ft.	30 ft.
Living quarters, detached, for persons employed on the premises	20 ft.	8 ft.	15 ft.	30 ft.
Stadiums and grandstands in athletic fields	Shall be located not less than two hundred feet from the nearest residential property line			
Temporary buildings for construction purposes	No yard requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property			

*unless entire structure is located on the rear thirty-five percent of the lot, in which case only three feet shall be required.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4764 §8, 1992; Ord. 61-4054-D §3, 1968; Ord. 61-4054-31 §3, 1968; Ord. 61-4054 §8.4-4, 1967.)

23.20.060 Building bulk limitations. (a) Permitted uses. For each permitted use in the R4 district the ratio of the floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

	Maximum Building Height
Single family dwellings, rectories, parsonages, and parish houses, and two family dwellings	2 1/2 stories, but not to exceed 35 ft.

All other permitted uses shall be regulated on the basis of maximum floor area ratio.

	Floor Area Ratio
Multiple family dwellings, including apartment hotels, and boarding, lodging, and rooming houses	2.20
Educational and cultural institutions	1.20
Recreational and social buildings	1.00
Religious institutions—except rectories, parsonages, and parish houses	1.00

(b) Conditional uses. For each conditional use in the R4 district the ratio of the floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

	Floor Area Ratio
Clubs and lodges	1.00
Educational institutions, boarding	0.80
Health and medical institutions	1.50
Philanthropic and charitable institutions	1.00
Planned developments, residential	As provided in Chapter 23.60
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72

(c) Accessory uses. In the R4 district, the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot as specified for the principal uses in subsections (a) and (b). However, any floor area devoted to off-street parking or loading

facilities is exempt from floor area ratio requirements. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4054 §8.4-5, 1967.)

23.20.070 Signs. The regulations governing signs in the R1 district apply in the R4 district. (Ord. 61-4054 §8.4-6, 1967.)

23.20.080 Off-street parking requirements. The regulations of the R3 district apply. In addition, off-street parking spaces shall be provided in accordance with the following requirements:

(a) APARTMENT HOTELS. One parking space shall be provided for each dwelling unit bedroom or lodging room, plus one additional parking space for each three dwelling units or lodging rooms;

(b) BOARDING, LODGING AND ROOMING HOUSES. One parking space shall be provided for each rooming unit, plus one space for the owner or manager;

(c) CLUBS AND LODGES. One parking space shall be provided for each rooming unit, plus parking spaces equal in number to thirty percent of the capacity in persons of such club or lodge;

(d) MULTIPLE FAMILY DWELLINGS. One and one-half parking spaces shall be provided for each dwelling unit. (Ord. 61-4189 §1, 1971; Ord. 61-4054 §8.4-7, 1967.)

23.20.090 Off-street loading requirements. Off-street loading facilities shall be provided as required in the R1 district, and for additional uses as follows:

(a) Apartment hotels, boarding, lodging, and rooming houses, and multiple family dwellings: For buildings containing twenty thousand to two hundred thousand square feet of gross floor area one off-street loading berth shall be provided, plus one additional loading berth for each additional two hundred thousand square feet of floor area or fraction thereof.

(b) Clubs and lodges. For buildings containing ten thousand to one hundred thousand square feet of gross floor area one loading berth shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. (Ord. 61-4054 §8.4-8, 1967.)

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Chapter 23.21

R4-1—LIMITED GENERAL RESIDENCE DISTRICT

Sections:

23.21.010 Permitted uses.
23.21.020 Conditional uses.
23.21.030 Transitional use.
23.21.040 Lot size requirements.
23.21.050 Yard requirements.
23.21.060 Building bulk limitations.
23.21.070 Signs.
23.21.080 Off-street parking requirements.
23.21.090 Off-street loading requirements.

23.21.010 Permitted uses. The following uses are permitted in the R4-1 district.

(a) Single family dwellings;

(b) Two family dwellings;

(c) Multiple family dwellings, three to eight units;

(d) Community living arrangements for not more than fifteen persons provided:

(1) That the applicant disclose in writing the capacity of the community living arrangement,

(2) That no other community living arrangement is within two thousand five hundred feet of another facility,

(3) That the total capacity of all community living arrangements in an aldermanic district has not and will not by the inclusion of a new community living arrangement exceed twenty-five persons or one percent of the population, whichever is greater, of such district,

(4) That the total capacity of all community living arrangements in the city does not exceed one percent of the city's population as determined in the last decennial census by the U.S. Bureau of the Census;

(e) Educational and cultural institutions, nonboarding;

(f) Family day care homes;

(g) Recreational and social facilities;

(h) Religious institutions;

(i) Signs, as regulated hereunder;

(j) Only the following accessory uses and buildings incidental to, and on the same zoning lot as a principal use, are permitted in the R4-1 district;

(1) Athletic fields and playgrounds,

(2) Boathouses, private, but not accessory to dwelling units other than single family,

(3) Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs,

(4) Garages and carports,

(5) Living quarters, detached, for persons employed on the premises if occupied only by such persons and their immediate family, but not accessory to dwelling units other than single family,

(6) Stadiums and grandstands in athletic fields,

(7) Storage of building materials and equipment, and temporary buildings for construction purposes for a period not to exceed the duration of the construction,

(8) Swimming pools and tennis courts, private,

(9) Temporary real estate tract office for the purposes of conducting the sale of lots of the tract upon which the tract office is located, for a period not to exceed two years,

(10) Tool houses, sheds and other similar buildings for the storage of domestic supplies.

(Ord. 61-5206 §1(part), 2003, File No. 03-0612; Ord. 61-4955 §1, 1996; Ord.61-4954 §1, 1996; Ord. 61-4505 §1(part), 1983.)

23.21.020 Conditional uses. Any use allowed as a conditional use in the R4 district is allowed as a conditional use in the R4-1 district. (Ord. 61-5376 §1(part), 2008; Ord. 61-4637 §4, 1988; Ord. 61-4505 §1(part), 1983.)

23.21.030 Transitional use. Automobile parking lots accessory to a business or industrial use are allowed in the R3 and R4-1 districts, provided that the lots are solely for the use of employees and customers of the use to which it is accessory. The lot may be used in part for the

storage of new automobiles awaiting distribution when the principal use to which it is accessory is a motor vehicles sales establishment. In addition, the following conditions shall apply:

(a) The parking lot is used solely for the parking of passenger automobiles.

(b) The parking lot is closed between the hours of ten p.m. and seven a.m., except as may be specifically authorized by the director of inspections and electrical systems.

(c) Each entrance to and exit from the parking lot is at least twenty feet distant from an adjacent property located in any residence district, except when ingress and egress is provided from a public alley or public way separating the residential areas from the parking lot.

(d) Whenever transitional use lot lines abut residential use lot lines, there shall be erected along such transitional use lot lines an effective screen of at least fifty percent opacity and subject to the approval of the plan commission.

(e) No repair or servicing of motor vehicles is permitted in conjunction with a transitional use.

(f) The pertinent provisions of sections 23.12.180 through 23.12.250 apply to transitional uses. (Ord. 61-4505 §1(part), 1983.)

23.21.040 Lot size requirements. (a) Permitted Uses. For each principal permitted use located in the R4-1 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single family dwellings, rectories, parish houses	7,000 sq. ft.	60 ft.
Two family dwellings	7,000 sq. ft.	60 ft.
Multiple family dwellings, including single family and two family dwellings and apartment hotels: two or more bedrooms	1,500 sq. ft.*	60 ft.
One bedroom or efficiency	1,200 sq. ft.* per dwelling unit	60 ft.
Educational and cultural institutions, nonboarding	20,000 sq. ft.	100 ft.
Recreational buildings and community centers	10,000 sq. ft.	70 ft.
Religious institutions—except rectories, parsonages, and parish houses	10,000 sq. ft.	70 ft.

*However, in no case shall the lot area be less than seven thousand square feet.

(b) Conditional Uses. For each principal conditional use located in the R4-1 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Clubs and lodges	10,000 sq. ft.	70 ft.
Educational institutions, boarding	40,000 sq. ft.	150 ft.
Health and medical institutions	20,000 sq. ft.	100 ft.
Philanthropic and charitable institutions	20,000 sq. ft.	100 ft.
Planned developments, residential	100,000 sq. ft.	None
Public utility and service uses	In accordance with Chapters 23.60, 2364, and 23.72.	

(c) Accessory Uses. Each accessory use may be established on the same lot as a principal use, provided that the lot meets the lot size requirements of the R4-1 district, except, however, as indicated for the accessory uses:

	Minimum Lot Area	Minimum Lot Width
Boat houses, private	20,00 sq. ft.	100 ft.
Living quarters, detached for persons employed on the premises	10,000 sq. ft.	70 ft.

23.21.050 Yard requirements. (a) Permitted Uses. For each principal permitted use located in the R4-1 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall not be less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single family dwellings, rectories, parsonages, and parish houses	15 ft.*	5 ft.	12 ft.	30 ft.
Two family and multiple family dwellings, apartment hotels	15 ft.	5 ft.**	12 ft.***	30 ft.
Educational and cultural institutions, nonboarding	25 ft.	10 ft.***	20 ft.***	40 ft.
Home satellite communication dishes	Not	5 ft.*	Not allowed	3 ft.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
	allowed			
Radio and television antennas and towers	Not allowed	5 ft.*	Not allowed	3 ft.
Recreational and social facilities—except recreational buildings and community centers	20 ft.	8 ft.***	15 ft.***	30 ft.
Religious institutions—except rectories, parsonages, and parish houses	20 ft.	8 ft.***	15 ft.***	30 ft.

*Or twenty percent of the lot depth, whichever is less.

**Plus one foot for each three feet by which the building height exceeds twenty-five feet.

***Plus one foot for each two feet by which the building height exceeds fifteen feet.

****Plus one foot for each five feet by which the building height exceeds twenty-five feet.

(b) Conditional Uses. For each principal conditional use located in the R4-1 district a front yard, two side yards and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Clubs and lodges	20 ft.	8 ft.*	15 ft.*	30 ft.
Educational institutions, boarding	35 feet from the nearest property line			
Health and medical institutions	25 ft.	10 ft.*	20 ft.*	40 ft.
Philanthropic and charitable institutions	25 ft.	10 ft.*	20 ft.*	40 ft.
Planned developments, residential	As provided in Chapter 23.60			
Public utility and uses	In accordance with Chapters 23.60, 23.64, and 23.72			

*Plus one foot for each two feet by which the building height exceeds fifteen feet.

(c) Accessory Buildings. Except as indicated below, the yard requirements of the principal uses apply to their accessory buildings.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Boat houses, private	No requirements			
Buildings accessory to dwellings, except those uses specifically itemized in this section	15 ft.	5 ft.*	12 ft.	3 ft.
Club houses and other structures of private clubs, golf courses, and tennis clubs	Shall be located not less than two hundred feet from the nearest residential property line.			
Living quarters detached for persons employed on the premises	20 ft.	8 ft.	15 ft.	30 ft.
Stadiums and grandstands in athletic fields	Shall be located not less than two hundred feet from the nearest residential property line			
Temporary buildings for construction purposes	No yard requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property			

*Unless entire structure is located on the rear thirty-five percent of the lot, in which case only three feet shall be required.

(Ord. 61-4764 §9, 1992; Ord. 61-4505 §1(part), 1983.)

23.21.060 Building bulk limitations. (a) Permitted Uses. For each permitted use in the R4-1 district the ratio of the floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

	Maximum Building Height
Single family dwellings, rectories, parsonages, two family dwellings	2-1/2 stories, but not to exceed 35 feet

All other permitted uses shall be regulated on the basis of maximum floor area ratio.

	Floor Area Ratio
Multiple family dwellings, including single family and two family dwellings and apartment hotels	2.20

	Floor Area Ratio
Educational and cultural institutions	1.20
Recreational and social buildings	1.00
Religious institutions—except rectories, parsonages, and parish houses	1.00

(b) Conditional Uses. For each conditional use in the R4-1 district the ratio of the floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

	Floor Area Ratio
Clubs and lodges	1.00
Educational institutions, boarding	0.80
Health and medical institutions	1.50
Philanthropic and charitable institutions	1.00
Planned developments, residential	As provided in Chapter 23.60
Public utility and service users	In accordance with Chapters 23.60, 23.64, and 23.72

(c) Accessory Uses. In the R4-1 district, the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot as specified for the principal uses in subsections (a) and (b). However, any floor area devoted to off-street parking or loading facilities is exempt from floor area ratio requirements. (Ord. 61-4505 §1(part), 1983.)

23.21.070 Signs. The regulation governing signs in the R1 district applies in the R4-1 district. (Ord. 61-4505 §1(part), 1983.)

23.21.080 Off-street parking requirements. The regulations of the R3 district apply. In addition, off-street parking spaces shall be provided in accordance with the following requirements.

(a) Apartment Hotels. One parking space shall be provided for each dwelling unit bedroom or lodging room.

(b) Clubs and Lodges. One parking space shall be provided for each rooming unit, plus parking spaces equal in number to thirty percent of the capacity in persons of such club or lodge.

(c) Multiple Family Dwellings. One and one-half parking spaces shall be provided for each dwelling unit. (Ord. 61-4505 §1(part), 1983.)

23.21.090 Off-street loading requirements. Off-street loading facilities shall be provided as required in the R1 district, and for additional uses as follows:

(a) Apartment Hotels and Multiple Family Dwellings. For buildings containing twenty thousand to two hundred thousand square feet of gross floor area, one off-street loading berth shall be provided, plus one additional loading berth for each additional two hundred thousand square feet of floor area or fraction thereof.

(b) Clubs and Lodges. For buildings containing ten thousand to one hundred thousand square feet of gross floor area, one loading berth shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. (Ord. 61-4505 §1(part), 1983.)

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Chapter 23.22

R4-2—MEDIUM DENSITY RESIDENCE DISTRICT

Sections:

23.22.010 Permitted uses.
23.22.020 Conditional uses.
23.22.030 Transitional use.
23.22.040 Lot size requirements.
23.22.050 Yard requirements.
23.22.060 Building bulk limitations.
23.22.070 Signs.
23.22.080 Off-street parking requirements.
23.22.090 Off-street loading requirements.

23.22.010 Permitted uses. Any use permitted in the R4 district is permitted in the R4-2 district. (Ord. 61- 4507 §1(part), 1983.)

23.22.020 Conditional uses. Any conditional use permitted in the R4 district. (Ord. 61-4507 §1(part), 1983.)

23.22.030 Transitional use. Any transitional use permitted in the R4 district is permitted in the R4-2 district. (Ord. 61-4507 §1(part), 1983.)

23.22.040 Lot size requirements. (a) Permitted Uses. For each principal permitted use located in the R4-2 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single family dwellings, rectories, parsonages, and parish houses	7,000 sq. ft.	60 ft.
Two family dwellings	7,000 sq. ft.	60 ft.
Multiple family dwellings, including apartment hotels: two or more bedrooms	2,500 sq. ft.* per dwelling unit	100 ft.
One bedroom or efficiency	2,000 sq. ft.* per dwelling unit	100 ft.
Boarding, lodging and rooming houses	900 sq. ft.* per room	60 ft.
Educational and cultural institutions, nonboarding	20,000 sq. ft.	100 ft.

	Minimum Lot Area	Minimum Lot Width
Recreational buildings and community centers	10,000 sq. ft.	70 ft.
Religious institutions, except rectories, parsonages, and parish houses	10,000 sq. ft.	70 ft.
Radio and television stations	2 acres	220 ft.

*However, in no case shall the lot area be less than seven thousand square feet.

(b) Conditional Uses. For each principal conditional use located in the R4-2 district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Clubs and lodges	10,000 sq. ft.	70 ft.
Educational institutions, boarding	40,000 sq. ft.	150 ft.
Health and medical institutions	20,000 sq. ft.	100 ft.
Philanthropic and charitable institutions	20,000 sq. ft.	100 ft.
Planned developments, residential	100,000 sq. ft.	None
Public utility and service uses	In accordance with Chapter 23.60, 23.64, and 23.72.	

(c) Accessory Uses. Each accessory use may be established on the same lot as a principal use, provided that the lot meets the lot size requirements of the R4-2 district, except, however, as indicated for the following accessory uses:

	Minimum Lot Area	Minimum Lot Width
Boat houses, private	20,000 sq. ft.	100 ft.
Guest houses, private	10,000 sq. ft.	70 ft.
Living quarters, detached for persons employed on the premises	10,000 sq. ft.	70 ft.

(Ord. 61-4507 §1(part), 1983.)

23.22.050 Yard requirements. (a) Permitted Uses. For each principal permitted use located in the R4-2 district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single family dwellings, rectories, parsonages, and parish houses	15 ft.*	5 ft.	12 ft.	30 ft.
Two family dwellings and boarding, lodging and rooming houses	15 ft.	5 ft.**	12 ft.****	30 ft.
Multiple family dwellings and apartment hotels	25 ft.	15 ft.**	20 ft.****	35 ft.
Educational and cultural institutions, nonboarding	25 ft.	10 ft.***	20 ft.****	40 ft.
Home satellite communication dishes	Not allowed	5 ft.*	Not allowed	3 ft.
Recreational and social facilities—except recreational buildings and community centers	20 ft.	8 ft.***	15 ft.****	30 ft.
Religious institutions—except rectories, parsonages, and parish houses	20 ft.	8 ft.***	15 ft.****	30 ft.
Radio and television antennas and towers	Not allowed	5 ft.*	Not allowed	3 ft.
Radio and television stations	20 ft.	8 ft.	15 ft.	30 ft.

*Or twenty percent of the lot depth, whichever is less.

**Plus one foot for each three feet by which the building height exceeds twenty-five feet.

***Plus one foot for each two feet by which the building height exceeds fifteen feet.

****Plus one foot for each five feet by which the building height exceeds twenty-five feet.

(b) Conditional Uses. For each principal conditional use located in the R4-2 district a front yard, two side yards and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Clubs and lodges	20 ft.	8 ft.*	15 ft.*	30 ft.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Educational institutions, boarding	35 feet from the nearest property line			
Health and medical institutions	25 ft.	10 ft.*	20 ft.*	40 ft.
Philanthropic and charitable institutions	25 ft.	10 ft.*	20 ft.*	40 ft.
Planned developments, residential	As provided in Chapter 23.60			
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72			

*Plus one foot for each two feet by which the building height exceeds fifteen feet.

(c) Accessory Buildings. Except as indicated below, the yard requirements of the principal uses apply to their accessory buildings.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Boat house, private	No requirements			
Buildings accessory to dwellings, except those uses specifically itemized in this section	15 ft.	5 ft.*	12 ft.	3 ft.
Club houses and other structures on the grounds of private clubs, golf courses, and tennis clubs	Shall be located not less than two hundred feet from the nearest residential property line.			
Guest houses, private	20 ft.	8 ft.	15 ft.	30 ft.
Living quarters, detached for persons employed on the premises	20 ft.	8 ft.	15 ft.	30 ft.
Stadiums and grandstands in athletic fields	Shall be located not less than two hundred feet from the nearest residential property line.			
Temporary buildings for construction purposes	No yard requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property			

*Unless entire structure is located on the rear thirty-five percent of the lot, in which case only three feet shall be required.

(Ord. 61-4764 §10, 1992; Ord. 61-4507 §1(part), 1983.)

23.22.060 Building bulk limitations. (a) Permitted Uses. For each permitted use in the R4-2 district the ratio of the floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

	Maximum Building Height
Single family dwellings, rectories, parsonages, and parish houses, and two family dwellings	2-1/2 stories, but not to exceed 35 feet

All other permitted uses shall be regulated on the basis of maximum floor area ratio.

	Floor Area Ratio
Multiple family dwellings, including single family and two family dwellings, apartment hotels, and boarding, lodging, and rooming houses	2.20
Educational and cultural institutions	1.20
Recreational and social buildings	1.00
Religious institutions—except rectories, parsonages, and parish houses	1.00

(b) Conditional Uses. For each conditional use in the R4-2 district the ratio of the floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

	Floor Area Ratio
Clubs and lodges	1.00
Educational institutions, boarding	0.80
Health and medical institutions	1.50
Philanthropic and charitable institutions	1.00
Planned developments, residential	As provided in Chapter 23.60
Public utility and service uses	In accordance with Chapters 23.60, 23.64, and 23.72

(c) Accessory Uses. In the R4-2 district, the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot as specified for the principal uses in subsections (a) and (b). However, any floor area devoted to off-street parking or loading facilities is exempt from floor area ratio requirements. (Ord. 61-4507 §1(part), 1983.)

23.22.070 Signs. The regulations governing signs in the R1 district apply in the R4-2 district. (Ord. 61-4507 §1(part), 1983.)

23.22.080 Off-street parking requirements. The regulations of the R3 district apply. In addition, off- street parking spaces shall be provided in accordance with the following requirements.

(a) Apartment Hotels. One parking space shall be provided for each dwelling unit bedroom or lodging room, plus one additional parking space for each three dwelling units or lodging rooms.

(b) Boarding, Lodging and Rooming Houses. One parking space shall be provided for each rooming unit, plus one space for the owner or manager.

(c) Clubs and Lodges. One parking space shall be provided for each rooming unit, plus parking spaces equal in number to thirty percent of the capacity in persons of such club or lodge.

(d) Multiple Family Dwellings. One and one-half parking spaces shall be provided for each dwelling unit. (Ord. 61-4507 §1(part), 1983.)

23.22.090 Off-street loading requirements. Off-street loading facilities shall be provided as required in the R1 district and for additional uses as follows:

(a) Apartment Hotels, Boarding, Lodging, and Rooming Houses, and Multiple Family Dwellings. For buildings containing twenty thousand to two hundred thousand square feet of gross floor area, one off-street loading berth shall be provided, plus one additional loading berth for each additional two hundred thousand square feet of floor area or fraction thereof.

(b) Clubs and Lodges. For buildings containing ten thousand to one hundred thousand square feet of gross floor area, one loading berth shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. (Ord. 61-4507 §1(part), 1983.)

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Chapter 23.24

A/R—AGRICULTURE/RESIDENCE DISTRICT

Sections:

23.24.010 Permitted uses.
23.24.020 Conditional uses.
23.24.030 Lot size requirements.
23.24.040 Yard requirements.
23.24.050 Corner vision clearance.
23,24.060 Building bulk limitations.
23.24.070 Signs.
23.24.080 Off-street parking requirements.
23.24.090 Off-street loading requirements.

23.24.010 Permitted uses. Any use permitted in the R1 district. (Ord. 61-4054 §8.5-1, 1967.)

23.24.020 Conditional uses. Any use allowed as a conditional use in the R1 district, subject to the provisions of Chapters 23.60, 23.64 and 23.72. (Ord. 61-4054 §8.5-2, 1967.)

23.24.030 Lot size requirements. (a) Permitted uses. For each principal permitted use located in the A/R district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Single family dwellings, rectories, parsonages and parish houses	40,000 sq. ft.	150 ft.
Agriculture	3 acres	200 ft.
Cemeteries	2 acres	175 ft.
Educational (nonboarding) and cultural institutions	2 acres	175 ft.
Recreational and social buildings and community centers	2 acres	175 ft.
Religious institutions—except rectories, parsonages, and parish houses	2 acres	175 ft.

(b) Conditional Uses. For each principal conditional use located in the A/R district, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Park Area	Minimum Park Width
Airports and commercial heliports	In accordance with Chapters 23.60, 23.64 and 23.72	
Educational institutions, boarding	3 acres	200 ft.
Excavations for specified purposes	In accordance with Chapters 23.60, 23.64 and 23.72	
Health and medical institutions	2 acres	175 ft.
Mobile home parks	20 acres	None
Philanthropic and charitable institutions	2 acres	175 ft.
Planned developments, residential	10 acres	None
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72	
Radio and television stations and towers	2 acres	175 ft.

(c) Accessory Uses. Each accessory use may be established on the same lot as a principal use, provided that the lot meets the lot size requirements of the A/R district as provided in subsections (a) and (b). (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §23, 1996; Ord. 61-4054 §8.5-3, 1967.)

23.24.040 Yard requirements. (a) Permitted Uses. For each principal permitted use located in the A/R district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Rear Yard
Single family dwellings, rectories, parsonages, and parish houses	25 ft.*	15 ft.	25 ft.
Agriculture	No requirements		
Cemeteries	No requirements		
Educational (nonboarding) and cultural institutions	50 ft.	25 ft.**	75 ft.
Recreational and social buildings and community centers	50 ft.	25 ft.**	75 ft.
Religious institutions—except rectories, parsonages, and parish houses	50 ft.	25 ft.**	75 ft.

*but in no case shall the front yard setback line be less than seventy-five feet from the centerline of any public highway.

**plus one foot for each two feet by which the building height exceeds fifteen feet.

(b) Conditional Uses. For each principal conditional use located in the A/R district, a front yard, two side yards, and a rear yard shall be provided, each of which shall be not less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Rear Yard
Airports and commercial heliports	In accordance with Chapters 23.60, 23.64 and 23.72		
Educational institutions, boarding	50 feet from the nearest property line		
Excavations for specified purposes	50 feet from the nearest property line		
Health and medical institutions	50 ft.	25 ft.*	75 ft.
Mobile home parks	In accordance with Chapter 23.66		
Philanthropic and charitable institutions	50 ft.	25 ft.*	75 ft.
Planned developments, residential	As provided in Chapter 23.60		
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72		
Radio and television stations and towers	50 ft.*	30 ft.*	100 ft.

*plus one foot for each two feet by which the building or structure height exceeds fifteen feet.

(c) Accessory Buildings. Except as indicated below, the yard requirements of the principal uses apply to their accessory buildings:

	Front Yard	Interior Side Yard	Rear Yard
Agricultural buildings	100 ft.	50 ft.	100 ft.
Boathouses, private	No requirements		
Buildings accessory to single family dwellings other than those specified herein	25 ft.*	15 ft.**	3 ft.
Club houses and other structures on the grounds of private clubs, golf courses, and	Shall be located not less than two hundred feet from the nearest residential		

	Front Yard	Interior Side Yard	Rear Yard
tennis clubs	property line.		
Roadside stands on lots where the principal use is agriculture	25 ft.*	50 ft.	No requirements
Stables, private	100 ft.	50 ft.	100 ft.
Stadiums and grandstands in athletic fields	Shall be located not less than two hundred feet from the nearest residential property line.		
Temporary buildings for construction purposes	No yard requirements, provided that there shall not be undue interference with the use and enjoyment of neighboring property		

*but in no case shall such front yard setback line be less than seventy-five feet from the centerline of any public highway.

**unless the entire structure is located on the rear thirty-five percent of the lot, in which case only three feet shall be required.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4943 §24, 1996; Ord. 61-4054-31 §4, 1968; Ord. 61-4054 §8.5-4(part), 1967.)

23.24.050 Corner vision clearance. At the intersection of highways, or of highways with railroad tracks, no building or structure shall be erected or located within an area bounded by the intersecting street lot lines and a line joining points on such lot lines and one hundred twenty-five feet back from the point of intersection. (Ord. 61-4054 §8.5-4(part), 1967.)

23.24.060 Building bulk limitations. The building bulk limitations prescribed in the R1 district apply. (Ord. 61-4054 §8.5-5, 1967.)

23.24.070 Signs. The sign regulations established in the R1 district apply. (Ord. 61-4054 §8.5-6, 1967.)

23.24.080 Off-street parking requirements. Off-street parking facilities shall be provided as required in the R1 district. (Ord. 61-4054 §8.5-7, 1967.)

23.24.090 Off-street loading requirements. Off-street loading facilities shall be provided as required in the R1 district. (Ord. 61-4054 §8.5-8, 1967.)

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Chapter 23.26

BUSINESS DISTRICTS

Sections:

23.26.010 Permitted uses.
23.26.020 Conditional uses.
23.26.030 Lot area requirements.
23.26.040 Yard requirements.
23.26.050 Floor area ratio.
23.26.060 Signs.
23.26.070 Off-street parking.
23.26.080 Utilization of off-street parking.
23.26.090 Exemption from off-street parking regulations.
23.26.100 Computation of off-street parking.
23.26.110 Collective provision for off-street parking.
23.26.120 Size of parking spaces.
23.26.130 Access of parking spaces.
23.26.140 Off-street parking in yards.
23.26.150 Design and maintenance of parking spaces.
23.26.160 Location of parking spaces.
23.26.170 Employee parking.
23.26.180 Off-street loading.
23.26.190 Location of loading berths.
23.26.200 Size of loading berths.
23.26.210 Access to loading berths.
23.26.220 Surfacing of loading berths.
23.26.230 Repair and service in loading berth.
23.26.240 Utilization of loading berth.
23.26.250 Minimum off-street loading facilities.
23.26.260 Central loading facilities.

23.26.010 Permitted uses. No buildings or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which the building or zoning lot is located, with the exception of the following:

(a) Uses lawfully established on the effective date of the ordinance codified in this title; and

(b) Conditional uses allowed in accordance with the provisions of section 23.26.020.

Uses already established on the effective date of the ordinance codified in this title, and rendered nonconforming by the provisions thereof, are subject to the regulations of Chapter 23.70. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.020 Conditional uses. Conditional uses as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Chapters 23.60, 23.64 and 23.72. (Ord. 61-4054 Art. IX(part), 1967.)

23.26.030 Lot area requirements. Lot area requirements are as set forth under each zoning district.

(a) No use shall be established or hereafter maintained on a lot recorded after the effective date of the ordinance codified in this title which is of less area than prescribed hereinafter for the use in the zoning district in which it is to be located;

(b) No existing building or dwelling unit shall be converted so as to conflict with, or further conflict with, the lot area requirements of the district in which the building is located. (Ord. 61-4054 Art. IX(part), 1967.)

23.26.040 Yard requirements. (a) Yard requirements shall be set forth under each zoning district in Chapters 23.28 - 23.34 for all buildings, structures, and uses, except where more than twenty-five percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of the ordinance codified in this title. In the case of this exception, the average setback from the front lot line of the existing structures shall be maintained by all new or relocated structures. However, no front yard setback shall be less than the minimum required front yard prescribed in this title.

(b) If the property on a street frontage between intersecting streets is zoned partially residence and partially business, the front yard requirement of the residence district shall be applied to the entire street frontage.

(c) Dispensing devices with a height of not over six feet are exempt from the established front yard or corner side yard requirements, but all dispensing devices shall be set back from the front lot line and the corner side lot line a distance of not less than fifteen feet.

(d) All required yards shall be unobstructed from the ground level to the sky, except as allowed in section 23.08.190. All accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings. (Ord. 61-4125 §2, 1969; Ord. 61-4054 Art. IX(part), 1967.)

23.26.050 Floor area ratio. The requirements established under each zoning district in Chapters 23.28 - 23.34 determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot. However, where the front, side, or rear lot line of a lot adjoins a public open space which is at least two acres in area and of a depth perpendicular to the lot line of not less than two hundred feet, the floor area ratio may be increased by fifteen percent. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.060 Signs. Signs shall be classified and regulated in accordance with the requirements under each zoning district in Chapters 23.28 - 23.34, and as specified hereunder.

(a) No advertising device shall hereafter be erected or relocated within three hundred feet of the right-of-way line of any limited access highway if the face thereof is visible therefrom, and advertising devices located at a greater distance than three hundred feet from the right-of-way line of any limited access highway and visible therefrom shall not exceed in gross area in square feet 1/200 times the square of the distance of the advertising device from the limited access highway. All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the director of inspections and electrical systems after a recommendation from the city engineer, and which do not conform to the provisions of this section, shall be relocated or rearranged in accord with safety standards;

(b) No advertising sign, when viewed from a public park of ten or more acres in area, shall hereafter be erected or relocated within three hundred feet of such public park of ten acres or more in area; unless the sign is screened from the park by a building, wall or solid fence, and advertising devices located at a greater distance than three hundred feet from the public park shall not exceed, in gross area of square feet, 1/200 times the square of the distance of the advertising sign from the park unless the sign is screened from the park by a building, wall or solid fence;

(c) No advertising signs shall be permitted within seventy-five feet of any residence district boundary line unless the sign is completely screened from the residence district by a building, solid fence, or an evergreen planting, which planting shall be not more than two feet shorter than the height of the sign at the time the evergreens are planted; the evergreens shall be spaced not more than one-half the height of the tree for regular varieties and one-third the height of the tree for columnar varieties of trees; the evergreen planting shall be continuously maintained; or the sign is facing away from the residence district and the back is screened as provided below;

(d) A sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty feet before the sidewalk line, shall not have red, green, or amber illumination;

(e) All signs shall be mounted in one of the following manners:

(1) Flat against a building or wall,

(2) Back to back in pairs, so that the back of the sign is screened from public view,

(3) In clusters in an arrangement which screens the back of the signs from public view,

(4) Or otherwise mounted so that the backs of all signs or sign structures showing to public view are painted and maintained a neutral color or a color that blends with surrounding environment;

(f) No sign or advertising device shall be located within or project onto or over any property located within the right-of-way of any federal, state, or county marked highway;

(g) Nonconforming signs shall be made to conform within five years from the date of the adoption of the ordinance codified in this title.

(h) Signs accessory to parking areas are allowed subject to the following:

(1) Area and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance, and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, is permitted. On a corner lot, two signs, one facing each street, are permitted,

(2) Projection. No sign shall project beyond the property line into the public way or obstruct sight vision,

(3) Height. No sign shall project higher than seven feet above curb level. (Ord 61-5399 §1 (part), 2009, File No. 08-0915, Ord. 61-4054 Art. IX (part), 1967).

23.26.070 Off-street parking. Off-street parking facilities for motor vehicles in business districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Chapter 23.68. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.080 Utilization of off-street parking. Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses. However, the parking of trucks accessory to a permitted use, if limited to one and one-half ton capacity and in an enclosed structure, is permitted. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.090 Exemption from off-street parking regulations. When the application of the off-street parking regulations specified hereinafter result in a requirement of not more than three spaces on a single zoning lot in any business district, the parking spaces need not be provided. However, when two or more uses are located on a single zoning lot, only one of theses uses shall be eligible for the above exemption. This exemption does not apply to dwelling units. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.100 Computation of off-street parking. When determination of the number of off-street parking spaces required by this title results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.110 Collective provision for off-street parking. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use; provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. No parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board of appeals. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.120 Size of parking spaces. A required off-street parking space shall be at least eight feet six inches in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. A space shall have a vertical clearance of at least six feet six inches, and shall be measured at right angles to the axis of the vehicle. Aisles shall be not less than twenty-four feet wide for ninety degree parking, eighteen feet wide for sixty degree parking, fifteen feet wide for forty-five degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three feet. (Ord. 61-4308 §1(part), 1976; Ord. 61-4054 Art. IX (part), 1967.)

23.26.130 Access of parking spaces. Each required off-street parking space shall open directly upon an aisle or driveway at least twelve feet wide or such additional width and design as to provide safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of twenty-five feet, not including curb cuts or as approved by the Engineering Department. (Ord. 61-5569 §2 (part), 2013, File No. 13-0510; Ord. 61-4054 Art. IX (part), 1967.)

23.26.140 Off-street parking in yards. Off-street parking spaces, open to the sky, may be located in any yard. Enclosed buildings and carports containing off-street parking are subject to applicable yard requirements. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.150 Design and maintenance of parking spaces. (a) Plan. Design of the parking lot or area shall be subject to the approval of the director of inspections and electrical systems in accordance with standards approved by the plan commission.

(b) Character. Accessory parking spaces may be open to the sky or enclosed in a building.

(c) Surfacing. All open off-street parking areas, except a single parking space accessory to a single family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand pounds (normally, a two-inch black top or a four-inch base or five inches of portland cement will meet this requirement).

(d) Screening and Landscaping. All open automobile parking areas, containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height.

(e) Lighting. Any lighting used to illuminate off- street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three foot candles measured at the lot line.

(f) Barriers. All parking lot areas abutting a public right-of-way shall be equipped with either curbing, walls, planters, pipe barriers, or other design determined by the engineering

department to be acceptable. The barriers shall be not less than eight inches nor more than thirty-six inches high measured from the street grade. If the barriers are concrete, they shall have a minimum thickness of six inches. If pipe barriers are used, the minimum outside diameter shall be four inches with a minimum wall thickness of one-fourth inch.

(g) Tree Plantings. Tree plantings, along with other landscaping within open off-street parking areas, are intended to lessen the conflict between cars and pedestrians, provide traffic patterns and control of vehicles, identify entrances and exits, provide reference points for locating cars in large lots, provide shade, and furnish open ground for drainage and snow storage. All open one-level, off-street automobile parking lots or areas constructed or hard-surfaced after February 15, 1978, which by themselves or as an addition to adjacent or abutting parking facilities contain more than twenty parking stalls, shall include within the newly constructed area trees hardy to this region, in plantings totaling not less than three percent of the newly constructed area. The required number of parking spaces for the use or uses served by the parking area shall be reduced by an amount equal to the number of spaces lost due to compliance with the minimum requirements of this section. The minimum area devoted to each planting shall be not less than seventy square feet. A sketch indicating the size, type and location of the planting, the plant materials, the protection afforded the plantings, including curbing, staking and mulching, and provisions for maintenance, shall be submitted to the director of inspections and electrical systems, who shall make such suggestions to the owner regarding the proposed design as shall implement this section. The preservation of existing trees is encouraged and shall be a factor in the director of inspections and electrical systems's decision. In the event the director of inspections and electrical systems deems the design to be contrary to the standards established pursuant to subsection (a) of this section, no parking lot zoning certificate shall be issued. The owner may appeal such denial to the city plan commission.

Construction of the parking lot shall coincide with construction of the principal building when applicable, or shall proceed at the earliest seasonable opportunity. If the parking lot is not constructed to plan, it shall be a violation of this section.

(h) Nonconforming Uses. When existing nonconforming parking areas are altered, modified, enlarged, extended, reconstructed or resurfaced, they shall be reconstructed and designed to conform to this section. (Ord. 61-4572 §1, 1985; Ord. 61-4501 §1, 1982; Ord. 61-4358 §2, 1978; Ord. 61-4216 §1, 1972; Ord. 61-4054 Art. IX (part), 1967.)

23.26.160 Location of parking spaces. All parking spaces required to serve buildings or uses erected or established after the effective date of the ordinance codified in this title shall be located on the same zoning lot as the building or use served. Buildings or uses existing on the effective date of the ordinance codified in this title which are subsequently altered or enlarged so as to require the provision of parking spaces under this title may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within five hundred feet walking distance of a main entrance to the use served. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.170 Employee parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.180 Off-street loading. Off-street loading facilities accessory to uses allowed in business districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Chapter 23.68. (Ord. 61- 4054 Art. IX (part), 1967.)

23.26.190 Location of loading berths. All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a residence district or intervening alley separating a residence district from a business district shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height. No permitted or required loading berth shall be located within thirty feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.200 Size of loading berths. Unless otherwise specified, a required off-street loading berth shall be at least twelve feet in width by at least thirty feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen feet. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.210 Access to loading berths. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the director of inspections and electrical systems. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.220 Surfacing of loading berths. All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of two hundred pounds per square foot. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.230 Repair and service in loading berth. No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in business districts, except emergency repair service necessary to start vehicles. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.240 Utilization of loading berth. Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.250 Minimum off-street loading facilities. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for the required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot. (Ord. 61-4054 Art. IX (part), 1967.)

23.26.260 Central loading facilities. Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

(a) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade;

(b) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths);

(c) No zoning lot served shall be more than three hundred feet removed from the central loading area;

(d) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet. (Ord. 61-4054 Art. IX (part), 1967.)

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Chapter 23.28

B1—NEIGHBORHOOD SHOPPING DISTRICT

Sections:

23.28.010 Purpose.
23.28.020 Permitted uses.
23.28.030 Conditional uses.
23.28.040 Lot area requirements.
23.28.050 Yard requirements.
23.28.060 Floor area ratio.
23.28.070 Signs.
23.28.080 Off-street parking.
23.28.090 Off-street loading.

23.28.010 Purpose. The B1 neighborhood shopping district is designed for the convenience shopping of persons residing in adjacent residential areas, and to permit only the uses necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence. (Ord. 61-4054 §9.1, 1967.)

23.28.020 Permitted uses. (a) Uses permitted in the B1 district are subject to the following conditions:

(1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced;

(2) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings;

(3) Establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles are not permitted;

(4) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one-half tons capacity when located within one hundred fifty feet of a residence district boundary line.

(b) The following uses are permitted in the B1 districts:

(1) Single family dwellings;

(2) Art and school supply stores;

(3) Barber shops;

(4) Beauty parlors;

(5) Candy and ice cream stores;

(6) Churches;

(7) Clothes pressing establishments;

(8) Currency exchanges;

(9) Drug stores;

(10) Dry cleaning and laundry receiving stations, processing to be done elsewhere;

(11) Family day care homes;

(12) Food stores, grocery stores, meat markets, fish markets, bakeries, and delicatessens;

(13) Gift shops;

(14) Hardware, domestic appliance, and paint and wallpaper stores;

(15) Launderettes, automatic, self service only, or hand laundries employing not more than two persons in addition to one owner or manager;

(16) Liquor stores, package goods only;

(17) Newspaper distribution agencies for home delivery and retail trade;

(18) Restaurants, not including entertainment, dancing, and serving of alcoholic beverages;

(19) Shoe, clothing, and hat repair stores;

(20) Signs, as regulated hereunder;

(21) Telephone booths and coin telephones;

(22) Temporary buildings for construction purposes, for a period not to exceed the duration of such construction;

(23) Variety stores;

(24) Wearing apparel shops;

(25) Accessory uses, incidental to, and on the same zoning lot as a principal use.

(Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-5206 §1(part), 2003, File No. 03-0612; Ord. 61-4486 §1, 1981; Ord. 61-4054 §9.1-1, 1967.)

23.28.030 Conditional uses. The following conditional uses may be allowed in the B1 district subject to the provisions of Chapters 23.60, 23.64 and 23.72:

(a) Automobile service stations, in accordance with Chapter 23.64;

(b) Brew pubs;

(c) Columbaria on the grounds of a church;

(d) Day care centers;

(e) Demolition and construction material disposal site;

(f) Homeless shelter;

(g) Memorials;

(h) Musical instrument sales and repair;

(i) Offices, business and professional;

(j) Parking lots, open and other than accessory, for the storage of private passenger automobiles;

(k) Parks;

(l) Planned unit developments, business;

(m) Public utility and service uses;

(1) Bus terminals, bus turn-arounds (off-street), bus garages, or bus lots,

(2) Electric substations,

(3) Fire stations,

(4) Gas regulator stations,

(5) Police stations,

(6) Other municipal town and county buildings,

(7) Post offices,

(8) Radio and television towers,

(9) Railroad passenger stations,

(10) Railroad rights-of-way, but not including railroad yards and shops other than for passenger purposes,

(12) Telephone exchanges, telephone transmission equipment buildings, and microwave relay towers,

(13) Water works, reservoirs, pumping stations, and filtration plants;

(n) Repair, rental, and servicing of any product, the sale of which is a permitted use in the district, subject to approval by and any restrictions set forth therefor by the plan commission;

(o) Signs in excess of thirty feet but less than fifty feet in height from curb level;

(p) Signs set back less than fifteen feet from the front lot lines;

(q) Taverns;

(r) Two to four family dwellings (inclusive);

(s) Accessory uses, incidental to, and on the same zoning lot as a principal use. (Ord. 61-5330 §1(part), 2007, file No. 07-0404; Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-5227 §1, 2004, File No. 04-0206; Ord. 61-5087 §1(part), 2000; Ord. 61-4800 §1, 1992; Ord. 61-4056-323 §2, 1992; Ord. 61-4667 §9, 1989; Ord. 61-4637 §5, 1988; Ord. 61-4483 §1(part), 1981; Ord. 61-4475 §1, 1980; Ord. 61-4474 §1, 1980; Ord. 61-4446 §1(part), 1980; Ord. 61-4376 §1, 1978; Ord. 61-4217 §1(part), 1972; Ord. 61-4054 §9.1-2, 1967.)

23.28.040 Lot area requirements. In the B1 district there shall be provided not less than two thousand square feet of lot area for each business establishment.

Single family dwellings shall be located on lots of not less than seven thousand square feet in area. (Ord. 61-4054 §9.1-3, 1967.)

23.28.050 Yard requirements. (a) Residential yards. Single family dwellings on residential lots shall provide front, side, and rear lots in accordance with the yard requirements established in the R3 district. For dwellings located above business establishments, there shall be provided side and rear yards equivalent to those established in the R2 district. These yards shall begin at a level no higher than the level of the finished floor of the dwelling.

(b) Front yards. Business uses allowed in the B1 district shall provide a front yard not less than fifteen feet in depth.

(c) Transitional yards. In the B1 district the minimum transitional yard requirements shall not be less than those specified below:

(1) Where a side lot line coincides with a side or rear lot line in an adjacent residence district, a yard shall be provided along such side lot line. Such yard shall be equal in dimensions to the minimum side yard which would be required under this title for a residential use on the adjacent residential lot;

(2) Where a rear lot line coincides with a side lot line in an adjacent residence district, a yard shall be provided along the rear lot line. The yard shall be equal in dimension to the minimum side yard which would be required under this title for a residential use on the adjacent residential lot;

(3) Where a rear lot line coincides with a rear lot line in an adjacent residence district, a yard shall be provided along such rear lot line. The yard shall be not less than that which would be required for a residential use on the adjacent residential lot;

(4) Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot in a residential district, only the first sixty feet of the lot immediately adjacent to the residential lot shall have a yard equal in depth to the minimum front yard required by this title for that residential lot. If the frontage of the block in question is zoned seventy-five percent or more business (by frontage measured in footage), there shall be no yard requirement.

(Ord. 61-4154 §1, 1970; Ord. 61-4120 §1, 1969; Ord. 61-4054 §9.1-4, 1967.)

23.28.060 Floor area ratio. In the B1 districts the floor area ratio shall not exceed 1.80. (Ord. 61-4054 §9.1-5, 1967.)

23.28.070 Signs. In the B1 districts, advertising devices are expressly prohibited. Nonflashing business signs are permitted, in accordance with the following:

(a) General application.

(1) Area. The gross area in square feet of all nonilluminated signs on a zoning lot shall not exceed three times the lineal feet of frontage of the zoning lot. However, the gross surface area of all illuminated, nonflashing signs shall not exceed one and one-half times the lineal feet of frontage of the zoning lot.

(2) Projection. No sign shall project into the public way.

(3) Height. No sign shall project higher than thirty feet above curb level, except as may be provided by conditional use.

(b) Integrated centers. For integrated centers in single ownership or under unified control, or individual uses with a minimum frontage of one hundred fifty feet, one additional sign on each street frontage, other than those regulated on (1), above, is permitted, subject to the following:

(1) Content. The sign shall advertise only the name and location of the center or individual use and the name and type of business of each occupant of the center.

(2) Area. The gross area in square feet of the additional sign on a zoning lot shall not exceed two times the lineal feet of frontage of the zoning lot. However, the gross surface area of the additional sign if illuminated, nonflashing shall not exceed the lineal feet of frontage of the zoning lot.

(3) Setback. The sign shall be set back a minimum of fifteen feet from the front lot line of the center or individual use, except as may be provided by conditional use.

(4) Height. No sign shall project higher than thirty feet above curb level, except as may be provided by conditional use.

(Ord. 61-5399 §1, (part), 2009, File No. 08-0915, Ord. 61-4653 §1, 1988; Ord. 61-4054 §9.1-6, 1967.)

23.28.080 Off-street parking. In the B1 districts, off-street parking facilities shall be provided in accordance with the following minimum requirements:

Uses, as itemized in sections 23.28.020 and 23.28.030 of this district, shall provide one parking space for each two hundred square feet of gross floor area in excess of two thousand square feet, except as indicated below for the following uses:

(a) Single family dwellings. One parking space shall be provided for each dwelling;

(b) Automobile service stations. One parking space shall be provided for each two employees, plus one space for the owner or manager;

(c) Churches. One parking space shall be provided for each six seats;

(d) Planned developments, business. Parking facilities shall be provided on the basis of the required spaces for each individual use;

(e) Public utility and service uses. One parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the plan commission, to serve the public;

(f) Restaurants, taverns, and brew pubs. Parking spaces equal in number to thirty percent of the capacity in persons shall be provided. (Ord. 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4054 §9.1-7, 1967.)

23.28.090 Off-street loading. Business establishments in the Bl district shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot. (Ord. 61-4054 §9.1-8, 1967.)

Chapter 23.30

B2—COMMUNITY SERVICE DISTRICT

Sections:

23.30.010 Purpose.
23.30.020 Permitted uses.
23.30.030 Conditional uses.
23.30.040 Lot area requirements.
23.30.050 Yard requirements.
23.30.060 Floor area ratio.
23.30.070 Signs.
23.30.080 Off-street parking.
23.30.090 Off-street loading.

23.30.010 Purpose. The B2 community service district is designed to accommodate the needs of a larger consumer population than is served in the neighborhood shopping district—thus a wider range of services and goods is permitted for both daily and occasional shopping and service needs. (Ord. 61-4054 §9.2, 1967.)

23.30.020 Permitted uses. (a) Uses permitted in the B2 district are subject to the following conditions:

(1) Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established;

(2) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced;

(3) All business, servicing, or processing, except for off-street parking or loading, and specific outdoor activities allowed as a conditional use, shall be conducted within completely enclosed buildings;

(4) Establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles are permitted only by conditional use permit;

(5) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section shall be limited to vehicles of not over one and one-half tons capacity when located within one hundred fifty feet of a residence district boundary line.

(b) Any use permitted in the B1 district, with the exception of dwellings on solely residential lots, is permitted in the B2 district; and, in addition, the following uses are permitted:

(1) Antique shops;

(2) Art shops or galleries, but not including auction rooms;

(3) Automobile accessory stores;

(4) Automobile service stations;

(5) Banks and financial institutions;

(6) Bicycle sales, rental, and repair stores;

(7) Blueprinting and photostating establishments;

(8) Book and stationery stores;

(9) Business machine sales and service;

(10) Cable TV sales; cable TV equipment sales, service and leasings;

(11) Camera and photographic supply stores;

(12) Carpet and rug stores, retail sales only;

(13) Catering establishments;

(14) Ceramics, limited to hobby supplies and manufacture, kiln size limited to thirty-six inches deep by thirty-two inches opening, larger kilns subject to approval by the plan commission;

(15) China and glassware stores;

(16) Clubs or lodges, private; and meeting halls;

(17) Coin and philatelic stores;

(18) Department stores;

(19) Dry cleaning and/or laundry room or rooms containing dry cleaning and/or the laundering process (washing, drying, ironing, and wrapping) shall not exceed a total of three thousand square feet in area nor employ more than six persons in addition to one owner or manager;

(20) Dry goods stores;

(21) Dwellings above the ground floor;

(22) Electrical and household appliance stores, including radio and television sales;

(23) Employment agencies;

(24) Florist shops;

(25) Frozen food stores, including locker rental in conjunction therewith;

(26) Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use;

(27) Furrier shops, including the incidental storage and conditioning of furs;

(28) Garden supply, tool, and seed stores;

(29) Gift shops;

(30) Hobby shops, for retail or items to be assembled or used away from the premises;

(31) Interior decorating shops, including upholstering and making of draperies, slipcovers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use;

(32) Jewelry stores, including watch repair;

(33) Leather goods and luggage stores;

(34) Locksmith shops;

(35) Medical and dental clinics;

(36) Millinery shops;

(37) Musical instrument sales and repair;

(38) Offices, business and professional;

(39) Office machine sales and servicing;

(40) Office supply stores;

(41) Optician sales, retail;

(42) Orthopedic and medical appliance stores;
(43) Pawnshops;

(44) Pet shops;

(45) Phonograph record and sheet music stores;

(46) Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises;

(47) Physical culture and health services, gymnasiums, reducing salons, massage salons, and public baths;

(48) Picture framing, when conducted for retail trade on the premises only;

(49) Plumbing and heating sales shop;

(50) Post offices;

(51) Produce markets;

(52) Radio and television service, sales, and repair shops;

(53) Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principal activity, but not including live entertainment or dancing;

(54) Security equipment sales, service and leasing;

(55) Sewing machine sales and service, household appliances only;

(56) Shoe stores;

(57) Sporting goods stores;

(58) Tailor shops;

(59) Taverns, but not including live entertainment by more than three musicians or dancing;

(60) Taxidermists;

(61) Telegraph offices;

(62) Theaters, indoor;

(63) Ticket agencies, amusement;

(64) Tobacco shops;

(65) Toy shops;

(66) Travel bureaus and transportation ticket offices;

(67) Undertaking establishments and funeral parlors.

(Ord. 61-5376, Art. XVIII (part), 2008; Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4577 §§1, 2, 1985; Ord. 61-4368 §1, 1978; Ord. 61-4214 §§1, 2, 1972; Ord. 61-4171 §§1, 2, 1970; Ord. 61-4054 §9.2-1, 1967.)

23.30.030 Conditional uses. Any use allowed as a conditional use in the B1 district is allowed in the B2 district, subject to the provisions of Chapters 23.60, 23.64 and 23.72, and in addition, the following:

(a) Amusement establishments (indoor), including: bowling alleys, poolhalls, dancehalls, swimming pools, and skating rinks;

(b) Animal hospitals without outside kennels;

(c) Car washes;

(d) Community centers;

(e) Contractor's offices;

(f) Drive-in establishments, in accordance with Chapter 23.64;

(g) Dwelling units below the ground floor;

(h) Electrical wares retail store;

(i) Indoor kennels;

(j) Garages, for repair and servicing of motor vehicles;

(k) Motor vehicle sales:

(1) Within enclosed buildings.

(2) Outdoor sales provided all of the following standards are met:

(A) The sales operation shall be ancillary to either a garage for repair and servicing of motor vehicles or an automobile service station.

(B) There shall not be more than ten motor vehicles on display for retail sale at any time.

(C) The sales operation shall be closed between the hours of nine p.m. and eight a.m.

(D) The motor vehicle sales display area shall be paved;

(l) Outdoor dining areas for restaurants;

(m) Parking garages or structures, other than accessory, for the storage of private passenger automobiles only;

(n) Recording studios;

(o) Schools, music, dance, business, commercial or trade;

(p) Signs in excess of thirty feet but less than fifty feet in height from curb level;

(q) Repair, rental and servicing of any product the sale of which is a permitted use in the district, subject to approval by and any restrictions set forth therefor by the plan commission. (Ord. 61-5376 Art. VIII, XVIII, (part) 2008, Ord. 61-5161 §1, 2002, File No. 02-0209; Ord. 61-5087 §1(part), 2000; Ord. 61-4969 (part), 1997; Ord. 61-4964 §1(part), 1996; Ord. 61-4947 §1(part), 1996; Ord. 61-4855 §1, 1994; Ord. 61-4561 §1, 1984; Ord. 61-4538 §1, 1984; Ord. 61-4397 §§1 and 2, 1978; Ord. 61-4217 §1(part), 1972; Ord. 61-4054 §9.2-2, 1967.)

23.30.040 Lot area requirements. In the B2 district there shall be provided not less than two thousand square feet of lot area for each business establishment, and for each dwelling unit on a lot there shall be provided one thousand five hundred square feet of lot area, except that for one bedroom and efficiency units the minimum lot area shall be one thousand two hundred square feet per unit. (Ord. 61-4054 §9.2-3, 1967.)

23.30.050 Yard requirements. (a) Residential Yards. For dwelling units located above business establishments, there shall be provided side and rear yards equivalent to those established in the R4 district. The yards shall begin at a level no higher than the level of the finished floor of the lowest dwelling unit.

(b) Transitional Yards. The regulations governing transitional yards in the B1 district apply in the B2 district. (Ord. 61-4054 §9.2-4, 1967.)

23.30.060 Floor area ratio. In the B2 district, the floor area ratio shall not exceed 2.80. (Ord. 61-4054 §9.2-5, 1967.)

23.30.070 Signs. In the B2 district, advertising devices are expressly prohibited. Business signs are permitted, subject to the following conditions:

(a) General Application.

(1) Area. The gross area in square feet of all signs on a zoning lot shall not exceed five times the lineal feet of frontage of the zoning lot. However, the gross area of all flashing signs shall not exceed two times the lineal feet of frontage of the zoning lot.

(2) Permitted Projections.

(A) Wall signs;

(B) Signs mounted on an ornamental roof or other similar projection where the total projection into the public airspace does not exceed eighteen inches.

(3) Height. No sign shall project higher than thirty feet above curb level, except as may be provided by conditional use.

(4) Prohibited. Awning and marquee signs that project into the airspace over the public lands or public way are prohibited. All awning signs in violation of this subdivision shall be removed within one hundred eighty days of February 18, 1978.

(b) Integrated Centers. For integrated centers in single ownership or under unified control or individual uses with a minimum frontage of one hundred fifty feet, one additional sign on each street frontage, other than those regulated in subsection (1) of this section, are permitted subject to the following:

(1) Content. The sign shall advertise only the name and location of the center or individual use and the name and type of business of each occupant of the center.

(2) Area. The gross area in square feet of the additional sign on a zoning lot shall not exceed three times the lineal feet of frontage of the zoning lot. However, the gross surface area of the additional sign, if flashing, shall not exceed one and one-half times the lineal feet of frontage of the zoning lot.

(3) Setback. The sign shall be set back a minimum of fifteen feet from the front lot line of the center or individual use, except as may be provided by conditional use.

(4) Height. No sign shall project higher than thirty feet above curb level, except as may be provided by conditional use.

(Ord. 61-5399 §1(part), 2009, File No. 08-0915, Ord. 61-5087 §1(part), 2000; Ord. 61-4653 §2, 1988; Ord. 61-4365 §1, 1978; Ord. 61-4362 §1(part), 1978; Ord. 61-4054 §9.2-6, 1967.)

23.30.080 Off-street parking. Off-street parking facilities accessory to uses allowed in the B2 district shall be provided as required in the B1 district, and for additional uses as follows:

Uses of this chapter, as itemized in sections 23.30.020 and 23.30.030, shall provide one parking space for each two hundred square feet of gross floor area in excess of two thousand square feet, except as indicated below for the following uses:

(a) Amusement establishments as follows:

(1) Bowling Alleys. Five parking spaces shall be provided for each alley, plus additional spaces on the basis of one space for each three hundred square feet of gross floor area for affiliated uses, such as taverns, restaurants and the like.

(2) Pool halls, Dancehalls, Swimming Pools, and Skating Rinks. Parking spaces equal in number to thirty percent of the capacity in persons shall be provided.

(b) Automobile Service Stations. One parking space shall be provided for each two employees, plus one space for the owner or manager.

(c) Clubs and Lodges. One parking space shall be provided for each lodging room, plus parking spaces equal in number to thirty percent of the capacity in persons of the club or lodge.

(d) Medical and Dental Clinics. Three parking spaces shall be provided for each staff and regularly visiting doctor.

(e) Motor Vehicle Sales. Two parking spaces shall be provided for each employee.

(f) Planned Developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.

(g) Post Offices. One parking space shall be provided for each two employees, plus one space for each three hundred square feet of gross floor area in excess of four thousand square feet.

(h) Public Utility and Service Uses. One parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the plan commission, to serve the public.

(i) Schools, Commercial or Trade, and Music, Dance, or Business. One parking space shall be provided for each two employees, plus one space for each five students, based on the maximum number of students attending classes on the premises at any one time during any twenty-four-hour period.

(j) Theaters (indoor). One parking space shall be provided for each six seats up to four hundred seats, plus one space for each four seats above four hundred;

(k) Undertaking establishments and funeral parlors. Eight parking spaces shall be provided for each chapel or parlor, plus one space for each funeral vehicle maintained on the premises;

(l) Dwellings. Two parking spaces shall be provided for each dwelling unit.

However, parking spaces required for uses contained in an integrated center may be provided collectively. Parking spaces shall be provided in the amount of at least six parking spaces for each one thousand square feet of gross floor area in the center. (Ord. 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-4229 §1, 1973; Ord. 61-4054 §9.2-7, 1967.)

23.30.090 Off-street loading. In the B2 district, off-street loading facilities shall be provided in accordance with the following minimum requirements:

(a) Parking lots and garages. There shall be no requirements for off-street loading;

(b) Planned developments. Loading berths shall be provided on the basis of the required berths for each individual use;

(c) For the uses listed hereunder, one loading berth shall be provided for buildings containing ten thousand to two hundred thousand square feet of gross floor area, plus one additional loading berth for each additional two hundred thousand square feet of gross floor area or fraction thereof:

(1) Clubs and lodges,

(2) Multiple family dwellings,

(3) Schools—music, dance, business, commercial, or trade,

(4) Theaters (indoor);

(d) For the uses listed hereunder, one loading berth shall be provided for buildings containing ten thousand to one hundred thousand square feet of gross floor area; for each additional one hundred thousand square feet of gross floor area up to five hundred thousand square feet, one additional loading berth shall be provided, plus one additional loading berth for each additional five hundred thousand square feet of gross floor area or fraction thereof in excess of five hundred thousand square feet.

(1) Amusement establishments,

(2) Banks and financial institutions,

(3) Medical and dental clinics,

(4) Offices, business and professional;

(e) For all other uses, facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 — (12 ft. x 30 ft.)
10 to 25	2 — (12 ft. x 30 ft. ea.)
25 to 40	2 — (12 ft. x 55 ft. ea.)
40 to 100	3 — (12 ft. x 55 ft. ea.)

For each additional two hundred thousand square feet of gross floor area or fraction thereof over one hundred thousand square feet of gross floor area, one additional loading berth shall be provided, the additional loading berth to be at least twelve feet in width by fifty-five feet in length. (Ord. 61-4054 §9.2-8, 1967.)

Chapter 23.32

B3—GENERAL COMMERCIAL DISTRICT

Sections:

23.32.010 Purpose.
23.32.020 Permitted uses.
23.32.030 Conditional uses.
23.32.040 Transitional yard requirements.
23.32.050 Floor area ratio.
23.32.060 Signs.
23.32.070 Off-street parking.
23.32.080 Off-street loading.

23.32.010 Purpose. The B3 general commercial district is intended primarily to accommodate those commercial uses which are not compatible with the uses permitted in any other business district and, therefore, are not allowed therein. (Ord. 61-4054 §9.3, 1967.)

23.32.020 Permitted uses. (a) Uses permitted in the B3 district are subject to the following conditions:

(1) Dwelling units and rooming units, other than those located in a hotel or motel or watchmen's quarters located on the premises where employed, are not permitted;

(2) The parking of trucks as an accessory use, when used in the conduct of a permitted business, shall be limited to vehicles of not over one and one-half tons capacity when located within one hundred fifty feet of a residence district boundary line.

(b) Any use permitted in the B2 district is permitted in the B3 district, and, in addition, the following uses are permitted:

(1) Amusement establishments, including: bowling alleys, poolhalls, dancehalls, swimming pools, skating rinks, archery ranges, shooting galleries and similar amusement facilities;

(2) Auction rooms;

(3) Boat showrooms;

(4) Building materials and products sales;

(5) Contractor or construction offices;

(6) Exterminating shops;

(7) Farm implement sales;

(8) Feed and seed stores;

(9) Fuel and ice sales—wholesale;

(10) Garages for repair and servicing of motor vehicles including engine rebuilding;

(11) Greenhouses and nurseries;

(12) Hotels and motels;

(13) Laboratories, medical and dental;

(14) Laundries, room or rooms containing the laundering process (washing, drying, ironing and wrapping) shall not exceed a total of three thousand square feet in area;

(15) Machinery sales;

(16) Model homes and garage displays;

(17) Motor vehicle and mobile home sales;

(18) Parking garages or structures;

(19) Restaurants and taverns, live entertainment and dancing permitted;

(20) Schools, music, dance, business, commercial or trade;

(21) Utility trailer sales;

(22) Warehousing and wholesale establishments, and storage other than accessory to permitted retail uses.

(Ord. 61-5376 Art. II, IX, 2008; Ord. 61-4969 (part), 1997; Ord. 61-4964 §1(part), 1996; Ord. 61-4943 §25, 1996; Ord. 61-4667 §§1, 2, 1989; Ord. 61-4368 §2, 1978; Ord. 61-4054 §9.3-1, 1967.)

23.32.030 Conditional uses. Any use allowed as a conditional use in the B2 district is allowed in the B3 district (unless already permitted in section 23.32.020), subject to the provisions of Chapters 23.60, 23.64 and 23.70, and in addition, the following:

(a) Advertising devices, including signs containing a political message, as defined in Chapter 12 of the Wisconsin Statutes;

(b) Amusement parks, including: permanent carnivals, kiddie parks, golf driving ranges, pitch and putt, miniature golf courses, and other similar outdoor amusement facilities;

(c) Animal hospitals, indoor and outdoor kennels;

(d) Cartage and express facilities;

(e) Contractor or construction shops and yards;

(f) Garages for the repair and servicing of motor vehicles, including body repair and painting;

(g) Optical eyeware finishing;

(h) Printing and publishing;

(i) Riding academies and commercial stables;

(j) Stadiums, auditoriums and arenas, open or enclosed;

(k) Theaters, drive-in;

(l) Woodworking and wood products;

(m) Repair, rental and servicing of any product, the sale of which is a permitted use in the district, subject to approval by and any restrictions set forth therefor by the plan commission. (Ord. 61-5399 §1(part), 2009, File No. 08-0915, Ord. 61-4964 §1(part), 1996; Ord. 61-4944 §1, 1996; Ord. 61-4756 §1, 1991; Ord. 61-4690 §2, 1989; Ord. 61-4667 §§3, 4, 1989; Ord. 61-4217 §1 (part), 1972; Ord. 61-4054 §9.3-2, 1967.)

23.32.040 Transitional yard requirements. No building or structure in the B3 district shall be located within one hundred feet of a residence district boundary line, unless the building or structure is effectively screened from the residence district property by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height; in the event of such screening, the transitional yard requirements specified in the B1 district apply in the B3 district. (Ord. 61-4054 §9.3-3, 1967.)

23.32.050 Floor area ratio. In the B3 district the floor area ratio shall not exceed 2.80. (Ord. 61-4054 §9.3-4, 1967.)

23.32.060 Signs. In the B3 district business signs are permitted, subject to the same conditions and regulations established in the B2 district. (Ord. 61-4690 §1, 1989.)

23.32.070 Off-street parking. Off-street parking facilities accessory to uses allowed in the B3 district shall be provided as required in the B2 district, and for additional uses as follows:

Uses, as itemized in sections 23.32.020 and 23.32.030 of this district, shall provide one parking space for each two hundred square feet of gross floor area in excess of two thousand square feet, except as indicated below for the following uses:

(a) Amusement Parks. Parking spaces shall be provided in adequate number, as determined by the plan commission, to serve persons employed, as well as the visiting public;

(b) Animal Hospitals and Kennels. Two parking spaces shall be provided for each employee;

(c) Automobile Laundries. One parking space shall be provided for each three employees, plus one space for the owner or manager, and in addition reservoir parking spaces, equal in number to five times the maximum capacity of the automobile laundry, for automobiles awaiting entrance to the establishment shall be provided. Maximum capacity, in this instance, means the greatest number possible of automobiles undergoing some phase of laundering at the same time;

(d) Cartage and Express Facilities. One parking space shall be provided for each vehicle maintained on the premises, plus one space for each two employees;

(e) Contractor or Construction Offices, Shops and Yards. One parking space shall be provided for each employee;

(f) For the uses listed hereunder two parking spaces shall be provided for each employee:

(1) Mobile home sales,

(2) Model homes and garage displays,

(3) Trailer sales and rental;

(g) For the uses listed hereunder one parking space shall be provided for each three employees:

(1) Laundries,

(2) Printing and publishing,

(3) Warehousing and wholesale establishments;

(i) Hotels. One parking space shall be provided for each three rooms;

(j) Laboratories—Medical and Dental. One parking space shall be provided for each two employees;

(k) Motels. One parking space shall be provided for each unit, plus one space for the owner or manager;

(l) Riding Academies and Commercial Stables. One parking space shall be provided for each employee, plus spaces adequate in number, as determined by the plan commission, to serve the visiting public;

(m) Stadiums, Auditoriums and Arenas. Parking spaces equal in number to thirty percent of the capacity in persons shall be provided;

(n) Theaters, Drive-In. Extra (reservoir) parking spaces equal in number to ten percent of the vehicle capacity of the theaters shall be provided.

However, parking spaces required for uses contained in an integrated center may be provided collectively. Parking spaces shall be provided in the amount of at least six parking spaces for each one thousand square feet of gross floor area in the center. (Ord. 61-4943 §26, 1996; Ord. 61-4054 §9.3-6, 1967.)

23.32.080 Off-street loading. In the B3 district off-street loading facilities shall be provided as required in the B2 district, and for additional uses as follows:

(a) For the uses listed hereunder, one loading berth shall be provided for buildings containing five thousand to forty thousand square feet of gross floor area. For buildings containing forty thousand to one hundred thousand square feet of gross floor area two loading berths shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of ten thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length:

(1) Cartage and express facilities,

(2) Laundries,

(3) Printing and publishing,

(4) Warehousing, storage, and wholesale establishments;

(b) Stadiums, Auditoriums and Arenas. For buildings containing ten thousand to one hundred thousand square feet of gross floor area one loading berth shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of twenty thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length;

(c) Hotels and motels. For buildings containing ten thousand to two hundred thousand square feet of gross floor area one loading berth shall be provided, plus one additional loading berth for each additional two hundred thousand square feet of gross floor area or fraction thereof. (Ord. 61-4054 §9.3-7, 1967.)

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Chapter 23.34

B4—CENTRAL BUSINESS DISTRICT

Sections:

23.34.010 Purpose.
23.34.020 Permitted uses.
23.34.030 Conditional uses.
23.34.031 Accessory use.
23.34.040 Transitional yard requirements.
23.34.050 Floor area ratio.
23.34.060 Signs.
23.34.070 Off-street parking.
23.34.080 Off-street loading.

23.34.010 Purpose. The B4 central retail district is designed to accommodate those retail and office uses which are characteristic of the major shopping streets of the "downtown" area of the city. The B4 district is divided into three subdistricts for the purpose of bulk control (floor area ratio) and off-street parking requirements. (Ord. 61-4429 §1 (part), 1979.)

23.34.020 Permitted uses.

(a) Uses permitted in the B4 district are subject to the following conditions:

(1) All business, servicing, or processing, except off-street parking, off-street loading, or such drive-in facilities as are specifically authorized herein, shall be conducted within completely enclosed buildings except as permitted as accessory use in section 23.34.031;

(2) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are not permitted unless specifically authorized herein;

(b) Any use permitted in the B2 district is permitted in the B4 district, with the exception of dwellings and automobile service stations, and in addition, the following uses are permitted:

(1) Blue-printing and photostating;

(2) Clothing and costume rental stores;

(3) Drive-in banks and other financial institutions;

(4) Hotels and motels;

(5) Machinery sales, with no repair or servicing—provided the storage and display of machinery, except of household appliances and office machines shall be restricted to floor samples;

(6) Physical culture and health services—gymnasiums, reducing salons, massage salons, and public baths;

(7) Recording studios;

(8) Restaurants, taverns and theaters, live entertainment and dancing permitted;

(9) Restricted production and repair, limited to the following: art needlework; clothing—custom manufacturing and alterations, for retail only; jewelry from precious metals; watches; dentures; and optical lenses;

(10) Schools—music, dance, business, and trade, when not involving any danger of fire or explosion, nor offensive noise, vibration, smoke, dust, odor, glare, heat or other objectionable influences;

(11) Warehousing and wholesale establishments, and storage other than accessory to permitted retail uses.

(Ord. 61-5376 Art. VII, XXI (part), 2008; Ord. 61-4153 §§1, 2, 1970; Ord. 61-4054 §9.4-1, 1967.)

23.34.030 Conditional uses. Any use allowed as a conditional use in the B1 district is allowed in the B4 district (unless already permitted in section 23.34.020), subject to the provisions of Chapters 23.60, 23.64 and 23.70 and in addition, the following:

(a) Amusement establishments (indoor), including: bowling alleys, dancehalls and recreation centers;

(b) Auction rooms;

(c) Brew pubs, live entertainment and dancing permitted;

(d) Convention and exhibition halls;

(e) Garages, for repair and servicing of motor vehicles including body repair, painting and engine rebuilding;

(f) Microbreweries;

(g) Motor vehicle and mobile home sales;

(h) Parking lots, garages or structures, other than accessory—for the storage of private passenger automobiles only;

(i) Radio and television stations and studios;

(j) Signs;

(1) Signs in excess of thirty feet but less than fifty feet in height from curb level,

(2) Awning/canopy signs in conformance with section 23.34.060(c)(3) and section 12.44.040(e),

(3) More than one projecting sign per building and projecting signs spaced closer than twenty-five feet apart,

(4) More than one sandwich board sign per zoning lot,

(5) Integrated merchants signs

(k) Dwelling units (other than hotels and motels);

(l) Repair, rental and servicing of any product, the sale of which is a permitted use in the district, subject by the plan commission. (Ord. 61-5551 §2 (part), 2013, File No.Ord. 61-5376, Art. XXI (part), 2008; Ord. 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-5146 §1(part), 2001, File No. 01-1227; 61-5097 §1(part), 2000, File No. 00-1137; Ord. 61-5087 §1(part), 2000; Ord. 61-4943 §27, 1996; Ord. 61-4691 §1, 2, 1989; Ord. 61-4598 §1, 1986; Ord. 61-4217 §1(part), 1972; Ord. 61-4153 §3, 1970; Ord. 61-4054 §9.4-2, 1967.)

23.34.031 Accessory use. Outdoor Sales Area. The square footage floor area of this use shall not exceed five percent of the established basic floor area of the primary retail use. The square footage of this use shall be counted as part of the total basic floor area for both floor area ratio limits and off-street parking and loading requirements. (Ord. 61-4153 §4, 1970.)

23.34.040 Transitional yard requirements. The regulations governing transitional yards in the B1 district apply in the B4 district. (Ord. 61-4054 §9.4-3, 1967.)

23.34.050 Floor area ratio. In the B4 districts floor area ratio limitations shall be as specified below, and as established in section 23.26.050.

(a) In the B4-1 district, the floor area ratio shall not exceed 4.0; however, where building floors which meet the established basic floor area ratio of 4.0 are set back from one or more lot lines, floor area ratio premiums may be added to the basic floor area ratio in accordance with each one of the following:

(1) On any zoning lot where the first story above grade is set back at least twenty feet from the lot line for the entire frontage of the zoning lot on a public street, a premium of 0.5 for each street setback may be added to the basic floor area ratio, provided that the lot area within the twenty-foot setback is suitably paved and/or

landscaped and otherwise unobstructed except for columns or piers supporting upper stories or a roof. However, if in addition to the first story, all other stories above grade are so set back for at least twenty feet, the premium may be increased to 1.0 for the street setback.

(2) On any zoning lot where the building from ground level up is set back from one or more lot lines, a premium equal to three times the open area of the lot at ground level divided by the gross lot area may be added to the basic floor area ratio; the open area shall include all lot area at ground level open directly to the sky and extending between exterior building walls and lot lines for a distance of at least eight feet.

(3) On any zoning lot, for each floor above the ground floor which is set back from one or more lot lines, a premium of equal to 0.3 times the open area of the lot at the level of the floor divided by the gross lot area may be added to the basic floor area ratio; the open area shall include all area open directly to the sky and extending between exterior building walls and lot lines in a horizontal plane containing the subject floor for a distance of at least eight feet.

(b) In the B4-2 and B4-3 districts, the floor area ratio shall not exceed 8.0; however, where building floors which meet the established basic floor area ratio of 8.0 are set back from one or more lot lines, floor area ratio premiums may be added to the basic floor area ratio in accordance with each one of the following:

(1) On any zoning lot where the first story above grade is set back at least twenty feet from the lot line for the entire frontage of the zoning lot on a public street a premium of 1.0 for each street setback may be added to the basic floor area ratio, provided that the lot area within the twenty-foot setback is suitably paved and/or landscaped and otherwise unobstructed except for columns or piers supporting upper stories or a roof. However, if in addition to the first story, all other stories above grade are so set back for at least twenty feet, the premium may be increased to 2.0 for the street setback.

(2) On any zoning lot where the building from ground level up is set back from one or more lot lines, a premium equal to four times the open area of the lot at ground level divided by the gross lot area may be added to the basic floor area ratio; the open area shall include all lot area at ground level open directly to the sky and extending between exterior building walls and lot lines for a distance of at least eight feet.

(3) On any zoning lot, for each floor above the ground floor which is set back from one or more lot lines, a premium of equal to 0.5 times the open area of the lot at the level of the floor divided by the gross lot area may be added to the basic floor area ratio; the open area shall include all area open directly to the sky and extending between exterior building walls and lot lines in a horizontal plane containing the subject floor for a distance of at least eight feet.

(c) No floors exceeding the basic floor area ratio limits of 4.0 and 8.0, respectively, and added to a building by virtue of unused basic floor area ratio or by virtue of floor area ratio premiums shall in turn serve as a basis for creating additional premiums. (Ord. 61-4429 §1(part), 1979; Ord. 61-4054-46 §1, 1969; Ord. 61-4054 §9.4-4, 1967.)

23.34.060 Signs. In the B4 district, Advertising devices are expressly prohibited. Nonflashing business signs are permitted, subject to the following conditions:

(a) Area. The gross area in square feet of all signs on a zoning lot shall not exceed four times the lineal feet of frontage of the zoning lot.

(b) Content. Signs shall bear thereon no lettering other than to indicate the name and kind of business conducted in the building or structure, such as “men's clothing,” “drugs,” “jeweler,” and the like; and the year the business was established and the street number thereof.

In addition, two[3] major products or brands may be advertised or displayed on the aforementioned sign, such as “Bulova,” “Budweiser,” “Kodak,” and the like.

(c) Permitted projections.

(1) Wall signs.

(2) Signs mounted on an ornamental roof or other similar projection where the total projection into the public air space does not exceed eighteen inches.

(3) Awning/canopy signs may be allowed as a conditional use provided that the graphics proposed for the sign are painted or otherwise affixed flat to the surface of the front or side(s) of the awning/canopy and shall indicate only the name, insignia, and/or address of the enterprise or premises.

(4) Projecting signs as defined in section 15.48.020 that do not exceed the following limitations:

(A) The area of each projecting sign shall not exceed twelve square feet per sign face. Each projecting sign may have not more than two sign faces which shall be mounted back-to-back.

(B) Only one projecting sign shall be permitted per building. Additional projecting signs may be allowed as a conditional use; however, in no case may the other requirements of this section related to sign area, content, height, lighting, and other parameters except spacing (subparagraph (4)(F)) be varied as part of the conditional use.

[3] Motion made and seconded to amend ordinance.

(C) Projecting signs shall not extend more than three feet into the public right-of-way, but in no case shall a projecting sign pose a hazard to pedestrians or any vehicles.

(D) The bottom edge of any projecting sign shall be at least eight feet above the top of the curb of the street adjacent to the building upon which the sign will be attached. In no case, however, may the projecting sign extend more than eighteen inches into the public air space above an ornamental roof.

(E) Projecting signs may be nonilluminated or the sign may be illuminated from the exterior. Internally illuminated projecting signs are prohibited. The use of neon for illuminating the exterior of any portion of the projecting sign is permitted. If the lights providing illumination to the projecting sign are attached to the projecting sign or the mounting hardware for the projecting sign, the lights may extend into the public right-of-way the same distance as the sign. If the lights providing illumination to the projecting sign are attached to a building, the lights shall not be located farther than eighteen inches from a building.

(F) To avoid a cluttered appearance and to help ensure a high level of pedestrian visibility, projecting signs shall be spaced at least twenty-five feet apart unless a lesser distance is approved as a conditional use.

(d) Height. No sign shall project higher than thirty feet above the curb level, except as may be provided by conditional use.

(e) Sandwich board sign. One sandwich board sign, as defined in section 15.48.020, standing no more than four feet high and with each sign face not exceeding eight square feet in area shall be allowed, per zoning lot, as a permitted sign. Additional sandwich board signs on a zoning lot may be allowed as a conditional use. Sandwich board signs shall not be placed so as to block building entrances or exits and shall not be placed within the public rights-of-way. Sandwich board signs allowed under this subsection shall be located entirely upon private property. (Sandwich board and other types of signs and other obstructions may be allowed within the public street rights-of-way in accordance with the procedures established in Chapter 5.63.)

(f) Prohibited. Marquee signs that project into the airspace over the public lands or way are prohibited except that the two theaters located on Fourth Street may continue to use their marquees for signs. At such time as the nature or purpose of their business substantially changes the use of these two marquee signs shall conform to the conditions established in paragraph (b) of this section. (Ord. 61-5341 §1, 2007, File No. 07-0811; Ord. 61-5146 §1(part), 2001, File No. 01-1227; Ord 61-5097 §1(part), 2000, File No. 00-1137; Ord. 61-5087 §1(part), 2000; Ord. 61-4362 §1(part), 1978; Ord. 61-4213 §1, 1972; Ord. 61-4054 §9.4-5, 1967.)

23.34.070 Off-street parking. Off-street parking facilities accessory to uses allowed in the B4 district shall be provided as specified herein.

(a) Permitted uses in the B4-1 and B4-2 Districts. Parking spaces are not required for uses containing less than forty thousand square feet of gross floor area. Those uses containing forty thousand square feet of gross floor area or more shall provide one parking space for each one thousand square feet of gross floor area up to forty thousand square feet. For each additional five thousand square feet of gross floor area in excess of forty thousand square feet, one additional parking space shall be provided;

(b) Conditional Uses in the B4-1 and B4-2 Districts. Parking spaces shall be provided as determined by the plan commission, except for dwelling units (other than hotel and motel). Dwelling units (other than hotel and motel) shall meet regulations of the R4 district.

(c) Permitted and Conditional Uses in the B4-3 District. Off-street parking facilities shall be provided in accordance with the following requirements:

(1) Each retail use shall provide four and one-half parking spaces for each one thousand square feet of gross floor area in excess of fifteen thousand square feet.

(2) Each office use shall provide two parking spaces for each one thousand square feet of gross floor area in excess of fifteen thousand square feet.

(3) Each banquet use shall provide one parking space for each three persons of capacity.

(4) Each theater use shall provide one parking space for each three seats of capacity.

(5) Each motel and hotel use shall provide one parking space for each rental unit.

(6) Dwelling units shall have one parking space per unit, except two parking spaces shall be provided for each dwelling unit with three or more bedrooms.

(7) All other uses shall provide five parking spaces for each one thousand square feet of gross floor area in excess of fifteen thousand square feet.

(Ord. 61-4429 §2, 1979; Ord. 61-4153 §5, 1970; Ord. 61-4054 §9.4-6, 1967.)

23.34.080 Off-street loading. In the B4 district off-street loading facilities shall be provided as required in the B2 district, and for additional uses as follows:

(a) Convention and Exhibition Halls, and Radio, Recording, and Television Stations and Studios. For buildings containing ten thousand to one hundred fifty thousand square feet of gross floor area one loading berth shall be provided, plus one additional loading berth for each additional one hundred fifty thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of twenty thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length.

(b) Hotel and Motels. For buildings containing ten thousand to two hundred thousand square feet of gross floor area one loading berth shall be provided, plus one additional loading berth for each additional two hundred thousand square feet of gross floor area or fraction thereof.

(c) Restricted Production and Repair, and Warehousing, Storage, and Wholesale Establishments. For buildings containing five thousand to forty thousand square feet of gross floor area one loading berth shall be provided. For buildings containing forty thousand to one hundred thousand square feet of gross floor area two loading berths shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of ten thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length.

(d) For all other additional uses, loading facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 — (12 ft. x 30 ft.)
10 to 25	2 — (12 ft. x 30 ft. ea.)
25 to 40	2 — (12 ft. x 55 ft. ea.)
40 to 100	3 — (12 ft. x 55 ft. ea.)

For each additional two hundred thousand square feet of gross floor area or fraction thereof over one hundred thousand square feet of gross floor area, one additional loading berth shall be provided, the additional loading berth to be at least twelve feet in width by fifty-five feet in length. (Ord. 61-4054 §9.4-7, 1967.)

Chapter 23.38

INDUSTRIAL DISTRICTS

Sections:

23.38.010 Permitted uses.
23.38.020 Conditional uses.
23.38.030 Yards.
23.38.040 Regulations along residence and business district boundaries.
23.38.050 Floor area ratio.
23.38.060 Signs.
23.38.070 Off-street parking.
23.38.080 Computation of off-street parking.
23.38.090 Collective provision for off-street parking.
23.38.100 Size of parking spaces.
23.38.110 Access to parking spaces.
23.38.120 Off-street parking.
23.38.130 Design and maintenance.
23.38.140 Location of parking spaces.
23.38.150 Employee parking.
23.38.160 Off-street loading.
23.38.170 Location of loading berths.
23.38.180 Size of loading berth.
23.38.190 Access to loading berths.
23.38.200 Surfacing of loading berths.
23.38.210 Repair and service of loading berths.
23.38.220 Utilization of loading berths.
23.38.230 Minimum off-street facilities.
23.38.240 Central loading facilities.

23.38.010 Permitted uses. No buildings or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which the building or zoning lot is located, with the exception of the following:

(a) Uses lawfully established on the effective date of the ordinance codified in this title; and

(b) Conditional uses allowed in accordance with the provisions of section 23.38.020.

Uses already established on the effective date of the ordinance codified in this title, and rendered nonconforming by the provisions thereof, are subject to the regulations of Chapter 23.70. (Ord. 61-4054 Art. X (part), 1967.)

23.38.020 Conditional uses. Conditional uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Chapters 23.60, 23.64 and 23.70. (Ord. 61-4054 Art. X (part), 1967.)

23.38.030 Yards. Yards shall be provided in accordance with the regulations hereinafter indicated under each zoning district. Front, corner side, and transitional yards shall be unobstructed from ground level to the sky, except as allowed in section 23.08.190. All accessory buildings which are attached to principal buildings shall comply with the yard requirements of the principal building. (Ord. 61-4054 Art. X (part), 1967.)

23.38.040 Regulations along residence and business district boundaries. In an industrial district which abuts a residence or business district and along any zoning district boundary separating the industrial district from a residence or business district, there shall be provided, with respect to all buildings, structures, and uses constructed or established after the effective date of the ordinance codified in this title, unobstructed open space from ground level to the sky (except as allowed in section 23.08.190) in accordance with the regulations established hereinafter for the district in which the use is located. (Ord. 61-4054 Art. X (part), 1967.)

23.38.050 Floor area ratio. The floor area ratio requirements, as set forth under each zoning district, determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot. (Ord. 61-4054 Art. X (part), 1967.)

23.38.060 Signs. Signs shall be classified and regulated in accordance with the requirements under each zoning district in Chapters 23.40--23.42, and as specified hereunder.

(a) No advertising device shall hereafter be erected or relocated within three hundred feet of the right-of-way line of any limited access highway if the face thereof is visible therefrom, and advertising devices located at a greater distance than three hundred feet from the right-of-way line of any limited access highway and visible therefrom shall not exceed in gross area in square feet 1/200 times the square of the distance of the advertising device from the limited access highway. All outdoor advertising structures, post signs, accessory signs, or advertising statuary which are declared to be a traffic hazard by the director of inspections and electrical systems after a recommendation from the city engineer, and which do not conform to the provisions of this section, shall be relocated or rearranged in accord with safety standards.

(b) No advertising sign, when viewed from a public park of ten or more acres in area, shall hereafter be erected or relocated within three hundred feet of the public park of ten acres or more in area; unless the sign is screened from the park by a building, wall or solid fence, and advertising devices located at a greater distance than three hundred feet from the public park shall not exceed, in gross area of square feet, 1/200 times the square of the distance of the advertising sign from the park unless the sign is screened from the park by a building, wall or solid fence.

(c) No advertising signs shall be permitted within seventy-five feet of any residence district boundary line unless the sign is completely screened from the residence district by a building, solid fence, or an evergreen planting, which planting shall be not more than two feet

shorter than the height of the sign at the time the evergreens are planted; the evergreens shall be spaced not more than one-half the height of the tree for regular varieties and one-third the height of the tree for columnar varieties of trees; the evergreen planting shall be continuously maintained; or the sign is facing away from the residence district and the back is screened as provided below.

(d) A sign in direct line of vision of any traffic signal from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty feet before the sidewalk line, shall not have red, green or amber illumination.

(e) All signs shall be mounted in one of the following manners:

(1) Flat against a building or wall,

(2) Back to back in pairs, so that back of sign is screened from public view,

(3) In clusters in an arrangement which screens the back of the signs from public view,

(4) Or otherwise mounted so that the backs of all signs or sign structures showing to public view are painted and maintained a neutral color or a color that blends with surrounding environment.

(f) Sings accessory to parking areas are allowed subject to the following:

(1) Area and number. Signs designating parking area entrances or exits are limited to one sign for each exit or entrance, and to a maximum size of two square feet each. One sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine square feet, is permitted. On a corner lot, two signs, one facing each street, are permitted.

(2) Projection. No sign shall project beyond the property line into the public way or obstruct sight vision.

(3) Height. No sign shall project higher than seven feet above curb level.

(Ord. 61-5399 §1(part), 2009, file 08-0915; Ord. 61-4054 Art. X (part), 1967.)

23.38.070 Off-street parking. Off-street parking facilities for motor vehicles in industrial districts shall be provided in accordance with the regulations set forth hereinafter, as well as Chapter 23.68. (Ord. 61-4054 Art. X (part), 1967.)

23.38.080 Computation of off-street parking. When determination of the number of off-street parking spaces required by this title results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space. (Ord. 61-4054 Art. X (part), 1967.)

23.38.090 Collective provision for off-street parking. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each use; provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. No parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the board of appeals. (Ord. 61-4054 Art. X (part), 1967.)

23.38.100 Size of parking spaces. A required off-street parking space shall be at least eight feet six inches in width and at least nineteen feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. A space shall have a vertical clearance of at least six feet six inches, and shall be measured at right angles to the axis of the vehicle. Aisles shall be not less than twenty-four feet wide for ninety degree parking, eighteen feet wide for sixty degree parking, fifteen feet wide for forty-five degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to twenty-three feet. (Ord. 61-4308 §1(part), 1976; Ord. 61-4054 Art. X (part), 1967.)

23.38.110 Access to parking spaces. Each required off-street parking space shall open directly upon an aisle or driveway at least twelve feet wide or such additional width and design as to provide safe and efficient means of vehicular access to the parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of twenty-five feet, not including curb cuts or as approved by the Engineering Department. (Ord. 61-5569 §3 (part), 2013, File No. 13-0510; Ord. 61-4054 Art. X (part), 1967.)

23.38.120 Off-street parking in yards. Off-street parking spaces, open to the sky, may be located in any yard. Enclosed buildings and carports containing off-street parking are subject to applicable yard requirements. (Ord. 61-4054 Art. X (part), 1967.)

23.38.130 Design and maintenance. (a) Plan. Design of the parking lot or area is subject to the approval of the director of inspections and electrical systems, in accordance with standards approved by the plan commission.

(b) Character. Accessory parking spaces may be open to the sky or enclosed in a building.

(c) Surfacing. All open off-street parking areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand pounds (normally, a two-inch black top on a four-inch base or five inches of portland cement will meet this requirement).

(d) Screening and landscaping. All open automobile parking areas, containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a residence district or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height.

(e) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall the lighting exceed three foot candles measured at the lot line.

(f) Repair and service. No motor vehicle repair work or service of any kind is permitted in conjunction with any open accessory parking facilities provided in an industrial district if such parking facilities are within five hundred feet of a residence or business district. Washing of accessory vehicles and emergency service required to start vehicles is permitted. (Ord. 61-4054 Art. X (part), 1967.)

23.38.140 Location of parking spaces. All parking spaces required to serve buildings or uses erected or established after the effective date of the ordinance codified in this title shall be located on the same zoning lot as the building or use served or within five hundred feet thereof if located in an industrial district. Buildings or uses existing on the effective date of the ordinance codified in this title which are subsequently altered or enlarged so as to require the provision of parking spaces under this title may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided the facilities are within five hundred feet walking distance of a main entrance to the use served. (Ord. 61-4054 Art. X (part), 1967.)

23.38.150 Employee parking. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time. (Ord. 61-4054 Art. X (part), 1967.)

23.38.160 Off-street loading. Off-street loading facilities accessory to uses allowed in industrial districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Chapter 23.68. (Ord. 61- 4054 Art. X (part), 1967.)

23.38.170 Location of loading berths. All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a residence district or intervening alley separating a residence district from an industrial district shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height. No permitted or required loading berth shall be located within thirty feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky. (Ord. 61-4054 Art. X (part), 1967.)

23.38.180 Size of loading berth. Unless otherwise specified, a required off-street loading berth shall be at least twelve feet in width by at least thirty feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen feet. (Ord. 61-4054 Art. X (part), 1967.)

23.38.190 Access to loading berths. Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the director of inspections and electrical systems. (Ord. 61-4054 Art. X (part), 1967.)

23.38.200 Surfacing of loading berths. All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of two hundred pounds per square foot. (Ord. 61-4054 Art. X (part), 1967.)

23.38.210 Repair and service of loading berths. No motor vehicle repair work or service of any kind is permitted in conjunction with loading facilities provided in an industrial district if the loading facilities are within five hundred feet of a residence or business district. Washing of accessory vehicles and emergency service required to start vehicles is permitted. (Ord. 61-4054 Art. X (part), 1967.)

23.38.220 Utilization of loading berths. Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof. (Ord. 61-4054 Art. X (part), 1967.)

23.38.230 Minimum off-street loading facilities. Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for the required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot. (Ord. 61-4054 Art. X (part), 1967.)

23.38.240 Central loading facilities. Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:

(a) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade;

(b) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Area of types of uses may be totaled before computing number of loading berths);

(c) No zoning lot served shall be more than five hundred feet removed from the central loading area;

(d) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven feet in width and have a clearance of not less than seven feet. (Ord. 61-4054 Art. X (part), 1967.)

Chapter 23.40

M1—LIMITED INDUSTRIAL DISTRICT

Sections:

23.40.010 Purpose.
23.40.020 Permitted uses.
23.40.030 Conditional uses.
23.40.040 Front yard.
23.40.050 Corner side yard.
23.40.060 Transitional yards.
23.40.070 Regulations along residence and business district boundaries.
23.40.080 Floor area ratio.
23.40.090 Signs.
23.40.100 Off-street parking.
23.40.110 Off-street loading.

23.40.010 Purpose. The M1 limited industrial district is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard and nuisance free environment. (Ord. 61-4054 §10.1, 1967.)

23.40.020 Permitted uses. (a) Uses permitted in the M1 district are subject to the following conditions:

(1) Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted;

(2) All business, servicing, or processing—except for off-street parking and off-street loading or establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles—shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter;

(3) All storage within five hundred feet of a residence district, except of motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six feet or more than eight feet in height.

(b) The following uses are permitted in the M1 district:

(1) Adult-oriented establishment, provided that both of the following criteria can be met by the proposed use:

(A) Any customer entrance to the business shall not be located within five hundred feet, as measured in a straight line, of a residence zoning district

boundary located within the city of Wausau or within five hundred feet of the city limits, and

(B) Any customer entrance to the business shall not be located within one thousand feet, as measured in a straight line, of any customer entrance to any existing adult-oriented establishment;

(2) Bakeries;

(3) Bedding manufacturing;

(4) Boot and shoe manufacturing;

(5) Building materials sales and storage;

(6) Carpet manufacturing;

(7) Cartage and express facilities;

(8) Cloth products manufacturing;

(9) Contractors', architects', and engineers' offices, shops, and yards;

(10) Cosmetics production;

(11) Dairy products;

(12) Dwellings for watchmen and their families, located on the premises where they are employed in that capacity;

(13) Electronic and scientific precision instruments;

(14) Feed and seed sales;

(15) Fuel and ice sales—wholesale;

(16) Fur processing;

(17) Garages for repair and servicing of motor vehicles including body repair, painting, and engine rebuilding;

(18) Glass products;

(19) Greenhouses—wholesale;

(20) Insulating materials manufacture;

(21) Laboratories—research and testing;

(22) Laundries;

(23) Light machinery production—appliances, business machines, etc.;

(24) Lithographing;

(25) Lodges and offices of labor organizations;

(26) Medical and dental clinics;

(27) Musical instruments manufacture;

(28) Orthopedic and medical appliance manufacture;

(29) Parking garages, structures, or lots other than accessory;

(30) Pottery and ceramics manufacture;

(31) Printing and publishing;

(32) Public utility and service uses;

(33) Radio and television stations and towers;

(34) Restaurants;

(35) Rope, cord and twine manufacture;

(36) Signs, as regulated hereunder;

(37) Sporting goods manufacture;

(38) Temporary buildings for construction purposes, for a period not to exceed the duration of the construction;

(39) Trade schools;

(40) Wearing apparel manufacture;

(41) Weighing stations, operated by the state;

(42) Accessory uses, incidental to and on the same lot as the principal use.

(Ord. 61-5035 §2, 1999; Ord. 61-4667 §§5, 6, 1989; Ord. 61-4054 §10.1-1, 1967.)

23.40.030 Conditional uses. The following conditional uses may be allowed in the M1 district subject to the provisions of Chapters 23.60, 23.64 and 23.72:

(a) Advertising devices;

(b) Airports and commercial heliports, including aircraft landing fields, runways, flight strips and flying schools, together with hangars, terminal buildings and other auxiliary facilities;

(c) Air, railroad and water freight terminals, railroad switching and classification yards, repair shops, and roundhouses;

(d) Car washes;

(e) Day care centers;

(f) Demolition and construction material disposal site;

(g) Food manufacture, packaging and processing;

(h) Gardens in conjunction with trade schools used for vocational rehabilitation;

(i) Heliports, private;

(j) Home furnishing and decorating stores;

(k) Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed;

(l) Microbreweries;

(m) Motor vehicle and mobile home sales;

(n) Paper products manufacture;

(o) Parks and playgrounds;

(p) Penal and correctional institutions;

(q) Planned developments, industrial;

(r) Recreation buildings or community centers;

(s) Sewage treatment plants, municipal;

(t) Signs in excess of thirty feet but less than fifty feet in height from curb level;

(u) Soap manufacture;

(v) Stadiums, auditoriums and arenas--open or enclosed;

(w) Theaters—automobile drive-in;

(x) Warehousing and wholesale establishments, and storage other than accessory to permitted retail uses;

(y) Woodworking and wood products;

(z) Other manufacturing, processing, storage or commercial uses determined by the plan commission to be of the same general character as uses permitted in section 23.40.020, and found not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards;

(z-1) Accessory uses, incidental to and on the same zoning lot as the principal use. (Ord. 61-5436 §1, 2010, File No.10-0604; Ord. 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-5087 §1(part), 2000; Ord. 61-4969 (part), 1997; Ord. 61-4943 §28, 1996; Ord. 61-4720 §1, 1990; Ord. 61-4690 §4, 1989; Ord. 61-4637 §6, 1988; Ord. 61-4483 §1(part), 1981; Ord. 61-4446 §1(part), 1980; Ord. 61-4433 §1, 1980; Ord. 61-4356 §1, 1978; Ord. 61-4054 §10.1-2, 1967.)

23.40.040 Front yard. In the M1 district, there shall be provided a front yard of not less than thirty feet in depth along every front lot line. (Ord. 61-4054 §10.1-3, 1967.)

23.40.050 Corner side yard. In the M1 district, there shall be provided a side yard of not less than thirty feet in depth in every instance where the side property line is adjacent to a public street. (Ord. 61-4054 §10.1-4, 1967.)

23.40.060 Transitional yards. Where a side or rear lot line in an industrial district coincides with a side or rear lot line in an adjacent residence or business district, a yard shall be provided along the side or rear lot line on the industrial lot. The yard shall be not less than thirty feet in depth. (Ord. 61-4054 §10.1-5, 1967.)

23.40.070 Regulations along residence and business district boundaries. (a) In the M1 district, on properties or portions thereof located directly across a street from a business or residence district, if any point on the exterior surface of any building or structure is at a greater height than thirty-five feet above curb level, the point projected vertically upon the ground shall, in no case, be nearer to the business or residence district boundary line than a horizontal distance equal to one and one-half times the height of the point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be exempt from the limitation if not exceeding in the aggregate twenty-five feet in lineal dimension parallel to the street for any one hundred feet of street frontage. Parapets not exceeding three feet in height are also exempt from the limitation.

(b) In the M1 district, on properties or portions thereof located adjacent to a side or rear property line in a business or residence district, if any point on the exterior surface of any building or structure is at a greater height than thirty-five feet above curb level, the vertical projection of the point upon the ground shall, in no case, be nearer to the side or rear lot line of any property in the adjacent business or residence district than a horizontal distance equal to the height of the point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be exempt from the height limitation if not exceeding in the aggregate twenty-five feet in lineal dimension parallel to the business or residential lot line or lines for any one hundred feet of length of such lot line or lines. Parapets not exceeding three feet in height are also exempt from the limitations. (Ord. 61-4054 §10.1-6, 1967.)

23.40.080 Floor area ratio. In the M1 district the floor area ratio shall not exceed 2.40. (Ord. 61-4054 §10.1-7, 1967.)

23.40.090 Signs. In the M1 district, business signs are permitted subject to the following conditions:

(a) General application.

(1) Area. The gross area in square feet of all signs of a zoning lot shall not exceed two times the lineal feet of frontage of the zoning lot. However, the gross area of all flashing signs shall not exceed the lineal feet of frontage of the zoning lot.

(2) Setback. All signs shall be set back a minimum of ten feet from the front lot line.

(3) Height. No sign shall project higher than thirty feet above curb level, except as may be allowed by conditional use permit.

(b) Industrial parks. For industrial parks, one additional sign on each street frontage, other than those regulated in (a) above, are permitted, subject to the following:

(1) Content. The sign shall advertise only the name and location of the industrial park and the name and type of business of each occupant of the park.

(2) Area. The gross area in square feet of the additional sign on a zoning lot shall not exceed one and one-half times the lineal feet of frontage of the zoning lot. However, the gross surface area of the additional sign, if flashing, shall not exceed the lineal feet of frontage of the zoning lot.

(3) Setback. The sign shall be set back a minimum of fifteen feet from the front lot line of the industrial park.

(4) Height. No sign shall project higher than thirty feet above curb level, except as may be allowed by conditional use permit.

(Ord. 61-5087 §1(part), 2000; Ord. 61-4690 §3, 1989; Ord. 61-4054 §10.1-8, 1967.)

23.40.100 Off-street parking. In the M1 district, off-street parking facilities shall be provided in accordance with the following minimum requirements:

(a) Airports and commercial heliports. Parking spaces shall be provided in adequate number, as determined by the plan commission, to serve the public;

(b) Automobile laundries. One parking space shall be provided for each three employees, plus one space for the owner or manager, and in addition, reservoir parking spaces, equal in number to five times the maximum capacity of the automobile laundry, for automobiles awaiting entrance to the automobile laundry shall be provided. Maximum capacity, in this instance, means the greatest number possible of automobiles undergoing some phase of laundering at the same time;

(c) Building materials sales and storage. One parking space shall be provided for each two employees, plus one space for each three hundred square feet of gross floor area in excess of four thousand square feet;

(d) Cartage and express facilities. One parking space shall be provided for each vehicle maintained on the premises, plus one space for each two employees;

(e) Dwellings for watchmen and their families. One parking space shall be provided for each dwelling unit;

(f) For the uses listed hereunder, one parking space shall be provided for each two employees:

(1) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops, and roundhouses,

(2) Contractors', architects', and engineers' offices, shops and yards,

(3) Electronic and scientific precision instruments,

(4) Greenhouses—wholesale,

(5) Laboratories—research and testing,

(6) Radio and television stations,

(7) Sewage treatment plants—municipal,

(8) Weighing stations;

(g) For the uses listed hereunder, one parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the plan commission, to serve the visiting public:

(1) Penal and correctional institutions,

(2) Public utility and service uses;

(h) For the uses listed hereunder, one parking space shall be provided for each three employees:

(1) Any manufacture, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products,

(2) Laundries,

(3) Lithographing,

(4) Printing,

(5) Publishing;

(i) For the uses listed hereunder, parking spaces equal in number to thirty percent of the capacity in persons shall be provided:

(1) Recreation buildings or community centers,

(2) Restaurants,

(3) Stadiums, auditoriums, or arenas;

(j) For the uses listed hereunder, one parking space shall be provided for each two hundred square feet of gross floor area in excess of two thousand square feet:

(1) Fuel and ice sales,

(2) Garages—for storage, repair, and servicing of motor vehicles,

(3) Offices of labor organizations,

(4) Temporary buildings for construction purposes;

(k) Heliports, private. Parking spaces, if any, shall be provided as determined by the plan commission;

(l) Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed. One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff;

(m) Lodges of labor organizations. One parking space shall be provided for each lodging room, plus parking spaces equal in number to thirty percent of the capacity in persons of the lodge;

(n) Medical and dental clinics. Three parking spaces shall be provided for each staff or visiting doctor;

(o) Planned developments, industrial. Parking spaces shall be provided on the basis of the required spaces for each individual use;

(p) Theaters—automobile drive-in. Extra (reservoir) parking spaces equal in number to ten percent of the vehicle capacity of the theaters shall be provided;

(q) Trade schools. One parking space shall be provided for each two employees, plus one space for each five students, based on the maximum number of students attending classes at any one time during any twenty-four hour period. (Ord. 61-4054 §10.1-9, 1967.)

23.40.110 Off-street loading. In the M1 district, off-street loading facilities shall be provided in accordance with the following minimum requirements:

(a) Any manufacture, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products. For buildings containing five thousand to forty thousand square feet of gross floor area, one loading berth shall be provided. For buildings containing forty thousand to one hundred thousand square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of ten thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length;

(b) For the uses listed hereunder, one loading berth shall be provided for buildings containing ten thousand to one hundred thousand square feet of gross floor area. For each additional one hundred thousand square feet of gross floor area up to five hundred thousand square feet, one additional loading berth shall be provided, plus one additional loading berth for each additional five hundred thousand square feet of gross floor area or fraction thereof in excess of five hundred thousand square feet:

(1) Medical and dental clinics,

(2) Offices of labor organizations,

(3) Recreation buildings or community centers;

(c) For the uses listed hereunder, one loading berth shall be provided for buildings containing ten thousand to one hundred thousand square feet of gross floor area, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of twenty thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length:

(1) Airports and commercial heliports,

(2) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops, and roundhouses,

(3) Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed,

(4) Penal and correctional institutions,

(5) Radio and television stations,

(6) Sewage treatment plants—municipal,

(7) Stadiums, auditoriums, and arenas;

(d) For the uses listed hereunder, one loading berth shall be provided for buildings containing ten thousand to two hundred thousand square feet of gross floor area, plus one additional loading berth for each additional two hundred thousand square feet of gross floor area or fraction thereof:

(1) Lodges of labor organizations,

(2) Trade schools;

(e) For the uses listed hereunder, there are no requirements for off-street loading:

(1) Parking lots,

(2) Weighing stations;

(f) For all other uses, loading facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 — (12 ft. x 30 ft.)

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
10 to 25	2 — (12 ft. x 30 ft. ea.)
25 to 40	2 — (12 ft. x 55 ft. ea.)
40 to 100	3 — (12 ft. x 55 ft. ea.)

For additional two hundred thousand square feet of gross floor area or fraction thereof over one hundred thousand, one additional loading berth shall be provided, the additional loading berth to be at least twelve feet in width by fifty-five feet in length. (Ord. 61-4054 §10.1-10, 1967.)

Chapter 23.41

M1-P LIMITED INDUSTRIAL PARK DISTRICT

Sections:

23.41.010 Purpose.
23.41.020 Permitted uses.
23.41.030 Conditional uses.
23.41.040 Front yard.
23.41.050 Corner side yard.
23.41.060 Transitional yards.
23.41.070 Regulations along residence and business district boundaries.
23.41.080 Floor area ratio.
23.41.090 Signs.
23.41.100 Off-street parking.
23.41.110 Off-street loading.

23.41.010 Purpose. The M1-P limited industrial park district is designed to provide an environment suitable for industrial activities that do not create appreciable nuisances or hazards, or that require a pleasant, hazard and nuisance-free environment; to protect industries in these districts from the encroachment of commercial and residential uses adverse to the operation and expansion of such industries; and to protect industries within the district from the hazards, nuisances and adverse effects of other incompatible industries. (Ord. 61-4634 §1(part), 1988.)

23.41.020 Permitted uses. (a) Uses permitted in the M1-P district are subject to the following conditions:

(1) Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted;

(2) All business, servicing or processing—except for off-street parking and off-street loading or establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles—shall be conducted within completely enclosed buildings, unless otherwise indicated in this title.

(b) The following uses are permitted in the M1-P district:

(1) Bakeries;

(2) Bedding and manufacturing;

(3) Boot and shoe manufacturing;

(4) Building material and sales and storage - wholesale;

(5) Carpet manufacturing;

(6) Cartage and express facilities;

(7) Cloth products manufacturing;

(8) Cosmetics production;

(9) Dairy products;

(10) Electronic and scientific precision instruments;

(11) Fur processing;

(12) Glass products;

(13) Insulating materials manufacture;

(14) Laboratories-research and testing;

(15) Laundries not including self-service;

(16) Light machinery production—appliances, business machines, etc.;

(17) Lithographing;

(18) Musical instruments manufacture;

(19) Orthopedic and medical appliance manufacture;

(20) Pottery and ceramics manufacture;

(21) Printing and publishing;

(22) Public utility and service uses;

(23) Radio and television stations and towers;

(24) Rope, cord and twine manufacture;

(25) Signs, as regulated hereunder;

(26) Sporting goods manufacture;

(27) Temporary buildings for construction purposes, for a period not to exceed the duration of the construction;

(28) Wearing apparel manufacture;

(29) Weighing stations, operated by the state;

(30) Accessory uses, incidental to and on the same lot as the principal use.

(Ord. 61-4634 §1(part), 1988.)

23.41.030 Conditional uses. (a) Other manufacturing, assembly, processing, research, testing, repair, warehousing, distribution or commercial uses determined by the plan commission to be consistent with the purpose of the M1-P district or of the same general character as the uses permitted in section 23.41.020 and found not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazard may be allowed in the M1-P district subject to the provisions of Chapter 23.60 and sections 23.72.010 through 23.72.090.

(b) Demolition and construction material disposal site. (Ord. 61-4637 §8, 1988.)

23.41.040 Front yard. In the M1-P district, there shall be provided a front yard of not less than thirty feet in depth along every front lot line. (Ord. 61-4634 §1(part), 1988.)

23.41.050 Corner side yard. In the M1-P district, there shall be provided a side yard of not less than thirty feet in depth in every instance where the side property line is adjacent to a public street. (Ord. 61-4634 §1(part), 1988.)

23.41.060 Transitional yards. Where a side or rear lot line in an industrial district coincides with a side or rear lot line in an adjacent residence or business district, a yard shall be provided along the side or rear lot line on the industrial lot. The yard shall not be less than thirty feet in depth. (Ord. 61-4634 §1(part), 1988.)

23.41.070 Regulations along residence and business district boundaries. (a) In the M1-P district, on properties or portions thereof located directly across a street from a business or residence district, if any point on the exterior surface of any building or structure is at a greater height than thirty-five feet above curb level, the point projected vertically upon the ground shall, in no case, be nearer to the business or residence district boundary line than a horizontal distance equal to one and one-half times the height of the point above curb level. However, stacks, tanks, bulkheads or ventilating equipment, including towers enclosing same, shall be exempt from the limitation if not exceeding in the aggregate twenty-five feet in lineal dimension parallel to the street for any one hundred feet of street frontage. Parapets not exceeding three feet in height are also exempt from the limitation.

(b) In the M1-P district, on properties or portions thereof located adjacent to a side or rear property line in a business or residence district, if any point on the exterior surface of any building or structure is at a greater height than thirty-five feet above curb level, the vertical projection of the point upon the ground shall, in no case, be nearer to the side or rear lot line of any

property in the adjacent business or residence district than a horizontal distance equal to the height of the point above curb level. However, stacks, tanks, bulkheads or ventilating equipment, including towers enclosing same, shall be exempt from the height limitation if not exceeding the aggregate twenty-five feet in lineal dimension parallel to the business or residential lot line or lines for any one hundred feet of length of such lot line or lines. Parapets not exceeding three feet in height are also exempt from the limitations. (Ord. 61-4634 §1(part), 1988.)

23.41.080 Floor area ratio. In the M1-P district the floor area ratio shall not exceed one. (Ord. 61-4634 §1(part), 1988.)

23.41.090 Signs. (a) Only identifying signs showing the name and/or insignia, products or services of the company using the site shall be visible from a street. Advertising devices are expressly prohibited.

(b) Signs shall be set back a minimum of twenty feet from lot lines except those signs necessary for traffic control, directional or safety purposes.

(c) The total gross area in square feet of all identifying signs on a lot shall not exceed the lineal feet of frontage of the lot.

(d) No sign shall extend above the roof line of the building to which it is attached or near which it is placed. (Ord. 61-5399 §1(part), 2009, File No. 08-0915, Ord. 61-4634 §1(part), 1988.)

23.41.100 Off-street parking. Off-street parking facilities shall be provided which are sufficient to meet the needs of all persons associated with the use of the property. The minimum standards shall be one off-street parking space for each two main shift employees. (Ord. 61-4634 §1(part), 1988.)

23.41.110 Off-street loading. Off-street loading berths shall be provided for all buildings in accordance with the regulations governing off-street loading in the M-1 district. (Ord. 61-4634 §1(part), 1988.)

Chapter 23.42

M2—GENERAL INDUSTRIAL DISTRICT

Sections:

23.42.010 Purpose.
23.42.020 Permitted uses.
23.42.030 Conditional uses.
23.42.040 Front yard.
23.42.050 Corner side yard.
23.42.060 Transitional yards.
23.42.070 Regulations along residence and business district boundaries.
23.42.080 Floor area ratio.
23.42.090 Signs.
23.42.100 Off-street parking.
23.42.110 Off-street loading.

23.42.010 Purpose. The M2 general industrial district is designed to accommodate large, relatively self-contained and isolated areas intended to be used for industrial activities whose potential nuisance or hazard generation is moderately high. (Ord. 61-4054 §10.2, 1967.)

23.42.020 Permitted uses. (a) Uses permitted in the M2 district are subject to the following conditions:

(1) Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted;

(2) All business, servicing, production, processing, or storage within five hundred feet of a residence district, except of motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height.

(b) The following uses are permitted in the M2 district:

(1) Any use permitted in the M1 district;

(2) Abrasives manufacture;

(3) Asphalt products manufacture;

(4) Bottling companies;

(5) Brick and structural clay products manufacture;

(6) Chemical processing and manufacturing;

(7) Concrete mixing plants;

(8) Electroplating;

(9) Feed mills;

(10) Food manufacture, packaging and processing;

(11) Foundries and forge plants;

(12) Grain storage and processing;

(13) Graphite products manufacture;

(14) Gypsum manufacture;

(15) Heavy machinery production;

(16) Leather tanning or processing;

(17) Linoleum manufacturing;

(18) Machine shop;

(19) Meat packing;

(20) Metal reduction and refinement;

(21) Metal stamping;

(22) Mining operations;

(23) Motor freight terminals;

(24) Paint products manufacture;

(25) Paper products manufacture;

(26) Petroleum products storage or processing;

(27) Plastics manufacture;

(28) Rubber processing or manufacture;

(29) Sewage treatment plants, municipal;

(30) Soap manufacture;

(31) Steel manufacture;

(32) Stone products and manufacture;

(33) Warehousing and storage;

(34) Woodworking and wood products.

(Ord. 61-4969 (part), 1997; Ord. 61-4054 §10.2-1, 1967.)

23.42.030 Conditional uses. The following conditional uses may be allowed in the M2 district, subject to the provisions of Chapters 23.60, 23.64 and 23.72.

(a) Advertising devices;

(b) Any use allowed as a conditional use in the M1 district, unless already permitted in section 23.42.020;

(c) Educational (nonboarding) and cultural institutions;

(d) Areas for dumping or disposal of garbage, refuse, or trash;

(e) Junkyards and auto graveyards;

(f) Other manufacturing, processing or storage uses determined by the plan commission to be of the same general character as the uses permitted in section 23.42.020, and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards. (Ord. 61-4695 §1, 1989; Ord. 61-4690 §6, 1989; Ord. 61-4366 §1, 1978; Ord. 61-4054 §10.2-2, 1967.)

23.42.040 Front yard. In the M2 district there is no front yard requirement. (Ord. 61-4054 §10.2-3, 1967.)

23.42.050 Corner side yard. In the M2 district there is no corner side yard requirement. (Ord. 61-4054 §10.2-4, 1967.)

23.42.060 Transitional yards. In the M2 district the regulations governing transitional yards in the Ml district apply. (Ord. 61-4054 §10.2-5, 1967.)

23.42.070 Regulations along residence and business district boundaries. In the M2 district the regulations along residence and business district boundaries specified in the M1 district apply. (Ord. 61-4054 §10.2-6, 1967.)

23.42.080 Floor area ratio. In the M2 district the floor area ratio shall not exceed 3.60. (Ord. 61-4054 §10.2-7, 1967.)

23.42.090 Signs. In the M2 district business signs are permitted, subject to the following conditions:

(a) General Application.

(1) Area. The gross area in square feet of all signs on a zoning lot shall not exceed four times the lineal feet of frontage of the zoning lot. However, the gross area of all flashing signs shall not exceed two times the lineal feet of frontage of the zoning lot.

(2) Projection. No sign shall project into the public way.

(3) Height. No sign shall project higher than thirty feet above curb level, except as may be allowed by conditional use permit.

(b) Industrial Parks. For industrial parks, one additional sign on each street frontage, other than those regulated in subsection (1), are permitted, subject to the following:

(1) Content. The sign shall advertise only the name and location of the industrial park and the name and type of business of each occupant of the park.

(2) Area. The gross area in square feet of the additional sign on a zoning lot shall not exceed three times the lineal feet of frontage of the zoning lot. However, the gross surface area of the additional sign, if flashing, shall not exceed one and one-half times the lineal feet of frontage of the zoning lot.

(3) Setback. The sign shall be set back a minimum of ten feet from the front lot line of the industrial park.

(4) Height. No sign shall project higher than thirty feet above curb level, except as may be allowed by conditional use permit.

(Ord. 61-5087 §1(part), 2000; Ord. 61-4690 §5, 1989; Ord. 61-4054 §10.2-8, 1967.)

23.42.100 Off-street parking. In the M2 district the regulations governing off-street parking in the M1 district shall apply, and, in addition, the following:

(a) Junkyards and auto graveyards. One parking space shall be provided for each two employees, plus one space for each five thousand square feet of lot area;

(b) Motor freight terminals. Three parking spaces shall be provided for each four employees. (Ord. 61-4054 §10.2-9, 1967.)

23.42.110 Off-street loading. In the M2 district the regulations governing off-street loading in the Ml district apply. (Ord. 61-4054 §10.2-10, 1967.)

Chapter 23.43

M2-P GENERAL INDUSTRIAL PARK DISTRICT

Sections:

23.43.010 Purpose.
23.43.020 Permitted uses.
23.43.030 Conditional uses.
23.43.040 Front yard.
23.43.050 Corner side yard.
23.43.060 Transitional yards.
23.43.070 Regulations along residence and business district boundaries.
23.43.080 Floor area ratio.
23.43.090 Signs.
23.43.100 Off-street parking.
23.43.110 Off-street loading.

23.43.010 Purpose. The M2-P general industrial park district is designed to accommodate large, relatively self- contained and isolated areas intended to be used for industrial activities whose potential nuisance or hazard generation is moderate.

These regulations have been established so as to provide a reasonably healthful operating environment for industries that do not create substantial nuisances or hazards; for the protection of industry from the encroachment of commercial and residential uses adverse to the operation and expansion of such industry; and to protect industries within the district from the hazards, nuisances and adverse effect of other incompatible industries. (Ord. 61-4634 §1(part), 1988.)

23.43.020 Permitted uses. (a) Uses permitted in the M2-P district are subject to the following conditions:

(1) Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted;

(2) All business, servicing or processing—except for off-street parking and off-street loading or establishments of the “drive-in” type offering goods or services directly to customers waiting in parked motor vehicles—shall be conducted within completely enclosed buildings, unless otherwise indicated in this title.

(b) The following uses are permitted in the M2-P district:

(1) Any use permitted in the M1-P district;

(2) Bottling companies;

(3) Brick and structural clay products manufacture;

(4) Chemical processing and manufacturing;

(5) Electroplating;

(6) Food manufacture, packaging and processing;

(7) Graphite products manufacture;

(8) Gypsum manufacture;

(9) Heavy machinery production;

(10) Linoleum manufacturing;

(11) Machine shop;

(12) Metal stamping;

(13) Motor freight terminals;

(14) Paint products manufacture;

(15) Paper products manufacture;

(16) Plastics manufacture;

(17) Rubber processing or manufacture;

(18) Sewage treatment plants, municipal;

(19) Stone products manufacture;

(20) Warehousing and storage;

(21) Woodworking and wood products.

(Ord. 61-4634 §1(part), 1988.)

23.43.030 Conditional uses. (a) Other manufacturing, assembly, processing, research, testing, repair, warehousing, distribution or commercial uses determined by the plan commission to be consistent with the purpose of the M2-P district or of the same general character as the uses permitted in section 23.43.020 and found not to be unreasonably obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazard may be allowed in the M2-P district subject to the provisions of Chapter 23.60 and sections 23.72.010 through 23.72.080.

b) Demolition and construction material disposal site. (Ord. 61-4637 §9, 1988.)

23.43.040 Front yard. In the M2-P district, there is no front yard requirement. (Ord. 61-4634 §1(part), 1988.)

23.43.050 Corner side yard. In the M2-P district, there is no corner side yard requirement. (Ord. 61-4634 §1 (part), 1988.)

23.43.060 Transitional yards. Where a side or rear lot line in an industrial district coincides with a side or rear lot line in an adjacent residence or business district, a yard shall be provided along the side or rear lot line on the industrial lot. The yard shall not be less than thirty feet in depth. (Ord. 61-4634 §1(part), 1988.)

23.43.070 Regulations along residence and business district boundaries. (a) In the M2-P district, on properties or portions thereof located directly across a street from a business or residence district, if any point on the exterior surface of any building or structure is at a greater height than thirty-five feet above curb level, the point projected vertically upon the ground shall, in no case, be nearer to the business or residence district boundary line than a horizontal distance equal to one and one-half times the height of the point above curb level. However, stacks, tanks, bulkheads or ventilating equipment, including towers enclosing same, shall be exempt from the limitation if not exceeding in the aggregate twenty-five feet in lineal dimension parallel to the street for any one hundred feet of street frontage. Parapets not exceeding three feet in height are also exempt from the limitation.

(b) In the M2-P district, on properties or portions thereof located adjacent to a side or rear property line in a business or residence district, if any point on the exterior surface of any building or structure is at a greater height than thirty-five feet above curb level, the vertical projection of the point upon the ground shall, in no case, be nearer to the side or rear lot line of any property in the adjacent business or residence district than a horizontal distance equal to the height of the point above curb level. However, stacks, tanks, bulkheads or ventilating equipment, including towers enclosing same, shall be exempt from the height limitation if not exceeding in the aggregate twenty-five feet in lineal dimension parallel to the business or residential lot line or lines for any one hundred feet of length of such lot line or lines. Parapets not exceeding three feet in height are also exempt from the limitations. (Ord. 61-4634 §1(part), 1988.)

23.43.080 Floor area ratio. In the M2-P district the floor area ratio shall not exceed one. (Ord. 61-4634 §1(part), 1988.)

23.43.090 Signs. (a) Only identifying signs showing the name and/or insignia, products or services of the company using the site shall be visible from a street. Advertising devices are expressly prohibited.

(b) Signs shall be set back a minimum of twenty feet from lot lines except those signs necessary for traffic control, directional or safety purposes.

(c) The total gross area in square feet of all identifying signs on a lot shall not exceed the lineal feet of frontage of the lot.

(d) No sign shall extend above the roof line of the building to which it is attached or near which it is placed. (Ord. 61-5399 §1(part), 2009, File No. 08-0915, Ord. 61-4634 §1(part), 1988.)

23.43.100 Off-street parking. Off-street parking facilities shall be provided which are sufficient to meet the needs of all persons associated with the use of the property. The minimum standards shall be one off-street parking space for each two main shift employees. (Ord. 61-4634 §1(part), 1988.)

23.43.110 Off-street loading. Off-street loading berths shall be provided for all buildings in accordance with the regulations governing off-street loading in the M-1 district. (Ord. 61-4634 §1(part), 1988.)

Chapter 23.44

INDUSTRIAL PARK DISTRICT

Sections:

23.44.010 Purpose.
23.44.020 Permitted uses.
23.44.030 Conditional uses.
23.44.040 Front yard.
23.44.050 Corner side yard.
23.44.060 Rear and side yards.
23.44.070 Transitional yards.
23.44.080 Building height limit.
23.44.090 Lot coverage.
23.44.100 Off-street parking.
23.44.110 Off-street loading.
23.44.120 Signs.
23.44.130 Landscaping.
23.44.140 Driveways.

23.44.010 Purpose. The IP industrial park district is designed to provide a protective zone for a park-like development of manufacturing and related convenient or necessary activities that contribute substantially to the employment opportunities available in the community. These regulations have been established so as to provide a healthful operating environment for industries that do not create appreciable nuisances or hazards; for the protection of industry from the encroachment of commercial and residential uses adverse to the operation and expansion of such industry; and to protect industries within the district from the hazards, nuisances and adverse effect of other incompatible industries. (Ord. 61-4420 §1(part), 1979.)

23.44.020 Permitted uses. (a) Uses permitted in the IP district are subject to the following conditions:

(1) All production, servicing, or processing shall be conducted within completely enclosed buildings.

(2) All outside storage shall be visually screened from access streets, freeways, and adjacent property. Said screening shall form a complete opaque screen six to eight feet in vertical height but need not be opaque beyond the eight-foot point. Outdoor storage shall include parking of motor vehicles, with the exception of passenger vehicles, semi-truck trailers and truck tractors. No storage shall be permitted in a required front yard or corner side yard.

(b) The following uses are permitted in the IP district:

(1) Adult-oriented establishment, provided that both of the following criteria can be met by the proposed use:

(A) Any customer entrance to the business shall not be located within five hundred feet, as measured in a straight line, of a residence zoning district boundary located within the city of Wausau or within five hundred feet of the city limits, and

(B) Any customer entrance to the business shall not be located within one thousand feet, as measured in a straight line, of any customer entrance to any existing adult-oriented establishment;

(2) Bakeries;

(3) Bedding manufacturing;

(4) Boot and shoe manufacturing;

(5) Carpet manufacturing;

(6) Cloth products manufacturing;

(7) Contractors', architects', and engineers' offices, shops, and yards;

(8) Cosmetics production;

(9) Dairy products manufacturing;

(10) Electric and scientific precision instruments manufacturing;

(11) Fur processing;

(12) Glass products manufacturing;

(13) Insulating materials manufacturing;

(14) Laboratories, research and testing;

(15) Laundries, not including self-service;

(16) Light machinery production, appliances, business machines, etc.;

(17) Lithographing;

(18) Musical instruments manufacturing;

(19) Offices for manufacturing or warehousing operations;

(20) Orthopedic and medical appliance manufacturing;

(21) Pottery and ceramics manufacturing;

(22) Printing and publishing;

(23) Public utility and service uses;

(24) Radio and television stations and towers;

(25) Rope, cord, and twine manufacturing;

(26) Signs, as regulated under this title;

(27) Sporting goods manufacturing;

(28) Temporary buildings for construction purposes, for a period not to exceed the duration of the construction;

(29) Warehousing, distribution and wholesale trade facilities;

(30) Wearing apparel manufacturing;

(31) Weighing stations, operated by the state;

(32) Accessory uses, incidental to, and on the same lot as the principal use.

(Ord. 61-5053 §3, 1999; Ord. 61-4812 §1(part), 1993; Ord. 61-4803 §1(part), 1993; Ord. 61-4420 §1(part), 1979.)

23.44.030 Conditional uses. (a) Other manufacturing, assembly, processing, research, testing, repair or commercial uses determined by the plan commission to be consistent with the purpose of the IP district or of the same general character as the uses permitted in section 23.44.020 and found not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazard may be allowed in the IP district subject to the provisions of Chapter 23.60 and sections 23.72.010 through 23.72.080.

(b) Demolition and construction material disposal site.

(c) Animal hospitals and indoor kennels. (Ord. 61-5228 §1, 2004, Council File No. 04-0416; Ord. 61-4812 §1(part), 1993; Ord. 61-4637 §7, 1988.)

23.44.040 Front yard. Front yards shall not be less than fifty feet. (Ord. 61-4420 §1(part), 1979.)

23.44.050 Corner side yard. A corner side yard of not less than thirty feet in depth shall be provided in every instance where the side property line is adjacent to a public street. (Ord. 61-4420 §1(part), 1979.)

23.44.060 Rear and side yards. A rear yard and a side yard(s) of not less than twenty-five feet in depth from the property line. (Ord. 61-4420 §1(part), 1979.)

23.44.070 Transitional yards. Where a side or rear lot line in the IP district coincides with a side or rear lot line in an adjacent residence or business district, a yard of not less than fifty feet in depth shall be provided along the side or rear lot line on the industrial lot. (Ord. 61-4420 §1(part), 1979.)

23.44.080 Building height limit. Within the lot lines, the height of buildings may not exceed the horizontal distance from the nearest lot line. (Ord. 61-4420 §1(part), 1979.)

23.44.090 Lot coverage. Not more than fifty percent of the area of a lot may be covered by buildings, including accessory buildings. (Ord. 61-4420 §1(part), 1979.)

23.44.100 Off-street parking. Off-street parking facilities shall be provided which are sufficient to meet the needs of all persons associated with the use of the property. The minimum standard shall be one off-street parking space for each two main shift employees. Passenger vehicles may be parked anywhere on the premises including the required front yard or corner side yard. Other motor vehicles, including semi-trucks, semi-truck trailers and tractors shall not be parked in the required front yard or corner side yard.

Any semi-trailers located anywhere on the premises shall be in usable condition for transporting goods and materials. Semi-trailers shall not be positioned, improved or otherwise modified to be used for office space, long-term storage or other non-transportation related purposes. (Ord. 61-4803 §1(part), 1993; Ord. 61-4420 §1(part), 1979.)

23.44.110 Off-street loading. Off-street loading berths shall be provided for all buildings in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 — (12 ft. x 30 ft.)
10 to 25	2 — (12 ft. x 30 ft. each)
15 to 40	3 — (12 ft. x 55 ft. each)
40 to 100	4 — (12 ft. x 55 ft. each)

(Ord. 61-4420 §1(part), 1979.)

23.44.120 Signs. (a) Only identifying signs showing the name and/or insignia, products or services of the company using the site shall be visible from a street.

(b) Signs shall be set back a minimum of twenty feet from lot lines except those signs necessary for traffic control, directional or safety purposes.

(c) The total gross area in square feet of all identifying signs on a lot shall not exceed the lineal feet of frontage of the lot.

(d) No sign shall extend above the roof line of the building to which it is attached or near which it is placed. (Ord. 61-4420 §1(part), 1979.)

23.44.130 Landscaping. (a) Not less than ten percent of the net lot area shall be landscaped and maintained in an aesthetically attractive manner. Landscaping means decorative plazas, pools, or the planting of grass, shrubs, or trees or other comparable surface cover.

(b) Undeveloped areas of the lot shall be maintained in a weed-free condition. (Ord. 61-4420 §1(part), 1979.)

23.44.140 Driveways. (a) Within a public right-of-way, driveways shall not be wider than fifty feet.

(b) The minimum distance between driveways providing access to the same lot shall be fifty feet.

(c) A driveway shall not be located closer than fifteen feet to an adjacent property line at the point where the driveway enters a public right-of-way.

(d) When any person wishes to have more than two driveways providing access to the same lot, permission must be obtained from the common council, except where property is located on a corner lot, in which case three driveways are permitted, one driveway for one street and two driveways for the other street.

(e) Driveways shall be surfaced with asphaltic concrete, portland cement or any other material or combination of materials that will provide a hard, durable, and dust-free surface.

(f) Drainage culverts shall be installed where necessary. (Ord. 61-4420 §1(part), 1979.)

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Chapter 23.46

INTERCHANGE DISTRICTS

Sections:

23.46.010 Applicability of standard requirements.
23.46.020 Setback from intersecting highway.
23.46.030 Limitation of access.

23.46.010 Applicability of standard requirements. (a) The provisions contained in Chapter 23.12 apply to Chapter 23.48.

(b) The provisions contained in Chapter 23.26 apply to Chapter 23.50.

(c) The provisions contained in Chapter 23.38 apply to Chapter 23.52. (Ord. 61-4054 Art. XI (part), 1967.)

23.46.020 Setback from intersecting highway. Buildings and structures shall be set back at least eighty feet from the right-of-way line of intersecting highways, and one hundred fifty feet from the expressway. In case of unusual changes in alignment of the highway right-of-way line or unusual topographic conditions which would cause undue hardship in the application of this requirement, a variance for a lesser setback from the intersecting highway may be granted by the board of appeals. (Ord. 61-4054 Art. XI (part), 1967.)

23.46.030 Limitation of access. Access from abutting property to an intersecting highway is permitted only at designated access points. The access points shall be located as follows:

(a) There shall be no access points located within one thousand feet of the most remote end of taper of any existing or proposed entrance or exit ramp of an interchange, or at intervals of less than one thousand feet thereafter. A lesser distance may be permitted by the board of appeals upon prior written approval by a designated representative of the agency having jurisdiction over the highway;

(b) To avoid dangerous off-set intersections, public streets along opposite sides of intersecting highways shall be located either directly opposite each other or separated by at least three hundred feet of lateral distance along the highway centerline, or such greater lateral distance as required by the particular circumstances to permit safe traffic movement as determined by the agency having jurisdiction over the intersecting highway;

(c) The access limitations established in paragraph (a) may be temporarily waived subject to the following conditions:

(1) A temporary access permit shall be obtained from the board of appeals. The board of appeals shall grant preliminary approval of the permit and shall forward the application and preliminary approval to the agency having jurisdiction over the

intersecting highway, requesting issuance of any required driveway permit. Upon the issuance of the driveway permit, the board of appeals shall grant the temporary access permit,

(2) Use of access shall be limited to the use described in the application for the temporary access permit,

(3) Wherever practical, only one point of access for each two parcels, to be located at the common property line of adjoining parcels, shall be permitted,

(4) The temporary access permit shall be granted only upon issuance of any driveway permit required by the authority having jurisdiction over such highways,

(5) This access permit shall be temporary in nature and shall be revoked by the common council upon the construction of a frontage road or an alternative internal circulation system providing a reasonable alternate means of access or when deemed necessary in the public interest.

(Ord. 61-4054 Art. XI (part), 1967.)

Chapter 23.48

IR—INTERCHANGE RESIDENCE DISTRICT

Sections:

23.48.010 Purpose.
23.48.020 Permitted uses.
23.48.030 Conditional uses.
23.48.040 Lot size requirements.
23.48.050 Yard requirements.
23.48.060 Building bulk limitations.
23.48.070 Signs.
23.48.080 Off-street parking.
23.48.090 Off-street loading.

23.48.010 Purpose. The IR interchange residence district is designed to protect the residential environment at interchanges and prevent conflict between highway traffic and residential access. (Ord. 61-4054 §11.1, 1967.)

23.48.020 Permitted uses. Any use permitted in the R1 district (see section 23.14.010) is permitted in the IR district. (Ord. 61-4054 §11.1-1, 1967.)

23.48.030 Conditional uses. Any use allowed as a conditional use in the R1 district is allowed as a conditional use in the IR district. (Ord. 61-5376 Art. VI (part), 2008; Ord. 61-4637 §10, 1988; Ord. 61-4483 §1(part), 1981; Ord. 61-4446 §1(part), 1980; Ord. 61-4054 §11.1-1, 1967.)

23.48.040 Lot size requirements. (a) Permitted uses.

	Minimum Lot Area	Minimum Lot Width
Single family dwellings in approved subdivisions	10,000 sq. ft.	80 ft.
Single family dwellings (other than in approved subdivisions)	20,000 sq. ft.	120 ft.
Agriculture	5 acres	200 ft.
Cemeteries	5 acres	200 ft.
Educational and cultural institutions	2 acres	175 ft.
Recreational and social buildings	40,000 sq. ft.	150 ft.
Religious institutions	40,000 sq. ft.	150 ft.

(b) Conditional uses.

	Minimum Lot Area	Minimum Lot Width
Health and medical institutions	2 acres	175 ft.
Philanthropic and charitable institutions	2 acres	175 ft.
Planned developments, residential	10 acres	None
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72.	

(c) Accessory uses. Same as for the principal use, except for the following uses:

	Minimum Lot Area	Minimum Lot Width
Boat houses, private	20,000 sq. ft.	120 ft.
Guest house, private	20,000 sq. ft.	120 ft.
Living quarters, for persons employed on premises	20,000 sq. ft.	120 ft.
Sewage disposal units, individual	20,000 sq. ft.	120 ft.
Stables, private	3 acres	200 ft.
Water systems, individual	20,000 sq. ft.	120 ft.

(Ord. 61-4054 §11.1-3, 1967.)

23.48.050 Yard requirements. (a) Permitted uses.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single family dwellings	25 ft.*	10 ft.	20 ft.	35 ft.
Agriculture	No Requirements			
Cemeteries	No Requirements			
Educational and cultural institutions	50 ft.	20 ft.**	35 ft.**	100 ft.
Recreational and social buildings	50 ft.	15 ft.**	35 ft.**	75 ft.
Religious institutions	50 ft.	15 ft.**	35 ft.**	75 ft.

*or twenty percent of the lot depth, whichever is less.

**plus one foot for each two feet by which the building height exceeds fifteen feet.

(b) Conditional uses.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Health and medical institutions	50 ft.	20 ft.*	35 ft.*	100 ft.
Philanthropic and charitable institutions	20 ft.	20 ft.*	35 ft.*	100 ft.
Planned developments, residential	As provided in Chapter 23.60			
Public utility and service uses	In accordance with Chapters 23.60, 23.64 and 23.72.			

*plus one foot for each two feet by which the building or structure height exceeds fifteen feet.

(c) Accessory buildings. Except as indicated, the yard requirements of the principal uses shall apply to their accessory buildings.

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Agricultural buildings	100 ft.	50 ft.	50 ft.	100 ft.
Boat houses, private	No Requirements			
Buildings accessory to single family dwellings, except those specifically itemized in this section	25 ft.	10 ft.*	20 ft.	3 ft.
Club houses and other structures on the grounds of private clubs, golf courses, polo and tennis clubs	Shall be located not less than two hundred feet from the nearest residential property line			
Roadside stands on lots where the principal use is agriculture	20 ft.	50 ft.	20 ft.	No Requirements
Stables, private	100 ft.	75 ft.	75 ft.	100 ft.
Stadiums and grandstands in athletic fields	Shall be located not less than two hundred feet from the nearest residential property line			

*unless the entire structure is located on the rear twenty-five percent of the lot, in which case only three feet is required.

(Ord. 61-4054 §11.1-4, 1967.)

23.48.060 Building bulk limitations. (a) Permitted uses.

	Maximum Building Height
Single family dwellings, rectories, parsonages, and parish houses	2-1/2 stories, but not to exceed 35 ft.

All other permitted uses shall be regulated on the basis of maximum floor area ratio.

	Floor Area Ratio
Educational and cultural institutions	0.3
Recreational and social buildings	0.3
Religious institutions—except rectories, parsonages, and parish houses	0.3

(b) Conditional uses.

	Floor Area Ratio
Health and medical institutions	0.4
Philanthropic and charitable institutions	0.3
Planned developments, residential	As provided in Chapter 23.60
Public utility and services uses	In accordance with Chapters 23.60, 23.64 and 23.72

(c) Accessory uses. In the IR district, the floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot, as specified for the principal uses in paragraphs (a) and (b). However, any floor area devoted to off-street parking or loading facilities is exempt from floor area ratio requirements. (Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-4054 §11.1-5, 1967.)

23.48.070 Signs. The regulations governing signs in the R1 district apply in the IR district. (Ord. 61-4054 §11.1-6, 1967.)

23.48.080 Off-street parking. The off-street parking requirements established in the R1 district apply in the IR district. (Ord. 61-4054 §11.1-7, 1967.)

23.48.090 Off-street loading. The off-street loading requirements established in the R1 district apply in the IR district. (Ord. 61-4054 §11.1-8, 1967.)

Chapter 23.50

IB—INTERCHANGE BUSINESS DISTRICT

Sections:

23.50.010 Purpose.
23.50.020 Permitted uses.
23.50.030 Conditional uses.
23.50.040 Lot size requirements.
23.50.050 Yard requirements.
23.50.060 Floor area ratio.
23.50.070 Signs.
23.50.080 Off-street parking.
23.50.090 Off-street loading.

23.50.010 Purpose. The IB interchange business district is designed to assure the desirable development of high quality highway service facilities and related uses. (Ord. 61-4054 §11.2, 1967.)

23.50.020 Permitted uses. (a) Uses permitted in the IB district are subject to the following conditions:

(1) Dwelling units, other than those located in a hotel or motel, hospital, convalescent, nursing or rest-home, institutions for the care of the aged, or watchmen's quarters located on the premises where employed, are not permitted;

(2) All business, servicing, or processing, except off-street parking, off-street loading, and specific outdoor activities allowed as a conditional use or such drive-in facilities as are specifically authorized herein, shall be conducted within completely enclosed buildings.

(b) The following uses are permitted in the IB district:

(1) Automobile service stations;

(2) Drive-in banks and other financial institutions;

(3) Drugstores, food stores, and other retail sales stores, limited in size not to more than seven thousand square feet of floor area per establishment;

(4) Garages for service and repair of motor vehicles;

(5) Health and medical institutions as follows:

(A) Clinics, medical, or dental,

(B) Convalescent, nursing and rest homes,

(C) Hospitals and sanitariums,

(D) Institutions for the care of the aged and for children

(E) Schools and programs for the instruction and training of medical and/or health professionals;

(6) Hotels and motels;

(7) Offices, businesses and professional;

(8) Personal service establishments, including barbershops, beauty parlors, shoe and clothing repair stores, and dry cleaning establishments;

(9) Physical culture and health services—gymnasiums, reducing salons, massage salons and public baths;

(10) Restaurants, including drive-in establishments;

(11) Taverns and cocktail lounges, in conjunction with restaurants, hotels, or motels;

(12) Tourist information and hospitality centers.

(Ord. 61-5555 §1, 2013, File No. 88-0125; Ord. 61-5376 Art. III, XVIII (part), 2008; Ord. 61-4969 (part), 1997; Ord. 61-4730 §1, 1991; Ord. 61-4630 §1, 1988; Ord. 61-4305 §§1 and 2, 1976; Ord. 61-4285 §1, 1975; Ord. 61-4054 §11.21, 1967.)

23.50.030 Conditional uses. The following conditional uses may be allowed in the IB district, subject to the provisions of Chapters 23.60, 23.64 and 23.72:

(a) Amusement establishments, bowling alleys, swimming pools and skating rinks;

(b) Brew pubs;

(c) Car rental agencies;

(d) Car washes;

(e) Community service organization sign;

(f) Day care centers;

(g) Demolition and construction material disposal site;

(h) Educational Institutions;

(i) Microbreweries;

(j) Motor vehicle sales;

(k) Outdoor dining areas for restaurants;

(l) Planned developments, business;

(m) Public utility and service uses:

(1) Bus terminals, bus turnarounds (off-street), bus garages or bus lots,

(2) Fire stations,

(3) Police stations,

(4) Post offices,

(5) Telephone exchanges, telephone transmission-equipment buildings and microwave relay towers,

(6) Waterworks, reservoirs, pumping stations and filtration plants;

(m) Radio and television stations and towers, transmitting and receiving;

(n) Shopping centers and retail establishments with no limit on floor area;

(o) (1) Signs in excess of thirty feet but less than fifty feet in height above curb level,

(2) The gross surface area in square feet of all illuminated, nonflashing signs on a zoning lot shall not exceed four times the lineal feet of frontage of the zoning lot;

(p) Warehousing and wholesale establishments, and storage other than accessory to permitted uses. (Ord. 61-5552 §1, 2013, File No. 89-0447; Ord. 61-5376, Art. XVIII, (part), 2008; Ord. 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-5087 §1(part), 2000; Ord. 61-4969 (part), 1997; Ord. 61-4906 §1(part), 1995; Ord. 61-4848 §1, 1994; Ord. 61-4683 §1, 1989; Ord. 61-4637 §11, 1988; Ord. 61-4633 §1, 1988; Ord. 61-4600 §1, 1986; Ord. 61-4595 §1, 1986; Ord. 61-4483 §1(part), 1981; Ord. 61-4446 §1(part), 1980; Ord. 61-4349 §1, 1977; Ord. 61-4342 §1, 1977; Ord. 61-4305 §3, 1976; Ord. 61-4172 §1, 1970; Ord. 61-4054 §11.2-2, 1967.)

23.50.040 Lot size requirements. In the IB district there shall be provided not less than twelve thousand square feet of lot area for each business establishment, and no such lot shall be less than one hundred feet in width. (Ord. 61-4054 §11.2-3, 1967.)

23.50.050 Yard requirements. (a) Front yard. All buildings and structures shall be set back at least thirty feet from the front lot line, except when fronting upon the intersecting highway, in which case the setback shall be eighty feet.

(b) Interior side yard. Each interior side yard shall be at least twenty feet in depth.

(c) Corner side yard. A corner side yard shall be not less than thirty feet in depth.

(d) Rear yard. Each lot shall provide a rear yard not less than thirty feet in depth.

(e) Transitional yard. No building or structure in the IB district shall be located within seventy-five feet of a residence district boundary line, unless the building or structure is effectively screened from the residence district property by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height. (Ord. 61-4054 §11.2-4, 1967.)

23.50.060 Floor area ratio. In the IB district, floor area ratio shall not exceed 0.5. (Ord. 61-4054 §11.2-5, 1967.)

23.50.070 Signs. In the IB district nonflashing business signs are permitted, subject to the following conditions. Advertising devices are expressly prohibited.

(a) General application.

(1) Area. The gross area in square feet of all nonilluminated signs on a zoning lot shall not exceed four times the lineal feet of frontage of the zoning lot. However, the gross surface area of all illuminated, nonflashing signs shall not exceed two times the lineal feet of frontage of the zoning lot.

(2) Setback. The signs shall be set back a minimum of twenty feet from the front lot line.

(3) Height. No sign shall project higher than thirty feet above curb level, except as may be provided by conditional use.

(b) Integrated centers. For integrated centers in single ownership or under unified control, or individual uses with a minimum frontage of three hundred feet, one additional sign on each street frontage, other than those regulated in (a), are permitted, subject to the following:

(1) Content. The sign shall advertise only the name and location of the center or individual use and the name and type of business of each occupant of the center.

(2) Area. The gross area in square feet of the additional sign on a zoning lot shall not exceed two times the lineal feet of frontage of the zoning lot. However, the gross surface area of the additional sign if illuminated, nonflashing shall not exceed the lineal feet of frontage of the zoning lot.

(3) Setback. The sign shall be set back a minimum of thirty feet from the front lot line of the center or individual use, except as may be provided by conditional use.

(4) Height. No sign shall project higher than thirty feet above curb level, except as may be provided by conditional use.

(Ord. 61-4054 §11.2-6, 1967)

23.50.080 Off-street parking. In the IB district, the uses itemized in sections 23.50.020 and 23.50.030 shall provide one parking space for each one hundred fifty square feet of gross floor area in excess of two thousand square feet, except the following uses:

(a) Automobile Laundries. One parking space shall be provided for each three employees, plus one space for the owner or manager, and in addition, reservoir parking spaces equal in number to five times the maximum capacity of the automobile laundry shall be provided for automobiles awaiting entrance to the establishment. Maximum capacity, in this instance, means the greatest possible number of automobiles undergoing some phase of laundering at the same time.

(b) Automobile Service Stations. One parking space shall be provided for each employee, plus one space for the owner or manager.

(c) Amusement establishments shall be provided with parking spaces as follows:

(1) Bowling Alleys. Five parking spaces shall be provided for each alley, plus additional spaces on the basis of one space for each two hundred square feet of gross floor area for affiliated uses such as taverns, restaurants, and the like.

(2) Swimming Pools and Skating Rinks. Parking spaces equal in number to thirty percent of the capacity in persons shall be provided.

(3) Garages. One parking space shall be provided for each employee.

(4) Hotels and Motels. One parking space shall be provided for each unit or room, plus one space for the owner or manager.

(5) Planned Developments. Parking spaces shall be provided on the basis of the required spaces for each individual use.

(6) Restaurants, Taverns and Brew Pubs. Parking spaces equal in number to thirty percent of the capacity in persons shall be provided.

(7) Warehousing, Wholesale, and Storage. One parking space shall be provided for each two employees.

Parking spaces required for uses contained in an integrated center may be provided collectively. Parking spaces shall be provided in the amount of at least eight parking spaces for each one thousand square feet of gross floor area in the center.

(d) Clinics, Medical and Dental. Three parking spaces shall be provided for each staff and regularly visiting doctor.

(e) Hospitals. One parking space shall be provided for each two hospital beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.

(f) Institutions for the care of the aged and for children, and sanitariums and convalescent, nursing, and rest homes. One parking space shall be provided for each four beds, plus one parking space for each two employees (other than staff doctors), plus one parking space for each doctor assigned to the staff. (Ord. 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-4305 §4, 1976; Ord. 61-4285 §2, 1975; Ord. 61-4054 §11.2-7, 1967.)

23.50.090 Off-street loading. In the IB district, off-street loading facilities shall be provided as follows:

(a) Amusement Establishments. For buildings containing ten thousand to one hundred thousand square feet of gross floor area, one loading berth shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof.

(b) Hospitals, medical or dental clinics, convalescent, nursing and rest homes and institutions for the care of the aged and for children. One loading berth shall be provided for buildings containing ten thousand to one hundred thousand square feet of gross floor area, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. But such loading berth for buildings in excess of twenty thousand square feet of gross floor area shall not be less than twelve feet in width by fifty-five feet in length.

(c) Hotels and Motels. For buildings containing ten thousand to one hundred fifty thousand square feet of gross floor area, one loading berth shall be provided, plus one additional loading berth for each additional one hundred fifty thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of twenty thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length.

(d) Offices. For buildings containing ten thousand to one hundred thousand square feet of gross floor area, one loading berth shall be provided; for each additional one hundred thousand square feet of gross floor area up to five hundred thousand square feet, one additional loading berth shall be provided, plus one additional loading berth for each additional five hundred thousand square feet of gross floor area or fraction thereof in excess of five hundred thousand square feet.

(e) Planned Developments. Loading berths shall be provided on the basis of the required berths for each individual use.

(f) Warehousing, Wholesale, and Storage. For buildings containing five thousand to forty thousand square feet of gross floor area, one loading berth shall be provided. For buildings containing forty thousand to one hundred thousand square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of ten thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length.

(g) For all other uses, facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 — (12 ft. x 30 ft.)
10 to 25	2 — (12 ft. x 30 ft. ea.)
25 to 40	2 — (12 ft. x 55 ft. ea.)
40 to 100	3 — (12 ft. x 55 ft. ea.)

For each additional two hundred thousand square feet of gross floor area or fraction thereof over one hundred thousand square feet of gross floor area, one additional loading berth shall be provided, such additional loading berth to be at least twelve feet in width by fifty-five feet in length. (Ord. 61-4305 §5, 1976; Ord. 61-4054 §11.2-8, 1967.)

Chapter 23.52

IM—INTERCHANGE INDUSTRIAL DISTRICT

Sections:

23.52.010 Purpose.
23.52.020 Permitted uses.
23.52.030 Conditional uses.
23.52.040 Lot size requirements.
23.52.050 Yard requirements.
23.52.060 Floor area ratio.
23.52.070 Signs.
23.52.080 Off-street parking.
23.52.090 Off-street loading.

23.52.010 Purpose. The IM interchange industrial district is designed to accommodate large, relatively "clean" industrial activities requiring freeway access and prestige frontage. (Ord. 61-4054 §11.3, 1967.)

23.52.020 Permitted uses. (a) Uses permitted in the IM district are subject to the following conditions:

(1) Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted;

(2) All business, servicing, or processing shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter;

(3) All storage within five hundred feet of a residence district, except of motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height.

(b) The following uses are permitted in the IM district:

(1) Any use permitted in the Ml district;

(2) The following retail or service business establishments, only when subordinate and incidental to, and on the same lot as, a permitted industrial use:

(A) Currency exchange,

(B) Drug store,

(C) Food store,

(D) Restaurant;

(3) Mail order houses;

(4) Printing and publishing;

(5) Accessory uses.

(Ord. 61-5022 §1, 1999; Ord. 61-4054 §11.3-1, 1967.)

23.52.030 Conditional uses. The following conditional uses may be allowed in the IM district, subject to the provisions of Chapters 23.60, 23.64 and 23.72.

(a) Day care centers;

(b) Demolition and construction material disposal site;

(c) Motor freight terminals;

(d) Planned developments, industrial;

(e) Public utility and service uses.

(f) Signs in excess of thirty feet but less than fifty feet in height above curb level;

(g) Other manufacturing, processing, storage or commercial uses determined by the plan commission to be of the same general character as uses permitted in section 23.52.020, Permitted uses, and found not to be obnoxious, unhealthful or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards. (Ord. 61-5087 §1(part), 2000; Ord. 61-4637 §12, 1988; Ord. 61-4483 §1 (part), 1981; Ord. 61-4446 §1(part), 1980; Ord. 61-4054 §11.3-2, 1967.)

23.52.040 Lot size requirements. In the IM district each permitted or conditional use shall occupy at least forty thousand square feet of lot area; the lot shall be at least one hundred fifty feet in width. (Ord. 61-4054 §11.3-3, 1967.)

23.52.050 Yard requirements. (a) Front yard. All buildings and structures shall be set back at least fifty feet from the front lot line.

(b) Interior side yard. Each interior side yard shall be at least twenty-five feet in depth.

(c) Corner side yard. A corner side yard shall be not less than fifty feet in depth.

(d) Rear yard. Each lot shall provide a rear yard not less than fifty feet in depth.

(e) Transitional yard. No building or structure in the IM district shall be located within one hundred twenty- five feet of a residence district boundary line, or within seventy-five feet of a business district boundary line, unless the building or structure is effectively screened from the residence or business district property by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height. (Ord. 61-4054 §11.3-4, 1967.)

23.52.060 Floor area ratio. In the IM district, floor area ratio shall not exceed 0.75. (Ord. 61-4054 §11.3-5, 1967.)

23.52.070 Signs. In the IM district, nonflashing business signs are permitted, subject to the following conditions. Advertising devices are expressly prohibited.

(a) General application.

(1) Area. The gross area in square feet of all signs on a zoning lot shall not exceed four times the lineal feet of frontage of the zoning lot. However, the gross area of all illuminated signs shall not exceed two times the lineal feet of frontage of the zoning lot.

(2) Setback. The signs shall be set back a minimum of fifteen feet from the front lot line.

(3) Height. No sign shall project higher than thirty feet above curb level except as may be provided by conditional use.

(b) Industrial parks. For industrial parks, one additional sign on each street frontage, other than those regulated in (a), are permitted, subject to the following:

(1) Content. The sign shall advertise only the name and location of the industrial park and the name and type of business of each occupant of the park.

(2) Area. The gross area in square feet of the additional sign on a zoning lot shall not exceed two times the lineal feet of frontage of the zoning lot. However, the gross surface area of the additional sign if illuminated shall not exceed the lineal feet of frontage of the zoning lot.

(3) Setback. The sign shall be set back a minimum of twenty-five feet from the front lot line of the industrial park.

(4) Height. No sign shall project higher than thirty feet above curb level except as may be provided by conditional use.

(Ord. 61-5087 §1, 2000; Ord. 61-4054 §11.3-6, 1967.)

23.52.080 Off-street parking. In the IM district, off-street parking facilities shall be provided in accordance with the following minimum requirements:

(a) For the uses listed hereunder, one parking space shall be provided for each two employees;

(1) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products,

(2) Mail order houses,

(3) Motor freight terminals,

(4) Printing and publishing;

(b) Planned developments, industrial. Parking spaces shall be provided on the basis of the required spaces for each individual use;

(c) Public utility and service uses. One parking space shall be provided for each two employees, plus spaces adequate in number, as determined by the plan commission, to serve the visiting public. (Ord. 61-4054 §11.3-7, 1967.)

23.52.090 Off-street loading. In the IM district, off-street loading facilities shall be provided in accordance with the following requirements:

(a) For the uses listed hereunder, one loading berth shall be provided for buildings containing five thousand to forty thousand square feet of gross floor area. For buildings containing forty thousand to one hundred thousand square feet of gross floor area, two loading berths shall be provided, plus one additional loading berth for each additional one hundred thousand square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of ten thousand square feet of gross floor area shall be not less than twelve feet in width by fifty-five feet in length:

(1) Any production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products,

(2) Mail order houses,

(3) Motor freight terminals,

(4) Printing and publishing;

(b) Planned developments, industrial. Loading berths shall be provided on the basis of the required berths for each individual use;

(c) For all other uses, loading facilities shall be provided in accordance with the following schedule:

Gross Floor Area of Establishments in Thousands of Square Feet	Required Number and Size of Berths
5 to 10	1 — (12 ft. x 30 ft.)
10 to 25	2 — (12 ft. x 30 ft. ea.)
25 to 40	2 — (12 ft. x 55 ft. ea.)
40 to 100	3 — (12 ft. x 55 ft. ea.)

For each additional two hundred thousand square feet of gross floor area or fraction thereof over one hundred thousand square feet of gross floor area, one additional loading berth shall be provided, such additional loading berth to be at least twelve feet in width by fifty-five feet in length. (Ord. 61-4054 §11.3-9, 1967.)

Chapter 23.54

WH—WELL HEAD PROTECTION OVERLAY DISTRICT

Sections:

23.54.010 Purpose.
23.54.020 General provisions.
23.54.030 Establishment of districts.
23.54.040 Permitted and prohibited uses.
23.54.050 Conditional uses.
23.54.060 Nonconforming uses.

23.54.010 Purpose. The consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the well head protection overlay district (WH) is to help protect municipal well groundwater resources from contamination by certain land use activities. This is accomplished by imposing certain land use restrictions upon the area located within the approximate groundwater recharge area of the city municipal wells. The restrictions imposed upon the property within this overlay district are in addition to the regulations governing the underlying residential, commercial, industrial or other zoning districts or any other provisions of the zoning ordinance. (Ord. 61-4988 §1(part), 1997.)

23.54.020 General provisions. (a) The regulations established by this overlay district are intended to either prohibit certain land uses that might otherwise be permitted in the underlying zoning districts or to allow certain activities as a conditional use that might otherwise be permitted in the underlying zoning district.

(b) The uses prohibited in the well head protection overlay district are activities that, as a result of normal operations or accidents, may impair groundwater quality. These prohibitions are intended to provide a reasonably high degree of assurance that, within the municipal well recharge area, discharges of contaminants into the groundwater supply will be minimized. These preventive measures are important since groundwater clean-up is often prohibitively expensive, and liability for such clean-up is often hard or impossible to establish.

(c) The uses prohibited within a well head protection overlay district are prohibited based upon the pollution experience of the individual uses, the operational methods and technology generally employed by that type of use, or the materials or products commonly handled by these uses. As the technology of identified uses changes to nonrisk materials or operational methods, the list of prohibited land uses may be amended to reflect these changes. (Ord. 61-4988 §1(part), 1997.)

23.54.030 Establishment of districts. For purposes of minimizing the potential for groundwater contamination in close proximity to the municipal wells, two zoning districts are established: The Well Head Zone A (WH-A) and the Well Head Zone B (WH-B).

(a) Zone WH-A is identified as the primary source of water for recharge of the municipal well aquifer and as the area from which groundwater contaminants are most likely to be transmitted to the municipal wells. Zone WH-A is more restrictive than Zone WH-B.

(b) Zone WH-B is identified as a secondary source of water for recharge of the municipal wells aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone WH-B is less restrictive than Zone WH-A. (Ord. 61-4988 §1(part), 1997.)

23.54.040 Permitted and prohibited uses. (a) Well Head Zone A (WH-A). All principal and accessory uses which are permitted uses within the underlying zoning districts are permitted within Zone A of the well head protection overlay district except the following uses, which are specifically prohibited and those uses identified as conditional uses in section 23.54.050:

(1) Areas for dumping or disposal of garbage, refuse or trash;

(2) Asphalt products manufacture;

(3) Automobile service stations;

(4) Building materials and products sales;

(5) Cartage and express facilities;

(6) Car washes;

(7) Cemeteries;

(8) Chemical processing and manufacturing;

(9) Contractor or construction shops or yards;

(10) Demolition and construction material disposal sites;

(11) Dry cleaning establishments;

(12) Electroplating;

(13) Exterminating shops or businesses;

(14) Feed and seed sales;

(15) Foundries and forge plants;

(16) Fuel and ice sales;

(17) Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding;

(18) Garden supply, tool and seed stores;

(19) Greenhouses and nurseries;

(20) Heavy machinery production;

(21) Industrial liquid waste storage areas;

(22) Junk yards and auto graveyards;

(23) Leather tanning or processing;

(24) Linoleum manufacturing;

(25) Machine shop;

(26) Metal reduction and refinement;

(27) Metal stamping;

(28) Mining operations;

(29) Motor freight terminals;

(30) Outdoor kennels;

(31) Paint products manufacture;

(32) Paper products manufacture;

(33) Petroleum products storage or processing;

(34) Photography studios which include the developing of film and pictures;

(35) Plastics manufacture;

(36) Printing and publishing establishments;

(37) Rubber processing or manufacture;

(38) Sewage treatment plants;

(39) Soap manufacture;

(40) Steel manufacture;

(41) Stone products manufacture;

(42) Underground petroleum products storage tanks for industrial, commercial, residential or other uses;

(43) Woodworking and wood products.

(b) Well Head Zone B (WH-B). All principal and accessory permitted uses within the underlying zoning districts are permitted within Zone B of the well head protection overlay district except those uses identified as conditional uses in section 23.54.050 and underground petroleum products storage tanks for residential use. Said tanks are specifically prohibited in Zone B. (Ord. 61-4988 §1(part), 1997.)

23.54.050 Conditional uses. (a) The following conditional uses may be allowed in the WH-A Zone subject to the provisions of Chapter 23.72:

(1) Any other business or industrial use which is not listed as a prohibited use in section 23.54.040(a) provided that the proposed use is a permitted or conditional use in the underlying zoning district.

(b) The following conditional uses may be allowed in the WH-B Zone subject to the provisions of Chapter 23.72:

(1) Underground petroleum products storage tanks for industrial, commercial or other nonresidential uses;

(2) Any business or industrial use provided that the proposed use is a permitted or conditional use in the underlying zoning district.

(Ord. 61-4988 §1(part), 1997.)

23.54.060 Nonconforming uses. Any lawfully existing building, structure or use which does not conform to the regulations of a mapped well head protection overlay district may be continued subject to the following provisions:

(a) For nonconforming buildings, structures or uses which were nonconforming prior to being designated as part of a well head protection overlay district, the regulations in Chapter 23.70 apply.

(b) For nonconforming buildings, structures or uses which are made nonconforming through establishment of a well head protection overlay district, the regulations identified in Chapter 23.70 also apply; however, these regulations may be modified to meet the particular circumstances

surrounding the particular building, structure, or use through the conditional use process as identified in Chapter 23.72. (Ord. 61-4988 §1(part), 1997.)

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Chapter 23.55

RE—RIVER EDGE OVERLAY DISTRICT

Sections:

23.55.010 Purpose.
23.55.020 General provisions.
23.55.030 Establishment of district.
23.55.040 Permitted and conditional uses.
23.55.050 Yard requirements.
23.55.060 Signs.
23.55.070 Nonconforming buildings and uses.

23.55.010 Purpose. The purpose of the river edge overlay district is to help protect the water quality and scenic resources of the Wisconsin River by reducing soil bank erosion, establishing building setback regulations, and regulating signs near the river's edge. The establishment of this district is intended to help promote the public health, safety and general welfare of the community. (Ord. 61-5074 §1(part), 2000.)

23.55.020 General provisions. The restrictions imposed upon property within, and in certain cases adjacent to, the river edge overlay district are in addition to the regulations governing the underlying residential, commercial, industrial or other zoning districts or any other provisions of the Wausau Municipal Code. The river edge overlay district establishes building setback and sign regulations that are generally more stringent than those of the underlying zoning district. (Ord. 61-5074 §1(part), 2000.)

23.55.030 Establishment of district. To implement the purpose and general provisions of this chapter, the RE, river edge overlay district, is established. The area encompassed by this zoning district is located from the ordinary high water mark of the Wisconsin River inland a distance of fifty feet on any property so designated on the city of Wausau zoning map by the Wausau common council. The location of the ordinary high water mark shall be determined by the director of inspections and electrical systems in consultation with the Wisconsin Department of Natural Resources. (Ord. 61-5074 §1(part), 2000.)

23.55.040 Permitted and conditional uses. The provisions of the river edge overlay district do not affect the underlying permitted or conditional uses which are allowed in the respective underlying zoning districts nor the other regulations governing land use in those districts except as specifically described herein. Only those uses which are allowed in the underlying zoning district as a permitted or conditional use may be considered for establishment within the RE district. (Ord. 61-5074 §1(part), 2000.)

23.55.050 Yard requirements. No building may be constructed nor may an existing building be expanded within the river edge overlay district unless the construction or expansion activity is approved following a public hearing before the city plan commission and in accordance with Chapter 23.72 of the Municipal Code governing conditional uses. (Ord. 61-5074 §1(part), 2000.)

23.55.060 Signs. Advertising signs and business signs are not allowed within the RE district unless approved as a conditional use in accordance with Chapter 23.72. Only those signs which are permitted or are a conditional use within the underlying zoning district may be considered for placement as a conditional use in the RE overlay district under this section. All other sign provisions of the underlying zoning district shall be enforced. (Ord. 61-5074 §1(part), 2000.)

23.55.080 Nonconforming buildings and uses. Any lawfully existing building, structure or use which does not conform to the regulations of a mapped river edge overlay district may be continued subject to the following provisions:

(a) For nonconforming buildings, structures or uses which were nonconforming prior to being designated as part of a river edge overlay district, the regulations of chapter 23.70 apply.

(b) For nonconforming buildings, structures or uses which are made nonconforming through establishment of a river edge overlay district, the regulations identified in Chapter 23.70 also apply; however, these regulations may be modified to meet the particular circumstances surrounding the particular building, structure or use through the conditional use process as identified in Chapter 23.72. (Ord. 61-5074 §1(part), 2000.)

Chapter 23.56

FLOODPLAIN ZONING ORDINANCE

Sections:

23.56.010 Statutory authorization, finding of fact, statement of purpose and title.
23.56.015 Definitions.
23.56.020 General provisions.
23.56.025 General standards applicable to all floodplain districts.
23.56.030 Floodway district (FW).
23.56.035 Floodfringe district (FF).
23.56.040 General floodplain district (GFP).
23.56.045 Nonconforming uses.
23.56.050 Administration.
23.56.055 Amendments.
23.56.060 Enforcement and penalties.

23.56.010 Statutory authorization, finding of fact, statement of purpose and title. (a) Statutory authorization. The zoning ordinance codified in this chapter is adopted pursuant to the authorization in Sections 62.23 and 87.30 of the Wisconsin Statutes.

(b) Finding of Fact. Uncontrolled development and use of the floodplains and rivers of the City of Wausau would impair the public health, safety, convenience, general welfare and tax base.

(c) Statement of Purpose. This ordinance is intended to regulate floodplain development to:

(1) Protect life, health and property;

(2) Minimize expenditures of public funds for flood control projects;

(3) Minimize rescue and relief efforts undertaken at the expense of taxpayers;

(4) Minimize business interruptions and other economic disruptions;

(5) Minimize damage to public facilities in the floodplain;

(6) Minimize the occurrence of future flood blight areas in the floodplain;

(7) Discourage the victimization of unwary land and homebuyers;

(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(d) Title. This chapter shall be known as the “floodplain zoning ordinance” for the city of Wausau, Wisconsin. (Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.015 Definitions. Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.

“A Zones” are those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

“Accessory structure or use” means a facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

“Basement” means any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

“Building.” See “structure” as defined in this section.

“Bulkhead line” means a geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11 of the Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this chapter.

"Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

"Camping unit" means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

“Certificate of compliance” means a certification issued by the zoning administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

“Channel” means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

“Crawlways” or “crawl space” means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

“Deck” means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

“Department” means the Wisconsin Department of Natural Resources.

“Development” means any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

“Dryland access” means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

“Encroachment” means any fill, structure, building, use or development in the floodway.

“Existing manufactured or mobile home park or subdivision” means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

“Expansion to existing manufactured home park” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

“Federal Emergency Management Agency (FEMA)” is the federal agency that administers the National Flood Insurance Program.

"Flood insurance rate map" (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

(1) The overflow or rise of inland waters;

(2) The rapid accumulation or runoff of surface waters from any source; and

(3) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

"Flood frequency" means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

"Floodfringe" means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

"Flood hazard boundary map" is a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

"Flood insurance study" means 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 base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

"Floodplain" is that and which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

"Floodplain island" is a natural geologic land formation within the floodplain that is surrounded, but not covered, by flood water during the regional flood.

"Floodplain management" means the policies and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

"Flood profile" is 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.

"Floodproofing" means 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.

"Flood protection elevation" means an elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "freeboard" which is defined in this section.)

"Flood storage" means those floodplain areas where storage of flood waters has been taken into account during analysis in reducing the regional flood discharge.

"Floodway" means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

"Freeboard" means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

"Habitable structure" means any structure or portion thereof used or designed for human habitation.

"Hearing notice" means publication or posting meeting the requirements of Chapter 985 of the Wisconsin Statutes. Class 1 notice is the minimum required for appeals, published once at least one week (seven days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

"High flood damage potential" means 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.

"Historic structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

“Increase in regional flood height” means a calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on 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.

“Land use” means any nonstructural use made of unimproved or improved real estate. (Also see “development” which is defined in this section.)

“Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

"Mobile recreational vehicle" means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

“Municipality” or “municipal” means the county, city or village governmental units enacting, administering and enforcing this zoning chapter.

“NAVD” or “North American vertical datum” means elevations referenced to mean sea level datum, 1988 adjustment.

“NGVD” or “National Geodetic Vertical Datum” means elevations referenced to mean sea level datum, 1929 adjustment.

"New construction", for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

"Nonconforming structure" is an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

"Nonconforming use" is an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

"Obstruction to flow" means any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

"Official floodplain zoning map" is that map, adopted and made part of this ordinance, as described in Section 23.56 .020, which has been approved by the Department and FEMA.

"Open space use" means those uses having a relatively low flood damage potential and not involving structures.

"Ordinary highwater mark" is 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 by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

"Person" means an individual, or group of individuals, corporation, partnership, association, municipality or state agency.

"Private sewage system" means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, 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" means 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.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Regional flood" is a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

"Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

"Subdivision" has the meaning given in Section 236.02(12), of the Wisconsin Statutes.

"Substantial damage" means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

"Unnecessary hardship" means where 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 purposes of the ordinance.

"Variance" means 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 (not uses) contained in the floodplain zoning ordinance codified in this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

"Watershed" means the entire region or area contributing runoff or surface water to a particular watercourse or body of water.

"Water surface profile" means 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" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use. (Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.020 General provisions. (a) Areas to be Regulated. This ordinance regulates all areas that would be covered by the regional flood or base flood.
Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A Zones on the Flood Insurance Rate Map.

(b) Official Maps and Revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the City of Wausau Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Inspections and Electrical Systems, City of Wausau. If more than one map or revision is referenced, the most restrictive information shall apply. (Ord. 61-5426 §1(part), 2010, File No. 92-0127)

OFFICIAL MAPS: Based on the FIS 55073CV000A

(1) Flood Insurance Rate Map (FIRM), panel numbers 55073C0145F, 55073C0378F, 55073C0379F, 55073C0380F, 55073C0382F, 55073C0383F, 55073C0384F, 55073C0392F, 55073C0401F, 55073C0402F, 55073C0403F, 55073C0411F, and 55073C0412F, dated 07/22/2010; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated 07/22/2010, volume number 55073CV000A.

Approved by: the DNR and FEMA. (Ord. 61-5426 §1(part), 2010, File No. 92-0127)

(c) Establishment of Districts. The regional floodplain areas are divided into three districts defined in section 23.56.015 and as follows:

(1) The floodway district (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood waters.

(2) The floodfringe district (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.

(3) The general floodplain district (GFP) consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It includes both the floodway and floodfringe districts.

(d) Locating Floodplain Boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (1) or (2) below. If a significant difference exists, the map shall be amended according to 23.56.055. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to subsection (c) (3) of section 23.56.050 and the criteria in (1) and (2) below.

(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to section 23.56.055.

(e) Removal of Lands From Floodplain. Compliance with the provisions of this chapter shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district, and the map is amended pursuant to section 23.56.055. To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map or issue a Letter of Map Amendment or Revision.

(f) Compliance. Any development, as defined in section 23.56.015, or use within the areas regulated by this chapter shall be in full compliance with the terms of this chapter, and other applicable local, state and federal regulations.

(g) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.2022 of the Wisconsin Statutes applies.

(h) Abrogation and Greater Restrictions.

(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under Sections 59.69, 59.692 or 59.694 for counties, 62.23 for cities, or 61.35 for villages, or 87.30 of the Wisconsin Statutes, which relate to floodplains except that where another municipal zoning ordinance is more restrictive than the provisions contained in this chapter, that ordinance shall continue in full force and

effect to the extent of the greater restrictions, but not otherwise. . (Ord. 61-5426 §1(part), 2010, File No. 92-0127)

(2) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(i) Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements liberally construed in favor of the common council, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Chapter NR 116 of the Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 116 standards in effect on the date of the adoption of the ordinance codified in this chapter or in effect on the date of the most recent text amendment to this chapter.

(j) Warning and Disclaimer of Liability. The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this chapter does not imply nor guarantee that areas outside of the delineated floodplain, or permitted land uses within the floodplain, will be totally free from flooding and associated flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

(k) Severability. Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

(l) Annexed Areas for Cities and Villages. The Marathon County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all areas annexed by the municipality until the municipality adopts and enforces an ordinance which meets the requirements of Chapter NR 116 of the Wisconsin Administrative Code and the National Flood Insurance Program (NFIP).These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(m) General development standards. The zoning administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed

for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance. (Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.025 General standards applicable to all floodplain districts. (a) Hydraulic and Hydrologic Analyses.

(1) Except as allowed in par. (3) below, no floodplain development shall:

(A) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(B) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

(3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with section 23.56.055.

Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the Department.

(b) Watercourse Alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the zoning administrator has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(c) Chapters 30 and 31 of the Wisconsin Statutes, Development. Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS,

or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to section 23.56.055.

(d) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(1) The campground is approved by the Department of Health and Family Services.

(2) A land use permit for the campground is issued by the zoning administrator.

(3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

(5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.

(6) Only camping units are allowed.

(7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.

(8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

(9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

(10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either section 23.56.030 or section 23.56.035 for the floodplain district in which the structure is located.

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.

(12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.030 Floodway district (FW). (a) Applicability. The provisions of this section apply to all areas mapped as floodway on the official floodplain zoning maps, and to those portions of the general floodplain district determined to be floodway according to the procedures in subsection (d) of section 23.56.040.

(b) Permitted Uses. The following open-space uses are allowed in the floodway district and the floodway portion of the general floodplain district, providing they are not prohibited by any other ordinance; they meet the standards in subsection (c) and (d) of this section; and all permits or certificates have been issued according to subsection (a) of section 23.56.050:

(1) Agricultural uses, such as general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting;

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips;

(3) Nonstructural private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations in subsection (c)(4) of this section;

(4) Uses or structures accessory to open-space uses, or those classified as historic structures, that are not in conflict with the provisions in subsections (c) and (d) of this section;

(5) Extraction of sand, gravel or other materials according to subsection (c)(4) of this section;

(6) Functionally water-dependent uses such as docks, piers or wharves, including those used as part of a marina, and other water related uses such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines and pipelines, according to Chapters 30 and 31 of the Wisconsin Statutes; and

(7) Public utilities, streets and bridges, according to subsection (c)(3) of this section.

(c) Standards for Developments in Floodway Areas.

(1) General.

(A) Any development in floodway areas shall meet all of the provisions of section 23.56.025, and have a low flood damage potential.

(B) Applicants shall provide the following data for the zoning administrator to determine the effects of the proposal according to sub (a) of section 23.56.025:

(i) A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or

(ii) An analysis calculating the effects of this proposal on regional flood height.

(C) The zoning administrator shall deny the permit application where it is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subdivision (1)(B) of this subsection.

(2) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(A) The structure is not designed for human habitation and does not have a high flood damage potential;

(B) The structures must be anchored to resist flotation, collapse, and lateral movement;

(C) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

(D) The structures must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) Public utilities, streets and bridges may be allowed by permit, provided that:

(A) Adequate floodproofing measures are provided to the flood protection elevation; and

(B) Construction meets the development standards of subsection (a) of section 23.56.025.

(4) Fills or deposition of materials may be allowed by permit, provided that:

(A) The requirements of subsection (a) of section 23.56.025 are met;

(B) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30 of the Wisconsin Statutes, and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;

(C) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(D) The fill is not classified as a solid or hazardous material.

(d) Prohibited Uses. All uses not listed as permitted uses in subsection (b) of this section are prohibited including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life as determined by the zoning administrator ;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts as determined by the zoning administrator;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(6) Any solid and hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities except those permitted under section NR 110.15(3)(b) of the Wisconsin Administrative Code; and

(8) Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Ord. 61-5426 §1(part), 2010, File No. 92-0127; Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.035 Floodfringe district (FF). (a) Applicability. The provisions of this section apply to all areas within the floodfringe district, as shown on the official floodplain zoning maps, and to those portions of the general floodplain district that are determined to be in the floodfringe area pursuant to subsection (d) of section 23.56.040.

(b) Permitted Uses. Any structures, land use, or development, including accessory structures and uses, are allowed within the floodfringe district and floodfringe portions of the general floodplain district, provided that the standards contained in subsection (c) of this section are met; that the use is not prohibited by this or any other ordinance or any other local, state or federal regulations; and that all permits or certificates specified in subsection (a) of section 23.56.050 have been issued.

(c) Standards for Development in Floodfringe Areas. All of the provisions of subsection (a) of section 23.56.025 shall apply in addition to the following requirements according to the use requested:

(1) Residential Uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards;

(A) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one 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 if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical. (Ord. 61-5426 §1(part), 2010, File No. 92-0127)

(B) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

(C) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subdivision (1)(D) of this subsection.

(D) In developments where existing street or sewer line elevations make compliance with subdivision (C) of this subsection impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

(i) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

(ii) The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(2) Accessory Structures or Uses.

(A) Except as provided in subdivision (B) of this subsection, an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.

(B) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than $10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of subdivisions (A), (B), (C) and (D) of subsection (c)(2) of section 23.56.030 and subdivision (5) of this subsection.

(3) Commercial Uses. Any commercial structure which is to be erected, altered by way of a building addition or moved into the floodfringe area shall meet the requirements of subdivision (1) of this subsection. Subject to the requirements of subdivision (5) of this subsection, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) Manufacturing and Industrial Uses. Any manufacturing, or industrial structure which is to be erected, altered by way of a building addition or moved into the floodfringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls or other adequate floodproofing measures in accordance with subsection (e) of section 23.56.050. Subject to the requirements of subdivision (5) of this subsection, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) Storage Materials. The storage of materials that are buoyant, flammable, explosive, or which in times 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 subsection (e) of section 23.56.050. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.

(6) Public Utilities, Streets and Bridges. All 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 subsection (e) of section 23.56.050, to the flood protection elevation; and

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

(7) Sewage Systems. All on-site sewage disposal systems shall be floodproofed, pursuant to subsection (e) of section 23.56.050, to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Chapter Comm 83 of the Wisconsin Administrative Code.

(8) Wells. All public or private wells shall be floodproofed, pursuant to subsection (e) of section 23.56.050, to the flood protection elevation and shall meet the applicable provisions of Chapters chs. NR 811 and NR 812 of the Wisconsin Administrative Code.

(9) Solid Waste Disposal Sites. All public or private solid or hazardous waste disposal sites are prohibited in floodfringe areas.

(10) Deposition of Materials. Any materials deposited for any purpose may only be allowed if all the provisions of this chapter are met.

(11) Manufactured Homes.

(A) Owners or operators of all manufactured home parks and subdivisions shall provide for adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with the appropriate local emergency management authorities.

(B) In existing manufactured home parks (defined in section 23.56.015), all new homes with new pads, replacement units on existing pads, and substantially improved mobile/manufactured homes shall:

(i) Have the lowest floor elevated to the flood protection elevation; and

(ii) Be anchored so they do not float, collapse or move laterally during a flood.

(C) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood-fringe in subdivision (11) of this subsection.

(12) Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in subdivision (11) of this subsection. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.040 General floodplain district (GFP). (a) Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

(b) Permitted Uses. The general floodplain district encompasses both floodway and floodfringe areas. Therefore, a determination shall be made pursuant to subsection (d) of this section, to determine whether the proposed use is located within a floodway or floodfringe area.

Those uses permitted in floodways (subsection (b) of section 23.56.030) and floodfringe areas (subsection (b) of section 23.56.035) are allowed within the general floodplain district, according to the standards of subsection (c) of this section and provided that all permits or certificates required under subsection (a) of section 23.56.050 have been issued.

(c) Standards for Development in the General Floodplain District. Once it is determined according to subsection (d) of this section that a proposed use is located within a floodway, the provisions of section 23.56.030 shall apply. Once determined that the proposed use is located within the floodfringe, the provisions of section 23.56.035 shall apply. All provisions of the remainder of this chapter apply to either district.

(d) Determining Floodway and Floodfringe Limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

(1) Require the applicant to submit, at the time of application, two copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures.

(2) Require the applicant to furnish any of the following additional information as is deemed necessary by the department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:

(A) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development and all historic highwater information.

(B) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; locations and elevations of streets and water supply and sanitary facilities; soil types; and other pertinent information.

(C) Profile showing the slope of the bottom of the channel or flow line of the stream.

(D) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage of materials, and water supply and sanitary facilities.

(3) Transmit one copy of the information described in subdivisions (1) and (2) of this subsection to the department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of subdivision (2)(C) of subsection (a) of section 23.56.050 apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

(Ord. 61-5426 §1(part), 2010, File No. 92-0127; Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.045 Nonconforming uses. (a) General.

(1) Applicability. Insofar as the standards in this section are not inconsistent with the provisions of Section 59.69(10) of the Wisconsin Statutes for counties or Section 62.23(7)(h) of the Wisconsin Statutes for cities and villages, they shall apply to all nonconforming uses and nonconforming structures. These regulations apply to the modification of or addition to any structure, and to the use of any structure or premises which was lawful before the passage of the ordinance codified in this chapter or any amendment thereto. (Ord. 61-5426 §1(part), 2010, File No. 92-0127)

(2) The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

(A) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(B) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(C) The zoning administrator shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(D) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable

requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection (c)(2) of section 23.56.035. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(E) (i) Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value;

(ii) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder; and

(F) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with section 23.56.030 (c), flood resistant materials are used, and construction practices and floodproofing methods that comply with subsection (e) of section 23.56.050.

(Ord. 61-5426 §1(part), 2010, File No. 92-0127)

(b) Floodway Areas.

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(A) Has been granted a permit or variance which meets the floodway requirements of this chapter;

(B) Meets the requirements of subsection (a) of this section;

(C) Will not increase the obstruction to flood flows or regional flood height;

(D) Any addition to the existing structure shall be floodproofed, pursuant to subsection (e) of section 23.56.050, by means other than the use of fill, to the flood protection elevation; and

(E) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

(i) The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

(ii) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

(iii) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(iv) The use must be limited to parking or limited storage.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Chapter Comm 83 of the Wisconsin Administrative Code.

(3) No new well or modification to an existing well, used to obtain water for ultimate human consumption, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Chapters NR 811 and NR 812 of the Wisconsin Administrative Code.

(c) Floodfringe Areas.

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality. In addition, the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in subsection (c) of section 23.56.035, except where subdivision (2) of this subsection is applicable.

(2) Where compliance with the provisions of subdivision (1) of this subsection 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, using the procedures established in subsection (c) of section 23.56.050, may grant a variance from those provisions of subdivision (1) of this subsection for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted provided:

(A) No floor is allowed below the regional flood elevation for residential or commercial structures;

(B) Human lives are not endangered;

(C) Public facilities, such as water or sewer, will not be installed;

(D) Flood depths will not exceed two feet;

(E) Flood velocities will not exceed two feet per second; and

(F) The structure will not be used for storage of materials described in subsection (c)(5) of section 23.56.035.

(3) If neither the provisions of subdivisions (1) nor (2) of this subsection can be met, an addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe on a one-time basis only, if the addition:

(A) Meets all other regulations and will be granted by permit or variance;

(B) Does not exceed sixty square feet in area; and

(C) In combination with other previous modifications or additions to the building, does not equal or exceed fifty percent of the present equalized assessed value of the building.

(4) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Chapter Comm 83 of the Wisconsin Administrative Code.

(5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and Chapters NR 811 and NR 812 of the Wisconsin Administrative Code.

(Ord. 61-5426 §1(part), 2010, File No. 92-0127; Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.050 Administration. Where a director of inspections and electrical systems, plan commission or a board of appeals has already been appointed to administer a zoning ordinance adopted under Section 62.23(7) of the Wisconsin Statutes, these officials shall also administer this chapter.

(a) Zoning administrator.

(1) The zoning administrator is authorized to administer the provisions of this chapter and shall have the following duties and powers:

(A) Advise applicants of the provisions of this chapter; assist them in preparing permit applications and appeals; and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(B) Issue permits and inspect properties for compliance with provisions of this chapter and issue certificates of compliance where appropriate.

(C) Keep records of all official actions such as:

(i) All permits issued, inspections made and work approved;

(ii) Documentation of certified lowest floor and regional flood elevations for floodplain development;

(iii) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments; and

(iv) All substantial damage assessment reports for floodplain structures.

(D) Submit copies of the following items to the department regional office:

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

(ii) Copies of any case-by-case analyses, and any other information required by the department including an annual summary of the number and types of floodplain zoning actions taken; and

(iii) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(E) Investigate, prepare reports and report violations of this chapter to the appropriate municipal zoning agency and the municipal attorney for prosecution. Copies of the violation reports shall also be sent to the department regional office.

(F) Submit copies of text and map amendments and biennial reports to the regional office of FEMA.

(G) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

(2) Zoning Permit. A zoning permit shall be obtained from the zoning administrator before any new "development," as defined in section 23.56.015, or any change in the use of an existing building or structure including sewage disposal systems and water supply facilities may be initiated. Application shall be made to the zoning administrator upon furnished application forms and shall include the following data:

(A) General Information.

(i) Name and address of the applicant, property owner and contractor-builder; and

(ii) Legal description of the property, type of proposed use and an indication as to whether new construction or a modification to an existing structure is involved.

(B) Site Development Plan. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

(i) Location, dimensions, area and elevation of the lot;

(ii) Location of the ordinary highwater mark of any abutting navigable waterways;

(iii) Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

(iv) Location of any existing or proposed on-site sewage systems or private water supply systems;

(v) Location and elevation of existing or future access roads;

(vi) Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;

(vii) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

(viii) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of sections 23.56.030 or 23.56.035 are met; and

(ix) Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to subsection (a) of section 23.56.025. This may include any of the information noted in subsection (c)(1) of section 23.56.030.

(Ord. 61-5426 §1(part), 2010, File No. 92-0127)

(C) Data Requirements to Analyze Developments. The applicant shall provide all survey data 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 of the Wisconsin Statutes, and other proposed developments exceeding five acres in area or where the estimated cost exceeds one hundred twenty-five thousand dollars. The applicant shall provide an analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity; a map showing location and details of vehicular access to lands outside the floodplain; and a surface drainage plan with adequate details showing how flood damage will be minimized. The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonably applied to the overall development costs, but need not include land costs.

(D) Expiration. All permits issued under the authority of this chapter shall expire one year from the date of issuance.

(3) Certificate of Compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(A) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter.

(B) Application for such certificate shall be concurrent with the application for a permit.

(C) The certificate of compliance shall be issued within ten days after written notification of completion of the work specified in the permit, provided the building or premises or proposed use conforms with all the provisions of this chapter.

(D) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing adequacy meets the requirements of subsection (e) of section 23.56.050.

(4) Other Permits. The applicant must secure 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. 1344.

(b) Plan Commission.

(1) The plan commission shall oversee the functions of the office of the zoning administrator, and review and make recommendations to the common council on all proposed amendments to this chapter, maps and text.

(2) The plan commission shall not grant variances to the terms of this chapter in place of action by the board of appeals, nor amend the text or zoning maps in place of official action by the common council.

(c) Board of Appeals. The board of appeals shall exercise the powers conferred by Wisconsin Statutes, and adopt rules for the conduct of business. The zoning administrator may not be the secretary of the board.

(1) Powers and Duties. The board of appeals shall:

(A) Appeals. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.

(B) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

(C) Variances. Hear and decide, upon appeal, variances from the dimensional standards of this chapter.

(2) Appeals to the Board.

(A) Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within thirty days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all the papers constituting the record concerning the matter appealed.

(B) Notice and Hearing for Appeals Including Variances.

(i) Notice. The board shall fix a reasonable time for the hearing; publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and assure that notice shall be mailed to the parties in interest and the regional office of the department at least ten days in advance of the hearing.

(ii) Hearing. Any party may appear in person or by agent or attorney. The board shall resolve boundary disputes according to subdivision (3) of this subsection; decide variance applications according to subdivision (4) of this subsection; and decide appeals of permit denials according to subsection (d) of this section.

(C) Decision. The final decision regarding the appeal or variance application shall:

(i) Be made within a reasonable time;

(ii) Be sent to the regional office of the department within ten days of the decision;

(iii) Be a written determination signed by the chairman or secretary of the board;

(iv) State the specific facts which are the basis for the board's decision;

(v) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the application for a variance; and

(vi) Include the reasons or justifications for granting an appeal, with a description of the hardship or practical difficulty demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

(3) 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 the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.

(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.

(C) Where it is determined that the district boundary is incorrectly mapped, the board should inform the plan commission or the person contesting the location of the boundary to petition the common council for a map amendment according to section 23.56.055.

(4) Variance.

(A) The board of appeals may, upon appeal, grant a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates that:

(i) Literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship on the applicant;

(ii) The hardship is due to adoption of the floodplain ordinance and special conditions unique to the property, not common to a group of adjacent lots or premises (in such case the ordinance or map must be amended);

(iii) Such variance is not contrary to the public interest; and

(iv) Such variance is consistent with the purpose of this chapter in subsection (c) of section 23.56.010.

(B) In addition to the criteria in subsection (A), above, to qualify for a variance under FEMA regulations, the following criteria must be met:

(i) The variance may not cause any increase in the regional flood elevation;

(ii) Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and

(iii) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(C) A variance shall not:

(i) Grant, extend or increase any use prohibited in the zoning district;

(ii) Be granted for a hardship based solely on an economic gain or loss;

(iii) Be granted for a hardship which is self-created;

(iv) Damage the rights or property values of other persons in the area;

(vi) Allow actions without the amendments to this chapter or map(s) required in subsection (a) of section 23.56.055; or

(vii) Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.

(D) When a variance is granted in a floodplain area, the board shall notify the applicant in writing that increased flood insurance premiums and risks to life and property may result. A copy of this notification shall be maintained with the variance appeal record.

(d) To Review Appeals of Permit Denials.

(1) The board of appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):

(A) Permit application data listed in subsection (a)(2) of this section;

(B) Floodway/floodfringe determination data in subsection (d) of section 23.56.040;

(C) Data listed in subdivision (1)(B)(ii) of subsection (c) of section 23.56.030 where the applicant has not submitted this information to the zoning administrator; and/or

(D) Other data submitted to the director of zoning administrator with the permit application, or submitted to the board with the appeal.

(2) For appeals of all denied permits, the board shall follow the procedures of subsection (c) of this section; consider the zoning administrator's recommendations; and either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation, the board shall:

(A) Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map, and all appropriate legal arrangements are made with all adversely-affected property owners; and

(B) Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

(e) Floodproofing.

(1) 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 the structure or development to the flood protection elevation.

(2) Floodproofing measures shall be designed to:

(A) Withstand the flood pressures, depths, velocities, uplift and impact forces and other factors associated with the regional flood;

(B) Assure protection to the flood protection elevation;

(C) Provide anchorage of structures to foundations to resist flotation and lateral movement; and

(D) Insure that the structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding, without human intervention.

(3) Floodproofing measures could include:

(A) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;

(B) Addition of mass or weight to structures to prevent flotation;

(C) Placement of essential utilities above the flood protection elevation;

(D) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;

(E) Construction of water supply wells and waste treatment systems to prevent the entrance of flood waters into the systems; or

(F) Cutoff valves on sewer lines or elimination of gravity flow basement drains.

(f) Public Information.

(1) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.

(2) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.

(3) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

(Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.055 Amendments. (a) General. The common council may change or supplement the boundaries of the floodplain zoning districts and the regulations contained in this chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

(1) Any change to the official floodplain zoning map including the floodway line or boundary of any floodplain area;

(2) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;

(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 outside the floodplain;

(4) Any fill or encroachment into the floodplain that will obstruct flow causing an increase of 0.01 foot or more in regional flood height;

(5) Any upgrading of floodplain zoning ordinance text required by Section NR 116.05 of the Wisconsin Administrative Code, or otherwise required by law, or for changes by the municipality; and

(6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(b) Procedures. Amendments to this chapter may be made upon petition of any interested party according to the provisions of Section 62.23 of the Wisconsin Statutes. Such petitions shall include all necessary data required by subsection (d) of section 23.56.040 and subsection (a)(2) of section 23.56.050.

(1) Copies of any amendment proposed shall be referred to the plan commission for a public hearing and recommendation to the common council. Copies of the proposed amendment and notice of the public hearing shall be submitted to the appropriate regional office of the Department of Natural Resources for review prior to the hearing. The amendment procedure shall comply with the provisions of Section 62.23 of the Wisconsin Statutes.

(2) No amendment to the maps or text of this chapter shall become effective until reviewed and approved by the department.

(3) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase of 0.01 foot or more in the height of the regional flood shall obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property owners and notify local units of government before the amendment can be approved by the common council.

(4) When considering amendments to the official floodplain zoning map, in areas where no water surface profiles exist, the plan commission shall consider data submitted by the department, the zoning administrator's visual on-site inspections and other available information. (See subsection (d) of section 23.56.020.)

(Ord. 61-5426 §1(part), 2010, File No. 92-0127; Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

23.56.060 Enforcement and penalties. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than ten dollars and not more than fifty dollars, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of municipality, the state or any citizen thereof pursuant to Section 87.30 of the Wisconsin Statutes. (Ord. 61-5426 §1(part), 2010, File No. 92-0127; Ord. 61-5306 §1(part), 2006, File No. 92-0127; Ord. 61-4761 §1(part), 1992.)

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Chapter 23.58

SHORELAND-WETLAND ZONING

Sections:

23.58.010 Statutory authorization, findings of fact, statement of purpose and title.
23.58.020 General provisions.
23.58.030 Definitions.
23.58.040 Shoreland-wetland zoning district.
23.58.050 Nonconforming structures and uses.
23.58.060 Administrative provisions.
23.58.070 Amending shoreland-wetland zoning regulations.
23.58.080 Enforcement and penalties.

23.58.010 Statutory authorization, findings of fact, statement of purpose and title. (a) Statutory Authorization. The ordinance codified in this chapter is adopted pursuant to the authorization in Sections 62.23, 62.231, 87.30 and 144.26 of the Wisconsin Statutes.

(b) Findings of Fact. Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the city would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty.

(c) Purpose. To promote the public health, safety, convenience and general welfare, this chapter has been established to:

(1) Further the maintenance of safe and healthful conditions;

(2) Prevent and control water pollution by filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters and to maintain storm and floodwater capacity;

(3) Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;

(4) Prohibit certain uses detrimental to the shoreland-wetland area; and

(5) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

(d) Title. The title of this chapter is the “Shoreland-Wetland Zoning Ordinance for the City of Wausau, Wisconsin.” (Ord. 61-4580 §1(part), 1985.)

23.58.020 General provisions. (a) Compliance. The use of wetlands, and the alteration of wetlands within the shoreland area of the city shall be in full compliance with the terms of this chapter and other applicable local, state or federal regulations. (However, see section 23.58.050 for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning certificate or building permit unless otherwise expressly excluded by a provision of this chapter.

(b) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a) of the Wisconsin Statutes applies.

(c) Abrogation and Greater Restrictions.

(1) This chapter supersedes all the provisions of any municipal zoning ordinance enacted under Section 62.23 or 87.30 of the Wisconsin Statutes, which relate to shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(2) This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

(d) Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this chapter is required by a standard in Chapter NR 117 of the Wisconsin Administrative Code, and where the chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this chapter.

(e) Severability. Should any portion of this chapter be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, the remainder of this chapter shall not be affected. (Ord. 61-4580 §1(part), 1985.)

23.58.030 Definitions. (a) For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows:

(1) Words used in the present tense include the future;
(2) Words in the singular number include the plural number;

(3) Words in the plural number include the singular number;

(4) The word "shall" is mandatory, not permissive;

(5) All distances, unless otherwise specified, shall be measured horizontally.

(b) The following terms used in this chapter mean:

(1) "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

(2) "Boathouse," as defined in Section 30.121(1) of the Wisconsin Statutes, means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

(3) "Department" means the Wisconsin Department of Natural Resources.

(4) "Development" means any manmade change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

(5) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

(6) "Environmental control facility" means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

(7) "Fixed houseboat," as defined in Section 30.121(1) of the Wisconsin Statutes, means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

(8) "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Section 144.26(2)(d)

of the Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Section 62.231 of the Wisconsin Statutes and Chapter NR 117 of the Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

(A) Such lands are not adjacent to a natural navigable stream or river;

(B) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(C) Such lands are maintained in nonstructural agricultural use.

(9) "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(10) "Plan commission" means the city plan commission created under Section 62.23(1) of the Wisconsin Statutes, a board of public land commissioners, or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

(11) "Regional flood" means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur or be exceeded on a particular stream because of like physical characteristics, once in every one hundred years.

(12) "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters:

(A) One thousand feet from a lake, pond or flowage; and

(B) Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(13) "Shoreland-wetland district" means the zoning district created in this chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this chapter as described in subsection (b) of section 23.58.040.

(14) "Special exception" means a use which is permitted by this chapter provided that certain conditions specified in the chapter are met and that a permit is granted by the board of appeals or, where appropriate, the plan commission designated by the common council.

(15) "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this chapter.

(16) "Variance" means an authorization granted by the board of appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this chapter.

(17) "Wetlands" means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(18) "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

(Ord. 61-4590 §1(part), 1986; Ord. 61-4580 §1(part), 1985.)

23.58.040 Shoreland-wetland zoning district. (a) Purpose. This chapter is adopted to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(b) Official Shoreland-Wetland Zoning Maps. The following maps are hereby adopted and made a part of this chapter and are on file in the office of the clerk for the city:

(1) Wisconsin Wetland Inventory Maps, stamped "FINAL" on May 7, 1985;

(2) United States Geological Survey quadrangle maps:

(A) Nutterville, Wisconsin. N4500-W8930/7.5. 1982,

(B) Wausau West, Wisconsin. N4452.5W8937.5/7.5. 1963, Photorevised 1978,

(C) Wausau East, Wisconsin. N4452.5-W893O/7.5. 1963, Photorevised 1978.

(c) District Boundaries.

(1) The shoreland-wetland zoning district includes all wetlands in the city which are five acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this chapter in subsection (b) and which are:

(A) Within one thousand feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the city shall be presumed to be navigable if they are listed in the department publication "Surface Water Resources of Marathon County," or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter in subsection (b) of this section;

(B) Within three hundred feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter in subsection (b) of this section. Flood Hazard Boundary Maps, Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, County Soil Survey Maps or other existing community floodplain zoning maps used to delineate floodplain area which have been adopted by the city shall be used to determine the extent of floodplain areas in the city.

(2) Determinations of navigability and ordinary high-water mark shall initially be made by the director of inspections and electrical systems. When questions arise, the director of inspections and electrical systems shall contact the appropriate district office of the department for a final determination of navigability or ordinary high-water mark. The following watercourses within the city, which appear as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps, have been found by the Wisconsin Department of Natural Resources to be nonnavigable:

(A) Bos Creek upstream from Campus Drive;

(B) Jim Moore Creek upstream east of the SW 1/4 of Sec. 18, T29N, R8E.

(3) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland maps and the actual field conditions at the time the maps were adopted, the director of inspections and electrical systems shall contact the appropriate district office of the department to determine if the shoreland-wetland district boundary as mapped, is in error. If the department staff concur with the director of inspections and electrical systems that a particular area was incorrectly mapped as a wetland, the director of inspections and electrical systems shall have the authority to immediately grant or deny land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shoreland-wetland zoning maps, the director of inspections and electrical systems shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

(d) Permitted Uses. The following uses are permitted subject to the provisions of Chapters 30 and 31 of the Wisconsin Statutes and the provisions of other local, state and federal laws, if applicable:

(1) Activities and uses which do not require the issuance of a zoning certificate or building permit, provided that no wetland alteration occurs:

(A) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating,

(B) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops,

(C) The practice of silviculture, including the planting, thinning and harvesting of timber,

(D) The pasturing of livestock,

(E) The cultivation of agricultural crops, and

(F) The construction and maintenance of duck blinds;

(2) Uses which do not require the issuance of a zoning certificate or building permit and which may involve wetland alterations only to the extent specifically provided below:

(A) The practice of silviculture, including limited temporary water-level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected,

(B) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries,

(C) The maintenance and repair of existing drainage ditches, where permissible under Section 30.20 of the Wisconsin Statutes, or of other existing drainage systems (such as tiling) to restore preexisting levels of drainage, including the minimum amount of filling necessary under Chapter 30 of the Wisconsin Statutes, and that dredged spoil is placed on existing spoil banks where possible,

(D) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance,

(E) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance,

(F) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district, provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in subsection (3) of section 23.58.070, and

(G) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(3) Uses which are allowed upon the issuance of a special exception permit, a zoning certificate or building permit and which may include wetland alterations only to the extent specifically provided below:

(A) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under subsection (d) of this section, provided that:

(i) The road cannot, as a practical matter, be located outside the wetland,

(ii) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in subsection (3) of section 23.58.070,

(iii) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use,

(iv) Road construction activities are carried out in the immediate area of the roadbed only, and

(v) Any wetland alteration must be necessary for the construction or maintenance of the road.

(B) The construction and maintenance of nonresidential buildings provided that:

(i) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows, or other wetland or aquatic animals,

(ii) The building cannot, as a practical matter, be located outside the wetland,

(iii) The building does not exceed five hundred square feet in floor area, and

(iv) Only limited filling and excavating necessary to provide structural support for the building is allowed.

(C) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat-launching ramps, provided that:

(i) Any private development allowed under this subsection shall be used exclusively for the permitted purpose,

(ii) Only limited filling and excavating necessary for the development of public boat-launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed,

(iii) The park construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in subdivision (3)(A) of this section, and

(iv) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(D) The construction and maintenance of electric and telephone transmission lines and water, gas and sewer distribution lines, and related facilities, provided that:

(i) The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland,

(ii) Only limited filling or excavating necessary for such construction or maintenance is allowed, and

(iii) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in subsection (3) of section 23.58.070.

(E) The construction and maintenance of railroad lines, provided that:

(i) The railroad lines cannot, as a practical matter, be located outside the wetland,

(ii) Only limited wetland alteration necessary for such construction or maintenance is allowed, and

(iii) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland as listed in subsection (3) of section 23.58.070.

(e) Prohibited Uses.

(1) Any use not listed in subsection (d) of this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with section 23.58.070.

(2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable water are prohibited.

(Ord. 61-4590 §1(part), 1986; Ord. 61-4580 §1(part), 1985.)

23.58.050 Nonconforming structures and uses. (a) The existing lawful use of a structure, building or property, or its accessory use, which is not in conformity with the provisions of this chapter may be continued subject to the following conditions: Notwithstanding Section 62.23(7) (h) of the Wisconsin Statutes, the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of the ordinance codified in this chapter adopted under Section 62.231 of the Wisconsin Statutes, or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under Section 62.231(5) of the Wisconsin Statutes, Section 62.23(7)(h) of the Wisconsin Statutes, applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of the ordinance codified in this chapter or amendment.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this chapter.

(c) Any legal conforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of the ordinance codified in this chapter adopted under Sections 62.231 or 61.351 of the Wisconsin Statutes, may be continued although such use does not conform with the provisions of the ordinance codified in this chapter. However, such nonconforming use may not be extended.

(d) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of Section 30.121 of the Wisconsin Statutes.

(e) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses. (Ord. 61-4580 §1(part), 1985.)

23.58.060 Administrative provisions. (a) Director of Inspections and Electrical Systems. The director of inspections and electrical systems shall have the following duties and powers:

(1) Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms;

(2) Issue permits and certificates of compliance and inspect properties for compliance with this chapter;

(3) Keep records of all permits issued, inspections made, work approved and other official actions;

(4) Have access to any structure or premises between the hours of eight a.m. and five p.m. for the purpose of performing these duties;

(5) Submit copies of decisions on variances, special exception permits, appeals for a map or text interpretation, and map or text amendments within ten days after they are granted or denied, to the appropriate district office of the department;

(6) Investigate and report violations of this chapter to the city plan commission or the city attorney.

(b) Zoning Certificate or Building Permits.

(1) When Required. Unless another section of this chapter specifically exempts certain types of development from this requirement a zoning certificate or building permit shall be obtained from the director of inspections and electrical systems before any new development, as defined in subdivision (b)(4) of section 23.58.030 or any change in the use of an existing building or structure is initiated.

(2) Application. An application for a zoning certificate or building permit shall be made to the director of inspections and electrical systems upon forms furnished by the city and shall include, for the purpose of proper enforcement of these regulations, the following information:

(A) General Information.

(i) Name, address and telephone number of applicant, property owner and contractor, where applicable;

(ii) Legal description of the property and a general description of the proposed use or development;

(iii) Whether or not a private water or sewage system is to be installed.

(B) Site development Plan. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

(i) Dimensions and area of the lot;

(ii) Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

(iii) Location of any existing or proposed on-site sewage systems or private water-supply systems;

(iv) Location of the ordinary high-water mark of any abutting navigable waterways;

(v) Location and landward limit of all wetlands;

(vi) Existing and proposed topographic and drainage features and vegetative cover;

(vii) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;

(viii) Location of existing or future access roads; and

(ix) Specifications and dimensions for areas of proposed wetland alteration.

(3) Expiration. All permits issued under the authority of this chapter shall expire one year from the date of issuance.

(c) Certificates of Compliance.

(1) Except where no zoning certificate, building permit or special exception permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the director of inspections and electrical systems subject to the following provisions:

(A) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this chapter.

(B) Application for such certificate shall be concurrent with the application for a zoning certificate, building permit or special exception permit.

(C) The certificate of compliance shall be issued within ten days after the completion of the work specified in the zoning certificate, building permit or special exception permit, providing the building, premises or proposed use thereof conforms with all the provisions of this chapter.

(2) The director of inspections and electrical systems may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established therefor by the common council.

(3) Upon written request from the owner, the director of inspections and electrical systems shall issue a certificate of compliance for any building or premises existing at the time of the adoption, certifying, after inspection, the extent and type of use made of the building premises and whether or not such use conforms to the provisions of this chapter.

(d) Special Exception Permits.

(1) Application. Any use listed as a special exception in this chapter shall be permitted only after an application has been submitted to the director of inspections and electrical systems and a special exception permit has been granted by the board of appeals, following the procedures in subdivisions (2), (3) and (4) of subsection (g) of this section for hearing and deciding appeals.

(2) Conditions. Upon consideration of the permit application and the standards applicable to the permitted uses in subdivision (d)(3) of section 23.58.040, the board of appeals shall attach such conditions to a special exception permit, in addition to those required elsewhere in this chapter as are necessary to further the purposes of this chapter as listed in subsection (c) of section 23.58.010. Such conditions may include specifications, without limitation because of specific enumeration, for: type of shore cover, erosion potential; increased side-yard setbacks, specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the board of appeals may require the applicant to furnish, in addition to the information required for a zoning certificate or building permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this chapter.

(e) Recording. Where a zoning certificate, building permit or special exception permit is approved, an appropriate record shall be made by the director of inspections and electrical systems of the land use and structures permitted.

(f) Revocation. Where the conditions of a zoning certificate, building permit or special exception permit are violated, the permit shall be revoked by the board of appeals.

(g) Board of Appeals. The city shall appoint a board of appeals under Section 62.23(7)(e) of the Wisconsin Statutes, consisting of five members, subject to confirmation by the common council. The board of appeals shall adopt rules for the conduct of the business of the board of appeals as required by Section 63.23(7)(e)3. of the Wisconsin Statutes.

(1) Power and Duties. The board of appeals:

(A) Shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this chapter;

(B) Shall hear and decide applications for special exception permits;

(C) May authorize upon appeal in specific cases, such variance from the terms of the chapter as shall not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the chapter will result in unnecessary hardship. In the issuance of a variance, the spirit of the chapter shall be observed and substantial justice done. No variance from the terms of this chapter shall be granted which is contrary to the public interest. A variance may be granted where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. The granting of a variance shall not have the effect of granting or extending any use of property which is prohibited in that zoning district by this chapter.

(2) Appeals to the Board. Appeals to the board of appeals may be taken by any person aggrieved, or by an officer, department, board or bureau of the community affected by any order, requirement, decision or determination of the director of inspections and electrical systems or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the board, by filing with the official from whom the appeal is taken, and with the board of appeals, a notice of appeal specifying the reasons therefor. The director of inspections and electrical systems or other official from whom the appeal is taken shall transmit to the board all the papers constituting the record on which the appeal action was taken.

(3) Public Hearings.

(A) Before making a decision on an appeal, the board of appeals shall, within a reasonable period of time, hold a public hearing. The board shall give public notice of the hearing by publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, specifying the date, time and place of the hearing and the matters to come before the board. The publication fees for a public hearing shall be as specified in section 3.40.010(a). At the public hearing, any party may appear in person, by agent or by attorney and present testimony.

(B) A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the department at least ten days prior to all public hearings on issues involving shoreland-wetland zoning.

(4) Decisions.

(A) The final disposition of an appeal, or application for a special exception permit, to the board of appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the board chairman. Such decision shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application for a special exception permit.

(B) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the department within ten days after the decision is issued. (Ord. 61-5553 §36 (part), 2013, File No. 13-0309; Ord. 00-1135 §1(part), 2000, File No. 00-1135; Ord. 61-4962 §1(part), 1996; Ord. 61-4875 §1(part), 1994; Ord. 61-4811 §1(part), 1993; Ord. 61-4580 §1(part), 1985.)

23.58.070 Amending shoreland-wetland zoning regulations. The city may from time to time alter, supplement or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of Section 62.23(7)(d)2. of the Wisconsin Statutes, and the following:

(a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the department within five days of the submission of the proposed amendment to the city plan commission.

(b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the city plan commission, and a public hearing shall be held as required by Section 62.23(7)(d)2 of the Wisconsin Statutes. The publication fee for a public hearing shall be as specified in section 3.40.010(a). The appropriate district office of the department shall be provided with written notice of the public hearing at least ten days prior to such hearing.

(c) In order to ensure that the shoreland protection objectives in Section 144.26 of the Wisconsin Statutes will be accomplished by the amendment, the city may not rezone a wetland in a

shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:

(1) Storm and floodwater storage capacity;

(2) Maintenance of dry-season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

(3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(4) Shoreline protection against soil erosion;

(5) Fish spawning, breeding, nursery or feeding grounds;

(6) Wildlife habitat; or

(7) Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(d) Where the district office of the department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection (c) of this section, the department shall so notify the city of its determination either prior to or during the public hearing held on the proposed amendment.

(e) The appropriate district office of the department shall be provided with:

(1) A copy of the recommendation and report, if any, of the city plan committee on the proposed text or map amendment, within ten days after the submission of those recommendations to the common council; and

(2) Written notice of the common council's action on the proposed text or map amendment within ten days after the action is taken.

(f) If the department notifies the city plan commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (c) of this section, that proposed amendment, if approved by the common council, may not become effective until more than thirty days have elapsed since written notice of the common council approval was mailed to the department, as required by subsection (e) of this section. If within the thirty-day period, the department notifies the common council that the department intends to adopt a superseding shoreland-wetland zoning ordinance for the city under Section 62.231(6) of the Wisconsin Statutes, the proposed amendment may not become effective until the ordinance adoption procedure under Section 62.231(6) of the Wisconsin Statutes is completed or otherwise terminated. (Ord. 61-5553 §37 (part), 2013, File No. 13-0309; Ord. 61-5095 §1(part), 2000, File No. 00-1135;

Ord. 61-4962 §1(part), 1996; Ord. 61-4875 §1(part), 1994; Ord. 61-4811 §1(part), 1993; Ord. 61-4580 §1(part), 1985.)

23.58.080 Enforcement and penalties. Any development, building or structure, or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced, or any use or accessory use established after the effective date of the ordinance codified in this chapter in violation of the provisions of this chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The director of inspections and electrical systems shall refer violations to the city plan commission and the city attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than ten dollars nor more than two hundred dollars per offense. Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the city, the state, or any citizen thereof pursuant to Section 87.30(2) of the Wisconsin Statutes. (Ord. 61-4580 §1(part), 1985.)

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Chapter 23.60

PLANNED DEVELOPMENTS

Sections:

23.60.010 Specific standards.
23.60.020 Use exceptions.
23.60.030 Bulk regulations.

23.60.010 Specific standards. Planned developments are of such substantially different character from other conditional uses that specific and additional standards and exceptions are hereby established to govern the recommendations of the plan commission and the action of the common council. (Ord. 61-4054 §6.10-8(part), 1967.)

23.60.020 Use exceptions. The plan commission may recommend and the common council may authorize that there be in part of the area of the development, and for the duration of the development, specified uses not permitted by the use regulations of the district in which the development is located, provided that the plan commission finds:

(a) That the uses permitted by the exception are necessary or desirable and are appropriate with respect to the primary purpose of the development;

(b) That the uses permitted by the exception are not of such a nature or so located as to exercise a detrimental influence on the surrounding neighborhood; and

(c) That not more than twenty percent of the ground area or of the gross floor area of the development shall be devoted to the uses permitted by the exception. (Ord. 61- 4054 §6.10-8 (part), 1967.)

23.60.030 Bulk regulations. In the case of any planned development, the plan commission may recommend and the common council may authorize exceptions to the applicable bulk regulations of this title within the boundaries of the development, provided that the plan commission finds:

(a) That the exception shall be solely for the purpose of promoting an integrated site plan no less beneficial to the residents or occupants of the development as well as the neighboring property, than would be obtained under the bulk regulations of this title for buildings developed on separate zoning lots;

(b) That the overall floor area ratio for the planned development would not exceed, by more than twenty percent, the maximum floor area ratio which would be determined on the basis of the floor area ratio required for the individual uses in the planned developments, as stipulated in each district;

(c) That the minimum lot area per dwelling unit requirements of this title shall not be decreased by more than twenty percent in any such development containing residential uses, and that permanent open space or land, in an amount equivalent to that by which each residential lot or building site has been diminished under this provision, shall be provided in common recreation area within the development;

(d) That spacing between principal buildings shall be at least equivalent to such spacing as would be required between buildings similarly developed under the terms of this title on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys; and

(e) That along the periphery of the planned developments, yards shall be provided as required by the regulations of the district in which the development is located. (Ord. 61-4054 §6.10-8(part), 1967.)

Chapter 23.62

AIRPORT HEIGHT REGULATIONS[4]

Sections:

23.62.010 Applicability of regulations.
23.62.020 Airports having established approach plan.
23.62.030 Airports not having established approach plan.
23.62.040 Buildings exceeding height limitations.

23.62.010 Applicability of regulations. Airports and their surrounding areas are subject to the applicable federal, state, county, and local regulations, as well as the following requirements. (Ord. 61-4054 §4.11, 1967.)

23.62.020 Airports having established approach plan. Height of buildings and structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the above authorities shall be in accordance with the requirements set forth in the approach plan and/or adopted airport zoning regulations. (Ord. 61-4054 §4.11-1, 1967.)

23.62.030 Airports not having established approach plan. Height of buildings and structures in areas within ten thousand lineal feet of the boundaries of airports that do not have an established approach plan or are not governed by adopted airport zoning regulations shall be governed by the following:

(a) For an airport having the longest runway less than three thousand nine hundred fifty lineal feet in length, buildings and structures located just beyond the boundaries of the airport shall not be in excess of fifteen feet in height, and for every two hundred lineal feet of additional distance from the airport boundaries, the height of buildings and structures may be increased by not more than ten feet;

(b) For an airport having a runway of three thousand nine hundred fifty lineal feet or more in length, buildings and structures just beyond the boundaries of the airport shall not be in excess of fifteen feet in height; and for every two hundred lineal feet of additional distance from airport boundaries, the height of buildings and structures may be increased by not more than five feet; and where a runway has been designed as an instrument runway, the height of buildings and structures in the first ten thousand lineal feet beyond the airport boundaries may be increased by not more than four feet for every two hundred lineal feet of additional distance from the airport boundaries. (Ord. 61-4054 §4.11-2, 1967.)

23.62.040 Buildings exceeding height limitations. Buildings and structures exceeding the above height limitations shall be considered obstructions to air navigation unless found not to be objectionable after special aeronautical study. (Ord. 61-4054 §4.11-3, 1967.)

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[4] See also Title 22 of this code.

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Chapter 23.64

SERVICE STATIONS AND DRIVE-INS

Sections:

23.64.010 Conditions for conditional use permit.
23.64.020 Location.
23.64.030 Minimum frontage.
23.64.040 Setbacks.
23.64.050 Signs.
23.64.060 Driveways.
23.64.070 Protective curbs.

23.64.010 Conditions for conditional use permit. To protect the health, safety, and general welfare of the residents of this community, the following minimum conditions shall be complied with prior to the issuance of a conditional use permit for an automobile service station or other drive-in establishment. (Ord. 61-4054 §6.10-9 (part), 1967.)

23.64.020 Location. No such use shall be located within two hundred feet, measured along contiguous street frontages, of any place of public assembly, such as, but not limited to: churches, schools, hospitals, clinics, theaters, auditoriums, parks and playgrounds. (Ord. 61-4054 §6.10-9 (part), 1967.)

23.64.030 Minimum frontage. A lot upon which a service station or other drive-in establishment is located shall have at least one hundred feet of frontage and a depth of not less than one hundred feet. (Ord. 61-4054 §6.10-9(part), 1967.)

23.64.040 Setbacks. All buildings and other structures, except as may otherwise be provided in this title, shall be set back from street lines a distance of not less than thirty feet.

Side and rear yards of not less than twenty feet shall be provided along all other property lines. The yards shall be provided with an opaque fence not less than five feet nor more than eight feet in height placed along the property line, or provided with an all-year, solid, evergreen hedge not less than five feet in height at the time of planting. (Ord. 61-4054 §6.10-9(part), 1967.)

23.64.050 Signs. Only one sign, not exceeding forty square feet in area on one surface nor more than eight feet in horizontal length, may be placed adjacent to the street line. The sign shall not extend more than thirty feet above the ground and shall be mounted not less than ten feet above ground level on not more than three columns, which columns shall not exceed twelve inches in diameter. No such sign or portion thereof shall project into or encroach upon a street right-of-way.

All other permitted signs shall be affixed to the principal building or set back at least thirty feet from the front property line and ten feet from all other property lines. (Ord. 61-4054 §6.10-9(part), 1967.)

23.64.060 Driveways. Driveways opening on traffic lanes leading to the intersection at which the "drive-in establishment" is situated shall be located so as to provide not less than forty feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of the driveway.

Driveways opening on traffic lanes leading away from the intersection shall be located so as to provide not less than twenty feet spacing between the intersection formed by the adjacent street right-of-way lines and the nearest side of the driveway.

Driveways located next to a residence district shall be provided with not less than twenty-five feet spacing between such adjacent property line and the nearest boundary of the driveway, unless a lesser spacing is determined by the plan commission to constitute a safe traffic condition.

No driveway opening on a public right-of-way shall be located within thirty feet of another such driveway, except as may be permitted by the plan commission as providing an equally safe traffic condition. (Ord. 61-4054 §6.10-9(part), 1967.)

23.64.070 Protective curbs. All landscaped areas shall be adequately protected by a raised curb of not more than six inches in height, or a bumper guard of not more than eighteen inches in height.

Protective curbs shall be provided along the edge of all areas accessible to motor vehicles to prevent the encroachment of vehicles upon adjacent property or the street right-of-way. (Ord. 61-4054 §6.10-9(part), 1967.)

Chapter 23.65

UNIFIED DEVELOPMENT DISTRICT

Sections:

23.65.010 Statement of intent.
23.65.020 Permitted uses and regulations applicable thereto.
23.65.030 Supplementary regulations.
23.65.040 Criteria for approval.
23.65.050 Procedure.
23.65.055 Revocation.
23.65.060 Severability.

23.65.010 Statement of intent. The purpose of the unified development district is to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage and facilitate the conservation of open land and other natural features such as woods, streams, wetlands, etc., as integral components of a balanced ecology. To this intent the regulations provide for the development of land on the basis of comprehensive and coordinated site plans for a specific project development, regulated by objective criteria rather than through the application of fixed formulas, thereby allowing for greater flexibility and improved quality of environmental design. Such district may be established only with the consent of the owners of the land affected. (Ord. 61-4419 §1(part), 1979.)

23.65.020 Permitted uses and regulations applicable thereto. (a) In a unified development district, any uses permitted in any of the other districts of this title may be permitted subject to the criteria established in section 23.65.040; provided, however, that no use shall be permitted except in conformity with a precise development plan pursuant to the procedural and regulatory provisions as set forth in this chapter.

(b) Specific lot size, density, open space, building location, height, size, floor area and other such requirements shall be based upon determination as to their appropriateness to the proposed uses or structures as they relate to the total environmental concept of the planned development, and consistent with the criteria set forth in this chapter and with those generally accepted basic standards necessary to insure the protection of the public health, safety and welfare.

(c) Such requirements as are made a part of an approved precise development plan shall be, along with the plan itself, construed to be and enforced as a part of this chapter. (Ord. 61-4419 §1(part), 1979.)

23.65.030 Supplementary regulations. Design standards relative to streets, sidewalks, street lighting, storm drainage, lot size, lot arrangement, or other elements of the site development shall be based upon determination as to the appropriate standards necessary to effectively implement the specific function in the specific situation, and as it relates to the total plan concept and consistent with the necessity for compatibility with the existing pattern in areas peripheral to the development.

In no case shall minimal construction standards be less than those necessary to protect the public health, safety and welfare. Precise standards shall be made a part of the approved plan, and shall be construed to be and enforced as part of this chapter. (Ord. 61-4419 §1(part), 1979.)

23.65.040 Criteria for approval. The approval of a unified development proposal shall be based upon determination as to compliance with the following criteria:

(a) That the proposed development is consistent with the spirit and intent of these regulations, has been prepared with competent professional advice and guidance and produces significant benefits in terms of improved environmental design to justify the application of the "unified development" concept;

(b) That the site development plan reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open space and careful shaping of terrain to minimize scarring, and insures proper drainage and preservation of natural terrain wherever appropriate;

(c) That the general character and intensity of use of the development produces an attractive environment appropriate to the uses proposed, and is compatible with existing development in the surrounding area and with general community development plans and policies;

(d) That the development can be provided with appropriate municipal services and would not conflict with or cause overload on such facilities as schools, highways, police, fire or utility services;

(e) That proposed design standards provide adequately for practical functioning and maintenance, based on actual functional need, in terms of circulation, parking, emergency services, delivery services and snowplowing;

(f) That adequate provision has been made to insure proper maintenance and preservation of any common areas provided for the recreation and esthetic enhancement of the development. (Ord. 61-4419 §1(part), 1979.)

23.65.050 Procedure. The procedure for zoning a district as a unified development district shall be as required for any other zoning, except that a petition for zoning may be considered only in conjunction with a general development plan, as defined in this section, and shall be subject to the following additional requirements:

(a) Pre-Application Conference. Prior to considering a petition for zoning a district as a unified development district, it is recommended that the applicant confer with the plan commission or appropriate city officials in order to establish mutual understanding as to the basic concept proposed, and to insure proper compliance with the requirements for processing.

(b) Staged Approval. A unified development shall be processed in two stages as follows:

(1) General Development Plan. The general development plan consists of a general concept plan for the entire area covered by the unified development district, and shall be submitted concurrently with the petition for zoning as a unified development district. Such plan shall provide the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in section 23.65.040:

(A) The pattern of proposed land use including general size, shape and arrangement of lots and specific use area; proposed density of residential development; and general environmental character;

(B) The basic street pattern;

(C) The basic utility service pattern;

(D) The general location, size and character of recreational and open space areas;

(E) Appropriate statistical data relative to the development including, where relevant:

(i) Number of dwelling units,

(ii) Number of bedrooms per dwelling unit,

(iii) Amount of floor area devoted to commercial use,

(iv) Types of commercial uses proposed,

(v) Amount of floor area devoted to office use,

(vi) Types of office uses proposed,

(vii) Number of parking spaces to serve each use,

(F) General outline of intended organizational structure related to property owner's association, deed restrictions, etc.;

(G) Any other item the plan commission requires to protect the public interest.

(2) Precise Implementation Plan. The precise implementation plan consists of that portion of the general development plan for which specific development approval is requested, and may be submitted concurrently with the general development plan or after the general plan is approved but in no case shall the precise

plan be submitted less than two weeks prior to the plan commission meeting where action on the plan is requested. Such plan shall provide the following information:

(A) An accurate identification of the area of the specific implementation plan as it relates to the general development plan;

(B) The specific designation of proposed land utilization including the pattern of public and private roads, driveways, walkways and parking facilities; detailed lot layout and the arrangements of buildings and building groups other than single family residences; and the specific treatment of any common open space area or amenities;

(C) Specific landscape plans for all common areas or housing groups other than private single family lots;

(D) Architectural plans for buildings proposed to be constructed, renovated, rehabilitated or converted by the developer;

(E) Detailed storm drainage, sanitary sewer and water system plans;

(F) Proposed engineering standards for all roads, parking areas and walkways;

(G) Agreements, bylaws, covenants and other documents providing for permanent operation and maintenance of the development;

(c) Application. Application for zoning as a unified development district, or for approval of a precise implementation plan shall be made by petition submitted to the city clerk, and shall include the following information:

(1) A written statement describing the area of the proposed district and the general character of the intended development;

(2) An accurate map of the proposed area to be zoned;

(3) A general development plan as set forth in paragraph (2)(A) of this section, unless such plan has previously been submitted to the city clerk;

(4) A precise implementation plan for that portion of the district for which specific development approval has not previously been given, and is requested as set forth in paragraph (2)(B) of this section.

(d) Referral and hearing.

(1) Upon submittal, the city clerk shall refer the petition and related exhibits to the plan commission for review and recommendation, including any precise

implementation plan, to be approved as submitted, approved with modifications, or disapproved.

(2) The city council may adopt, modify or disapprove the recommendation of the plan commission, if any, and act upon the application.

(e) Approval.

(1) Approval of the proposed zoning as a unified development district constitutes approval of the related general development plan and precise implementation plan which shall be recorded as an integral component of the district regulations, and shall establish the basic right of use for the area in conformity with such plan. However, no specific use or building permit shall be issued except for an area covered by a precise implementation plan, and in conformity with such plan.

(2) Detailed building and landscape plans, as well as all other commitments and contractual agreements with the city, related to a precise implementation plan, shall be made a part of the official record, and shall be considered supplementary components of the district regulations.

(3) Consistent with the basic goal of flexibility, minor variation may be permitted in details of the approved plans, subject to approval of the plan commission. If in the opinion of the plan commission, any requested variation constitutes a substantial alteration of the original plan, as approved, a public hearing shall be required.

(4) Requests for approval of precise implementation plans for subsequent development phases shall be submitted to the plan commission for approval. No public hearing shall be required unless deemed desirable by the plan commission.

(Ord. 61-5376, Art. V, IV, 2008; Ord. 61-4419 §1(part), 1979.)

23.65.055 Revocation. In any case where none of the new land uses or new buildings approved as part of the general development plan have been established within two years after the date of creating a unified development district, then, without further action by the plan commission or the common council, the unified development district thus created shall be null and void and the zoning district that existed prior thereto shall be reestablished. (Ord. 61-4608 §1, 1987.)

23.65.060 Severability. If any of the provisions of this chapter or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. (Ord. 61-4419 §1(part), 1979.)

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Chapter 23.655

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

Sections:

23.655.010 Purpose.
23.655.020 Applicability.
23.655.030 Definitions.
23.655.040 Application procedure and approval process.
23.655.050 Design standards.

23.655.010 Purpose. The purpose of the traditional neighborhood development district (TNDD) is to allow the optional development and redevelopment of land consistent with the design principles of traditional neighborhoods. A traditional neighborhood:

- Is compact;
- Is designed for the human scale;
- Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood;
- Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
- Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offers multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
- Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
- Incorporates significant environmental features into the design;
- Is consistent with the comprehensive plan.

23.655.020 Applicability. The traditional neighborhood development district provides an alternative set of standards for new development, redevelopment, or infill development. The minimum size of a traditional neighborhood development district shall not be less than ten acres.

23.655.030 Definitions. The following definitions apply to only this chapter of the Wausau Municipal Code:

(a) Accessory Building—a detached subordinate structure, the use of which is incidental to that of the principal structure and located on the same lot.

(b) ADT—average daily traffic volumes of vehicles on a street.

(c) Affordable housing—housing in which mortgage, amortization, taxes, insurance, and condominium and association fees, if any, constitute no more than 28 percent of gross household income for a household of the size which may occupy the unit. In the case of dwelling units for rent,

housing that is affordable means housing for which the rent and utilities constitute no more than 30 percent of gross annual household income for a household of the size that may occupy the unit.

(d) Alley—a public or private way permanently reserved as a secondary means of access to abutting property.

(e) Arterial—a major street for carrying a large volume of through-traffic in the area, normally controlled by traffic signs and signals.

(f) Block—a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity of development.

(g) Building height—the limit to the vertical extent of a building. The building height may be prescribed as a maximum number of stories or as a dimension from sidewalk grade to the eave. The height limit shall not apply to attics, raised basements, chimneys, machine rooms, or similar structures.

(h) Building scale—the relationship between the mass of a building and its surroundings, including street width, open space, and mass of surrounding buildings. Mass is determined by the three-dimensional bulk of a structure: height, width, and depth.

(i) Building setback, front—the distance from the street right-of-way line to the closest point of the foundation of a building or projection thereof.

(j) Collector—a street designed to carry moderate volumes of traffic from local streets to arterial streets or from arterial to arterial.

(k) Common open space—squares, greens, neighborhood parks, city parks, and linear environmental corridors owned and maintained by the city.

(l) Curb radius—the curved edge of streets at an intersection measured at the outer edge of the street curb or of the parking lane.

(m) Lot—a parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one main building, together with any accessory buildings, open spaces, and parking spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

(n) Lot Line—the property lines bounding the lot.

(o) Lot Width—the horizontal distance between side lot lines measured at the front setback.

(p) Net acre—an acre of land excluding street rights-of-way and other publicly-dedicated improvements such as parks, open spaces, and storm water detention and retention facilities.

(q) Principal Building—a building in which the primary use of the lot on which the building is located is conducted.

(r) Queuing—the use of one travel lane on local streets with parking (usually an intermittent parking pattern) on both sides.

(s) Secondary dwelling unit—an additional dwelling unit located within the principal dwelling on the lot, in a freestanding building or above a residential garage.

(t) Story—a space in a building between the surface of any floor and the surface of the next floor above, or if there is no such floor above, then the space between such floor and the ceiling or roof above.

(u) Street—a strip of land, including the entire right-of-way, publicly or privately owned, serving as a means of vehicular travel and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks.

(v) Traditional neighborhood—a compact, mixed use neighborhood where residential, commercial, and civic buildings are within close proximity to each other.

23.655.040 Application procedure and approval process. Prior to the issuance of any permits for development within a traditional neighborhood development district: the applicant shall have had an initial conference; a general implementation plan and a zoning map amendment to a traditional neighborhood development district shall be approved by the common council; and a specific implementation plan shall be approved by the common council.

(a) Initial Conference. Before submitting a petition for zoning change to establish a traditional neighborhood development district, the applicant shall meet with city staff and the city plan commission to discuss the procedure for creating a TNDD, submittal requirements, and design standards.

(b) General Implementation Plan. To establish a traditional neighborhood development district, a general implementation plan shall be approved by the common council.

(1) General Implementation Plan Process. Following the initial conference, the applicant shall submit a general implementation plan to the city planner together with a petition for zoning change to a traditional neighborhood development district.

(A) The plan commission shall conduct a public hearing to consider the petition for zoning change request and to formulate a recommendation regarding the general implementation plan. The plan commission shall recommend that the common council either:

(i) approve the general implementation plan and zoning map amendment,

(ii) approve the general implementation plan and zoning map amendment with modifications, or

(iii) deny the general implementation plan and zoning map amendment.

(B) The common council shall consider the recommendations of the plan commission and shall either:

(i) approve the general implementation plan and zoning map amendment,

(ii) approve the general implementation plan and zoning map amendment with modifications, or

(iii) deny the general implementation plan and zoning map amendment.

(2) General Implementation Plan Submittal Requirements. The purpose of the general implementation plan is to establish the intent, density, and intensity for a proposed development that will be established in the TNDD. The General Implementation Plan shall include the following:

(A) A general location map of suitable scale, but no less than one inch = 200 feet, which shows the location of the property within the community and adjacent parcels including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site.

(B) A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to: floodplains, wetlands, and soils classified as “poorly drained” or “ very poorly drained” with bedrock at or within 42 inches of the surface; utility easements for high-tension electrical transmission lines greater than 69,000 volts; steep slopes greater than 15 percent; and Brownfields.

(C) A conceptual site plan, at a scale of no less than one inch = 100 feet, which indicates topography in two-foot contours, or one consisting of a map with proposed features and existing site features and uses that will remain. These features should include building outlines, location of streets, transit stops, drives and parking areas, pedestrian and bicycle paths, service access areas for receiving material and for trash removal, and other impervious surfaces. The location of trees and shrubs that will be planted and the existing vegetation that will remain shall be shown on the site map, along with any other significant natural or man-made site features.

(D) A conceptual storm water management plan identifying the proposed patterns of major storm water runoff, locations of storm water infiltration areas, and other significant storm water best management practices that will be employed to meet the requirements of Chapter 15.56, Storm Water Management, of the Wausau Municipal Code.

(E) Identification of the architectural style(s) or the traditional neighborhood development district and the accompanying site design style(s). The design style of the traditional neighborhood development district shall be conveyed with drawings or computer simulations of typical proposed building elevations (including dimensions of building height and width and facade treatment).

(F) A written report that provides general information about the covenants, conservation easements, or agreements which will influence the use and maintenance of the proposed development. The report shall also describe the site conditions and the development objectives.

(G) Any other information deemed necessary by the Plan Commission in order to evaluate the plan.

(H) Five copies of the above information, plus one reduced set no larger than 11 inches by 17 inches, shall be submitted.

(c) Specific Implementation Plan. The purpose of the specific implementation plan is to establish a detailed development proposal. The specific implementation plan can be proposed, reviewed, and acted upon as a whole or in phases.

(1) Specific Implementation Plan Process. Following approval of the general implementation plan, the applicant shall submit a specific implementation plan to the plan commission.

(A) The plan commission shall determine that the proposed specific implementation plan is in substantial conformance with the approved general implementation plan. Upon due consideration, the plan commission shall recommend that the common council either:

(i) approve the specific implementation plan as being in substantial conformance with the general implementation plan;

(ii) approve the specific implementation plan as being in substantial conformance with the general implementation plan with specified modifications; or

(iii) deny the specific implementation plan.

(B) Upon due consideration, the common council shall either:

(i) approve the specific implementation plan as being in substantial conformance with the general implementation plan;

(ii) approve the specific implementation plan as being in substantial conformance with the general implementation plan with specified modifications; or

(iii) deny the specific implementation plan.

(2) Specific Implementation Plan Submittal Requirements. The applicant shall submit a series of plans, maps, and written materials which include the following information:

(A) A general location map of suitable scale which shows the boundaries and dimensions of the property within the context of the city and adjacent parcels, including locations of any public streets, railroads, major streams or rivers, and other major features within 1,000 feet of the site, along with a legal description of the property.

(B) A site inventory and analysis to identify site assets or resources, and constraints, including but not limited to floodplains, wetlands, and soils classified as “poorly drained” or “very poorly drained,” soils with bedrock at or within forty-two inches of the surface, utility easements for high-tension electrical transmission lines greater than 69,000 volts, slopes greater than fifteen percent, and Brownfields.

(C) A site plan, including proposed topographic contours at one foot intervals, with the following information:

(i) the location of proposed structures and existing structures that will remain, with height and gross floor area noted;

(ii) the location of street and pedestrian lighting, including lamp intensity and height;

(iii) the location of proposed open space;

(iv) the circulation system indicating pedestrian, bicycle, and motor vehicle movement systems, including existing and proposed public streets or rights-of-way; transit stops; easements or other reservations of land on the site; the location and dimensions of existing and proposed curb cuts, off-street parking and loading spaces, including service access for receiving and trash removal; sidewalks and other walkways;

(v) the location of all trees, shrubs, and ground cover (proposed or existing) to remain on the site.

(D) A storm water management plan for the site. The grading plan shall show existing and proposed ground elevations with contours (one-foot contour interval) and spot elevations at significant high points, low points, and transition points. The grading plan shall also note the finished ground floor elevations of all buildings. The plan shall also show the locations of all storm drainage sewers and structures and infiltration or detention/retention structures and all wetlands on the site, using the federal manual for identifying and delineating jurisdictional wetlands, and copies of documents completed in making the wetlands identification.

(E) Detailed elevations of all proposed commercial buildings and typical elevations of residential buildings. Scaled elevations should identify all signs, building materials, and percentage of ground floor commercial facade in windows; the location, height, and material for screening walls and fences, including outdoor trash storage areas, electrical, mechanical and gas metering equipment, storage areas for trash and recyclable materials, and rooftop equipment.

(F) A utilities plan showing underground and above ground lines and structures for sanitary sewers, electricity, gas, telecommunications, etc.

(G) A written report which completely describes the proposal and indicates covenants or agreements that will influence the use and maintenance of the proposed development. The report shall also describe the analysis of site conditions and the development objectives.

(H) Phasing plans, where applicable.

(I) Any other information deemed necessary by the plan commission in order to evaluate the plans.

(J) Five copies of the above information shall be submitted, plus one reduced set no larger than eleven inches by seventeen inches.

(d) Amendments to the Specific Implementation Plan. Minor changes to the specific implementation plan approved by the common council may be reviewed by the plan commission and recommended for approval by the common council without holding a public hearing if the plan commission finds that the proposed change is not a significant deviation from the previously approved plan.

(e) Subdivision of Land. If the proposed traditional neighborhood development district involves the subdivision of land as defined in Title 21, Wausau Municipal Code, the applicant shall

submit all required land division documents in accordance with the requirements of Title 21 and Chapter 236 of the Wisconsin Statutes. If there is a conflict between the design standards of Title 21 and the design standards of this chapter, the provisions of this chapter shall apply.

(f) Ownership and Maintenance of Public Space. Provision shall be made for the ownership and maintenance of streets, squares, parks, open space, and other public spaces in a traditional neighborhood development district by dedication to the city.

(g) Recording of Documents. The following documents need to be filed by the applicant in the county register of deeds office within ten days after approval of the document by the common council: a certified copy of the zoning ordinance amendment designating a tract of land as a traditional neighborhood development district; the general implementation plan; and the specific implementation plan.

23.655.050 Design Standards. (a) Neighborhood Uses. In order to achieve the proximity necessary to make neighborhoods walkable, it is important to mix land uses. A traditional neighborhood development district should consist of all of the following use categories including, a mix of residential uses, a mixed use area, and open space, as provided below:

(1) A mix of residential uses of the following types can occur anywhere in the traditional neighborhood development district. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the traditional neighborhood development district:

(A) Single family dwellings, including manufactured homes;

(B) Two family dwellings, townhouses, row houses;

(C) Multifamily dwellings, including senior housing;

(D) Secondary dwelling units (“granny flats”);

(E) “Special needs” housing, such as community living arrangements and assisted living facilities.

(2) Mixed use area, of commercial uses, residential uses, civic or institutional uses, and open space uses as identified below. All residents should be within approximately one-quarter mile or a five-minute walk from existing or proposed commercial, civic, and open space areas. Individual businesses should not exceed 6,000 square feet in floor area.

(A) The following types of commercial uses are permitted in a TNDD mixed use area:

(i) Food services (neighborhood grocery stores; butcher shops; bakeries; restaurants, not including drive-throughs; cafes; coffee shops; neighborhood taverns or brew pubs);

(ii) Retail uses (florists or nurseries; hardware stores; stationery stores; book stores; studios and shops of artists and artisans);

(iii) Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);

(iv) Accommodations (bed and breakfast establishments, small hotels or inns).

(B) The following types of residential uses are permitted in a TNDD mixed use area:

(i) Two family dwellings, townhouses, row houses;

(ii) Multifamily dwellings, including senior housing;

(iii) Residential units located on upper floors above commercial uses or to the rear of storefronts;

(iv) "Live/work" units that combine a residence and the resident's workplace;

(v) "Special needs" housing, such as community living arrangements and assisted living facilities.

(C) The following types of civic or institutional uses are permitted in a TNDD mixed use area:

(i) Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;

(ii) Transit shelters;

(iii) Places of worship;

(iv) Educational facilities.

(D) The following types of open space uses are permitted in a TNDD mixed use area:

(i) Central square;

(ii) Neighborhood park;

(iii) Playground.

(3) Open space uses identified below should be incorporated in the traditional neighborhood development district as appropriate. Large outdoor recreation areas should be located at the periphery of neighborhoods rather than in central locations.

(A) Environmental corridors;

(B) Protected natural areas;

(C) Community parks;

(D) Streams, ponds, and other water bodies;

(E) Storm water detention/retention facilities.

(b) Development Units. The number of residential dwelling units and the amount of nonresidential development (excluding open spaces) shall be determined as follows:

(1) In areas devoted to mixed residential uses:

(A) The number of dwelling units permitted should be at least five dwelling units per net acre;

(B) The number of multifamily units should be at least twenty-two dwelling units per net acre;

(C) Secondary dwelling units are permitted in addition to the number of dwelling units authorized under this section; however, the total number of secondary dwelling units should not be more than ten percent of the total number of single family units.

(D) For each affordable housing unit provided under this section, one additional dwelling unit will be permitted, up to a maximum fifteen percent increase in the total number of dwelling units.

(2) In mixed use areas:

(A) The number of single family and multifamily dwelling units permitted shall be calculated the same as above plus an additional number of units not to exceed ten percent of the amount permitted above.

(B) All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section; however, the total number of dwelling units shall not be increased by more than ten dwelling units or ten percent, whichever is greater.

(C) The total ground floor area of nonresidential development uses, including off-street parking areas, shall not exceed twenty-five percent of the traditional neighborhood development district.

(c) Open Space. At least ten percent of the gross acreage of the traditional neighborhood development district must be open space. Open space may include undevelopable areas, such as steep slopes and wetlands, and storm water detention and retention basins. At least twenty-five percent of the open space must be common open space dedicated to the public for parkland. Fifty percent of the lots within the areas devoted to mixed residential uses shall be within one-quarter mile or a five-minute walk of common open space.

(d) Storm water Management. The design and development of the traditional neighborhood development district should minimize off-site storm water runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall comply with Chapter 15.56, Storm Water Management, of the Wausau Municipal Code.

(e) Lot and Block Standards.

(1) Block and lot size diversity. Street layouts should provide for perimeter blocks that are generally in the range of 200-400 feet deep by 400-800 feet long. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.

(2) Lot widths. Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.

(3) Building Setback, Front - Mixed Use Area. Structures in the mixed use area have no minimum setback. Commercial and civic or institutional buildings should abut the sidewalks in the mixed use area.

(4) Building Setback, Front - Areas of Mixed Residential Uses. Single family and multifamily residences shall have a setback in the front of ten feet.

(5) Building Setback, Rear - Areas of Mixed Residential Use. The principal building on lots devoted to single family residences shall be set back no less than thirty feet from the rear lot line.

(6) Side Setbacks. Provision for zero lot-line single family dwellings should be made, provided that a reciprocal access easement is recorded for both lots and

townhouses or other attached dwellings, provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

(f) Circulation Standards. The circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed use area, and open space of the traditional neighborhood development district and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the traditional neighborhood development district.

(1) Pedestrian Circulation. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the traditional neighborhood development district. Where feasible, any existing pedestrian routes through the site should be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides in accordance with the specifications listed in Table 1. The following provisions also apply:

(A) Sidewalks in residential areas. Clear and well-lighted sidewalks, three to five feet in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk.

(B) Sidewalks in mixed use areas. Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be a minimum of five feet in width.

(C) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.

(D) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.

(2) Bicycle Circulation. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site should be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, four-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width should be fourteen feet.

(3) Public Transit Access. Where public transit service is available or planned, convenient access to transit stops should be provided. Where transit shelters are provided, they should be placed in highly visible locations that promote security through surveillance and they should be well-lighted.

(4) Motor Vehicle Circulation. Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as "queuing streets," curb extensions, traffic circles, and medians may be used to encourage slow traffic speeds.

(A) Street Hierarchy. Each street within a traditional neighborhood development district shall be classified according to the following (arterial streets should not bisect a traditional neighborhood development district):

(i) Collector. This street provides access to commercial or mixed-use buildings, but it is also part of the city's major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking is provided in lots to the side or rear of buildings.

(ii) Subcollector. This street provides primary access to individual residential properties and connects streets of lower and higher function. Design speed is 25 mph.

(iii) Local Street. This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of 20 mph.

(iv) Alley. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.

Table 1: Attributes of Streets in a Traditional Neighborhood Development District

	Collector	Subcollector	Local Street	Alley
Average daily trips	750 or more	750-1500	Less than 250	Not applicable
Right-of-way	76-88 feet	48-72 feet	35-50 feet	12-16 feet
Auto travel lanes	Two or three 12-ft. lanes	Two 10-ft. lanes	Two 10-ft. lanes, or one 14-ft. (queuing) lane	Two 8-ft. lanes for two-way traffic, or one 12-ft. lane for one-way traffic
Bicycle lanes	Two 6-ft. lanes combined with parking lanes	4-ft. lanes with no parking, or 6-ft. lanes combined with	None	None

	Collector	Subcollector	Local Street	Alley
		parking lanes		
Parking	Both sides, 8 feet	None, one, or both sides, 8 feet	None or one side, 8 feet	None (access to individual drives & garages outside right-of-way)
Curb and gutter	Required	Required	Not required	
Planting strips	Min. 6 feet	Min. 6 feet	Min. 6 feet	None
Sidewalks	Both sides, 5-foot min.	Both sides, 3-5 feet	Both sides, 3-5 feet	None

(B) Street Layout. The traditional neighborhood development district should maintain the existing street grid, where present, and restore any disrupted street grid, where feasible. In addition:

(i) Intersections shall be at right angles whenever possible, but in no case less than seventy-five degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through-street receives precedence) which significantly reduces accidents without the use of traffic controls.

(ii) Corner radii. The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of fifteen feet for local streets and twenty feet for intersections involving collector or arterial streets. The intersection of a local street and an alley shall be rounded by a tangential arc with a maximum radius of ten feet.

(iii) Curb cuts for driveways to individual residential lots shall be prohibited along arterial streets. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic, or multifamily residential uses. Clear sight triangles shall be maintained at intersections, as specified below, unless controlled by traffic signal devices:

Intersection of:	Minimum Clear Sight Distance:
Local street and collector	120 feet
Collector and collector	130 feet
Collector and arterial	50 feet

(iv) The orientation of street should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.

(C) Parking requirements. Parking areas for shared or community use should be encouraged. In addition:

(i) In the mixed use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified under, "Landscaping and Screening Standards."

(ii) A parking lot or garage may not be adjacent to or opposite a street intersection;

(iii) In the mixed use area, a commercial use must provide one parking space for every five hundred square feet of gross building area;

(iv) Parking lots or garages must provide not less than one bicycle parking space for every ten motor vehicle parking spaces;

(v) Adjacent on-street parking may apply toward the minimum parking requirements;

(vi) In the mixed residential areas, parking may be provided on-site. One off-street parking space with unrestricted ingress and egress shall be provided for each secondary dwelling unit;

(vii) Multifamily uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom.

(D) Service access. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.

(E) Paving. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

(g) Architectural Standards. A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

(1) Guidelines for Existing Structures.

(A) Existing structures, if determined by the preservation commission to be historically or architecturally significant, shall be protected from demolition or from encroachment by incompatible structures or landscape development.

(B) The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant structures.

(2) Guidelines for New Structures.

(A) Height. New structures within a traditional neighborhood development district shall be no more than three stories for single family residential or five stories for commercial, multifamily residential, or mixed use.

(B) Entries and Facades.

(i) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.

(ii) The front facade of the principal building on any lot in a traditional neighborhood development district shall face onto a public street.

(iii) The front facade shall not be oriented to face directly toward a parking lot.

(iv) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.

(v) For commercial buildings, a minimum of fifty percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

(vi) New structures on opposite sides of the same street should follow similar design guidelines. This provision shall not apply to buildings bordering civic uses.

(3) Guidelines for garages and secondary dwelling units. Garages and secondary dwelling units may be placed on a single family residential lot within the principal

building or an accessory building provided that the secondary dwelling unit shall not exceed eight hundred square feet.

(4) Guidelines for exterior signage. A comprehensive sign program is required for the entire traditional neighborhood development district which establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed use area, all signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight square feet.

(5) Guidelines for lighting.

(A) Street lighting shall be provided along all streets. Generally more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Street lights shall be installed on both sides of the street at intervals of no greater than seventy-five feet. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.

(B) Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

(h) Landscaping and Screening Standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas are preferred to smaller, disconnected areas. Where screening is required by this ordinance, it shall be at least three feet in height, unless otherwise specified. Required screening shall be at least fifty percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than fifty percent opaque behind a continuous landscaped area; a masonry wall; or a hedge.

(1) Street trees. A minimum of one deciduous canopy tree per forty feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

(2) Parking area landscaping and screening.

(A) All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:

(i) A landscaped area at least five feet wide along the public street or sidewalk.

(ii) Screening at least three feet in height and not less than fifty percent opaque.

(iii) One tree for each twenty-five linear feet of parking lot frontage.

(B) Parking area interior landscaping. The corners of parking lots, "islands," and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses, or other perennial flowing plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.

(C) In large parking lots containing more than two hundred spaces, an additional landscaped area of at least three hundred square feet shall be provided for each twenty spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.

(3) Installation and Maintenance of Landscaping Materials.

(A) All landscape materials shall be installed to current industry standards.

(B) Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.

(4) Materials. All plant materials must meet the minimum standards set by the American National Standards Institute in ANSI Z60.1 American Standard for Nursery Stock. Landscape species shall be indigenous or proven adaptable to the climate but shall not be invasive species. Plant materials shall comply with the following standards:

(A) Minimum plant size shall be as specified, as follows (for the purpose of determining tree trunk size, the diameter shall be measured six inches above ground level):

Plant Type	Minimum Size
Evergreen tree	6 feet in height
Deciduous canopy tree	22 inches caliper at dbh*
Small deciduous tree	12 inches caliper at dbh*

Evergreen or deciduous shrubs	18 - 24 inches in height

*dbh = diameter at breast height

(B) Landscape materials shall be tolerant of specific site conditions, including but not limited to heat, drought, and salt.

(C) Existing healthy plant material may be utilized to satisfy landscaping requirements, provided it meets the minimum plant size specified above.

(D) Landscape materials that are used for screening shall be of a size that allows growth to the desired height and opacity within two years.

(Ord 61-5383 §4 (part), 2008; Ord. 61-5330 §1(part), 2007, File No. 07-0404; Ord. 61-5251 §1(part), 2005, File No. 05-0404; Ord. 61-5140 §1, 2001, File No. 01-1117.)

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Chapter 23.66

MOBILE HOME PARKS[5]

Sections:

23.66.010 Nonresidential use.
23.66.020 Location.
23.66.030 Size.
23.66.040 Yards and setbacks.
23.66.050 Height.
23.66.060 Parking.
23.66.070 Landscaping.
23.66.080 Design and improvements.
23.66.090 Common space.
23.66.100 Streets.
23.66.110 Storm shelter.

23.66.010 Nonresidential use. A mobile home shall not be considered to be permissible as an accessory building. However, a mobile home may be used as a temporary office or shelter incidental to construction on or development of the premises on which the mobile home is located only during the time construction or development is actively underway.

Mobile homes of all types, sizes and uses shall not be parked in front yards where the same are required. (Ord. 61-4943 §29(part), 1996.)

23.66.020 Location. No person shall park, store or occupy a mobile home except:

(a) On a lot used for residential purposes, for a period not to exceed fifteen consecutive days, or more than thirty days per year. No more than one mobile home shall occupy a lot at any one time. Mobile homes shall be parked so as to conform to residential sideyard requirements;

(b) Mounted truck campers, where the vehicle is used to transport persons on a year-round basis;

(c) In an approved mobile home park, in accordance with the following conditions:

(1) Mobile home parks shall be allowed only as conditional uses in any residential district.

[5] Prior history: Ord. 61-4388.

(2) Each mobile home park shall have direct access to a principal county, township, city, or state highway or arterial or collector street or road.

(Ord. 61-4943 §29(part), 1996.)

23.66.030 Size. Mobile home parks shall comply with the following requirements:

(a) No permit shall be issued for the establishment of a new mobile home park unless the park contains at least twenty acres of area;

(b) The average individual mobile home lot size shall not be less than five thousand square feet in area, and no lot shall be smaller than four thousand square feet in area;

(c) Each individual mobile home lot shall be at least forty-four feet in effective width. "Effective width" means the distance between side lot lines, measured at the rear line of the required front yard. On diagonal lots, it shall be measured at right angles across the lot from one diagonal side line to the other;

(d) In no case shall a mobile home and its accessory buildings occupy more than forty-four percent of a space. (Ord. 61-4943 §29(part), 1996.)

23.66.040 Yards and setbacks. The following minimum setback regulations apply:

(a) No building, structure and/or mobile home shall be located closer than twenty-five feet to any property line of the mobile home park, nor closer than seventy-five feet to any principal county, township, city or state highway or arterial or collector street or roadway right-of-way.

(b) Mobile homes shall be set back at least fifteen feet from the pavement of streets or roadways within the park.

(c) No part of any mobile home, or any addition or appurtenance thereto shall be placed within twenty feet of any other mobile home, addition, or appurtenance thereto, nor within fifty feet of any accessory or service building or structure servicing the mobile home park. (Ord. 61-4943 §29(part), 1996.)

23.66.050 Height. No building, structure, or mobile home located in a mobile home park shall exceed two and one-half stories or thirty-five feet in height. (Ord. 61-4943 §29(part), 1996.)

23.66.060 Parking. There shall be at least two off-street parking spaces available to each individual mobile home lot and located within one hundred feet of the lot. (Ord. 61-4943 §29(part), 1996.)

23.66.070 Landscaping. Along each property line of a mobile home park there shall be provided, within the twenty-five foot setback area, screen fencing or landscape planting which is so designed and/or planted as to be fifty percent or more opaque when viewed horizontally between two feet and eight feet above average ground level. (Ord. 61-4943 §29(part), 1996.)

23.66.080 Design and improvements. The design and improvements to be provided in the proposed mobile home park, including street widths and construction of approach streets or ways, shall conform to the requirements of the city subdivision regulations for conventional residential subdivisions containing ten thousand square foot lots. However, the street width and construction requirements in the subdivision regulations shall be applied only to those streets which would be necessary to service a future conventional residential subdivision on such tract of land, and need not be applied to secondary mobile home site access streets or ways. (Ord. 61-4943 §29(part), 1996.)

23.66.090 Common space. Each mobile home park shall provide at least one acre of common space, exclusive of the required twenty-five-foot peripheral setback, for recreational use. An additional eight hundred square feet of common space shall be provided for each mobile home in excess of forty-eight contained within the park. (Ord. 61-4943 §29(part), 1996.)

23.66.100 Streets. Within two years of issuance of a conditional use permit for a mobile home park, all streets within said park shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand pounds (normally, two inches of blacktop on a four-inch base or five inches of portland cement will meet this requirement). The width of the surfaced portion of the streets shall be designed and constructed for the intended use in accordance with the following minimum requirements:

Street Type	Use	Width (In Feet)
One-Way	Parking on one side	24
	Parking on both sides	34
Two-Way	Parking on one side	27
	Parking on both sides	34
Cul-de-sac (Maximum length 500 feet)	Terminal radius	35

(Ord. 61-4943 §29(part), 1996.)

23.66.110 Storm shelter. To provide protection in the event of a natural wind-related disaster, each mobile home park located in the city after 1979, shall provide an above or below ground windowless structure. Said structure shall have walls of poured concrete or concrete block and a concrete reinforced ceiling and contain not less than ten square feet of floor area for each mobile home lot in the park. Aboveground storm shelters shall have soil material placed against the entire outside surface of all walls at a slope not exceeding fifty percent. Said storm shelters may also be used for recreational and service purposes; provided, that the floor area useable as a shelter is not reduced by more than ten percent of the per lot requirement. (Ord. 61-4943 §29(part), 1996.)

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Chapter 23.68

OFF-STREET PARKING AND LOADING

Sections:

23.68.010 Scope of regulations.
23.68.020 Existing parking facilities.
23.68.030 Permissive parking and loading facilities.
23.68.040 Damage or destruction.
23.68.050 Control of off-site parking facilities.
23.68.060 Submission of plot plan.

23.68.010 Scope of regulations. The off-street parking and loading provisions of this title apply as follows:

(a) For all buildings and structures erected and all uses of land established after the effective date of the ordinance codified in this title, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which the buildings or uses are located. However, where a building permit has been issued prior to the effective date of the ordinance codified in this title, and provided that construction is begun within six months of the effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of the building permit may be provided in lieu of any different amounts required by this title;

(b) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling unit, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, parking and loading facilities as required herein shall be provided for the increase in intensity of use;

(c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for the new use. However, if the building or structure was erected prior to the effective date of the ordinance codified in this title, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this title. (Ord. 61-4054 §4.10-1, 1967.)

23.68.020 Existing parking facilities. Accessory off-street parking facilities in existence on the effective date of the ordinance codified in this title and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this title. Existing facilities not equipped as provided in section 23.26.150(f) shall be modified to comply with that section. (Ord. 61-4054 §4.10-2, 1967.)

23.68.030 Permissive parking and loading facilities. Nothing in this title shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing

use of land or buildings, provided that all regulations herein governing the location, design, and operation of the facilities are adhered to. (Ord. 61-4054 §4.10-3, 1967.)

23.68.040 Damage or destruction. For any conforming or legally nonconforming building or use which is in existence on the effective date of the ordinance codified in this title, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, reestablished, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of the damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this title for equivalent new uses or construction. (Ord. 61-4054 §4.10-4, 1967.)

23.68.050 Control of off-site parking facilities. In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, the facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory. The possession may be either by deed or long-term lease, the term of the lease to be determined by the board of appeals. The owner of the land on which the parking facilities are to be located shall be bound by covenants filed on record in the office of the register of deeds of Marathon County, requiring the owner, his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of the lease, whichever terminates sooner. (Ord. 61-4054 §4.10-5, 1967.)

23.68.060 Submission of plot plan. Any application for a building permit, or for an occupancy certificate where no building permit is required, shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities to be provided in compliance with this title. (Ord. 61-4054 §4.10-6, 1967.)

Chapter 23.70

NONCONFORMING USES

Sections:

23.70.010	Statement of purpose.
23.70.020	Authority to continue nonconforming buildings, structures, and uses.
23.70.030	Restrictions on nonconforming buildings, structures, and uses.
23.70.040	Repairs and alterations of a building or structure designed or intended for a nonconforming use.
23.70.050	Repairs and alterations of a building or structure designed or intended for a permitted use.
23.70.060	Additions and enlargements.
23.70.070	Relocation of building or structure.
23.70.080	Restoration of damaged building or structure designed or intended for a nonconforming use.
23.70.090	Discontinuance of nonconforming use.
23.70.100	Expansion of nonconforming use.
23.70.110	Change of nonconforming use.
23.70.120	Discontinuance of nonconforming signs.

23.70.010 Statement of purpose. This title establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district not to be permitted to continue without restriction.

The purpose of this chapter is to provide for the regulation of nonconforming buildings, structures, and uses and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses shall be permitted to continue. (Ord. 61-4054 §5.1, 1967.)

23.70.020 Authority to continue nonconforming buildings, structures, and uses. Any nonconforming building, structure, or use which existed lawfully at the time of the adoption of the ordinance codified in this title, and which remains nonconforming, and any building, structure, or use which becomes nonconforming upon the adoption of the ordinance codified in this title, or of any subsequent amendments thereto, may be continued subject to the regulations which follow in this chapter. (Ord. 61-4054 §5.2, 1967.)

23.70.030 Restrictions on nonconforming buildings, structures, and uses. Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of sections 23.70.040 through 23.70.110. (Ord. 61-4054 §5.3, 1967.)

23.70.040 Repairs and alterations of a building or structure designed or intended for a nonconforming use. Repairs and alterations may be made to a nonconforming building or structure; provided, that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure, and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this section and section 23.70.050, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as provided in this chapter. (Ord. 61-4054 §5.3-1(part), 1967.)

23.70.050 Repairs and alterations of a building or structure designed or intended for a permitted use. Repairs, alterations, and structural changes may be made to a nonconforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located; provided the repairs, alterations, or structural changes conform to the regulations of the district in which the building or structure is located. (Ord. 61-4054 §5.3-1(part), 1967.)

23.70.060 Additions and enlargements. A nonconforming building or structure which is nonconforming as to bulk, shall not be added to or enlarged in any manner unless the additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located, and unless the nonconforming building or structure, including all additions and enlargements thereto, conforms to the following:

(a) Applicable regulations concerning the amount of lot area provided per dwelling unit;

(b) The allowable floor area ratio, as prescribed in this title;

(c) The allowable gross floor area per establishment, as prescribed in this title. (Ord. 61-4394 §1, 1978; Ord. 61-4054 §5.3-2, 1967.)

23.70.070 Relocation of building or structure. No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of the building or structure which is moved, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located. (Ord. 61-4054 §5.3-3, 1967.)

23.70.080 Restoration of damaged building or structure designed or intended for a nonconforming use. A nonconforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence exceeds fifty percent of the current local assessed value of the building, shall not be restored unless the building or structure, and the use thereof, conforms to all the regulations of the district in which it is located, except that the zoning board of appeals may approve a building permit for such damaged buildings, if, upon investigation, it finds reconstruction is in harmony with the general purposes of the zoning code.

In the event the damage or destruction is less than fifty percent of the current local assessed value of the building, no repairs or reconstruction shall be made unless the restoration is started within one year from the date of partial destruction and is diligently prosecuted to completion.

If the restoration is not started within one year of the calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared. (Ord. 61-4281 §1, 1975; Ord. 61-4054 §5.3-4, 1967.)

23.70.090 Discontinuance of nonconforming use. If the nonconforming use of a building, structure, or premises is discontinued for a continuous period of twelve months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which the building, structure, or premises is located.

The continuous period of twelve months shall commence after the property is free of all legal encumbrances which prohibit its sale, that being when the property is actually available to the real estate market. (Ord. 61-4230 §1, 1973; Ord. 61-4054 §5.3-5, 1967.)

23.70.100 Expansion of nonconforming use. (a) Building or structure designed or intended for a nonconforming use. The nonconforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be extended throughout the building or structure in which the use is presently located, but no changes, additions, or structural alterations which increase the bulk of the building or structure shall be made unless the changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

(b) Building or structure designed or intended for a permitted use. The nonconforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of the building or structure, nor changed to any other nonconforming use.

(c) Land. The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies. (Ord. 61-4396 §1, 1978; Ord. 61-4054 §5.3-6, 1967.)

23.70.110 Change of nonconforming use. (a) Building or structure designed or intended for a nonconforming use. The nonconforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the same district as the nonconforming use which presently occupies the building or structure, or to a use permitted in a more restrictive district. For the purpose of this subsection only, the R1 district shall be considered the most restrictive and the M2 district the least restrictive district.

(b) Building or structure designed or intended for a permitted use. No nonconforming use shall be changed to another nonconforming use when the nonconforming use is located in a

building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.

(c) Land. The nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be changed to any other use, except to a use permitted in the district in which the land is located. (Ord. 61-4054 §5.3-7, 1967)

23.70.120 Discontinuance of nonconforming signs. Nonconforming signs in all zoning districts not specifically included under the provisions of section 23.26.060(7) shall be either discontinued or shall be made to conform to the requirements of the zoning district in which they are located by July 1, 1977. (Ord. 61-4241 §1, 1973.)

Chapter 23.72

CONDITIONAL USES

Sections:

23.72.010 Purpose.
23.72.020 Initiation.
23.72.030 Application.
23.72.040 Hearing on application.
23.72.050 Authorization.
23.72.060 Standards.
23.72.070 Conditions and guarantees.
23.72.080 Effect of denial.
23.72.090 Revocation.

23.72.010 Purpose. The development and execution of this title is based upon the division of the city into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. These conditional uses fall into two categories:

(a) Uses publicly operated or traditionally affected with a public interest;

(b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities. (Ord. 61-4054 §6.10-1, 1967.)

23.72.020 Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, and which is specifically enforceable, may file an application to use the land for one or more of the conditional uses provided for in this title in the zoning district in which the land is located. (Ord. 61-4054 §6.10-2, 1967.)

23.72.030 Application. An application for a conditional use shall be filed with the director of inspections and electrical systems on a form prescribed by the director of inspections and electrical systems. The application shall be accompanied by such plans and/or data prescribed by the plan commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in section 23.72.060. The application shall be forwarded from the director of inspections and electrical systems to the plan commission with a request for a public hearing and report relative thereto. (Ord. 61-4054 §6.10-3, 1967.)

23.72.040 Hearing on application. Upon receipt in proper form of the application and statement referred to in section 23.72.030, the plan commission shall hold at least one public hearing on the proposed conditional use. Notice of time and place of hearing shall be published as a Class 2 notice under Chapter 985 of the Wisconsin Statutes. Supplemental or additional notices may be published or distributed as the plan commission may, by rule, prescribe from time to time. (Ord. 61-4221 §1, 1972; Ord. 61-4054 §6.10-4, 1967.)

23.72.050 Authorization. For each application for a conditional use, the plan commission shall report to the common council its findings and recommendations, including the stipulations of additional conditions and guarantees that the conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon finally by the common council within ninety days of the date upon which the application is received by the common council, it shall be deemed to have been denied. (Ord. 61-4054 §6.10-5, 1967.)

23.72.060 Standards. No conditional use shall be recommended by the city plan commission unless the commission finds:

(a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;

(b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

(c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

(e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

(f) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as the regulations may, in each instance, be modified by the common council pursuant to the recommendations of the city plan commission. (Ord. 61-4054 §6.10-6, 1967.)

23.72.070 Conditions and guarantees. Prior to the granting of any conditional use, the city plan commission may recommend, and the common council shall stipulate, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in section 23.72.060. In all cases in which conditional uses are granted the common council shall require such evidence and guarantees as it

may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. (Ord. 61-4054 §6.10-7, 1967.)

23.72.080 Effect of denial. No application for a conditional use which has been denied wholly or in part by the common council, shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the city plan commission and the common council. (Ord. 61-4054 §6.10-10, 1967.)

23.72.090 Revocation. In any case where a conditional use has not been established within one year after the date of granting thereof, then, without further action by the plan commission or the common council, the conditional use or authorization shall be null and void. However, the permit holder may apply to the plan commission for up to a one-year extension of this time limitation. The plan commission may, in its discretion, grant, deny, condition or modify such time extension request, but such extension shall not exceed one additional year.

For purposes of this section only, the term “established” shall mean that the conditional use is open for business or completely operational in cases where an existing building is to be used for the approved conditional use; in cases where a new building or building addition is to be constructed for the approved conditional use, “established” shall mean that the building permit has been issued and the footings for the foundation have been poured. (Ord. 61-5027 §1, 1999; Ord. 61-4054 §6.10-11, 1967.)

Chapter 23.74

VARIANCES

Sections:

23.74.010 Purpose.
23.74.020 Application—Notice of hearing.
23.74.030 Standards.
23.74.040 Authorized variances.
23.74.050 Time limit.

23.74.010 Purpose. The board of appeals, after a public hearing, may determine and vary the regulations of this title in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the board of appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this title. (Ord. 61-4054 §6.7-1, 1967.)

23.74.020 Application—Notice of hearing. An application for a variance shall be filed in writing with the director of inspections and electrical systems. The application shall contain such information as the board of appeals may, by rule, require. Notice of the time and place of the public hearing shall be published at least once in a newspaper of general circulation in the city and also by mailing notice thereof to the parties in interest, the publication and mailing to be made at least ten days prior to the date of the hearing. The board shall thereafter reach its decision within ninety days from the filing of the application. (Ord. 61-4054 §6.7-2, 1967.)

23.74.030 Standards. The board of appeals shall not vary the regulations of this title, as authorized in section 23.74.040, unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;

(b) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;

(c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;

(d) The alleged difficulty or hardship is caused by this title and has not been created by any persons presently having an interest in the property;

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and

(f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The board of appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section. (Ord. 61-4054 §6.7-3, 1967.)

23.74.040 Authorized variances. Variances from the regulations of this title shall be granted by the board of appeals only in accordance with the standards established in section 23.74.030. Variances may be granted only if the existing use of the building or property is a permitted use in the district where the requested variance is located or a conditional use for the activity has been approved by the common council. Variances may be granted only in the following instances and in no others:
(Ord. 61-5376, Art. I, 2008.)

(a) To permit any yard or setback less than a yard or a setback required by the applicable regulations;

(b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than eighty percent of the required area and width;

(c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of the facility by each user does not take place at approximately the same hours of the same days of the week;

(d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or twenty percent of the applicable regulations, whichever number is greater;

(e) To increase by not more than twenty-five percent the maximum distance that required parking spaces are permitted to be located from the use served;

(f) To increase by not more than ten percent the maximum gross floor area of any use so limited by the applicable regulations;

(g) To permit a reasonable variation in the height restrictions on fences; and

(h) To permit reconstruction, remodeling or additions necessary for the physical well-being of a person so handicapped as to make the structure unsuitable in its present configuration for his safe or reasonable use;

(i) To permit a detached accessory building or structure to be constructed to a height in excess of the principal building or structure;

(j) To permit a variance from the adopted Height Limitations Zoning Map that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this title would result in unnecessary hardship, and such relief will do substantial justice, be in accord with the spirit of Title 22, and not create a hazard to the safe, normal operation of aircraft. (Ord. 61-5450 §1, 2010; Ord. 61-4627 §1, 1987; Ord. 61-4329 §1, 1977; Ord. 61-4054 §6.7-4(part), 1967.)

23.74.050 Time limit. The concurring vote of four members of the board of appeals is necessary to grant a variance. No order of the board of appeals granting a variance shall be valid for a period longer than one year from the date of the order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period. (Ord. 61-4827 §1, 1994; Ord. 61-4054 §6.7-4 (part), 1967; Ord 61-5376 §1, 2008 .)

Chapter 23.76

APPEALS

Sections:

23.76.010 Scope.
23.76.020 Findings.
23.76.030 Hearing—Notice.

23.76.010 Scope. An appeal may be taken to the board of appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the director of inspections and electrical systems. An appeal shall be taken within thirty days after the decision or the action complained of, by filing with the director of inspections and electrical systems a notice of appeal specifying the grounds thereof. The director of inspections and electrical systems shall forthwith transmit to the board of appeals all of the papers constituting a record upon which the action appealed from was taken. (Ord. 61-4054 §6.8-1, 1967.)

23.76.020 Findings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the director of inspections and electrical systems certifies to the board of appeals, after the notice of the appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice of the director of inspections and electrical systems and on due cause shown. (Ord. 61-4054 §6.8-2 (part), 1967.)

23.76.030 Hearing—Notice. The board of appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by one publication in a newspaper of general circulation in the city and also by mailing notice thereof to the parties in interest, the publication and mailing to be made at least ten days prior to the date of hearing. The board shall thereafter reach its decision within ninety days from the filing of the appeal. The board of appeals may affirm or may, upon the concurring vote of four members, reverse, wholly or in part, or modify the order, requirement, decision, or determination that, in its opinion, ought to be done, and to that end, shall have all the powers of the officer from whom the appeal is taken. The director of inspections and electrical systems shall maintain records of all actions of the board of appeals relative to appeals. (Ord. 61-4054 §6.8-2(part), 1967.)

Chapter 23.78

AMENDMENTS

Sections:

23.78.010 Authority.
23.78.020 Initiation.
23.78.030 Application.
23.78.040 Hearing.
23.78.050 Notice of hearing.
23.78.060 Findings of fact—Recommendation of the plan commission.
23.78.070 Adoption.
23.78.075 Withdrawal of Proposed Zoning Map Amendment.
23.78.080 Action by the common council.
23.78.090 Protest petition procedure.
23.78.100 Effect of denial of map amendment application.

23.78.010 Authority. For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the city, and lessening or avoiding congestion in the public streets and highways, the common council may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by the ordinance codified in this title, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire community, and the uses to which property is devoted at the time of the adoption of the amendatory ordinance. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4054 §6.9-1, 1967.)

23.78.020 Initiation. The amendment process provides a method for making changes to the zoning ordinance text and to the zoning map.

(a) Proposed zoning ordinance text amendments may only be initiated by the mayor, any member of the common council, or by majority vote of the plan commission.

(b) Except for requests to create a Unified Development District, proposed zoning map amendments may be initiated by the common council through adoption of a resolution, by majority vote of the plan commission, or by submission of a formal petition signed by one or more of the owners of property located within the area of the proposed zoning map amendment. A request to create a Unified Development District may only be made by the owners of all of the land proposed to be included within the district. For purposes of this entire subsection, owner includes the possessor of an option to purchase or a purchase agreement signed by the actual owner of the property.

(c) Amendments to the text of Chapter 23.56, Floodplain Zoning Ordinance, and the floodplain boundary maps referenced therein shall be made in accordance with the procedures in section 23.56.055. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4054 §6.9-2, 1967.)

23.78.030 Application. (a) An application for an amendment shall be filed with the zoning administrator or city planner and be accompanied by a nonrefundable fee the amount of which may be changed from time to time by the common council by resolution, to cover the costs of public notice and administrative review. The application form shall contain, at a minimum, the following information:

(1) Applicant's name, address and telephone number;

(2) The names, addresses and telephone numbers of other property owners within the area proposed to be rezoned;

(3) Parcel information, including tax key number, legal description, street address, if any, and dimensions of the parcels proposed to be rezoned;

(4) Present zoning district classification and the current land uses established on each of the parcels proposed to be rezoned;

(5) Proposed zoning district classification and description of proposed land use and/or structures following rezoning;

(6) Justification for rezoning; and

(7) Map of area, drawn to scale, outlining the parcel(s) requested for rezoning, identifying all adjacent streets, properties, existing zoning and present uses on all adjacent properties.

(b) Minimum size of parcel: A lot, lots, or parcel of land shall not qualify for a zoning map amendment unless it possesses two hundred feet of frontage or contains twenty-five thousand square feet of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment, or the proposed amendment is for a UDD. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4054 §6.9-3, 1967.)

23.78.040 Hearing. The city plan commission shall hold a public hearing on each application for an amendment at a time and place as shall be established by the plan commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such manner as the plan commission shall, by rule, prescribe from time to time. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4054 §6.9-4, 1967.)

23.78.050 Notice of hearing. Notice of the time and place of the hearing and, if a map amendment is proposed, existing and proposed zoning, legal description and address of the property proposed to be rezoned shall be published as a Class 2 notice under Chapter 985 of the Wisconsin Statutes in accordance with Section 62.23(7)(d) of the Wisconsin Statutes. Applications to change the zoning map shall require that the following information be mailed by city staff to the alderperson of the district in which the amendment is proposed, to the clerk of any municipality whose boundaries are within 1,000 feet of the area proposed to be rezoned, and to all property owners

within at least one hundred feet of the property to be considered for rezoning. This information shall be sent by regular first class mail at least 10 days prior to the date of the public hearing:

(a) A map outlining the area being considered for a zone change and delineating its proximity to other nearby properties;

(b) The existing and proposed zoning of the area being considered for a zone change and a summary of the uses permitted in each zone; and

(c) The date, time, and location of the public hearing to be held by the plan commission and the probable date, time, and location when the common council may consider the proposed change.

Failure of city staff to mail said information to the municipal clerks or to all property owners within one hundred feet of the proposed zone change or failure of any eligible property owners to receive this information shall not invalidate the actions of the plan commission nor the common council with respect to the proposed amendment. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4212 §1, 1972; Ord. 61-4054 §6.9-5, 1967.)

23.78.060 Findings of fact—Recommendation of the plan commission. Within thirty days after the close of the hearing on a proposed amendment, the plan commission shall make written findings of fact and shall submit same together with its recommendations to the common council. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the plan commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters where applicable:

(a) Existing use of property within the general area of the property in question and the effect the proposed rezoning is likely to have on these land uses;

(b) The compatibility of the land uses which would be permitted by the zone change with the existing or planned land uses within the general area of the property in question;

(c) The zoning classification of property within the general area of the property in question;

(d) The suitability of the property in question to the uses permitted under the existing zoning classification;

(e) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification;

(f) Whether the proposed zone change is generally consistent with the goals, objectives and policies identified in the City of *Wausau Comprehensive Plan;*

(g) The nature and extent of the input received at the public hearing regarding the proposed zone change;

(h) The precedence, if any, that approval of the requested zoning could have on similar requests made elsewhere in the city; and

(i) If the property was recently annexed, the zoning classification of the property prior to annexation. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4585 §1, 1986; Ord. 61-4054 §6.9-6(part), 1967.)

23.78.070 Adoption. The plan commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of the amendment is in the public interest and is not solely for the interest of the applicant. In addition, the plan commission to the common council:

(a) The adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R1 district shall be considered the highest classification and the M2 district shall be considered the lowest classification; and

(b) That a proposed map amendment take effect within an area smaller than the area as originally proposed and which is entirely included within the originally proposed area. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4054 §6.9-6(part), 1967.)

23.78.075 Withdrawal of Proposed Zoning Map Amendment. If the petitioner requesting a zoning map amendment elects to withdraw the request prior to common council action, the withdrawal request must be submitted, in writing, to the city clerk at least three business days prior to the scheduled common council meeting where action is anticipated to be taken on the item and the petition then becomes null and void. Following formal withdrawal of the petition, no further action may be taken on the requested zone change unless the petitioner resubmits an application, with fee, and the procedures of sections 23.78.030 through 23.78.070 are again followed. (Ord. 61-5356 § 1, 2008, File No. 08-0207.)

23.78.080 Action by the common council. (a) The common council shall not act upon a proposed amendment to this title until it receives a written report and recommendation from the plan commission on the proposed amendment.

(b) The common council may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment, signed and acknowledged by the owners of twenty percent or more either of the areas of the land included in the proposed amendment, or by the owners of twenty percent or more of the area of the land immediately adjacent extending one hundred feet therefrom, or by the owners of twenty percent or more of the land directly opposite thereto extending one hundred feet from the street frontage of the opposite land, the amendment shall not be granted except by the favorable vote of three-fourths of the members of the common council voting on the proposed change.

(c) If an application for a proposed amendment is not acted upon finally by the common council within ninety days of the date upon which the recommendation of the plan commission is received by the common council, it shall be deemed to have been denied. (Ord. 61-5356 § 1, 2008, File No. 08-0207; Ord. 61-4054 §6.9-7, 1967.)

23.78.090 Protest petition procedure. In the event a formal protest is commenced under section 23.78.080 (b), the following procedure shall be utilized in order for the protest petition to be accepted as valid by the city and thus require a favorable vote by three-fourths of the members of the common council voting on the proposed change for the zone change to be adopted. Each of the protest petitioners shall sign the petition in the presence of a notary public to be valid. Fully notarized protest petitions shall be delivered to the city clerk by noon four business days before final common council consideration of the proposed zone change. Improperly completed petitions or petitions submitted after the deadline, will not be considered by the common council. Should action on such proposed zone change not be taken at the initial meeting of the common council, additional protest petitions may be filed with the city clerk until noon four business days before the meeting at which the common council is again scheduled to act upon the proposed zone change. In the event of a delay in common council action, any earlier, valid protest petitions shall remain valid. All protest petitions are deemed to be public records to be kept on file by the city clerk.

The city clerk shall, the same day the petitions are received, make copies of the petitions and forward these copies to city staff and staff shall report to the common council on the sufficiency of the petitions.

Although protesters may exercise their rights to subsequently withdraw their names from a protest petition, such notification of withdrawal must be signed, dated by the person wishing to withdraw their name and notarized. To be considered as valid, such withdrawal shall be submitted to the city clerk by noon four business days before final common council consideration. Should action on such proposed map amendment not be taken at the initial meeting of the common council, additional withdrawals may again be filed with the city clerk until noon four business days before the common council again proposes to act upon the map amendment. Such withdrawals shall also be deemed to be public records to be kept on file by the city clerk.

The city clerk shall prepare forms which must be exclusively used by all those wishing to protest a zone change proposal or remove their name from an earlier-signed petition. (Ord. 61-5356 § 1, 2008, File No. 08-0207.)

23.78.100 Effect of denial of map amendment application. No application for a zoning map amendment which has been denied by the common council shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the common council following review and recommendation by the plan commission. (Ord. 61-5356 § 1, 2008, File No. 08-0207.)

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Chapter 23.80

ADMINISTRATION—ENFORCEMENT

Sections:

23.80.010 Organization.
23.80.020 Director of inspections and electrical systems.

23.80.010 Organization. The administration of this title is hereby vested in three offices of the government of the city as follows:

(a) Director of inspections and electrical systems;

(b) Board of appeals;

(c) City plan commission.

This title sets out the authority of each of these three offices, and describes the procedure and substantive standards with respect to the following administrative functions:

(a) Issuance of zoning certificates;

(b) Issuance of occupancy certificates;

(c) Variances;

(d) Appeals;

(e) Amendments;

(f) Conditional uses;

(g) Fees;

(h) Penalties. (Ord. 61-4054 §6.1, 1967.)

23.80.020 Director of inspections and electrical systems. The director of inspections and electrical systems of the city and the deputies or assistants that have been, or shall be, duly appointed by the common council shall enforce this title, and in addition thereto, and in furtherance of such authority shall:

(a) Issue all certificates of zoning and occupancy, and maintain records thereof;

(b) Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this title;

(c) Maintain permanent and current records of this title, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications therefor;

(d) Provide and maintain a public information service relative to all matters arising out of this title;

(e) Forward to the city plan commission all applications for conditional uses and for amendments to this title that are initially filed with the office of the director of inspections and electrical systems;

(f) Forward to the board of appeals applications for appeals, variances, or other matters on which the board of appeals is required to pass under this title;

(g) Issue occupancy certificates regulating the erection and use of land for periods not to exceed ten days for specific purposes such as: temporary carnivals, churches, charities, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that the use or operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the city;

(h) Allow parking lots in residence districts to be illuminated between the hours of ten p.m. and seven a.m. when necessary for the public safety or welfare; and

(i) Initiate, direct, and review, from time to time, a study of the provisions of this title, and make reports of its recommendations to the city plan commission not less frequently than once a year. (Ord. 61-4197 §2, 1971; Ord. 61-4054-C §1, 1967; Ord. 61-4054 §6.2, 1967.)

Chapter 23.82

BOARD OF APPEALS

Sections:

23.82.010 Creation.
23.82.020 Jurisdiction.
23.82.030 Meetings and rules.
23.82.040 Finality of decisions.

23.82.010 Creation. The board of appeals, as established under the provisions of Section 62.23 of the Wisconsin Statutes, is the board of appeals referred to in this title. (Ord. 61-4054 §6.3-1, 1967.)

23.82.020 Jurisdiction. The board of appeals is hereby vested with the following jurisdiction and authority:

(a) To hear and decide appeals from any order, requirement, decision, or determination made by the director of inspections and electrical systems under this title;

(b) To hear and pass upon the applications for variances from the terms provided in this title in the manner prescribed by and subject to the standards established herein; and

(c) To hear and decide all matters referred to it or upon which it is required to pass under this title, as prescribed by Section 62.23 of the Wisconsin Statutes. (Ord. 61-4054§6.3-2, 1967.)

23.82.030 Meetings and rules. All meetings of the board of appeals shall be held at the call of the chairman, and at such times as the board of appeals may determine. All hearings conducted by the board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, order, requirement, decision, or determination of the board of appeals shall be filed immediately in the office of the director of inspections and electrical systems and shall be a public record. The board shall adopt its own rules and procedures, not in conflict with this title or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary. (Ord. 61-4054 §6.3-3, 1967.)

23.82.040 Finality of decisions. All decisions and findings of the board of appeals on appeals or upon application for a variance, after a hearing, shall, in all instances, be final administrative decisions and are subject to judicial review as by law may be provided. (Ord. 61-4054 §6.3-4, 1967.)

Chapter 23.84

PLAN COMMISSION

Sections:

23.84.010 Creation.
23.84.020 Jurisdiction.

23.84.010 Creation. The city plan commission, as established under the provisions of Section 62.23 of the Wisconsin Statutes, is the plan commission referred to in this title. (Ord. 61-4054 §6.4-1, 1967.)

23.84.020 Jurisdiction. The city plan commission shall discharge the following duties under this title:

(a) Hear all applications for conditional uses and amendments to this title and report the findings and recommendations to the common council in the manner prescribed in this title for amendments and conditional uses;

(b) Receive from the director of inspections and electrical systems his recommendations as related to the effectiveness of this title and report its conclusions and recommendations to the common council not less frequently than once a year;

(c) To hear and decide all matters upon which it is required to pass under this title. (Ord. 61-4054 §6.4-2, 1967.)

Chapter 23.86

CERTIFICATES

Sections:

23.86.010 Building permit requirements.
23.86.020 Plats required with building permit application.

23.86.010 Building permit requirements. Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the city unless the application for the permit has been examined by the director of inspections and electrical systems and has affixed to it a certificate of the director of inspections and electrical systems, indicating that the proposed building or structure complies with all the provisions of this title. Any permit or certificate of occupancy, issued in conflict with the provisions of this title, shall be null and void. (Ord. 61-4054 §6.5-1, 1967.)

23.86.020 Plats required with building permit application. Every application for a building permit shall be accompanied by:

(a) A plat, in duplicate, of the piece or parcel of land, lot, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions, as certified by a "registered land surveyor" or "registered professional engineer," registered with the state of Wisconsin, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of the land, which plat shall be recorded as provided by Section 236.34 of the Wisconsin Statutes of 1965; and

(b) A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the director of inspections and electrical systems, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required by the director of inspections and electrical systems for the proper enforcement of this title.

The requirement for a certified survey prior to the issuance of a building permit shall apply to residential properties only in the following instances:

(a) When a new structure is proposed to be built on the property;

(b) When it is proposed to modify an existing structure in such a manner as will affect its relationship to existing lot lines;

(c) When it is proposed to change the use of an existing structure. (Ord. 61-4054-A §1, 1967; Ord. 61-4054 §6.5-2, 1967.)

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Chapter 23.88

OCCUPANCY CERTIFICATES

Sections:

23.88.010 Required.
23.88.020 Application.
23.88.030 Issuance.

23.88.010 Required. No building, or addition thereto, constructed after the effective date of the ordinance codified in this title, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of the ordinance codified in this title, shall be used for any purpose until a certificate of occupancy has been issued by the director of inspections and electrical systems. No change in a use, other than that of a permitted use to another similar permitted use, shall be made until a certificate of occupancy has been issued by the director of inspections and electrical systems. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this title. (Ord. 61-4054 §6.6, 1967.)

23.88.020 Application. Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land where no building permit is required shall be made directly to the director of inspections and electrical systems. (Ord. 61-4054 §6.6-1, 1967.)

23.88.030 Issuance. No occupancy certificate for a building, or portion thereof, constructed after the effective date of the ordinance codified in this title, shall be issued until construction has been completed and the premises inspected and certified by the director of inspections and electrical systems to be in conformity with the plans and specifications upon which the zoning certificate was based. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six months from its date during the completion of any addition or during partial occupancy of the premises. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than fourteen days after the director of inspections and electrical systems is notified in writing that the building or premises is ready for occupancy. Upon written request from the owner, the director of inspections and electrical systems shall issue an occupancy certificate for any building or premises existing at the time of adoption of the ordinance codified in this title certifying, after inspection, the extent and kind of use made of the building or premises and whether or not the use conforms to the applicable provisions of this title. (Ord. 61-4054 §6.6-2, 1967.)

Chapter 23.90

FEES

Sections:

23.90.010 Enumerated.

23.90.010 Enumerated. Any application for an amendment or conditional use including an application requesting the scheduling of a special meeting filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee as specified in section 3.40.010(a). The fee for variances and appeals shall also be as specified in section 3.40.010(a). All fees shall be paid to the city treasurer. There shall be no such fee, however, in the case of applications filed in the public interest by members of the common council or by the plan commission.

(Ord. 61-5553 §38 (part), 2013, File No. 13-0309; Ord. 61-5547 §5 (part), 2013, File No. 00-1134; Ord. 61-5496 §5 (part), 2011, File No. 00-1134; Ord. 61-5471 §5 (part), 2011, File No. 00-1134; Ord. 61-5418, §4 (part), 2010, File No. 00-1134; Ord. 61-5384 §5, 2008, File No. 00-1134; Ord. 61-5353 §5, 2007, File No. 00-1134; Ord. 61-5314 §5, 2006, File No. 00-1134; Ord. 61-5276 §5, 2005, File No. 00-1134; Ord. 61-5243 §1(part), 2004, File No. 00-1134; Ord. 61-5218 §1(part), 2003, File No. 00-1134; Ord. 61-5197 §1(part), 2002, File No. 02-1206; Ord. 61-5159 §1(part), 2002, File No. 02-0131; Ord. 61-5095 §1(part) 2000, File No. 00-1135; Ord. 61-4962 §1(part), 1996; Ord. 61-4875 §1(part), 1994; Ord. 61-4811 §1(part), 1993; Ord. 61-4654 §1(part), 1988; Ord. 61-4479 §1, 1981.)

Chapter 23.92

PENALTY

Sections:

23.92.010 Penalty for violations.

23.92.010 Penalty for violations. Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this title, shall, upon conviction, forfeit not less than ten dollars nor more than two hundred dollars for each offense, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution shall be imprisoned in the county jail of Marathon County until the forfeiture and costs are paid, but not to exceed thirty days for each violation. Each day that a violation continues to exist constitutes a separate offense. (Ord. 61-4054 §6.12, 1967.)