

CHAPTER 9  
ZONING CODE

- 9.01 Authority
- 9.02 Short Title
- 9.03 Purpose
- 9.04 Intent
- 9.05 Abrogation and Greater Restrictions
- 9.06 Interpretation
- 9.07 Severability
- 9.08 Repeal
- 9.09 Effective Date
- 9.10 General Provisions
- 9.11 Definitions
- 9.12 Community Living Arrangements; Family Day Care Homes
- 9.13 Zoning Districts Designated
- 9.14 District Boundaries
- 9.15 District Uses and Requirements
- 9.16 Conditional Uses
- 9.17 Satellite Dishes
- 9.18 Traffic, Parking and Access
- 9.19 Signs
- 9.20 Nonconforming Uses, Structures and Lots
- 9.21 Modifications
- 9.215 Fences
- 9.22 Performance Standards, Compliance
- 9.23 Board of Zoning Appeals
- 9.24 Changes and Amendments
- 9.25 Violations
- 9.26 Penalties

**9.01 AUTHORITY.** These regulations are adopted under the authority granted by §62.23 (7), Wis. Stats.

**9.02 SHORT TITLE.** This chapter shall be known as, referred to or cited as the "Zoning Code, City of Darlington, Wisconsin."

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

**9.04 INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the City; and implement the City comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

**9.05 ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

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

**9.07 SEVERABILITY.** If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

**9.08 REPEAL.** All other ordinances or parts of ordinances of the City inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

**9.09 EFFECTIVE DATE.** This chapter shall be effective after a public hearing, adoption by the Council and publication or posting as provided by law.

**9.10 GENERAL PROVISIONS.** (1) JURISDICTION. The jurisdiction of this chapter shall include all lands and water within the corporate limits of the City.

(2) COMPLIANCE. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable City, county and state regulations.

(3) USE RESTRICTIONS. The following use restrictions and regulations shall apply:

(a) Principal Uses. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.

1. Accessory Uses. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

2. Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by the Council after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

3. Temporary Uses. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Council.

(b) Performance Standards. Performance standards listed in sec. 9.22 shall be complied with by all uses in all districts.

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

**9.11 DEFINITIONS.** For the purposes of this chapter, the following definitions shall be used:

(1) ACCESSORY BUILDING. A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building.

(2) ACCESSORY USE. A use subordinate in nature, extent or purpose to the principal use of the building or lot.

(3) ADVERTISING SIGN, OUTDOOR. A structural poster panel or painted sign, either free standing or attached to the outside of a building, for

the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

(4) ADVERTISING STRUCTURE, OUTDOOR. Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.

(5) ALLEY. A way which affords only a secondary means of access to abutting property and which is not more than 24 feet wide.

(6) APARTMENT. A portion of a residential or commercial building used as a separate housing unit.

(7) APARTMENT HOUSE. See Dwelling, multiple.

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

(9) BASEMENT OR CELLAR. A story partly underground but having at least one-half of its height, but not more than 5 feet above the mean level of the adjoining ground.

(10) BOARDING HOUSE. A building other than a hotel where meals or lodging and meals are served for compensation for not more than 6 persons.

(11) BUILDING. A structure having a roof and intended for the shelter, housing or enclosure for persons, animals or chattels.

(12) BUILDING, ALTERATIONS OF. Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.

(13) BUILDING, FRONT LINE OF. A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.

(14) BUILDING, HEIGHT OF. The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs.

(15) BUILDING, PRINCIPAL. A building in which is conducted the main use of the lot on which said building is located.

(16) BUSINESS. Includes the commercial, limited industrial and general industrial uses and districts as herein defined.

- (17) CARPORT. See "Garage".
- (18) CLINIC. A building used by a group of doctors for the examination or treatment of persons on an outpatient or nonbearing basis only.
- (19) CLUB. A building owned, leased or hired by a nonprofit association of persons who are bona fide members.
- (20) CONDITIONAL USES. Uses of a special nature such as to make impractical their predetermination as a principal use in a district.
- (21) CONFORMING USE. Any lawful use of a building or lot which complies with the provisions of this chapter.
- (22) COURT. An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on 2 sides by the building.
- (23) CURB BREAK. Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (24) CURB LEVEL. The level of the established curb in the front of the building measured at the center of such front.
- (25) DAY CARE CENTER. A place or home which provides care for 4 or more children under the age of 7 years for less than 24 hours a day and is licensed as provided for in §48.65, Wis. Stats.
- (26) DWELLING UNIT. A building or portion thereof used exclusively for human habitation, including single-family, 2-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (27) DWELLING, ONE-FAMILY. A detached building designed, arranged or used for and occupied exclusively by one family. Shall include specially designed buildings covered by earth.
- (28) DWELLING, 2-FAMILY. A building designed, arranged or used for, or occupied exclusively, by 2 families living independently of each other.
- (29) DWELLING, MULTIPLE. A building or portion thereof used or designated as a residence for 3 or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.
- (30) DWELLING GROUP. A group of 2 or more multi-family dwellings occupying a lot in one ownership with any 2 or more dwellings having any yard or court in common.
- (31) EMERGENCY SHELTERS. Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.

(32) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

(33) FARM. Land consisting of 5 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.

(34) FLOOR AREA. The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

(35) FRONTAGE. All of the property abutting on one side of a street measured along the street line.

(36) GARAGE. A building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.

(37) GARAGE, PUBLIC. A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.

(38) GASOLINE STATION. Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, grease-in, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.

(39) HOME OCCUPATION. Any occupation for gain or support conducted entirely within a building by resident occupants which is customarily incidental to the principal use of the premises, no special space is designated or arranged for such occupation, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as babysitting, millinery, dressmaking, laundering, barbering, beauty shops, dance schools, photographic studios and crafts. Door-to-door salesmen may temporarily store stock-in-trade on the premises provided that no stock-in-trade is displayed or sold on the premises and no customer pickups are made.

(40) HOTEL. A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than 6 sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.

(41) JUNK YARD. An open space where waste, used or second-hand 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 "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

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

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

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

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

(46) LOT, REVERSED CORNER. 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.

(47) LOT, THROUGH. A lot having a pair of opposite lot lines along 2 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.

(48) LOT, ZONING. 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.

(49) MARQUEE OR CANOPY. A roof-like structure of a permanent nature which projects from the wall of a building.

(50) MOBILE HOME. A non-self-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.

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

(52) MOTOR FREIGHT TERMINAL. A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.

(53) MOTOR VEHICLE. Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

(54) NONCONFORMING BUILDING OR STRUCTURE. Any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto regulating any building or structure for the zoning district in which such building or structure is located.

(55) NONCONFORMING USE. Any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

(56) NURSERY. Any building or lot, or portion thereof, used for the commercial cultivation or growing of plants and including all accessory buildings.

(57) NURSERY SCHOOL. Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.

(58) NURSING HOME. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

(59) PARKING AREA, SEMI-PUBLIC. An open area other than a street, alley or place used for temporary parking of more than self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.

(60) PARKING SPACE. An off-street space available for the parking of a motor vehicle and which, in this chapter, is held to be an area of 9 feet wide and 20 feet long, exclusive of passageways and driveways, appurtenant thereto and giving access thereto.

(61) PLACE. An open, unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

(62) PROPERTY LINES. The lines bounding a platted lot, as defined herein.

(63) PUBLIC WAY. Any sidewalk, street, alley, highway or other public thoroughfare.

(64) PROFESSIONAL HOME OFFICES. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence and only one nonresident person is employed.



(65) RAILROAD RIGHT OF WAY. A strip of land for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

(66) SCHOOL, PRIVATE. An elementary or intermediate school other than a religious school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least 5 days a week for a normal school year and supported by other than public funds.

(67) SCHOOL, COMMERCIAL. A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.

(68) STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.

(69) STORY, HALF. A story under a gable, hip or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.

(70) STREET. A public or private thoroughfare which affords the principal means of access to abutting property.

(71) STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground and shall include, but not be limited to, decks and central air conditioning units, rock retaining walls and driveways.

(72) SIGNS. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.

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

(74) USE. (Ord. #08-2003) 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 intended, the preparation for occupancy of a structure, or the occupancy or maintenance of a structure for sale purposes for a period not to exceed 18 months during which time the structure shall be maintained in the condition reasonably necessary for the conduct of the purpose of the property.

(75) USE, PRINCIPAL. The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."

(76) USE, PERMITTED. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.

(77) USE, CONDITIONAL. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a "permitted use" in any particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location such "conditional use" may or may not be granted.

(78) VENDING MACHINE. A retail business device, electrically or manually operated, used by the general public to obtain dairy products, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

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

(80) YARD, FRONT. A yard extending along the full length of the front lot line between the side lot lines.

(81) YARD, REAR. A yard extending along the full length of the rear lot line between the side lot lines.

(82) YARD, SIDE. A yard extending along a side lot line from the front yard to the rear yard.

(83) YARD, CORNER SIDE. A side yard which adjoins a public street.

(84) YARD, INTERIOR SIDE. A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

(85) YARD, STREET. Yard abutting a street.

(86) YARD, TRANSITIONAL. That yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residential district, or that yard which must be provided on a zoning lot in an industrial district which adjoins a zoning lot in either a residential or business district.

(87) ZONING DISTRICT. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

**9.12 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES.** (1)  
STATE LAWS ADOPTED. The provisions of §§62.23(7)(i) and 66.304, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

(2) PERMITTED USES; RESTRICTIONS.

COMMUNITY LIVING  
ARRANGEMENT (CLA);

<u>FAMILY DAY CARE HOMES</u>	<u>DISTRICTS PERMITTED</u>	<u>STATUTORY RESTRICTIONS</u>
(a) Foster family home (domicile) licensed under §48.62, Wis. Stats., up to 4 children	All residential districts	None
(b) Other foster homes	All residential districts	§62.23(7)(i)1. and 2., Wis. Stats.
(c) Adult family home (domicile) as defined in §50.01 (1), Wis. Stats., and certified under §50.032 (1), Wis. Stats., up to 4 adults, or more if all adults are siblings	All residential districts	None
(d) Other adult family homes	All residential districts	§62.23(7)(i)1. and 2., Wis. Stats.
(e) CLA, up to 8 persons	All residential districts	§62.23(7)(i)1., 2 and 9., Wis. Stats.
(f) CLA, 9 to 15 persons	Multi-family districts	§62.23(7)(i)1., 2. and 9., Wis. Stats.
(g) Family day care home licensed under §48.65, Wis. Stats., up to 8 children	All one and 2-family districts and planned residential development districts	§66.304, Wis. Stats.

(3) CONDITIONAL USE. All community living arrangements and family day care homes not permitted in sub. (2) above. See sec. 9.16 of this chapter.

**9.13 ZONING DISTRICTS DESIGNATED.** For the purpose of this chapter, the City is hereby divided into the following 7 zoning districts:

- (1) R Residential District
- (2) B-1 Central Business District
- (3) B-2 Highway Business District
- (4) B P Business Park District
- (5) A Agricultural District
- (6) Downtown Design Overlay District
- (7) Flood Plain Overlay District

**9.14 DISTRICT BOUNDARIES.** (1) ZONING MAP. The boundaries of the districts enumerated in sec. 9.13 above are hereby established as shown on a map entitled "Zoning Map, City of Darlington, Wisconsin," dated February 21, 1997 modified to show Lots 2,3,6 & 7 of Block 6 as R Residential (Am. Ord.#99-2); amended to change zoning of the west 1/2 of Lots 2 and 3 in Block 4 and all that part of Lynde Street lying West of Lots 2 and 3, Block 4 to B P-Business Park (Am. Ord. #03-2003): and amended to temporarily designate 15780 Hwy. 81 annexed to City as BP Business Park District (Ord. #04-2008), which map is adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Mayor and the Clerk-Treasurer and shall be available to the public in the office of the Clerk-Treasurer. Changes to the districts subsequent shall not be effective until entered and attested on this certified copy.

(2) BOUNDARY LINES. The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights of way; or such lines extended unless otherwise noted on the Zoning Map.

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

(b) Annexations and Consolidations. Annexations to, or consolidations with, the City subsequent to the effective date of this chapter shall be placed in the A Agricultural District unless the annexation ordinance temporarily places the land in another district. Within one year, the Plan Commission shall evaluate and recommend a permanent district classification to the Council.

(3) AMENDMENTS TO MAP. Since February 21, 1997, the Zoning Map has been amended by Ordinance as follows:

- (a) Ord. #1-98 Hwy. F & Clay Street, Ward 10.
- (b) Ord. #2-2000 15513 County Shop Road, Ward 9.
- (c) Ord. #3-2000 Lots 1 & 4, Survey Map No. 201, Ward 10.
- (d) Ord. #1-2002 Hwy. 81 West Business Park add'n, Ward 1.
- (e) Ord. #4-2008 15780 Hwy. 81, Ward 7.
- (f) Ord. #02-2009 County Trunk F.
- (g) Ord. #03-2011 Land only where the road to the wastewater treatment plant is built on (Spring Street extension).
- (h) Ord. #05-2012 15619 Co.Shop Rd rezoned from R to B-2 Hwy Bus.
- (i) Ord. #2013-04 100 Buena Vista Drive - unattached garage.
- (j) Ord. #06-2013 Dutcher property @ end of E. River St.

**9.15 DISTRICT USES AND REQUIREMENTS.** (1) R RESIDENTIAL DISTRICT.

- (a) Principal Use. Single-family dwellings.
- (b) Conditional Uses. See sec. 9.16 (4), (5), and (8).

(c) Single-family Lot, Building and Yard Requirements.

Lot frontage- - - - - Minimum 60 feet

Lot area- - - - - Minimum 7,200 sq. feet

Principal building:

Front yard - - - - - Minimum 25 feet

Side yards - - - - - Minimum 10 feet

Rear yard - - - - - Minimum 25 feet

Accessory Building:

Front yard - - - - - Minimum 25 feet

Side yards - - - - - Minimum 10 feet

Rear yard - - - - - Minimum 10 feet

Alley - - - - - Minimum 15 feet

Building height - - - - - Maximum 35 feet

Number of stories- - - - - Maximum 2-1/2

Percent of lot coverage- - - - - Maximum 30%

Floor area per dwelling unit:

Single story- - - - - Min. 1,000 sq.ft.

Multiple story - - - - - Min. 1,600 sq.ft.

(d) Temporary Uses. Garage Sales. (Am. Ord. #06-2005; #02-2008)

Garage sales shall be subject to the following regulations:

1. DEFINITIONS. For the purpose of this section, the following terms, phrases, words and their derivations shall have the meaning given herein.

A. "Garage sales" shall mean and include all general sales, open to the public, conducted from or on any premises in any residential district for the purposes of disposing of personal property including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "patio", "flea market", or "rummage" sale. This definition shall not include a situation where no more than five (5) specific items or articles are held out for sale and all advertisements of such sale specifically names those items to be sold.

B. "Personal Property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

2. PROPERTY PERMITTED TO BE SOLD. It shall be unlawful for any person to sell or offer for sale, under authority granted by this section, property other than personal property.

3. DURATION AND FREQUENCY. Garage sales shall be limited to three sales per residence per year. Garage sales shall be held for no more than three (3) consecutive days. Garage sales shall only be permitted between the hours of 7:00 a.m. and 8:00 p.m.

4. CITY WIDE GARAGE SALE. There shall be one City wide garage sale per calendar year. The City wide garage sale shall not be counted toward the maximum of three (3) garage sales authorized in this section.

5. DISPLAY OF SALE PROPERTY. Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front, side or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in any public right-of-way.

6. ADVERTISING SIGNS. Only two (2) signs of not more than four (4) square feet shall be permitted to be displayed on the property of the residence where the garage sale is being conducted. Two (2) directional signs of not more than two (2) square feet each are permitted, provided that written permission to erect such signs is received from the property owners on whose property such signs are to be placed. No sign or other form of advertisement shall be exhibited for more than two (2) days prior to the day such sale is to commence. Signs must be removed at the close of the garage sale activities.

(2) B-1 CENTRAL BUSINESS DISTRICT. (a) Principal Uses. The following uses are permitted in the B-1 Districts:

- Antique shops
- Apartment hotels
- Appliance shops
- Art and school supply stores
- Automotive parts sales stores
- Automobile sales lots and showrooms and  
lots, including incidental servicing  
and repair, provided, however, that all  
vehicles be in operative condition
- Automotive servicing and repairs
- Banks and other financial institutions,  
including loan and finance companies
- Barber shops and beauty parlors
- Business offices
- Candy and ice cream stores
- Caterers
- Clinics
- Clothing repair shops
- Clubs
- Cocktail Lounges
- Confectioneries
- Delicatessens
- Department stores
- Drug stores
- Electrical supply
- Food lockers
- Furniture stores
- Gasoline stations
- Grocery stores
- Heating supply
- Hotels
- Ice delivery stations
- Insurance agencies

- Jewelry stores
- Liquor stores
- Lumber yards
- Medical clinics
- Movie Rentals
- Opticians and optical stores
- Paint stores
- Parking facilities (See sec. 9.19)
- Photographic studios
- Professional offices
- Publishers
- Restaurants
- Small animal hospitals
- Taverns, with permit by Council
- Tourist information and hospitality centers
- Undertaking establishments
- Upholsterer's shops
- Variety stores

(b) Conditional Uses. See sec. 9.16(4), (5) and (8).

(c) Minimum Development Standards. Within the B-1 District, there shall be no minimum required standards or setbacks. This being done to allow the most flexibility in the reuse and redevelopment of the built-up area of the downtown.

(d) Use Conditions. Uses permitted in the B-1 District are subject to the following conditions:

1. Dwelling units are not permitted below the second floor.

2. The parking of trucks as an accessory use, when used in the conduct of a permitted business listed above in this section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within 150 feet of the Residential District boundary line.

(3) B-2 HIGHWAY BUSINESS DISTRICT. (a) Purpose. The purpose of this district is to provide an area for wholesale and service businesses that have large land area requirements or depend on highway exposure.

(b) Principal Use. None.

(c) Conditional Uses. See sec. 9.16(4), (5), (6) and (8) of this chapter.

(d) Lot, Yard and Building Requirements.

- Lot frontage- - - - - Minimum 80 feet
- Lot area- - - - - Minimum 12,000 sq.ft.
- Front yard- - - - - Minimum 35 feet
- Side yards- - - - - Minimum 10 feet

Rear yard - - - - -	Minimum 30 feet
Building height - - - - -	Maximum 35 feet
Number of stories - - - - -	Maximum 2-1/2
Percent of lot coverage - -	Maximum 40%

(4) B P BUSINESS PARK DISTRICT. (a) Principal Uses.

1. Offices. a. Defined. These uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such uses do not typically provide service directly to customers on a walk-in or on appointment basis.

2. Indoor Maintenance Services. a. Defined. These uses include those which perform maintenance (including repair) and contain all operations (except loading) entirely within an enclosed building.

3. Indoor Storage or Wholesaling. a. Defined. These uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of such uses are conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse storage facilities. Retail outlets associated with these uses shall be considered accessory uses.

4. Light Industrial Uses. a. Defined. These uses include industrial facilities at which all operations (with the exception of loading operations):

- 1. Are conducted entirely within an enclosed building;
- 2. Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and
- 3. Do not pose a significant safety hazard (such as danger of explosion).

Light industrial land uses may conduct retail sales activity as an accessory use.

5. Personal or Professional Services. a. Defined. These uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on an appointment basis. Examples of such uses are professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, barber shops and related uses.

(b) Conditional Uses.

1. In-vehicle Sales and Service. a. Defined. These uses include those which perform sales and/or services to persons in vehicles,



or to vehicles which may be occupied at the time of such activity. Such uses often have high traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use.

2. Indoor Sales and Services. a. Defined. These uses include those which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin operated laundromats.

3. Heavy Industrial Uses. a. Defined. These uses are industrial facilities which do not comply with 1 or more of the following criteria:

- a. Are conducted entirely within an enclosed building;
- b. Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and
- c. Do not pose a significant safety hazard (such as danger of explosion).

More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples of producers:

- Paper
- Pulp or paperboard producers
- Chemical and allied product producers  
(except drug producers) including poison  
or fertilizer producers
- Tanneries, stone, clay or glass product  
producers
- Primary metal producers
- Heavy machinery producers
- Electrical distribution equipment producers
- Electrical industrial apparatus producers
- Transportation vehicles producers
- Commercial sanitary sewage treatment plants
- Railroad switching yards
- Recycling facilities not involving the  
on-site storage of salvage materials

4. Indoor Commercial Entertainment. a. Defined. These uses include those which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial uses. Examples of such uses include:

- Restaurants
- Taverns
- Theaters
- Health or fitness centers
- All forms of training studios (dance, art, martial arts, etc.)
- Bowling alleys
- Arcades
- Roller rinks
- Pool halls

5. Commercial Indoor Lodging. a. Defined. These uses include those which provide overnight housing in individual rooms or suites or rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

6. Group Day Care Center.

7. Distribution Centers. a. Defined. This use is a facility oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses.

8. Outdoor Storage or Wholesaling. a. Defined. These uses are those which are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include:

- Contractor's storage yards
- Equipment yards
- Lumber yards
- Coals yards
- Landscaping materials yard
- Construction materials yards
- Shipping materials yards

Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junk or salvage yard.

9. Outdoor Maintenance Service. a. Defined. These uses include those which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

10. Freight Terminal. a. Defined. These uses are land and buildings representing either end or one or more truck carrier line(s) which may have some or all of the following facilities:

- Yards
- Docks
- Management offices
- Storage sheds
- Buildings, and/or outdoor storage areas
- Freight stations
- Truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment

(c) Lot, Yard and Building Requirements.

Lot frontage-	- - - - -	No minimum
Lot area -	- - - - -	Minimum 1 acre
Front yard	- - - - -	Minimum 30 feet
*Side yards	- - - - -	Minimum 20 feet
*Rear yard-	- - - - -	Minimum 30 feet
Building height-	- - - - -	Maximum 45 feet
Number of stories	- - - - -	Maximum 3
Percent of lot coverage	- -	Maximum 50%

\*Required buffer strips in Business Park Districts. Where the B P Business Park District abuts the Residential District, there shall be provided along any rear, side or front line, coincidental with any business park-residential boundary, a buffer strip not less than 40 feet in width as measured at right angles to said lot line. Plant materials at least 6 feet in height of such variety and growth habits as to provide a year round, effective visual screen when viewed from the Residential District shall be planted in the exterior 25 feet abutting the Residential District. If the required planting screen is set back from the business park-residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than 5 nor more than 8 feet in height, and shall be of such materials as to effectively screen the business park area. The exterior 25 feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior 15 feet may be devoted to parking of vehicles.

(5) A AGRICULTURAL DISTRICT. (a) Principal Uses. Agriculture, dairying, floriculture, forestry, general farming, grazing, green-houses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables and truck farming. Farm dwellings for

those resident owners and laborers actually engaged in the principal permitted uses are accessory uses and shall comply with all the provisions of the R Residential District.

- (b) Conditional Uses. See sec. 9.16 (4), (7) and (8).
- (c) Lot, Yard and Building Requirements.

Lot frontage- - - - -	Minimum 200 feet
Lot area- - - - -	Minimum 5 acres
Principal building:	
Front yard - - - - -	Minimum 80 feet
Side yards - - - - -	Minimum 50 feet
Rear yard- - - - -	Minimum 50 feet
Accessory building:	
Front yard - - - - -	Minimum 80 feet
Side yards - - - - -	Minimum 45 feet
Rear yard- - - - -	Minimum 45 feet
Building height- - - -	Maximum 50 feet

(6) DOWNTOWN DESIGN OVERLAY DISTRICT. (a) Purpose. The Downtown Design Overlay District is created to regulate the design and appearance of development activities within the downtown area. The intent of the District is to preserve and enhance the historical quality of existing downtown buildings and to attain a consistent visually pleasing image for the downtown area.

(b) District Boundaries. The Downtown Design Overlay District shall be defined as that area bounded on the north by the north line of lots 7 and 8 in blocks 55 and 56 of the City, on the west by the east side of Washington Street and on the south by the Pecatonica River, and on the east by the west side of Wells Street.

(c) Building Permit Required. No building in the District shall be demolished or be altered in architectural design until a building permit is issued by the Building Inspector. "Altered in architectural design" shall include any change in the design of windows or entryways, facade design or facade siding.

(d) Review of Building Plans. Within the Downtown Design Overlay District, all plans for new construction, exterior remodeling or demolition shall be reviewed and approved by the Plan Commission prior to the issuance of a building permit.

(e) Application Requirements. Any application for a building permit within the boundaries of the Downtown Design Overlay District shall be submitted to the Building Inspector who shall transmit it to the Plan Commission for review and approval. In addition to the information required by the Building Code, the applicant shall include building elevations and exterior architectural drawings, including enough detail to show the proposed building style, exterior materials, colors and location of signage.

(f) Plan Review Guidelines. The Plan Commission shall use the following guidelines for reviewing proposed development activities to assure compliance with this subsection.

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

2. The facade of new or remodeled structures should maintain a compatible relationship with those of existing structures in terms of window sill or header lines, proportion of window and door openings, horizontal or vertical emphasis of major building elements, and extent of architectural detail.

3. Exterior remodeling should be designed to take into account the entire building facade. The ground floor exterior should be designed to harmonize with the upper stories.

4. The building materials and colors used should complement and be compatible with other buildings in the immediate area.

5. Storefront window display areas should be considered an important part of the retail marketing strategy in the Downtown area. Large glass windows and street level display areas should be retained or planned into new construction.

6. Existing buildings and structures should be recognized as products of their own time. Alterations which have no historical basis should be discouraged.

7. Demolition should occur only where it is found that the structure is structurally unsound or physically incapable of supporting a viable use.

8. The sizing and placement of signs should fit the building.

9. All off-street parking and service areas should be landscaped and screened as viewed from public rights-of-way.

(g) Plan Review Procedure. The Plan Commission Chairperson shall schedule a meeting of the Commission to consider the application. The Plan Commission shall take final action to approve, deny or conditionally approve the application within 45 days of the date of submittal. Conditions of approval may include landscaping, modification to architectural design, type of construction, operational controls, sureties or deed restrictions upon the Plan Commission's findings that these are necessary to fulfill the purpose and intent of this subsection.

(h) Informal Meeting Recommended. Applicants are encouraged to submit conceptual plans or meet with the Commission for preliminary review and discussion prior to formal submittal of detailed plans.

(i) Issuance of Building Permit. A building permit may be issued to the applicant, stating the official action of the Plan Commission and shall be referred to for enforcement of this subsection. Approved building permits shall expire in 12 months unless substantial work has been completed.

(j) Appeal. If the project is not approved, the applicant may modify the proposal and resubmit, or may choose to appeal the Commission's decision within 30 days, to the Council, which may affirm or modify the decision of the Plan Commission.

(k) Penalty. Any person who shall violate any provision of this subsection shall be subject to a penalty as provided in sec. 25.04 of this Code.

(7) STATE HIGHWAYS 23 AND 81 HIGHWAY CORRIDOR OVERLAY DISTRICT.

(a) Purpose. The purpose of this overlay district is to provide special design guidelines/standards which address the siting and design of non-residential structures within the immediate view shed of motorists traveling the STH 23 - STH 81 highway corridors in the City of Darlington south of the Pecatonica River. This overlay district is specifically intended to implement the goals, objectives and recommendations for the Community Service Land Use District as presented in the City of Darlington's Community Master Plan Update plan documents and maps as adopted by the City of May 19, 1992.

(b) Applicability. The STH 23 - STH 81 Highway Corridor Overlay District shall be in effect in all non-residential land use districts for a distance of 700 feet or the first public street, whichever is greater, from the edge of the STH 23 and STH 81 right-of-ways. This District shall be bounded on the north by the Pecatonica River and on the south of CTH K; on the east by Center Hill Road and on the west by the City's western corporate limit boundary. Any parcel wholly or partially within the area described above in this paragraph is subject to the STH 23-STH 81 Highway Corridor Overlay District requirements.

(c) Overlay District Standards.

1. Landscape Setback Buffer. A 10-foot-wide landscaped area. a. Defined. The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced ground covers, shrubs, bushes, and trees; the property fronts or backs up to the highway. The buffer shall contain, as a minimum, one 2-inch caliper canopy shade tree (i.e. Ash, Linden, Maple, Oak, Sycamore, Thornless Honey Locust, etc.) for every 30 feet of lot line fronting on the highway.

2. Service Loading and Equipment Storage Area. Service areas including storage, special equipment, maintenance, and loading areas shall be screened with landscaping and architectural elements. The purpose

is to hide those areas from the highways. Loading docks and service areas shall be located on interior side yards and concealed from public "highway" view. Utility equipment and communication devices located on the grounds shall be screened so that the site will appear free of all such devices. Utility lines for water, gas, sewage, electrical and communication shall be installed underground. Refuse collection areas are to be visually screened with a solid perimeter wall, fence or vegetation using materials and colors compatible with those of adjacent structures. Refuse collection areas are to be located on an interior building side yard and shall be roofed if the contents of the area are visible from any highway. Service, storage, and maintenance areas shall be constructed and maintained according to the following standards:

a. No materials, supplies or equipment, including trucks or other motor vehicles, are to be stored on-site except inside an enclosed structure or behind architectural screening, to prevent visibility from the highway. The storage of vehicles for sale is exempt from this requirement.

b. All storage areas shall be screened by walls, decorative fences, or landscape materials, and shall be located on the side or rear portions of structures.

c. Screening shall be compatible with the adjacent structure in terms of material, color, etc. and shall be designed and placed to compliment the building design.

d. No service, storage, maintenance, or loading area may extend into a landscape setback buffer area.

### 3. Building Facade.

a. Facades should be designed to convey a sense of order through the interplay of light, shadow and texture.

b. Recessed or articulated wall surfaces, columns and beams should be used to help visually segment an otherwise massive exterior wall surface.

c. No boxy or monotonous facades which lack a sense of scale shall be permitted.

d. No large amounts (more than 70% of wall surface) of reflective glass shall be permitted.

4. Mechanical Equipment. Roof-mounted mechanical equipment shall be screened on all sides. Any devices located on the structure shall be properly screened to minimize visual impact. Structures shall appear free of all utility and communication devices. Satellite dishes and antennas shall be ground mounted unless technically infeasible, and shall be located and treated in a manner that reduces visibility from

STH 23 and STH 81. All installation locations shall be noted on the site plans.

(8) M-1 MIXED USE OVERLAY DISTRICT. (Ord. #01-2006)

(a) Purpose. This overlay district is intended to allow mixed use residential dwelling unit development in suitable areas. This section provides standards for mixed use residential dwelling unit developments and implements regulations related to mixed use. The "Mixed Use Residential Dwelling Unit Overlay" (M-1) zoning overlay district may be applied as a special use permit, by action of the Common Council, to regulate mixed use development within the downtown business district.

(b) District Boundaries. The Mixed Use overlay District shall be defined as Lots 2, 3, 6, and 7 of Block 11 of the Original Plat of the City of Darlington.

(c) Limitations on Use.

1. A mixed use development may combine compatible residential units with commercial or other non-residential land uses allowed in the applicable zoning district, provided that not more than sixty percent (60%) of the total gross project floor space on the first floor is in residential floor area, including residential garages, hallways, entries and similar areas.

2. A mixed use shall not be established or used in conjunction with any of the following activities:

- i. Automotive and other vehicle repair, services, painting, storage, or upholstery, or the repair of engines, including automobiles, boats, motorcycles, trucks, or recreational vehicles;
- ii. Welding, machining, or open flame work;
- iii. Storage or shipping of flammable liquids or hazardous material beyond that normally associated with a residential use; or
- iv. Any other activity or use determined by the building inspector to be incompatible with residential activities and/or to have the possibility of adversely affecting the health or safety of residents within, or adjacent to, a mixed use project because of the potential for the use to create excessive dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or to be unreasonably hazardous because of materials, processes, products or wastes.



(d) Location of Residential Units. Residential units may be located on any floor, provided that the first forty-five feet (45') of the ground floor area measured perpendicularly to each building adjacent to Main Street and the first twenty-two feet (22') of the ground floor area measured perpendicular to each building adjacent to Cornelia Street and Louisa Street shall be reserved for commercial uses. This restriction prohibiting residential use does not apply to entryways, access corridors, stairs or residential units existing at the time of the adoption of this ordinance.

(e) Design and Development Standards. 1. Residential unit area. Each residential dwelling unit located within the mixed-use residential overlay district shall have a minimum of 700 square feet of living area.

(f) Design Review Approval Required. All new mixed-use projects, additions to existing projects, or new nonresidential uses in existing projects shall be subject to design review approval by the Common Council after recommendation from the Plan Commission. The design of mixed-use projects shall demonstrate compatibility between the different uses and shall take into consideration compatibility with adjacent properties and land uses, and shall include specific design features and screening to properly mitigate any potential impacts, including light impacts, or other compatibility issues. Project designs shall ensure that privacy between residential units and other uses on the site is maximized.

(g) Findings for Approval. A special use permit may be approved for a mixed-use development only if the Common Council makes all of the findings below, in addition to the findings required for Conditional Use Permit:

1. The site is located within an existing commercial area;
2. Public services and infrastructure are adequate to serve the intended uses;
3. The development complies with the standards and development criteria set forth in this section and the underlying zoning district;
4. Residential and commercial uses are integrated in such a manner as to address noise, hazardous materials, and other land use compatibility issues on site as well as off-site.;
5. The mixed-use development, as conditioned, is compatible with surrounding land uses and will not serve to inhibit commercial development on adjacent or nearby commercial parcels.

**9.16 CONDITIONAL USES.** (1) PERMIT. The Council may authorize the Building Inspector to issue a conditional use permit after review and a recommendation by the Plan Commission, provided that such conditional use and structures are in accordance with the purpose and intent of this

chapter and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the City.

(2) APPLICATION. Applications for conditional use permits shall be made in duplicate to the Council on forms furnished by the Building Inspector and shall include the following:

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

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

(c) A plat or survey prepared by a registered land surveyor showing the lot dimensions and proposed location of buildings and, in addition, the mean and historic high-water lines on or within 40 feet of the subject premises, and existing and proposed landscaping. The requirements of this paragraph may be waived by the Plan Commission provided that sufficient identification and description of the property, which is acceptable to the Plan Commission, is submitted.

(d) Additional information as may be required by the Plan Commission.

(3) REVIEW AND APPROVAL. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation. The Plan Commission shall hold a hearing and thereafter shall recommend approval, denial or condition of approval to the Council. The Council shall accept, reject or modify the Plan Commission's recommendations.

(a) Conditions Required by the Council. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Council upon its finding that these are necessary to fulfill the purpose and intent of this chapter.

(b) Compliance with Other Chapter Provisions. Compliance with all other provisions of this chapter such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in sec. 9.23.

(4) PUBLIC AND SEMIPUBLIC USES. The following public and semipublic uses shall be conditional uses and may be permitted as specified:

(a) Airports, airstrips and landing fields in the B P Business Park District and the A Agricultural District provided the site area is not less than 20 acres.

(b) Governmental and cultural uses such as fire and police stations, City hall, community centers, libraries, public emergency shelters, parks, playgrounds and museums in the Residential and Business Districts and the B P Business Park District.

(c) Utilities in all districts provided all principal structures and uses are not less than 50 feet from the Residential District lot line.

(d) Public passenger transportation terminals such as bus and rail depots, in all Business Districts and the B P Business Park District, provided all principal structures and uses are not less than 100 feet from the Residential District boundary.

(e) Public, parochial and private elementary and secondary schools and churches in the Residential District provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.

(f) Colleges, universities, hospitals, sanitariums; religious, charitable, penal and correctional institutions; cemeteries and crematories in the A Agricultural District provided that all principal structures and uses are not less than 50 feet from any lot line.

(g) Day care centers in the Residential and Business Districts.

(5) RESIDENTIAL USES. The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

(a) Two-Family Residences.

1. Lot, Yard and Building Requirements.

Lot frontage- - - - - Minimum 70 feet

Lot area- - - - - Minimum 8,400 sq. feet

Principal building:

Front yard- - - - Minimum 25 feet

Side yards- - - - Minimum 10 feet

Rear yard - - - - Minimum 25 feet

Accessory building:

Front yard- - - - Minimum 25 feet

Side yards- - - - Minimum 10 feet

Rear yard - - - - Minimum 10 feet

- Alley - - - - - Minimum 15 feet
- Building heights- - - - Maximum 35 feet
- Number of stories - - - Maximum 2-1/2
- Percent of lot coverage Maximum 40%
- Lot area per dwelling
  - unit - - - - - Minimum 4,200 sq. feet
- Floor area per dwelling
  - unit - - - - - Minimum 900 sq. feet

2. Off-street Parking Requirements. See sec. 9.18.

(b) Multi-Family Residences.

1. Lot, Yard and Building Requirements.

- Lot frontage- - - - - Minimum 100 feet
- Lot area- - - - - Minimum 12,000 sq. feet
- Principal building:
  - Front yard- - - - Minimum 25 feet
  - Side yards- - - - Minimum 10 feet
  - Rear yard - - - - Minimum 30 feet
- Accessory building:
  - Front yard- - - - Minimum 25 feet
  - Side yards- - - - Minimum 10 feet
  - Rear yard - - - - Minimum 10 feet
- Alley - - - - - Minimum 15 feet
- Building height - - - - Maximum 35 feet
- Number of stories - - - Maximum 2-1/2
- Percent of lot coverage Maximum 30%
- Lot area per dwelling
  - unit - - - - - Minimum 3,000 sq. feet

2. Off-street Parking Requirements. See sec. 9.18.

(c) Community Living Arrangements. As defined in §62.23 (7) (i), Wis. Stats.

- 1. Lot, Yard and Building Requirements. Same as par. (b)1. above.
- 2. Off-street Parking Requirements. Same as par. (b)2. above.

(d) Mobile Home Parks.

- 1. Park, Mobile Home Space, Yard and Building Requirements.
  - Park area - - - - - Minimum 4 acres
  - Park exterior
    - boundaries - - - - - Minimum 200 feet
  - Park exterior yard
    - requirements - - - - - Minimum 30 feet
  - Mobile home space set-
    - backs- - - - - Minimum 10 feet

Mobile home space area- Minimum 4,000 sq. feet  
Mobile home space width Minimum 36 feet  
Mobile home lot  
coverage - - - - - Maximum 50%

2. Wrecked or Damaged Mobile Homes. Wrecked, damaged or dilapidated mobile homes shall not be kept or stored on a lot in a mobile home park. The Health Officer shall determine if a mobile home is damaged or dilapidated to a point which makes said mobile home unfit for human occupancy on either a temporary or permanent basis. Whenever such a determination is made, the mobile home shall be vacated and removed from the premises by the owner of the lot within 30 days of formal notice by the Health Officer.

(e) Clubs, fraternities, lodges and meeting places of a non-commercial nature in the R Residential District provided that all principal structures and uses are not less than 25 feet from any lot line.

(f) Rest homes, nursing homes, homes for the aged, clinics and children's nurseries in the R Residential District provided all principal structures and uses are not less than 50 feet from any lot line.

(g) Home occupations and professional offices in the R Residential District.

(6) HIGHWAY-ORIENTED USES. The following commercial uses shall be conditional uses and may be permitted as specified: Agricultural products, sales and services; lawn and garden services; general contracting; motor freight transport and warehousing; wholesale trade; retail trade of building materials; mobile home dealers; recreation and utility trailer dealers; motor vehicle dealers, automotive repair, service and garages, gasoline sales, miscellaneous repair services; eating and drinking establishments; and other land extensive businesses not specifically listed above that are consistent with the purpose and intent of this district.

(7) BUSINESS PARK AND AGRICULTURAL USES. The following business park and agricultural uses shall be conditional uses and may be permitted as specified.

(a) Animal hospitals in the Agricultural and Business Park Districts provided the lot area in not less than 3 acres and all principal structures and uses are not less than 100 feet from the Residential District.

(b) Disposal areas, incinerators and sewage disposal plants in the Agricultural and Business Park Districts. Municipal earth and sanitary landfill operations may be permitted in any district.

(c) Commercial raising, propagation, boarding or butchering of animals such as dogs, mink, foxes, goats and pigs; the commercial

production of eggs; and the hatching, raising, fattening or butchering of fowl in the Agricultural District; pea vinerias, creameries and condenseries in the Agricultural District.

(d) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, Plaster of Paris, plastics, poison, polish, potash, Pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblackening, size, starch, stove polish, textiles, and varnish; manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast; manufacture and bottling of alcoholic beverages; bag cleaning, bleacherias, cannerias, cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges; foundries; garbage incinerators; lacquering; lithographing; offal, rubbish or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving in the Business Park District provided they are at least 600 feet from the Residential District.

(e) Outside storage and manufacturing areas in the Business Park District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen, completely preventing a view from any other property or public right of way and shall be at least 600 feet from the Residential District and be subject to Council approval.

(f) Commercial service facilities such as restaurants and fuel stations in the Business Park District provided all such services are physically and sales oriented toward Business Park District users, and employes and other users are only incidental customers.

(8) RECREATIONAL USES. (a) Public. The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, music halls, fields, pools, riding academies, skating rinks, sports fields, stadiums and swimming pools in the Residential District or a Business District provided that the lot area is not less than 3 acres and all structures are not less than 50 feet from any lot line, with the approval of the Council.

(b) Commercial. Commercial recreation facilities such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, race tracks, rifle ranges, skating rinks and theaters are conditional uses and may be permitted in the Business Districts.

(9) **CONDITIONAL USE PERMITS IN RESIDENCES.** The conditional use permits permitting uses in residences shall be in effect for a period not to exceed 2 years and may be renewed upon application for a period not to exceed 2 years. Modifications or additional conditions may be imposed upon application for renewal.

(10) **TERMINATION OF CONDITIONAL USES.** When a conditional use previously granted no longer conforms with the conditions of the original grant, the conditional use permit shall be terminated by action of the Council and may be deemed a violation of this chapter.

**9.17 SATELLITE DISHES.** (1) **DEFINITIONS.** (a) Dish-type Satellite Signal-Receiving Antennas. Also referred to a "satellite dishes", "earth stations" or "ground stations" shall mean one or a combination of 2 or more of the following:

1. A signal receiving device (antenna, dish antenna or dish-type antenna), the purpose of which is to receive communications or other signals from satellites in earth orbit and other extra-terrestrial sources.

2. A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

3. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.

(b) Receiver. A television set or radio receiver.

(c) Dish. That part of a satellite signal receiving antenna characteristically shaped like a saucer or dish.

(d) Grounding Rod. A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

(2) **PERMIT REQUIRED.** No person shall construct a satellite without a permit nor shall construction commence before a permit is issued pursuant to this section.

(3) **APPLICATION FOR PERMIT.** Applications for the construction of a satellite dish shall be submitted to the Building Inspector on forms supplied by the Inspector to the owner of the lot or parcel or to the occupant thereof with the owner's written consent.

(4) **FEE.** The fee shall be \$5 and shall accompany the application.

(5) **GENERAL REQUIREMENTS FOR SATELLITE DISHES.** (a) No satellite dish shall be constructed in any front or side yard in any Residential District.

(b) All satellite dishes shall comply with the side and rear lot line dimensions and setback requirements for accessory structures as specified in the district where the dish is located.

(c) No satellite dish shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the dish.

(d) No satellite dish shall exceed 12 feet in diameter.

(e) All satellite dishes must be bonded to a grounding rod.

(f) All satellite dishes shall comply with the height requirements specified in the district where the dish is located.

(g) All satellite dishes shall be erected and designed so as to reduce visual impact from surrounding property at street level and from public streets.

(h) No sign or other advertisement shall be placed on or near the satellite dish unless the sign complies with sec. 9.19 of this chapter.

(6) TEMPORARY PLACEMENT PERMITTED. Satellite dishes may be temporarily located on a lot or parcel for the purpose of testing reception for a period not to exceed 10 days in any calendar year without a permit, provided that the provisions of sub. (5) above are complied with.

**9.18 TRAFFIC, PARKING AND ACCESS.** (1) TRAFFIC VISIBILITY.

No obstructions such as structures, parking or vegetation shall be permitted in any district between the heights of 2-1/2 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines located a minimum of 15 feet from their intersection. Where arterial streets intersect with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

(2) LOADING REQUIREMENTS. In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(3) PARKING REQUIREMENTS. In all districts and in connection with every use, there shall be provided at the time any use of building is erected, enlarged, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

(a) Access. Adequate access to a public street shall be provided for each parking space and driveways shall be at least 10 feet wide for one- and two-family dwellings, and a minimum of 24 feet for all other uses.



(b) Size. The size of each parking space shall be not less than 9 feet by 20 feet, exclusive of the space required for ingress and egress.

(c) Location. The location shall be on the same lot as the principal use, or not over 400 feet from the principal use. No parking stall or driveway, except in the Residential District, shall be closer than 25 feet to the Residential District lot line or a street line opposite the Residential District, and no residential driveway shall be closer than 8 feet from any lot line except on cul-de-sacs.

(d) Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for 5 or more vehicles shall be paved with a bituminous surface or equivalent and have spaces and aisles clearly marked.

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

(f) Parking Stalls Required.

Single-family dwellings and mobile homes	2 stalls/dwelling unit
Two-family and Multi-family dwellings	2 stalls/dwelling unit
Hotels and motels	1 stall/guest room plus 1 stall/3 employes
Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall/2 beds plus 1 stall/3 employes
Sanitariums, institutions, rest and nursing homes	1 stall/5 beds plus 1 stall/3 employes
Medical and dental clinics	3 stalls/doctor
Churches, theaters, auditoriums, commu- nity centers, vocational and night schools and other places of public assembly	1 stall/5 seats
Secondary & elementary schools	1 stall/2 emp.plus 1 stall/student auto Permitted
Restaurants, bars, places of entertain- ment, repair shops, retail and service stores	1 stall/100 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall/3 employes
Financial institutions and business, governmental and professional offices	1 stall/200 square feet of floor area plus 1 stall/2 employes

Funeral homes	1 stall/4 seats plus 1 stall/vehicle used in the business
Bowling alleys	5 stalls/alley

(4) DRIVEWAYS. All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

(a) Islands. Islands between driveway openings in business and business park areas shall be provided with a minimum of 12 feet between all driveways and 6 feet at all lot lines.

(b) Ingress and Egress Openings. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.

(c) Entrances and Exits. Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from the pedestrian entrance or exit to a school, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

(5) HIGHWAY ACCESS. (a) Private Access Restricted. No direct private access shall be permitted to the existing or proposed rights of way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

(b) Public or Private Access Prohibited. No direct public or private access shall be permitted to the existing or proposed rights of way of the following:

1. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right of way lines.

2. Streets intersecting an arterial street within 50 feet of the intersection of the right of way lines.

(c) Public Access Barriers. Access barriers such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

(d) Temporary Access. Temporary access to the above rights of way may be granted by the Council after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary and revocable and subject to any conditions required, and shall be issued for a period not to exceed 12 months.

**9.19 SIGNS.** (1) PERMIT REQUIRED. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit, except those signs excepted in sub. (2) below, and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the State Building Code. Sign permits are issued or refused by the Council after being considered by the Plan Commission.

(2) SIGNS EXCEPTED. All signs are prohibited in the Residential and Agricultural Districts except the following:

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

(b) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(c) Names, occupation and warning signs not to exceed 2 square feet located on the premises.

(d) Bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area located on the premises.

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

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

(g) Temporary signs or banners when authorized by the Council.

(3) SIGNS PERMITTED. Signs are permitted in all Business and Business Park Districts, subject to the following restrictions:

(a) Signs Prohibited in Public Ways. No sign shall be placed upon, over or in any public way, provided that this paragraph shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device, or any other signs authorized by law or specifically permitted to project into the public way by this chapter. Temporary signs permitted under §8.06(2)(g) shall not be prohibited under this subsection.

(b) Signs Not to Constitute a Public Hazard. No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be

confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the words "stop", "look", "drive-in", "danger", or any other word which could be mistaken for an official sign.

(c) Illuminated Sign. No sign shall be illuminated by intermittent, rotating or flashing lights.

(d) Ground Signs. Ground signs shall be considered buildings and must observe all applicable setback lines and height restrictions.

(e) Vacant Lot Maintenance. Vacant lots upon which advertising signs now exist or which are erected pursuant to this section shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any verdure growing on the lot.

(f) Sign Projection Restrictions. No sign shall project over any part of any street except where a business structure is located on the front property line. In such case, a sign may not extend more than 12 inches into any street.

(g) Removal of Signs at Termination of Business. At the termination of a business, commercial or business park enterprise, all signs shall forthwith be removed from the public view. Responsibility for violation shall reside with the property owner according to the latest official tax roll listings.

(h) Projection of Non-illuminated Signs. Non-illuminated business or business park signs shall not project more than 12 inches beyond the building line.

(i) Shopping Center Sign Restrictions. In a shopping center or a industrial park, one free-standing identification sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. The area of said sign shall not exceed 50 square feet. Said sign shall not be permitted within 20 feet of the right of way line of the street.

(j) Total Surface Display Area Restrictions. The total surface display area of business or business park signs on the front facade of a building shall not exceed in square feet 2 times the number of linear feet of width of the building frontage. In the case of a building located on a corner lot, such square foot display area on the side facing the secondary street may be increased by 1.0 times the number of linear feet of the length of the building which faces the secondary street. Said increased permitted display area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 0.5 times the number of linear feet of the width or length of the building frontage on such parking lot. Such increased display area shall only be

utilized by the erection of a permitted sign on that part of the building which abuts said parking lot. In no case shall the wall area usable for sign display be in excess of 200 square feet and in no case shall more than one of the above-mentioned criteria be used to calculate allowable sign area on any one building facade.

(k) Projection of Signs Mounted on Buildings Restricted.

Business and business park signs mounted on buildings shall not be permitted to project more than 12 inches beyond the building line.

(l) Number of Signs Permitted.

No more than one business or business park sign shall be permitted on the front facade of any business or business park building, including any advertisement permanently fastened to show windows or display cases. Only one business or business park sign shall be permitted on each side or rear wall of a business or industrial building.

(m) Directional Ground Signs.

Necessary directional ground signs which shall not exceed 4 square feet in area shall be permitted. Permission to erect such signs must be obtained from the Building Inspector.

(n) Lighting.

Business and business park signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.

(o) Signs Causing Obstruction Prohibited.

Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for firefighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.

(p) Signs at Intersection Prohibited.

No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.

(q) Canopy Signs Restricted.

Signs shall be permitted to hang from canopies or covered walks in Business or Business Park Districts provided that there shall be only one sign, not to exceed 5 square feet, for each business and that the sign shall be at least 10 feet above ground level.

(r) Subdivision Sign Maintenance.

Subdivision signs which are erected pursuant to this section shall be maintained in an orderly fashion by the frequent periodic removal of rubbish and maintenance of any verdure growing on the lot.

(4) EXISTING SIGNS. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued, although the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use of the structure and the provisions of sec. 9.20 shall apply.

(5) APPLICATION FOR SIGN USE PERMIT. See sec. 9.16(2) of this chapter.

**9.20 NONCONFORMING USES, STRUCTURES AND LOTS.** (1) EXISTING NONCONFORMING USES. (a) Continuation. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

2. The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

3. Substitution of new equipment may be permitted by the Council if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(b) Abolishment or Replacement of Existing Nonconforming Use. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this chapter a current file of all nonconforming uses shall be maintained by the Clerk-Treasurer, listing the following:

1. Owner's name and address.
2. Use of the structure, land or water.
3. Assessed value at the time of its becoming a nonconforming use.

(2) EXISTING NONCONFORMING STRUCTURES. Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged,

reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

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

(4) **SUBSTANDARD LOTS.** In the Residential District, structures may be erected on any legal lot of record prior to the effective date of this Code provided that the area, the width and the depth of such existing lot shall be no less than 80% of the required minimum set forth in sec. 9.15 of this chapter.

**9.21 MODIFICATIONS.** (1) **HEIGHT.** The district, height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following:

(a) Architectural Projections. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this chapter.

(b) Special Structure Height Limitations. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks are exempt from the height limitations of this chapter.

(c) Essential Services Height Limitations. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(d) Communications Structures Height Restrictions. Communications structures such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height 3 times their distance from the nearest lot line.

(e) Agricultural Structures Height Restrictions. Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.

(f) Public Facilities Height Restrictions. Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

(2) **YARDS.** The yard requirements stipulated elsewhere in this chapter may be modified as follows:

(a) Uncovered Stair Restrictions. Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 3 feet to any lot line, and must be 8 feet or more above ground.

(b) Architectural Projection Restrictions. Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed 2 feet.

(c) Cull-de-Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is no less than 45 feet.

(d) Residential Fence Restrictions. Residential fences are permitted on the property lines in the Residential District, but shall not in any case exceed a height of 6 feet and shall not exceed a height of 4 feet in any street yard.

(e) Security Fence Restrictions. Security fences are permitted on the property lines in all districts, but shall not exceed 10 feet in height and shall be an open type similar to woven wire or wrought iron fencing.

(f) Accessory Uses and Structures Restrictions. Accessory uses and detached accessory structures are permitted in the rear yard only, shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, and shall not occupy more than 20% of the rear yard area, and shall not be closer than 8 feet to any lot line nor 5 feet to any alley line.

(g) Essential Services Exemptions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.

(h) Street Yard Restrictions. The required street yards may be decreased in any Residential or Business District to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in the Residential District and 5 feet in any Business District.

(i) Rock Retaining Walls. Rock retaining walls shall be permitted on the property lines in the Residential District, but shall not, in any case, exceed a height of 6 feet and shall not exceed a height of 4 feet in any street yard.

**9.215 FENCES.** (1) Fences Defined. For the purpose of this Section, a "fence" is herein defined as a barrier consisting of vegetation, wood, stone, vinyl, brick, fieldstone, wrought iron, or metal intended to prevent ingress or egress. For the purposed of this section, the term "fence" shall include plantings, such as hedges and shrubbery in the front yard.



No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.

(a) Fences to be situated in side and/or rear yards shall be constructed using materials suitable for residential style fencing, including, but not limited to, brick, fieldstone, wrought iron, vinyl, chain-link (with a minimum thickness of nine (9) gauge and a required top rail support), stockade or board-on-board wood. With the exception of a fence that sits atop decorative retaining wall or decorative stone wall which is a part of the fence, no fence or fence panels shall be constructed with multiple building materials or more than one pattern of the same materials on any given lot line (for example; a wooden stockade fence cannot be constructed with a wooden picket as part of the same fence). This shall not prohibit two intersecting fences from having different materials if the fences are owned by different property owners.

(b) No fence shall be constructed of used or discarded materials in disrepair, including, but not limited to, pallets, tree trucks, trash, tires, junk, or other similar items. Materials not specifically manufactured for fencing, such as, but not limited to, railroad ties, doors, landscape timbers or utility poles shall not be used for, or in the construction of a fence.

(c) Agricultural/farm fences shall only be permitted in agriculturally zoned or used districts and can only exceed six (6) feet with a Conditional Use Permit.

(d) Fences associated with baseball and/or softball fields and surrounding tennis courts may be erected in conformance with accepted industry standards. A Fence Permit shall be required for such installation.

(2) Fences Categorized. Fences shall be categorized into six (6) classification:

(a) Boundary Fence. A fence placed on or within three (3) feet of the property lines of adjacent properties.

(b) Protective Fence. A fence constructed to enclose a hazard to the public health, safety and welfare.

(c) Architectural or Aesthetic Fence. A fence constructed to enhance the appearance of the structure or the landscape.

(d) Hedge. A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary in the front yard.

(e) Picket Fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(f) Dog Kennel Fence. A chain link enclosure which is enclosed on three or four sides in the side or rear yard of a property.

## (3) Height and Setback of Fences Regulated.

(a) Residential fences are permitted up to the property lines in Residential Districts, as provided in Sec.9.215 (3) but shall not, in any case, exceed a height of six (6) feet without a Conditional Use Permit, shall not exceed 48 inches in height from grade in the front, side, or rear yard setback abutting a public sidewalk, shall not encroach into any vision corner and shall not be closer than three (3) feet to any public right-of-way along a public alley. The height of any fence shall be measured as an average and shall not include the posts or pillars to which a fence is attached.

- i. Decorative wrought iron, brick, stone, PVC or painted picket style fences less than 48 inches (average) in height from grade or decorative lot corner landscape may be placed up to the property line in Residential Districts and shall not violate vision corner ordinance.
- ii. Unpainted/unstained fencing except cedar fencing is not permitted in residential front, side or rear yards abutting a public sidewalk.
- iii. A fence located in an interior side yard between dwellings shall not exceed four (4) feet in height. However, a fence may be erected to a height of six (6) feet if the entire fence is constructed of wrought iron or similar open construction or if the area above four feet is at least fifty percent (50%) open. An example of the latter is a fence that is opaque to a height of four (4) feet and is topped with not more than two (2) feet of lattice. Any interior side-yard fence may be erected to a height of six (6) feet if it is located more than ten (10) feet from the side wall of the adjacent neighboring dwelling.
- iv. A fence located in a rear yard abutting a public sidewalk may be erected to a height of six (6) feet if the entire fence is constructed of wrought iron or similar open construction or if the area above four (4) feet is at least fifty percent (50%) open. An example of the latter is a fence that is opaque to a height of four (4) feet and is topped with not more than two (2) feet of lattice. A fence as specified above may be located in a side yard on the street side of a corner lot behind the principle structure. All fences must be constructed and maintained in a good state of repair and appearance. The finished side or decorative side of a fence shall face adjoining property.

Any fences adjacent to or encroaching into alley right of-way that are required to be removed for

construction related causes during a City alley project may be reconstructed within the three-foot-setback, provided they are reconstructed outside of the right-of-way using the property line established by the Project Engineer during the project without the requirement of a Certified Survey Map.

(b) No fence, wall, hedge, or shrubbery shall be erected, placed, maintained or grown along a lot on any non-residentially zoned property, to a height exceeding eight (8) feet.

(c) Property owners shall locate fences no closer than three (3) feet from the property line so that each side of the fence may be properly maintained by the owner of the fence while on said owners property, unless an affidavit in recordable form is provided signed by the adjacent property owner(s) agreeing to maintain the opposite side of the fence or agreeing to permit the owner of the fence to maintain said fence.

(d) In the case of a proposed fence installation within three (3) feet of a lot line where no record of a fence existed, a survey prepared by a Registered Land Surveyor or Professional Engineer is required to obtain a building permit. No survey is required if a recordable affidavit signed by all affected property owners establishes an agreed upon lot line. No permit shall be issued for a fence three (3) feet or closer to a lot line until the adjacent property owner(s) has been notified in writing by the City Building Inspector and fifteen (15) days have passed. If a recordable affidavit is provided, the 15-day period can be waived.

(4) Fences on Non-Residential Property. Fences are permitted on the property lines in all commercial zoning districts but shall not exceed eight (8) feet in height in commercial zoning districts and ten (10) feet in height for property zoned Light or Heavy Industrial and shall be of an open type similar to woven wire, chain link or wrought iron fencing.

(5) Prohibited Fences. (a) No fence shall be constructed which is in a dangerous condition, or which conducts or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above grade and project toward the fenced property and away from public area. (b) No person shall construct or install:

- i. Any wire or chain-link type fence with the cut or selvage end of the fence exposed at the top.
- ii. A fence which creates a hazard to users of the street, sidewalk or to nearby property.
- iii. An incomplete fence, consisting only of posts and supporting members.

(6) Fences to be Repaired. All fences shall be maintained and kept save and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(7) Temporary Fences. Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fence shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five days or in the case of a construction project, shall only be for the duration of said construction project.

(8) Nonconforming Fences and Hedges. Any fence or hedge existing on the effective date of this Code of Ordinances shall not be modified, enlarged, extended or replaced, except in strict compliance with all of the requirements of this Ordinance. The replacement of a nonconforming fence as to height, setbacks (vision corner requirements shall still be met), or fence material type may be made provided that the fence material be the same or higher grade as outlined below:

Ascending order of fence types:

- i. Chain link
- ii. Chain link with PVC coating
- iii. Stained treated wood
- iv. Cedar
- v. Vinyl
- vi. Wrought Iron or Aluminum
- vii. Field stone or brick (does not include split face block)

(9) Fences Required Under Conditional Use Permits. An opaque fence of six (6) feet in height may be required on property for which a Conditional Use Permit is granted in those cases in which such a fence is determined to be beneficial to the health, safety, or welfare of the public or adjoin property owners. Such fence shall comply with material requirements as specified hereunder.

(10) Permit Required. No person shall construct, erect, install, enlarge or alter any fence unless a permit has first been obtained from the Zoning Administrator/Building Inspector and all other provisions of this section are complied with. Application for a permit shall be on forms provided by the Zoning Administrator/Building Inspector and shall be accompanied by all documentation required under this section and a permit fee of \$50.00.

(11) Vision Clearance. No fence, structure, post, pillar or object of natural growth shall hereafter be maintained or allowed to grow higher in the vision clearance area than thirty-six (36) inches above the highest

grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists. This provision shall likewise apply to alley vision clearance areas.

(a) The requirement of vision clearance shall not apply at a height of six (6) feet or more above the highest grade of the adjacent sidewalk or the required sidewalk grade where no sidewalk exists.

(b) Objects of narrow width, which do not exceed ten (10) inches in diameter, which do not impair corner vision, may at the discretion of the Inspection Department be permitted in the vision clearance area.

(c) Right-of-way. All permanent fences shall be located outside the public right-of-way.

(d) Public Nuisance. Obstruction to visual clearance, as regulated by this section, shall be deemed to be a public nuisance and the Building Inspection is authorized to abate said nuisance.

(12) Obstruction of Ingress/Egress Area of a Dwelling. (a) No fence shall be installed in any yard that will shield any window or opening in a habitable space of a dwelling. A minimum distance of six (6) feet shall be maintained between any solid fence and any such window or opening in a dwelling.

(b) The Fire Department and Building and Inspection Department may approve a fence adjacent to a required ingress/egress opening of a dwelling between four (4) feet and six (6) feet if the fence has one of the following features:

- i. For basement ingress/egress openings, the fence opening or gate shall be the width of the opening or four (4) feet whichever is greater with no ability to lock or secure said gate, or a four (4) foot wide approved breakaway fence panel and the area on both sides of the gate/fence shall continuously be free from all obstruction including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.
- ii. For ingress/egress opening above grade, the fence opening or gate shall be the width of ingress/egress opening or four (4) feet whichever is greater with no ability to lock or secure said gate, or a four (4) foot wide approved breakaway fence panel, or the top of the fence shall be no taller than the bottom of the sill of the ingress/egress opening and the area on both sides of the gate/fence shall continuously be free from all obstructions including vegetation and snow and ice buildup and shall swing or break away in the direction of egress.

(13) Fences Permitted Without a Permit. The following types of fences are permitted, as specified, without a permit, subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility, or block, redirect or cause a drainage problem for the adjacent or downstream properties:

(a) Snow fencing shall be permitted in all districts not exceeding four (4) feet in height provided it is removed between May 1 and November 1 of each year. No snow fence shall extend into the street right-of-way line unless installed by the City or a contractor having a permit from the City.

(b) Agricultural/Farm fences are limited to agriculturally zoned or used districts. An agricultural/farm fence is a fence consisting of chicken wire, deer fence, hog wire, high tensile, wire strand and barbed wire used in the agricultural, farming and livestock business, specifically for livestock, animal, and bird control.

(c) Fences not exceeding two (2) feet in height shall be permitted in all districts. Such fences shall not be placed in any manner which presents a hazard to pedestrians on any public or private sidewalk.

(d) Underground electrical fences are permitted in all districts.

Section 4: This Ordinance shall take effect the day after passage and publication as provided by law.

**9.22 PERFORMANCE STANDARDS, COMPLIANCE.** This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

(1) AIR POLLUTION. No activity shall emit any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Randleman Chart described in the United States Bureau of Mine's Information Circular 7718 in the Business Park District.

(2) FIRE AND EXPLOSIVE HAZARDS. All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

(3) **GLARE AND HEAT.** No unsanctioned activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the Business Park District which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside of their premises.

(4) **LIQUID OR SOLID WASTES.** No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

(5) **NOISE AND VIBRATION.** There shall be no noise or vibration over 70 decibels emanating from any unsanctioned activities beyond the boundaries of the immediate site determined to be a nuisance by the Building Inspector. Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this chapter.

(6) **ODORS.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.

(7) **RADIOACTIVITY AND ELECTRICAL DISTURBANCES.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**9.23 BOARD OF ZONING APPEALS.** (1) **MEMBERSHIP.** See sec. 2.05(4) of this Code.

(2) **POWERS AND DUTIES.** The Board of Zoning Appeals shall have the following powers:

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

(b) Variances. To hear and grant appeals for variances that will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice be secured. In the event an appeal for a variance is denied, such an appeal may not be resubmitted for a period of one year.

(c) Fee Required. Any appeal to the Board of Zoning Appeals shall be accompanied by a fee of \$50.

**9.24 CHANGES AND AMENDMENTS.** (1) **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the City may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

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

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

(a) A plot plan drawn to a scale of one-inch equals one hundred feet (1"=100') showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b) The owner's names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

(c) Additional information required by the Plan Commission.

(4) **RECOMMENDATIONS.** The Plan Commission (Council) shall hold a public hearing as provided for in §62.23(7) (d), Wis. Stats., and review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Council.

(5) **COUNCIL ACTION.** After careful consideration of the Plan Commission recommendations, the Council shall vote on the passage of the proposed change or amendment. If the Council denies the proposed change or amendment, a similar petition for such change or amendment may not be submitted for a period of one year.

(6) **PROTEST.** In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 2/3 of the members of the Council voting on the proposed change.



**9.25 VIOLATIONS**. It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the Council, the Building Inspector, the Plan Commission, or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this chapter.

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