

17.03 Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Accessory use or structure means a use or structure on the same lot with the principal use or structure and of a nature customarily incidental and subordinate to the principal use or structure.

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

Automobile filling stations means buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed, such as ignition service, tire repair, repair and replacement of minor parts such as pumps and filters, brake service, and the like. The term "filling station" does not include a repair or body shop.

Base flood. See *Flood, regional*.

Base flood elevation. See *Flood, regional elevation*.

Boarding house means an establishment where meals and lodging are provided for compensation by prearrangement other than in dwelling units without limitation on time periods involved and for a total of at least four or more boarders.

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

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

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

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

Building line means the rear edge of any required front yard or the rear edge of any required setback line.

Bulkhead line means a geographic line along a reach of navigable water that has been adopted by a city ordinance and approved by the department, pursuant to Wis. Stats. § 30.11, and which allows complete filling to the landward side of the line, except where such filling is prohibited by the floodway provisions of this chapter.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Children's home. See *Convalescent home*.

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

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

Convalescent home means a place where regular care is provided to three or more infirm persons, children, or aged persons who are not members of the family if care is provided in a private residence. The term "convalescent home" includes institutions, whether operated for profit or not, including places operated by units of government.

Day nursery means a place where day care is provided to four or more children who are not members of the family which resides on the premises, provided that the term "day nursery" does not include public or private schools organized, operated or approved under state law.

Department (DNR) means the state department of natural resources.

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

Dog kennel means a place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than three adult dogs are kept for any purpose.

Drive-in restaurant means any establishment dispensing or serving food in automobiles, including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.

Dry land access means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain.

Dwelling, manufactured home, means a structure transportable in one or more sections which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and any plumbing, heating, air conditioning, or electrical systems are included and contained therein.

Dwelling, mobile home, means a building transportable in one or more sections, built on a permanent chassis, with body width exceeding eight feet or body length exceeding 32 feet, designed to be used as a single dwelling with a permanent foundation when connected to the required utilities.

Dwelling, multiple-family, means a building containing three or more dwelling units. The term "multiple-family dwelling" includes cooperative apartments, condominiums, apartments, and the like. Regardless of how rental units are equipped, any multiple-family dwelling in which units are available for rental periods of less than one week shall be considered a hotel.

Dwelling, single-family detached, means a building containing not more than one dwelling unit, entirely separated from structures on adjacent lots. The term "detached dwelling" shall not include mobile homes, travel trailers, or other forms of portable or temporary housing.

Dwelling, two-family, means one building, containing not more than two dwelling units or two buildings, attached at the side, with not more than one dwelling unit per building. The term "two-family dwelling" is intended to imply single-family semi-detached buildings and duplexes or any form which conforms to this definition.

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

Encroachment means any fill, structure, building, accessory use, or development in the floodway.

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

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

Family means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage, or adoption, no such family shall contain over five persons, but provided, further, that domestic servants employed on the premises may be housed on the premises without being counted as family.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas caused by the overflow of inland waters or the unusual and rapid accumulation or runoff of surface waters from any source.

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

Flood hazard boundary map means a map prepared by the federal emergency management agency (FEMA), designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. Such map forms the basis for both the regulatory and insurance aspects of the national flood insurance program.

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

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

Flood protection elevation means an elevation two feet of freeboard above the water surface profile elevation designated for the regional flood.

Flood, regional, means a flood determined to be representative of large floods known to have generally occurred in state and which may be expected to occur on a particular stream because of similar characteristics once every 100 years. This means that in any given year, there is a one percent chance that the regional flood may occur or be exceeded.

Flood, regional elevation, means an elevation equal to that which reflects the height of the regional flood.

Flood storage means those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.

Floodplain means land which has been or may be covered by floodwater during the regional flood. The floodplain encompasses both the floodway and flood fringe district.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain, storage capacity of, means the volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

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

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

Floor area means the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, excluding public corridors, common restrooms, attic areas, unenclosed stairways, elevator structures, heating, or other building machinery equipment or basement space.

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

Garage, private, means an accessory structure designed or used for inside parking of private passenger vehicles, recreation vehicles, or boats by the occupants of the principal structure.

Habitable building means any building or portion thereof used for human habitation.

Hearing notice means a publication or posting meeting the requirements of Wis. Stats. ch. 985.

Height, building. See *Building height*.

High flood damage potential means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Home occupation means an occupation conducted entirely in a dwelling unit, provided that:

1. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and shall, under no circumstances, change the residential character thereof.
2. No person, other than members of the family residing on the premises, shall be engaged in such occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, mounted flat against the wall of the principal structure at a position not more than two feet in distance from the main entrance to the residence.
4. No home occupation shall occupy more than 25 percent of the first floor area of the residence. Home occupations may be conducted within an accessory building or structure, provided that business is conducted entirely within the confines of such a building or structure and between the hours of 8:00 a.m. to 8:00 p.m.
5. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood and any need for parking generated

by the conduct of such home occupation shall be met off the street and other than in the required front yard.

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

Hotel means an establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotels may serve meals to both occupants and others. The term "hotel" is also intended to imply motel, motor court, motor lodge, tourist court, or any form which conforms to this definition.

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

Kindergarten. See Day nursery.

Landscaping includes, but is not limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and complimentary structural landscape architectural features, such as rocks, fountains, sculpture, decorative walls, and tree wells.

Limited access roads means a street or highway to which private drives for vehicular access are prohibited by a governing jurisdiction.

Lot means a parcel of land used or set aside and available for use as the site for one or more buildings and building accessories thereto, or for any other purpose, in one ownership and not divided by a street, or including any land within the limits of a public or private street right-of-way. The term "record lot" means land designated as a distinct and separate parcel on a legally recorded deed or plat in the county clerk's office.

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

Lot coverage means the percentage of lot area that is covered or occupied by buildings, including accessory buildings, or the percentage of a lot that may be covered or occupied by buildings, including accessory buildings, under the terms of this chapter.

Lot depth means the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

Lot frontage means the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in this chapter. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the

frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the building inspector shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.

Lot, interior, means a lot other than a corner lot with only one frontage on a street.

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

Lot, through, means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

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

Lot width means the distance between each side lot line as measured along the street line or right-of-way line. However, the width of lots facing cul-de-sacs may be reduced to not less than 85 percent of the normal required width.

May. The term "may" is permissive.

Mobile home means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation, when connected to required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term "mobile home" does not include recreational vehicles or travel.

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

Mobile home site means a lot or parcel within a mobile home park designated for the accommodation of not more than one mobile home.

Mobile home subdivision means a premises where mobile homes are located for nontransient living purposes and where lots are set aside or offered for sale or use as mobile homes for living purposes, including land, building, structure, or facility used by occupants of mobile homes on such premises.

Municipality or municipal means the city.

NGVD or National Geodetic Vertical Datum means elevations reference to mean sea level datum, 1929 adjustment.

Net acre means the total acreage of a lot, tract, or parcel, excluding land in existing and proposed streets and street rights-of-way.

Net density refers to the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including streets or street rights-of-way. In the determination of the number of

dwelling to be permitted on a specified parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Nonconforming structure means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter.

Nonconforming use means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter.

Nursing home. See *Convalescent home*.

Obstruction to flow means any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

Occupied. See *Used*.

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

Office, professional, means an office for the use of persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians, psychiatrists, psychologists, and the like. It is characteristic that display advertising is not used and that the use is characterized by offering consultation services.

Official floodplain zoning map means that map, adopted and made part of this chapter, which has been approved by the department and FEMA.

Off-street loading space means any off-street space or berth located on the same site with a building or structure having the principal use of the site and utilized for the temporary parking, less than 24 hours, of commercial vehicles to facilitate the loading and unloading of merchandise and materials.

Off-street parking space means any off-street space or berth available to the general public to patronize businesses and serve nonresidential uses, for employees' on-the-job storage of their vehicles used for access to their jobs and for occupants of dwellings for storage of their personal vehicles.

Open space use means those uses having a relatively low flood damage potential and not involving structures.

Ordinary high watermark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Pari-mutuel racing facility means an entertainment facility containing a racetrack, licensed under Wis. Stats. § 562.05(1), at which pari-mutuel betting is conducted. The term "pari-mutuel racing

facility" may include such accessory uses and structures as restaurants and taverns, as well as boarding and veterinary facilities for racing animals.

Person includes a firm, association, organization, trust, partnership, company, or corporation as well as an individual.

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

Present tense includes the future tense and the singular includes the plural.

Private sewage system means a sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. The term "private sewage system" also means an alternative sewage system approved by the department of industry, labor, and human relations, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Public utilities means those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems, such as water sanitary sewer and storm sewer.

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

Regional flood. See *Flood, regional*.

Regional flood elevation. See *Flood, regional elevation*.

Salvage or wrecking yards are sites or facilities at which vehicles, appliances, machinery, equipment, electronics, scrap metals, paper, cardboard, plastic or other like salvageable materials are collected, stored, processed, crushed, sorted, separated, dismantled, demolished or otherwise handled, whether such activity is conducted within or without a structure, and whether the same is screened, fenced or done in the open.

Shopping center means a commercial land development consisting of three or more establishments, comprehensively planned as an entity via a unitary plan, under one ownership or unified control or management.

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

- ~~1. Construction signs. Two construction signs per construction site not exceeding 100 square feet in area which shall be confined to the site of construction and shall be~~

~~removed 30 days after completion of construction or prior to occupancy after construction, whichever is sooner.~~

- ~~2. *Directional and instructional signs.* Directional and instructional non-electric signs which provide instruction or direction and are located entirely on a property to which they pertain, do not exceed six square feet in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances, and exits.~~
- ~~3. *Non-illuminated emblems.* Non-illuminated emblems or insignia of any nation, political subdivision, or nonprofit organization.~~
- ~~4. *Government signs.* Government signs for control of traffic and other regulatory purposes and including danger signs, railroad crossing signs, and signs of public utilities indicating danger or aids to service or safety which are erected by or on the order of a public officer in the performance of his duty.~~
- ~~5. *Home occupation signs.* Home occupation signs associated with permitted home occupations as defined in this section.~~
- ~~6. *House numbers and nameplates.* Property numbers, post box numbers, names of occupants of the premises, or other identification not having commercial connotations.~~
- ~~7. *Interior signs.* Interior signs located entirely within a building.~~
- ~~8. *Memorial signs and plaques.* Memorial signs or tablets, plaques, names of buildings, and date of erection, which are cut into masonry surfaces or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area.~~
- ~~9. *No trespassing or no dumping signs.* No trespassing and no dumping signs not to exceed 1 1/2 square feet in area.~~
- ~~10. *Public notices.* Public notices posted by public officials or employees in the performance of their duties.~~
- ~~11. *Public signs.* Public signs required as specifically authorized for a public purpose by any law, statute, or ordinance.~~
- ~~12. *Political and campaign signs.* Political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that such signs are subject to the following regulations:~~
 - ~~1. Such signs, except billboards, may be erected not earlier than 30 days prior to the primary election and shall be removed within 15 days following such general election.~~
 - ~~2. No sign, except billboards, shall exceed 16 square feet in nonresidential zoning districts and eight square feet in residential zoning districts.~~
 - ~~3. No sign shall be located within 15 feet of the public right-of-way at a street intersection or over the right-of-way.~~

~~13. *Real estate signs.* One real estate sales sign for each street frontage on any lot or parcel, provided that such sign is located entirely within the property to which the sign applies and is not directly illuminated. Such signs are subject to the following regulations:~~

- ~~1. In residential zoning districts, such signs shall not exceed six square feet in area and shall be removed within seven days after the sale, rental, or lease has been accomplished.~~
- ~~2. In all other zoning districts, such signs shall not exceed 32 square feet in area and shall be removed within 15 days after the sale, rental, or lease has been accomplished.~~

~~14. *Temporary window signs.* In commercial and industrial zoning districts, the inside surface of any ground floor window may be used for attachment of temporary signs. The total area of such signs, however, shall not exceed 50 percent of the total window area and shall not be placed on door windows or other windows needed to be clear for pedestrian safety.~~

~~15. *On-premises symbols and insignia.* Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historic agencies.~~

~~16. *On and off premises temporary signs.* Temporary signs not exceeding 32 square feet in area pertaining to fund or pledge drives or events of civic, philanthropic, educational, or religious organizations, provided that such signs are posted not more than 30 days before such event and removed within five days after the event.~~

~~17. *Vehicular signs.* Truck, bus, trailer, or other vehicle signs while operating in the normal use of business, which is not primarily the display of signs.~~

~~18. *Neighborhood identification signs.* In any zone, a sign, masonry wall, landscaping, or other similar material and feature may be combined to form a display for neighborhood or tract identification, provided that the legend of such sign or display shall consist only of the neighborhood or tract name.~~

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

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

Sign, on-site, means a sign relating in its subject matter to the premises on which it is located. Unless provided otherwise, all permitted signs shall be on site.

Sign types.

Abandoned sign means a sign which no longer identifies or advertises a bona fide business, lessee, service, owner, product, or activity or for which no legal owner can be found.

Awning sign means a sign painted on, printed on, or attached flat against the surface of an awning. The term "awning" shall be defined as a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Billboard sign means any wall-mounted or freestanding sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which such sign is located.

Changeable copy sign, automatic, means a sign on which the characters, letters, or illustrations can be changed or rearranged automatically on a lampback or through mechanical means without altering the face or surface of the sign.

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

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

Directory sign means a sign identifying two or more persons, agencies, or establishments located in a place or location common to all.

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

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

Ground sign means a sign erected on a freestanding frame, mast, pole, or more than one such mast or pole, not attached to any building.

Home occupation sign means a sign that identifies only the name or occupation of a practitioner or one conducting a permitted home occupation in a dwelling.

Identification sign means a sign whose copy is limited to the name and address of a building, institution, or person or to the activity or occupation being identified.

Illuminated sign means any sign illuminated in any manner by an artificial light source.

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

Marquee sign means any sign attached to or supported by a marquee structure. The term "marquee" shall be defined as a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

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

Owner means a person recorded as such on official records. For the purpose of this chapter, the owner of property on which the sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the building inspector.

Projecting sign means a sign, other than a flat sign, which is attached to and projects 18 inches or more from the face of the building wall or other structure not specifically designed to support the sign.

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

Roof sign means a sign erected upon, against, or above a roof line and extending above the highest point of the roof.

Roof street sign means a sign erected on the roof of a building, no portion of which is above the roof line.

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

Subdivision identification sign means a sign containing the name of the subdivision in which it is located.

Temporary sign means a sign not constructed or intended for long-term use.

Wall sign means a sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building.

Window sign means any sign installed inside or upon a window, facing the outside, and which is intended to be seen from the exterior.

Storage capacity of a floodplain. See Floodplain, storage capacity of.

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

Street line means the dividing line between the street and the lot. The term "street line" is the same as the legal right-of-way line.

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

Structure, accessory. See *Accessory use or structure*.

Substantial improvement means any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure, either before the improvement or repair is started or if the structure has been damaged and is being restored, before the damage occurred. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. For purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term "substantial improvement" does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions.
2. Any alteration of a structure or site documented as deserving preservation by the state historical society or listed on the national register of historic places.

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

Used means intended, designed, or arranged to be used or occupied.

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

Variance means an authorization by the board of appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards contained in this chapter.

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

Well. An excavation opening in the ground made by digging, boring, drilling, driving, or other methods for the purpose of obtaining groundwater, regardless of its intended use.

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

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

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

Yard, side, means a yard extending between the nearest building or projection thereto and the side lot line and extending from the front yard to the rear yard.

(Code 2011, § 17.03; Ord. No. 1677, 3-20-2012)

17.20 CCD Commercial Core District

1. *Purpose.* This district is established to provide for a centrally located intensely developed core of commercial activity. It is intended that the physical development of the district be highly concentrated and integrated offering a convenient and attractive shopping environment. It is also intended that, to the maximum extent practicable, various establishments be operated and managed in a coordinated manner. Permitted uses are limited to those which are highly compatible, mutually reinforcing, and conducive to common approaches in operation, area design improvements, traffic and pedestrian circulation, and parking. In addition, buildings and structures are subject to a certificate of appropriateness in section 17.48.
2. *Permitted principal uses and structures.*
 1. Retail outlets for sale of food, home furnishings, appliances, and wearing apparel, including repair strictly incidental to sales, office equipment, hardware, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, camera or photographic supplies, including camera repair, alcoholic beverages for off-premises consumption, sporting goods, hobby and pet shops, delicatessen, bake shop (but not wholesale bakery), musical instruments, florist and gift shops, and similar products.
 2. Service establishments such as barber and beauty shops, shoe repair, restaurants, except drive-in restaurants, interior decorator, photographic studios, dance or music studio, tailor or dressmaker, laundry or dry cleaner, radio or television repair, and similar uses.
 3. Banks and other financial institutions, employment offices, business offices, professional offices, and similar establishments.
 4. Dwellings above or behind other principal uses so as to not interrupt business frontage.

5. High density multifamily dwellings (minimum of 24 units) not exceeding five stories or 75 feet in height.
6. Municipal parks.

3. *Permitted accessory uses and structures.*

1. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be kept in closed containers and that such containers shall not be visible from portions of the premises customarily open to pedestrian or automobile circulation or parking.
2. Craft production, or small-scale on-site production and/or assembly of arts, crafts, foods, beverages or other type of product involving the use of small-scale equipment and/or hand tools. This use shall be an accessory use to a retail/eating/drinking/tasting component that occupies a minimum of 10 percent of usable space. The retail/eating/drinking/tasting component shall front the street at sidewalk level and shall remain open to the public. All production, processing and distribution activities shall occur within an enclosed building. Craft production includes, but is not limited to ceramic art, glass art, candle-making, custom jewelry manufacture, bakeries, confectionaries, butchers, coffee roasting establishments, food production.
3. Craft beverage production, including, but not limited to alcoholic beverages such as beer, wine, cider and intoxicating liquor.
 1. Craft brewers shall meet the Wisconsin State Statute §§125.29 criteria for brewers and shall not manufacturing a total of more than 10,000 barrels of fermented malt beverages in a calendar year. Appropriate licensing shall be held to permit on-site tastings and retail purchase of fermented malt beverages.
 2. Craft vintners (includes wine and cider production) shall meet the Wisconsin State Statute §§125.53 criteria for winery permits. Appropriate licensing shall be held to permit on-site retail operations under a State-issued winery permit.
 3. Craft distillers (producing intoxicating liquor) shall meet the Wisconsin State Statute §§125.52 criteria for manufacturers' and rectifiers' permits. Appropriate licensing shall be held to permit on-site retail operations under a State-issued winery permit.

4. *Special exception uses and structures.*

1. Clubs and organizations.
2. Printing and publishing establishments.
3. Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.

4. Hotels.
 5. Taverns.
 6. Bowling alleys.
 7. Automobile sales and service.
 8. Automobile filling stations.
 9. Mortuaries.
5. *Dimensional requirements.* There are no minimum lot area or width requirements, no yard requirements or maximum height limitations; provided, however, that buildings and structures are subject to a certificate of appropriateness in section 17.48.
6. *Permitted accessory signs.* One exterior sign permitted on each sidewall of a building fronting on a street or public way. On all exterior signs, the name and graphics/logo of the business must occupy at least 60 percent of the sign area. Advertising by material or product manufacturers and suppliers shall not be considered the graphics/logo of the business, except when such manufacturer constitutes the entire official name of the business (i.e., Domino's Pizza or Pizza Hut). No sign or any part of a sign structure shall extend above the roofline of buildings. Signs shall not be permitted on sidewalls, unless fronting on a street or public way and no sign shall be painted directly onto the surface of a building.
1. *Flat signs.* For each principal structure, flat signs limited in aggregate area to 15 percent of the wall area fronting on a street or public way (total wall area, including the window area). Flat signs are permitted, provided that:
 1. Flat signs may not project more than 18 inches beyond the primary surface of the building.
 2. Flat signs may be luminous or illuminated by any acceptable method, but no blinking, flashing, or alternating lighting shall be permitted. All lighting and electrical elements, such as wires, conduit, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from public view.
 3. Flat signs shall be located in the signable area of the building facade. If no signable area can be distinguished in the facade, a suitable signable area shall be determined by the redevelopment authority. If a sign is placed between windows, the height of the sign may not exceed more than two-thirds the height of the space.
 4. In buildings containing two or more businesses, the signable area may also include an area adjacent to the entrance to be used for a business directory. This sign shall not exceed seven square feet in total area. In addition, in buildings that contain two or more businesses, the owner may divide the signable area for the building occupants. In buildings where the facade is divided by architectural details, each business may be allowed a signable area.

2. *Projecting signs.* Projecting signs are permitted, provided that:
 1. One projecting sign per street front.
 2. Size of the sign not to exceed 16 square feet.
 3. Projecting signs may be displayed only if a building facade is 20 inches or more in width, unless the sign consists solely of a symbol.
 4. Signs shall project no more than five feet from the face of a building.
 5. Distance from a projecting sign to a side property line shall not be less than three feet.
 6. Projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade of the right-of-way line of nine feet.
 7. Projection shall be at 90 degrees to the building face.
 8. Both sides of the sign shall be finished.
 9. Signs should be a simple, geometric shape, such as a square, rectangle, circle, hexagon, etc., or may be a cutout symbolic or representational shape related to the nature of the business.
 10. For one-story structures, projecting signs may extend to the juncture of roof and wall.
3. *Awnings.* Flameproofed, fabric awnings shall be permitted. The only items of information allowed on an awning shall be the name of the business, graphics/logo, and the street number and the combined area of such signs in excess of 15 square feet must be counted as part of the total area allowed that building for its exterior signs.
4. *Window signs.* No window sign shall occupy more than 30 percent of the total area of the window in which the sign is located. No window sign shall be affixed to a window surface, except that the name, monogram, logo, address, and telephone number of the person or firm occupying the premises as well as a description of products or services offered may be permanently affixed upon a window. The surface area of such signs is not to be included in the overall computation of allowable signage. The provisions of this subsection shall not restrict the reasonable application upon the glass surface of a door or window of lettering or decals giving the address, hours of business, entrance or exit information, professional or security affiliations or memberships, credit cards which are accepted or other similar information, nor shall the surface area of such lettering or decals be included in the overall computation of allowing window signs.
5. *Detached signs.* For every 100 feet of lot frontage, one detached sign limited to 50 square feet in area on each side (limit of two sides and 100 square feet) and 25 feet in height; provided, however, that the building is set back at least 35 feet from the street curb.

6. *Nonpermanent signs.* Nonpermanent signs shall be restricted in use to the display of special limited time promotions, sales, or events and shall be used for the sole purpose of serving as an identification sign. Such signs shall be limited in use on any premises to a period not to exceed 14 consecutive days at a time and not more frequently than four times per calendar year with a minimum of 30 days lapsed between each period of use. A sign permit shall be obtained prior to each time a sign is placed on a premises. The maximum size of such signs shall be 20 square feet on each face, back to back.
 7. *Roof street signs.* Roof street signs shall be displayed within the selected signable area. The gross area permitted for the sign may not be more than 40 percent of the signable area. If the sign is enclosed by a box or outline, the total area of the sign, including the background, is counted as the gross area. If the sign consists of individual letters, only the area of the letters is counted as the gross area. In case of multiple occupancies, the signable area may be divided among the occupants.
7. *Off-street parking requirements.*
1. *All permitted principal uses except dwelling units.* Any exterior expansion of a building or construction of a building shall be subject to review by the city plan commission to ensure that adequate off-street parking is available in the area. New construction or expansion creating 750 square feet or more of floor space shall provide specific locations of employee and customer parking and attest to its availability in writing, specifically noting if the parking is private or public and what parking space is available. Lack of parking is grounds for denial of the building permit application. Denials for permits shall be provided in writing, noting the reasons for denial and any supporting documentation of the denial. Appeals from this determination can be submitted to the city common council within 45 days of written notice of the denial. The common council can override the city plan commission's denial by a three-fourths vote of the common council.
 2. *Dwelling units.* 1 1/2 parking stalls per dwelling unit. Dwelling units classified as elderly housing through applicable state or federal designations shall have one parking stall per dwelling unit.
 3. *Parking surface requirements.* All parking areas shall be surfaced with a durable, dust-proof surface consisting of concrete or bituminous concrete properly sealed and surface treated.
8. *Incompatible use buffer requirements.* All areas wherein parking surfaces or vehicular traffic fall within ten feet of a property line abutting a single-family dwelling or two-family dwelling shall require a fence, hedge, or landscaped buffer, as set forth in section 17.32 Supplementary District Regulations.

(Code 2011, § 17.20; Ord. No. 1761, 10-17-2017; Ord. No. 1770, 1-16-2018)

HISTORY

Repealed & Replaced by Ord. [1844](#) on 10/5/2021

17.32 Supplementary District Regulations

1. *General application.* The regulations set forth in this section shall supplement or modify the regulations set forth in other applicable regulations set forth in this chapter.
2. *Lots and yards.*
 - a. *More than one building per lot.* In any district, more than one building housing a principal use may be erected on a single lot, provided that yard and other requirements of these regulations shall be met for each building as though it were on an individual lot.
 - b. *Through lots.* On through lots, the required front yard shall be as provided on each street, except that on through lots fronting limited access roads, the setbacks for fences, hedges, berms, or accessory buildings shall be as if for a rear yard setback in the yard adjacent a limited access road.
 - c. *Development in mapped streets.* Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
 - d. *Access.* Every building housing a principal use erected or moved shall be on a lot with direct access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking.
 - e. *Building groups.* In any nonresidential district, a group of buildings separated only by common or party walls shall be considered as one building.
 - f. *Yard encroachments.* Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as provided in this chapter or as otherwise permitted in these regulations:
 1. Roof eaves may project into a required side yard not more than three feet where the required side yard is eight feet or more in width. Roof eaves may project into a required side yard not more than two feet where the required side yard is less than eight feet.
 2. Sills, belt courses, cornices, vertical solar screens, and other ornamental features may project not over one foot into a required yard.
 3. Fire escapes, stairways, and balconies, whether unroofed, open and unenclosed, or enclosed, shall not intrude into required yards.
 4. Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed ten feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven-foot clearance from grade, and provided, further, that such extension shall be at least five feet distant from the adjacent lot line and shall not extend more than three feet from the building.

- g. *Corner lots.* On corner lots, the street side yard shall equal the required front yard for lots fronting on that street.
- h. *Through lot map.* There shall be created and maintained for public review within the department of public works a through lot map that designates all through lots within the corporate limits of the city. The map shall label those roads listed as a limited access road for purposes of issuing building permits.

3. *Accessory uses and structures.*

- a. *Accessory buildings on vacant lots.* In any residential district, no accessory building shall be built on a lot without a principal building.

- b. *Fences, hedges and retaining walls.*

- 1. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: *Hedge* means any combination of two or more vegetative plants that, when mature, provides an opaque visual barrier of 50 percent or more. *Height of fence, hedge, or retaining wall* means the vertical height of a fence, hedge or retaining wall shall be measured from the grade adjacent to the fence, hedge or foot of a retaining wall. *Permanent fence* means fences intended, designed, and constructed to be in place for longer than six months. *Permanent fence materials.* Permanent fences shall be constructed of naturally decay-resistant or treated wood, galvanized or vinyl-coated chainlink, prefabricated or manufactured vinyl, wrought iron, brick, masonry, concrete, stone or other similar materials as approved by the building inspector. *Prohibited fences*, except as may be permitted in areas zoned IND Industrial, no fence may be constructed with barbed or razor wire or designed to produce an electric shock or in any way designed to create a risk of injury to one crossing the fence. *Retaining wall* means a vertical or nearly vertical wall constructed to prevent lateral movement of soil. *Retaining wall materials* means retaining walls shall be constructed of naturally decay-resistant or treated wood, masonry brick and stone, landscape blocks designed for the purpose or other materials as approved by the building inspector. *Temporary fences* means fences intended, designed, and constructed to be in place for a maximum of six months, as evidenced by no permit being obtained prior to construction. Erosion control fences are an exception. *Temporary fence materials* means materials commonly known as "snow fence," "construction fence," "welded wire," "chicken wire" or other similar materials. Temporary fences may be supported with impact-driven posts.

2. *Permits and fees.*

- 1. *Permits required.* All permanent fences and retaining walls, regardless of length or height, shall require a permit to be issued by the building inspector. Hedges are exempt from permits and fees.

2. Permit fees. Permit fees shall be established by common council resolution and fee schedules shall be kept on file in the office of the city clerk.
3. *Temporary fences in residential zoning:*
 1. Temporary fences used for the protection of plantings, the control of snow or similar uses shall be permitted in residential zoning, provided that all of the height and location requirements for permanent fences are followed.
 2. Temporary fences are required to be removed no later than six months after placement. Temporary fences may not be re-established sooner than six months after removal.
 3. Permits are not required for temporary fences.
4. *Permanent fences and hedges in areas zoned residential.*
 1. *Fences and hedges in front yard.*
 1. Height. Fences and hedges in front yards shall have a maximum vertical height of 42 inches.
 2. Visibility. Fences in front yards shall be constructed to provide a minimum of 50 percent through-visibility.
 3. Additional requirements. Additional requirements, as required under section 8.11 of this Code, to include streets, alleys, and driveways.
 2. *Fences and hedges in side and rear yards.*
 1. Fences. Fences in rear and side yards shall have a maximum vertical height of 72 inches.
 2. Hedges. Hedges in rear and side yards may be allowed to grow to a natural height.
 3. Additional requirements. Additional requirements, as required under section 8.11 of this Code, to include streets, alleys, and driveways.
 3. *Locations of fences and hedges.*
 1. *Location of fences.* Fences may be located such that the finished exterior surface is at the property line.
 2. *Location of hedges.* Hedges shall be planted such that, when mature, foliage will not extend beyond the property line. This planting requirement shall not subject an owner to city enforcement action for hedges planted prior to the adoption of this revision.

3. *Location of property lines.* It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:

1. The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.
2. If unable to comply with subsection (3)(b)4.c.iii.A of this section, then, if requested by the building inspector, and at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land surveyor certifying the location of the finished fence shall be provided to the building inspector.
3. Appearance of fence: fences shall be constructed such that all supporting vertical and horizontal framing members of the fence shall face the interior of the lot on which the fence is erected.
4. Structural integrity: all fences shall be constructed to withstand a wind load of at least 30 pounds per square foot. The construction of any opaque fence that is four feet or more in height shall be properly anchored into a depth of not less than 36 inches below grade.

5. *Retaining walls in residential zoning.*

1. *Height.*

1. *Requirements.* A retaining wall within six feet of a property line shall have a maximum height of 24 inches. An additional wall may be erected, provided that a minimum 24-inch horizontal terrace is established between the lower and upper walls. Retaining walls with a total vertical height of greater than 48 inches shall be permitted only when designed through structural analysis by a registered professional.
2. *Additional requirements.* Additional requirements, as required under section 8.11, to include streets, alleys, and driveways.

2. *Location.* Retaining walls shall be located such that the finished exterior surface is one foot inside of the property line.

3. *Location of property lines.* It shall be the responsibility of the property owner or permit holder to provide, to the satisfaction of the building inspector, an accurate, on-site representation of the property line. This shall include, but is not limited to:
 1. The physical recovery and exposure of official property stakes or irons and the provision of a string line identifying the property line.
 2. If unable to comply with subsection (3)(b)5.C.a of this section, then, if requested by the building inspector, at the expense of the owner or permit holder, a survey, signed and sealed by a state-registered land surveyor, certifying the location of the finished retaining wall, shall be provided to the building inspector.
6. *Fences, hedges, and retaining walls in commercial, business, and institutional zoning.*
 1. *Requirements.* Except as provided in section 17.32(10), landscape buffers, fences, hedges and retaining walls shall comply with the requirements of fences, hedges and retaining walls in residential zoning.
 2. *Special exceptions.* Upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.
7. *Fences, hedges, and retaining walls in industrial zoning.* Fences, hedges, and retaining walls in industrial zoning shall comply with the requirements of fences, hedges, and retaining walls in residential zoning with the following exceptions:
 1. Fences within industrial zoning shall have a maximum vertical height of eight feet.
 2. In industrial zoning, a barbed wire topper is permitted on a seven-foot high fence, provided that:
 1. The total height of the fence with the topper does not exceed eight feet.
 2. Topper arms that extend out may not extend over the property line.
 3. Except as provided in section 17.32(10), landscape buffers.
 4. Special exceptions: upon providing evidence of need, the city plan commission may grant a special exception to the requirements of this section.
- c. *Accessory parking and storage.*

1. In all residential districts, driveways in the front yard setbacks emplaced to provide access to an open parking area in the side or rear yard or to a garage or carport in the rear yard shall not be wider than 12 feet. In no case shall a driveway, patio, or any concrete or nonpermeable surface be placed within two feet of a property line. Expansions of driveways after construction require a permit from the Building Inspection department. In RSF zoning, maximum driveway width at the curb shall be the width at the right of way plus the flared driving area width as determined by the City Engineer, or designee, in no case shall driveway width curb exceed 37'. Driveway width right of way in RSF zoning shall not exceed the least of the following:

1. *For Attached and Front Yard Detached Garages:*

1. 34' maximum
 2. Width of the Outer-most to Inner-most garage door opening plus 4'
 3. 40% of the lot frontage

2. *For Rear Yard Garage/Parking (Access from Street):*

1. 12' maximum

3. *For Rear Year Garage (Access from Alley):*

1. Width of the garage frontage + 12'

4. *50% of the lot frontage on the alleyException:* In all residential districts, driveways in the front yard setbacks emplaced to provide access to a garage or carport attached or adjacent to the front or side of the principal building shall be no more than 12 feet wider than the width of such garage or carport. All driveway expansions in the front or side yard setback shall remain a minimum of two feet off of a property line.

2. Persons who shall store any motor vehicle, vehicular-driven sports vehicle, boat, trailer, utility trailer, vehicular-driven camper, or any like business or recreational vehicle in the required front yard of any residential district, shall store such vehicles on the driveway emplaced to provide access to the garage. Such vehicles may be stored on driveway expansions in the side yard setback that extend beyond the width of the garage provided that the storage is in the side yard only – behind the garage opening, but not in the rear yard behind the garage or house. Any of the vehicles in this subsection parked within the front or side yards on the driveway shall be parked in such a manner as to maintain all wheels and the trailer tongues on the driveway surface.
3. No person shall park or store such units as defined in this subsection or any other equipment on any terrace in the city except for those places

where the common council has authorized the removal of a terrace for the purpose of parking.

4. The parking and storage of unregistered or inoperable vehicles shall be as governed under section 10.07.
5. No person shall store in the open more than three full cords of firewood in any residential district. No firewood shall be stored in any front yard or closer than two feet to any residential lot line.
4. *Height exceptions.* The height limitations in sections 17.15, 17.16 and 17.18 through 17.28 do not apply to belfries, cupolas, antennas, water tanks, elevator bulkheads, chimneys, spires, flagpoles, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
5. *Corner visibility.* On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along such street lines 50 feet from the point of intersection.

~~6.—Signs.~~

~~a.—Prohibited signs. The following exterior building signs shall be prohibited within the city:~~

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

~~similar words that are displayed in the colors normally associated with them as official signs are prohibited.~~

~~b. Construction specifications.~~

- ~~1. All signs shall be constructed in accordance with the requirements of chapter 14 of this Code and the national electric code, as amended, and the additional construction standards set forth in this section, where applicable.~~
- ~~2. All ground and roof sign structures shall be self-supporting Structures and permanently attached to sufficient foundations.~~
- ~~3. Electric service to ground signs shall be concealed.~~
- ~~4. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
 - ~~1. For solid signs: 30 pounds per square foot on any face of the sign or structure.~~
 - ~~2. For skeleton signs: 30 pounds per square foot of the total face cover of the letters and other sign surfaces or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.~~~~
- ~~5. No sign shall be suspended by nonrigid attachments that will allow the sign to swing due to wind action. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations. All nonpermanent signs shall be braced or secured to prevent motion.~~
- ~~6. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of ingress and egress.~~
- ~~7. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the city fire prevention code.~~
- ~~8. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead conductors in accordance with the national electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than six inches horizontally or vertically from any conductor or public utility guy wire.~~

~~c. Signs in residential districts. No sign in a residential district shall exceed eight feet in height or produce artificial light from within.~~

~~d. Signs in commercial districts.~~

- ~~1. Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations.~~
 - ~~2. A detached sign, any part of which is closer than 15 feet to the right-of-way shall have a minimum vertical distance of ten feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three feet in height above grade.~~
 - ~~3. Any detached sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of ten feet or shall be not more than three feet in height above grade.~~
 - ~~4. All other projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of nine feet.~~
 - ~~5. Canopy, marquee, and awning signs shall be placed at such a height so that the extreme lower edge of such structure is at least seven feet above sidewalk grade and such signs shall not extend more than 72 inches into the public right-of-way. The vertical dimension of a sign, any portion of which is below the lower edge of the canopy or marquee structure, shall not exceed 20 inches.~~
 - ~~6. Detached signs shall not project more than 72 inches into the public right-of-way, but in no case closer than two feet from the curbline as measured from the property line. The area of a ground sign shall not exceed 150 square feet per side.~~
- ~~e. *Billboard requirements.* Pursuant to chapter 14 of this Code, the following regulations shall be enforced:~~
- ~~1. No billboards may be erected within a 500-foot radius of another existing billboard.~~
 - ~~2. No billboard may be erected within 200 feet of an existing residential use or within 200 feet of a residential district.~~
 - ~~3. The maximum size of billboards shall be 300 square feet on each face, except within 100 feet of U.S. 41, where the maximum size shall be 400 square feet on each face.~~
 - ~~4. Billboards shall be set back from all property lines and existing buildings equal to the height to the top of the billboard.~~
 - ~~5. Roof-mounted billboards are not permitted.~~
 - ~~6. Billboards shall only be permitted in the commercial highway, commercial shopping center, industrial, and industrial park districts.~~

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

~~8. Exception. Signage permitted under section 17.24(6)(a) of this chapter.~~

~~f. *Installation, maintenance, and repair.*~~

~~1. All signs shall be constructed and installed in accordance with the requirements of chapter 14 of this Code and the national electric code. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning, and other acts required for the maintenance of such signs.~~

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

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

~~h. *Defective signs and signs for which no permit has been issued.* The building inspector shall cause to be removed or repaired any sign that is defective or endangers the public safety, such as a dangerous or materially, electrically, or structurally defective sign or a sign for which no permit has been issued.~~

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

~~j. *Appeals.*~~

~~1. The owner of the sign may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal under section 17.50 within 30 days after the date of mailing the notice.~~

~~2. For property located within the commercial core district, the owner of the sign may appeal to and be heard before the redevelopment authority.~~

~~k. *Removal of signs by the building inspector.*~~

- ~~1. Notwithstanding the above, in cases of emergency, the building inspector may cause the immediate removal without notice of a dangerous or defective sign or for failure to comply with the written order of removal or repair.~~
- ~~2. After removal or demolition of the sign, a notice shall be mailed to the owner of the sign stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the building inspector, together with an additional ten percent for inspection and incidental costs.~~
- ~~3. If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment against the property of the sign owner and will be certified as an assessment against the property, together with interest at ten percent per annum, for collection in the same manner as real estate taxes.~~
- ~~4. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, unless facts to the contrary are brought to the attention of the building inspector as in the case of a leased sign.~~
- ~~5. For the purpose of removal, the definition of the term "sign" includes all sign embellishments and structures designed specifically to support the sign.~~

7. *Off-street parking.*

- a. *Requirements not specified.* Parking requirements for a use not specified shall be the same as required for a use of similar nature or sufficient off-street parking shall be provided such that no public street shall be used for parking.
- b. *Fractional spaces.* Where computation of the required parking spaces results in a fractional number, only the fraction of two or larger shall be counted as one.
- c. *Changes in buildings or use.* Whenever a building or use is changed, structurally altered, or enlarged to create a need for an increase of 25 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of 50 percent or more in the floor area, such building or use shall then comply with the parking requirements set forth in the district in which it is located.
- d. *Mixed uses.* In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the uses computed separately.
- e. *Joint use.* Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. A written agreement satisfactory to the city attorney shall accompany any joint use arrangement.

- f. *Off-lot parking.* Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met such parking spaces may be located off lot, provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the city attorney. Off-lot parking spaces for residential uses shall be within 200 feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within 300 feet of the entrance of the establishment.
 - g. *Off-street parking; measurement.* Floor space or area shall mean the gross floor area inside exterior walls, where floor space is indicated in section 17.15, 17.16, and 17.18 through 17.28 as a basis for determining the amount of off-street parking required.
 - h. *Design standards.*
 - 1. Each required off-street parking space shall have a stall width of at least nine feet and a stall length of at least 18 feet.
 - 2. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows:
 - 1. 11 feet for 30-degree parking.
 - 2. 20 feet for 90-degree parking.
 - 3. Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet.
 - 4. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street.
 - 5. Any parking area of more than five spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses.
 - 6. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
 - 7. All parking areas shall be surfaced with a durable, dustproof surface consisting of concrete or bituminous concrete or of compacted gravel or crushed stone properly sealed and surface treated.
8. *Off-street loading.*
- a. *Loading space requirements.* The loading space requirements specified in the following table shall apply to all districts.

Use	Floor Area (square feet)	Loading Spaces
Retail, wholesale, warehouse, service, manufacturing, and industrial establishments	2,000–10,000	1
	10,000–20,000	2
	20,000–40,000	3
	40,000–60,000	4
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000–10,000	1
	10,000–50,000	2
	50,000–100,000	3
	Each additional 25,000	1
Funeral homes	2,500–4,000	1
	4,000–6,000	2
	Each additional 10,000	1

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

- c. *Location.* Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
- d. *Design standards.* Each off-street loading space shall have a width of at least 12 feet, a length of at least 45 feet and a vertical clearance of at least 14 feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten feet in width, 25 feet in length, and eight feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.

9. *Common open space.*

- a. *Nature.* Common open space shall not include street right-of-ways, driveways, parking areas, or yards required in connection with any building.
- b. *Buildings and structures.* Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- c. *Dedication.* When common open space or any portion thereof is approved for dedication, and complementary improvements are completed and accepted, a deed shall be conveyed to the city and the supervision and maintenance shall be the responsibility of the city.
- d. *Reservation.* When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary by the city to ensure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument satisfactory to the city attorney as open space perpetually or for a period of not less than 99 years. Such instrument shall be binding upon the developer, his successors, and assigns and shall constitute a covenant running with the land and be in recordable form.
- e. *Maintenance.* If common open space is improperly maintained, the city may serve written notice upon any property owner or association setting forth the manner in which such property owner or association has failed to maintain the common open space and demanding that maintenance deficiencies be corrected within 30 days. If maintenance deficiencies, as originally set forth or subsequently modified, are not corrected within 30 days, the city may enter upon such common open space and correct maintenance deficiencies. The cost of such maintenance shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien on such properties. The city, at the time of entry, shall file notice of any liens in the office of the city treasurer.

10. *Site plans.*

- a. *Applicability and procedures.* Where, by the terms of this chapter, a site plan is required prior to the issuance of a building permit, such site plan shall be submitted to the building inspector. The building inspector shall forward such site plan to the plan commission for their recommendation. No public notice and hearing is required for site plan consideration by the plan commission, but such matters shall be handled in a public session, as part of previously prepared agenda. All matters relating to plan commission consideration of site plans shall be a public record and approval shall require formal action of the plan commission. The site plan shall be submitted to the plan commission not less than 15 days prior to the public meeting of the plan commission at which approval is to be considered.
- b. *Contents.* A site plan required to be submitted by the requirements of this chapter shall include the following elements, where applicable:
 1. Statements of ownership and control of the proposed development.
 2. Statement describing in detail the character and intended use of the development.
 3. A site plan containing the title of the project and the names of the project planner and developer, date, and north arrow, and based on an exact survey of the property drawn to a scale of sufficient size to show:
 1. Boundaries of the project, any existing streets, buildings, water courses, easements, and section lines.
 2. Exact location of all buildings and structures.
 3. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
 4. Off-street parking and off-street loading areas.
 5. Recreation facilities, locations.
 6. All screening and buffers.
 7. Refuse collection areas.
 8. Access to utilities and points of utility hookups.
 4. Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to:
 1. The various permitted uses.
 2. Ground coverage by structures.
 3. Impervious surface coverage.
 5. Tabulations showing:

1. The derivation of numbers of off-street parking and loading spaces shown in subsection (11)(b)4 of this section.
2. Total project density in dwelling units per net acre.
6. Architectural definitions for buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
7. Storm drainage and sanitary sewage plans.
8. If common facilities, such as recreation areas or structures, common open space, etc., are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, homeowners' associations, surety arrangements, or other legal instruments providing adequate guarantee to the city that such common facilities will not become a future liability for the city.
9. Plans for signs, if any.
10. Landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for maintenance.
11. In the industrial districts, plans for the exterior walls of all buildings, lighting, outside storage, and industrial processes and materials pertinent to conformance with the industrial performance standards in this section.
12. Such additional data, maps, plans, or statements as may be required for the particular use or activity involved or as the applicant may believe is pertinent.

11. Placement of structures.

- a. No dwelling shall be erected, placed, or built within any district unless the structure has a minimum width of 22 feet for at least 70 percent of the structure's length and has a perimeter frost barrier footing.
- b. No dwelling built prior to June 15, 1976, shall be relocated to any residential lot within the city except to an approved mobile home lot. Dwellings built after June 15, 1976, must have proof of compliance with applicable department of housing and urban development (HUD) codes and bear the HUD seal of compliance in order to be eligible for a moving permit. Proof of compliance must be provided by the applicant to the city plan commission along with a site plan for commission concurrence prior to the issuance of a moving permit.
- c. No nondwelling structure exceeding 170 square feet in ground area, which has its place of origin off premises, shall be relocated onto any residentially zoned lot, unless the structure complies with current city building regulations and that a bond or irrevocable cashier's check be received by the city for 100 percent of the market replacement value of the structure. The bond or cashier's check shall be

returned upon final inspection of the structure finding compliance with all applicable building codes and zoning ordinances. If 60 days after issuance of a permit for the moving of the structure, the structure fails to comply with the building codes and zoning ordinances, then in addition to any compliance action taken by the building inspector, the bond or cashier's check shall be retained and may be applied to the costs of effecting compliance and to any forfeiture, court costs, and cost of prosecution imposed by the court.

12. *Telecommunications antennas and towers.*

- a. *Purpose.* The purpose of this subsection is to establish general guidelines for the siting of towers and antennas. The goals of this subsection are to:
 1. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the community;
 2. Strongly encourage the joint use of new and existing tower sites;
 3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 4. Minimize the adverse visual impact of the towers and antennas;
 5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and
 6. Protect the public health, safety and general welfare of the city.
- b. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning: *Antennas* means any exterior apparatus designed for telecommunications, radio or pager services through the sending or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunication signals, including, but not limited to, directional antennas, such as panels, microwaves and satellite dishes, and omni-directional antennas, such as whip antennas. *Antenna support structures* means any building, pole, telescoping mast, tower, tripod or any other structure which supports an antenna. *Co-location* means the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure. *FAA* means the Federal Aviation Administration. *FCC* means the Federal Communications Commission. *Height* refers to the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna. *Personal communication services (PCS)* means a provider of personal wireless service facilities as defined by federal law. *Personal wireless facilities* means transmitters, antenna structures, and other types of installations used to provide personal wireless services. *Pre-existing towers and antennas* means any legally placed tower or antenna permitted prior to the effective date of the ordinance from which this section is derived that shall not be required to meet the requirements of this section other than applicable federal or state requirements

or city building codes. *Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers or monopole towers. The term "tower" includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like. The term "guy towers" are towers supported externally by a set or series of wires from the tower to the ground. *Tower site* means the area encompassing a tower and all supporting equipment, structures paved or graveled areas, fencing and other items used in connection with the tower. *Wireless telecommunications services* means licensed commercial wireless telecommunication services, including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhances specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

- c. *Special exception required.* A special exception permit in accordance with section 17.47 shall be required for the locating and construction of a new tower or for the co-location of an antenna on an existing tower not previously granted a special exception.
 - 1. No special exception shall be granted for the placement of a tower in any residential zone or area zoned conservancy.
 - 2. Antennas not exceeding 30 feet in antenna height may be placed on existing structures that have an existing height greater than 45 feet, irrespective of the zoning district.
 - 3. No special exception for a tower site exceeding 30 feet in height shall be granted within 2,500 feet of an existing tower site whether the existing site is within or without the city.
 - 4. If a special exception permit is granted, the city council may impose conditions to the extent the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - 5. Any information of an engineering nature required by the special exception that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 - 6. Private HAM radio operators and citizen band radio operators, along with their associated towers and apparatus, licensed under applicable FCC regulations, shall be exempt from the provisions of this section, provided that the facilities are situated on the same lot as the transmitter/receiver set.
- d. *Information required.* Each applicant requesting a special exception permit under this section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all

improvements, including information concerning topography, frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the city council to be necessary to assess compliance with this section, including, but not limited to, the provision of co-location per subsection 17.32(12)(f).

- e. *Considered in granting special exception permits.* The city council shall consider the following factors in determining whether to issue a special exception permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the city council concludes that the goals of this section are better served thereby:
 - 1. Height of the proposed tower.
 - 2. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
 - 3. Proximity of the tower to residential structures and residential district boundaries.
 - 4. Nature of uses on adjacent and nearby properties.
 - 5. Surrounding topography.
 - 6. Surrounding tree coverage and foliage.
 - 7. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - 8. Proposed ingress and egress to the tower site.
 - 9. Availability of suitable existing towers and other structures as discussed in section 17.32(13)(f).
 - 10. Compliance with current FAA and FCC regulations so as to, in part, minimize the possibility of interference with locally received transmissions.
- f. *Co-location.*
 - 1. Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all other respects to accommodate co-location of both the applicant's antennas and comparable antennas for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment. The holder of a permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional users demonstrate (through independent arbitration or other pertinent means) that the holder of a tower permit has made access to

such tower and tower site economically unfeasible, the original permit on the tower site shall become null and void.

2. No new tower shall be permitted unless the applicant demonstrates, to the reasonable satisfaction of the city council, that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
 1. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 2. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 3. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
 4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 5. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 6. The fees, costs or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower.
- g. *Setbacks and separation.* The following setbacks and separation requirements shall apply to all towers and antennas for which a special exception permit is required; provided, however, that the city council may reduce the standard setbacks and separation requirements if the goals of this subsection would be better served thereby.
 1. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.
 2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- h. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special exception permit is required; provided however, that the city council may waive such requirements if the goals of this subsection would be better served thereby.
 1. Tower sites shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall

consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
3. Existing mature trees growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such towers sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.

i. *Removal of abandoned antennas and towers.* Any antenna or tower that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 90 days of receipt of notice from the city council notifying the owner of such abandonment. If such antenna or tower is not removed within the 90 days, the city council may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this section shall not become effective until all users cease using the tower.

j. *Applicability.*

1. *District height limitation.* The requirements set forth in this subsection shall govern the location of towers that exceed, and antennas that are installed, at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, however, in no case shall any tower, excluding antennas, exceed a height of 220 feet.
2. *Inventory of existing sites.* Each applicant for an antenna and or tower shall provide to the planning department an inventory of all existing towers that are within a five-mile radius of the proposed site, on which the company is also located, leased or owned, including specific information about the location, height and design of each tower that applies. The city plan department may share such information with other applicants applying for special exception permits under this article or other organizations seeking to locate antennas within the jurisdiction of the city council; provided, however, that the planning and zoning department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

13. *Small wind energy system ordinance.*

- a. *Authority.* This section is adopted pursuant to authority granted by Wis. Stats. §§ 62.23(7) and 66.0401.
- b. *Purpose.* The purpose of this section is to:
 1. Oversee the permitting of small wind energy systems.

2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (per Wis. Stats. § 66.0401).
- c. *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Administrator* means the city building inspector. *Common council* means the city common council. *Meteorological tower (met tower)* is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. *Owner* means the individual or entity that intends to own and operate the small wind energy system in accordance with this section. *Rotor diameter* means the cross-sectional dimension of the circle swept by the rotating blades. *Small wind energy system* means a wind energy system that: (1) Is used to generate electricity; (2) Has a nameplate capacity of 100 kilowatts or less; and (3) Has a total height of 170 feet or less. Total height means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. *Tower* means the monopole, freestanding, or guyed structure that supports a wind generator. *Wind energy system* means the equipment that converts and then stores or transfers energy from the wind into usable forms of energy, as defined by Wis. Stats. § 66.0403(1)(m). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system. *Wind generator* means blades and associated mechanical and electrical conversion components mounted on top of the tower.
- d. *Standards.* A small wind energy system shall be a conditionally permitted use in all zoning districts subject to the following requirements:
1. *Setbacks.* A wind tower for a small wind energy system shall be set back a distance equal to its total height from:
 1. Any public road right-of-way, unless permission is granted by the governmental entity with jurisdiction over the road. Such permission shall be in a form acceptable for recording in the county register of deeds office for the parcel on which the tower is located.
 2. Any overhead utility lines, unless permission is granted by the affected utility, such permission shall be in a form acceptable for recording in the county register of deeds office for the parcel on which the tower is located.
 3. All property lines, unless permission is granted from the affected landowner or neighbor, such permission shall be in a form acceptable for recording in the county register of deeds office for

both the parcel on which the tower is located and the affected parcel.

2. *Access.*

1. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
2. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground.
3. *Electrical wires.* All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
4. *Lighting.* A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
5. *Appearance, color, and finish.* The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit.
6. *Signs.* All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
7. *Code compliance.* A small wind energy system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
8. *Utility notification and interconnection.* Small wind energy systems that connect to the electric utility shall comply with the public service commission of Wis. Admin. Code ch. PSC 119, "rules for interconnecting distributed generation facilities."
9. *Met towers.* Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

e. *Permit requirements.*

1. *Building permit.* A building permit shall be required for the installation of a small wind energy system.
2. *Documents.* The building permit application shall be accompanied by a lot plan which includes the following:
 1. Property lines and physical dimensions of the property.

2. Location, dimensions, and types of existing major structures on the property.
 3. Location of the proposed wind system tower.
 4. The right-of-way of any public road that is contiguous with the property.
 5. Any overhead utility lines.
 6. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 7. Tower foundation blueprints or drawings stamped by a design professional.
 8. Tower blueprint or drawing stamped by a design professional.
 9. The property lines and dimensions, with the names and addresses of the owners, of any properties proposed to be restricted from activities interfering with the system.
3. *Fees.* The same fee required for a building permit for a permitted accessory use must accompany the application for a building permit for a small wind energy system.
 4. *Expiration.* A permit issued pursuant to this section shall expire if the small wind energy system is not installed and functioning within two years from the date the permit is issued.

f. *Abandonment.*

1. A small wind energy system that is out-of-service for a continuous two-year period, excluding time spent on repairs or improvements, will be deemed abandoned. The administrator may issue a notice of abandonment to the owner of a small wind energy system that is deemed abandoned. The owner shall have the right to respond to the notice of abandonment within 30 days from the notice receipt date. The administrator shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
2. If it is determined the small wind energy system is abandoned, the owner of same shall remove the wind generator from the tower at the owner's sole expense within three months of receipt of notice of abandonment. If the owner fails to remove the wind generator from the tower, the administrator may pursue a legal action to have the wind generator removed at the owner's expense and such expense shall be entered as a special charge on the tax roll.

g. *Building permit procedure.*

1. An owner shall submit an application to the administrator for a building permit for a small wind energy system. The application must be on a form approved by the administrator and must be accompanied by two copies of the lot plan identified above.
 2. Within 30 days of receipt of an application, the administrator shall determine whether the application is satisfactorily completed and, if no other properties are to be restricted by the permit, place the application on the agenda before the city plan commission. If the application identifies other properties to be restricted by the permit, the applicant shall provide notice to the owners of those properties personally or by certified mail; and provide receipts for the delivery of such notice to the administrator. The administrator shall provide the notice form. The hearing before the city plan commission shall, in such cases, be scheduled in compliance with the timelines of Wis. Stats. § 66.0403(3) and (4). The plan commission shall approve or deny the application based on the criteria as provided within this Code.
 3. If the application is approved, the administrator will return one signed copy of the application with the permit and retain the other copy with the application.
 4. If the application is rejected, the administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the administrator's decision pursuant to Wis. Stats. ch. 68. The applicant may re-apply if the deficiencies specified by the administrator are resolved.
 5. The owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.
- h. *Violations.* It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with the ordinance from which this section is derived or with any condition contained in a building permit issued pursuant to this section. Small wind energy systems installed and operated prior to the adoption of this section are exempt.
- i. *Administration and enforcement.*
1. The administrator or other designated official shall administer this section.
 2. The administrator may enter any property for which a building permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.
 3. The administrator may issue orders to abate any violation of this section.
 4. The administrator may issue a citation for any violation of this section.
 5. The administrator may refer any violation of this section to legal counsel for enforcement.

j. *Penalties.*

1. Any person who fails to comply with any provision of this section or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as provided in section 17.56.
2. Nothing in this section shall be construed to prevent the common council from using any other lawful means to enforce this section.

14. *Portable storage units (containers).*

- a. For the purpose of this section, the term “portable storage unit” shall mean any portable enclosed unit of whatever type construction or material, designed for permanent or temporary storage, which can be transported by vehicle and left on-site as determined by City Staff.
- b. In Residential Single Family (RSF), Residential Two Family (RTF), when incidental to a residential dwelling:
 1. One portable storage unit shall be the maximum number allowed on a lot for no more than 30 consecutive days and no more than 60 total days per calendar year.
 2. The portable storage unit shall be placed on an impervious surface.
 3. The portable storage unit shall not be located within 3 feet of a property line.
 4. The portable storage unit shall not be located within the vision corner.
 5. Portable storage units shall not be used for the purposes of a garage or shed.
- c. All other zoning districts. When incidental to a permitted principal use:
 1. A temporary use permit is required pursuant to this section.
 2. No more than three temporary use permits per business shall be issued per calendar year.
 3. Two portable storage units shall be the maximum allowed per temporary use permit.
 4. The maximum time limit per temporary use permit shall be 30 days, unless the plan commission approves a longer duration.
 5. Portable storage units shall be placed on an impervious surface.
 6. Portable storage units may be placed on a lot within a designated loading space.
 7. The portable storage unit shall not be located within the required front setback unless permitted by the Zoning Administrator.

8. Portable storage units shall not be used for the purposes of a garage, shed or other on-site storage.
9. Permanent use of a storage container at an Industrial or Commercial location may only be permitted by approval of the Plan Commission.
- d. Storage containers used in connection with a construction project may be permitted by the Zoning Administrator and must be only used for purpose related to the construction project, not placed within 3 feet of a property line, not located within the vision corner and must be removed from the site upon issuance of occupancy of the permanent structure.

(Code 2011, § 17.32)

HISTORY

Amended by Ord. [1867-2022](#) on 10/4/2022

Repealed by Ord. [1874-2022](#) on 12/6/2022

Repealed & Replaced by Ord. [1917-2025](#) on 2/4/2025

17.33 Sign and Billboard Regulations

1. *Signs.*

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

similar words that are displayed in the colors normally associated with them as official signs are prohibited.

b. *Construction specifications.*

1. All signs shall be constructed in accordance with the requirements of chapter 14 of this Code and the national electric code, as amended, and the additional construction standards set forth in this section, where applicable.
2. All ground and roof sign structures shall be self-supporting Structures and permanently attached to sufficient foundations.
3. Electric service to ground signs shall be concealed.
4. All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
 1. *For solid signs:* 30 pounds per square foot on any face of the sign or structure.
 2. *For skeleton signs:* 30 pounds per square foot of the total face cover of the letters and other sign surfaces or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
5. No sign shall be suspended by nonrigid attachments that will allow the sign to swing due to wind action. All freestanding signs shall have self-supporting structures erected on or permanently attached to concrete foundations. All nonpermanent signs shall be braced or secured to prevent motion.
6. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of ingress and egress.
7. No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the city fire prevention code.
8. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead conductors in accordance with the national electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than six inches horizontally or vertically from any conductor or public utility guy wire.

c. *Signs in residential districts.* No sign in a residential district shall exceed eight feet in height or produce artificial light from within.

d. *Signs in commercial districts.*

1. Temporary window signs advertising a sale or special event at an individual commercial establishment shall be exempt from the sign regulations.
 2. A detached sign, any part of which is closer than 15 feet to the right-of-way shall have a minimum vertical distance of ten feet between the bottom of the sign and the grade at the right-of-way line or shall not be more than three feet in height above grade.
 3. Any detached sign or projecting sign within 25 feet of an intersection or 15 feet of a driveway shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of ten feet or shall be not more than three feet in height above grade.
 4. All other projecting signs shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of nine feet.
 5. Canopy, marquee, and awning signs shall be placed at such a height so that the extreme lower edge of such structure is at least seven feet above sidewalk grade and such signs shall not extend more than 72 inches into the public right-of-way. The vertical dimension of a sign, any portion of which is below the lower edge of the canopy or marquee structure, shall not exceed 20 inches.
 6. Detached signs shall not project more than 72 inches into the public right-of-way, but in no case closer than two feet from the curblin as measured from the property line. The area of a ground sign shall not exceed 150 square feet per side.
- e. *Billboard requirements.* Pursuant to chapter 14 of this Code, the following regulations shall be enforced:
1. No billboards may be erected within a 500-foot radius of another existing billboard.
 2. No billboard may be erected within 200 feet of an existing residential use or within 200 feet of a residential district.
 3. The maximum size of billboards shall be 300 square feet on each face, except within 100 feet of U.S. 41, where the maximum size shall be 400 square feet on each face.
 4. Billboards shall be set back from all property lines and existing buildings equal to the height to the top of the billboard.
 5. Roof-mounted billboards are not permitted.
 6. Billboards shall only be permitted in the commercial highway, commercial shopping center, industrial, and industrial park districts.

7. All billboards which are not in conformance with the above provisions shall be placed in conformance no later than July 9, 1990.
8. Exception. Signage permitted under section 17.24(6)(a) of this chapter.

f. *Installation, maintenance, and repair.*

1. All signs shall be constructed and installed in accordance with the requirements of chapter 14 of this Code and the national electric code. Every sign, including, but not limited to, those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning, and other acts required for the maintenance of such signs.
2. The building inspector shall require compliance with all standards of this chapter. If the sign is not maintained to comply with safety standards outlined under chapter 14 of this Code, the building inspector shall require its removal in accordance with this section.

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

h. *Defective signs and signs for which no permit has been issued.* The building inspector shall cause to be removed or repaired any sign that is defective or endangers the public safety, such as a dangerous or materially, electrically, or structurally defective sign or a sign for which no permit has been issued.

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

j. *Appeals.*

1. The owner of the sign may appeal the determination of the building inspector ordering removal or compliance by filing a written notice of appeal under section 17.50 within 30 days after the date of mailing the notice.
2. For property located within the commercial core district, the owner of the sign may appeal to and be heard before the redevelopment authority.

k. *Removal of signs by the building inspector.*

1. Notwithstanding the above, in cases of emergency, the building inspector may cause the immediate removal without notice of a dangerous or defective sign or for failure to comply with the written order of removal or repair.
2. After removal or demolition of the sign, a notice shall be mailed to the owner of the sign stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the building inspector, together with an additional ten percent for inspection and incidental costs.
3. If the amount specified in the notice is not paid within 30 days of the notice, it shall become an assessment against the property of the sign owner and will be certified as an assessment against the property, together with interest at ten percent per annum, for collection in the same manner as real estate taxes.
4. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon, unless facts to the contrary are brought to the attention of the building inspector as in the case of a leased sign.
5. For the purpose of removal, the definition of the term "sign" includes all sign embellishments and structures designed specifically to support the sign.