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Entire Chapter Revised.

Ord. No. 1089 June 19, 2012

Ord. No. 1076 July 19, 2011

16.01 TITLE

An ordinance for the City of Chilton, Wisconsin, for the purpose of regulating the use of land, the location and the use of buildings and the arrangement of buildings on lots.

The City Council of Chilton does ordain that the ordinance commonly known as the “Zoning Ordinance of the City of Chilton” be enacted to read as follows:

16.02 PURPOSE

This ordinance is adopted for the purpose of:

- (1) Protecting and promoting the public health, safety, morals, comfort, convenience and general welfare.
- (2) Dividing the City into zones and districts restricting and regulating therein the location, construction, reconstruction, alteration and use of structures and land.
- (3) Promoting orderly development of the residential, business, industrial, recreational and public areas.
- (4) Providing adequate light, air, and convenience of access to property.
- (5) Limiting congestion in the public right-of way.
- (6) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- (7) Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.

16.03 RULES OF CONSTRUCTION

The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction:

- (1) The singular number includes the plural, and the plural the singular.
- (2) The present tense includes the past and the future tenses, and the future the present.
- (3) The work “shall” is mandatory while the work “may” is permissive.
- (4) The masculine gender includes the feminine and neuter.
- (5) All measured distances shall be to the nearest integral foot. If a fraction is ½ foot or less, the integral foot next below shall be taken.

16.04 DEFINITIONS

The following words and terms, whenever they occur in this ordinance shall be interpreted as herein defined. Definitions for specific land uses can be found in Sections 16.09(2) through 16.09(7).

- (1) **ACCESSORY USE OR STRUCTURE.** The use or structure subordinate to the principal use or building on the same lot and serving a purpose customarily incidental thereto.
- (2) **ALLEY.** A public right-of-way which affords secondary access to abutting property.
- (3) **APARTMENT.** A room or suite of rooms with cooking facilities available which is occupied as a residence by a single family. Includes dwelling unit and efficiency unit.
- (4) **BALCONY.** A platform that projects from the wall of a building and is enclosed by a parapet or railing. A balcony cannot project into a required front or side yard.
- (5) **BASEMENT.** A portion of a building located partially underground but having less than ½ its floor to ceiling height below the average land grade.
- (6) **BOARDING HOUSE (ROOMING OR LODGING).** A building containing lodging rooms accommodating, for compensation, 3 or more persons, but not exceeding 12, who are not the keeper's family. Lodging may be provided with or without meals.
- (7) **BUILDING.** Any structure which is built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind which is permanently affixed to the land.
- (8) **BUILDING HEIGHT.** A distance to be measured from the mean ground level to the top of a flat roof, to the mean distance of the highest gable on a pitched or hip roof to the neckline of a mansard roof, to the uppermost point on all other roof types.
- (9) **BUSINESS.** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.
- (10) **CELLAR.** That portion of a building having more than ½ of the floor to ceiling height below the average land grade.
- (11) **CITY PLAN.** A set of maps, data, reports, documents, and other material maintained by the Plan Commission which combine to form the Comprehensive Plan of the City of Chilton.
- (12) **CLUB OR LODGE.** A club or lodge is a non-profit association of persons, who are bonafide members paying annual dues, use of premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. Serving of alcoholic beverages to members and their guests shall be allowed, providing such serving is secondary and incidental to the operation of the dining room for the

purpose of serving food and meals and providing further that such serving of alcoholic beverages is in compliance with the applicable federal, state and municipal laws.

- (13) DECK. A structure, not walled or roofed, usually attached to or part of and with direct access to or from a building. A deck cannot extend onto a required front or side yard.
- (14) DWELLING UNIT. A residential building or portion thereof intended for occupancy by a family but not including hotels, motels, nursing homes, seasonal cabins, boarding or rooming houses, tourist homes, mobile homes, recreation vehicles, garages, tents, cellars, basements on unfinished homes or basements unless they are specifically designed for such use through proper damp proofing, fire protecting walls, and meets other requirements as may be imposed by the building and housing codes.
- (15) DWELLING UNIT – ATTACHED. A dwelling unit which is joined at one or more sides by a party wall or wall.
- (16) DWELLING UNIT – DETACHED. A dwelling unit which is entirely surrounded by open space on the same lot.
- (17) DWELLING UNIT – EFFICIENCY. A dwelling unit in which eating, kitchen, living and sleeping space is combined in a single room.
- (18) FAMILY. An individual, or 2 or more persons related by blood, marriage or adoption living together, or a group of not more than 5 persons who need not be related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit, exclusive of usual servants.
- (19) FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building or portion thereof devoted to a particular use, including accessory storage areas located within selling or working space such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or professional offices. However, the floor area shall not include: basement floor area other than area devoted to retailing activities, the production or processing of goods, or to business or professional offices. The floor area of a residence shall include 50% of the area of attached garages, and 25% of enclosed breezeways or porches, but shall not include basement area.
- (20) HOTEL. A building which provides a common entrance, lobby, halls and stairway and in which lodging is offered with or without meals to 13 or more guests.
- (21) LODGING ROOM. A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one lodging room.
- (22) LOT. A parcel of land, whether subdivided or otherwise legally described as of the effective date of this ordinance, or approved by the City as a lot subsequent to such date and which is occupied or intended for occupancy by one principal building or

principal use together with any accessory buildings and such open spaces as required by this ordinance and having its principal frontage upon a street.

- (23) LOT, CORNER. A lot situated at the junction of and abutting on 2 or more intersection streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is 135 degrees or less.
- (24) LOT, FRONT. The front of a lot shall be, for the purposes or complying with this ordinance, that boundary abutting a public right-of-way having the least width. The owner of a corner lot may select either street lot line as the front lot line subject to approval by the Building Inspector.
- (25) LOT LINE. A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.
- (26) LOT, THROUGH. A lot which has a pair of opposite lot lines abutting 2 substantially parallel streets, and which is not a corner lot; on a through lot, both street lines shall be front lot lines for applying this ordinance.
- (27) LOT WIDTH: The mean horizontal distance between the side lot lines at the front setback line.
- (28) MANUFACTURED HOME. A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425.
- (29) MOBILE HOME. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
- (30) MODULAR HOME. Any structure or component thereof which is intended for use as a dwelling and: (1) Is of closed construction and fabricated or assembled onsite or offsite in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or (2) Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.
- (31) MOTEL (TOURIST COURT). A building or group of detached, semi-detached, or attached buildings containing guest rooms or dwellings each of which has separate outside entrance leading directly from the outside of the building, with garage or parking space conveniently located to each unit and which is designed, used or intended to be used primarily for the accommodation of automobile transients. Each unit shall not be less than 600 square feet in area.

- (32) **NON-CONFORMING USE.** Any building, structure of land lawfully occupied by a use or lawfully established at the time of the passage of this ordinance or amendments thereto which does not conform, after the passage of this ordinance or amendments thereto, to the use regulations herein.
- (33) **OFF-STREET LOADING SPACE.** A space accessible from a street, alley, or driveway for the use of trucks or other vehicles while loading or unloading merchandise or materials. Such space shall be of such size as to accommodate one vehicle of the type typically used in the particular business.
- (34) **OPEN SPACE.** Pervious surface areas of a lot such as grass, natural areas, landscaped areas, and surface water. This excludes impervious areas including roofed structures, asphalt, concrete, paved areas, decks, patios, driveways, sidewalks, swimming pools, etc.
- (35) **PARKING SPACE.** A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.
- (36) **PATIO.** A terrace extending not more than six inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.
- (37) **PORCH.** A roofed, open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air-conditioned and when the percentage of window area to wall area is less than 50 percent.
- (38) **PLANNED UNIT DEVELOPMENT.** A zoning classification that allows flexibility in the design of a development according to an approved plan.
- (39) **PRINCIPAL STRUCTURE OR USE.** One which determines the predominant use as contrasted to accessory use or structure.
- (40) **PUBLIC.** Uses owned or operated by municipal, school district, county, state or other governmental units.
- (41) **RECREATION VEHICLE.** A vehicular unit designed as temporary living quarters for recreational, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, or motor home.
- (42) **RESIDENTIAL DRIVEWAY.** Any impervious surface that leads directly from the street to a garage, carport or rear yard parking area. (Ord. #1129 4/5/2016)
- (43) **SETBACK.** The minimum horizontal distance between a building and street or lot lines. Distances are to be measured from the most outwardly extended portion of the structure.
- (44) **SHIPPING CONTAINER.** A shipping container with strength suitable to withstand shipment, storage and handling and designed to be moved from one mode of transport to another without unloading and reloading. It is a reusable transport and

storage unit for moving products and raw materials between locations or countries which are repurposed for other uses. (A shipping container is considered a structure.) (Ord. #1138 5/16/2017)

- (45) STREET. All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.
- (46) STRUCTURE. Anything erected, the use of which requires more or less permanent location on the ground; or attached to something having a permanent location on the ground. This shall include signs. All structures shall be permanently fastened to the ground by an approved method with an approved site plan.
- (47) TEMPORARY STRUCTURE. A structure which is built of such materials and in such a way that would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable. This includes canvas or polymer covered structures and moving containers. (Ord. #1138 5/16/2017)
- (48) YARD (SETBACK). A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest level to the sky except as, permitted in this ordinance. The yard extends along the lot line at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.
- (49) YARD – REAR. The portion of the yard on the same lot with the principal building located between the rear line of the building and the rear lot line and extending for the full width of the lot. (Ord. #1129 4/5/2016)
- (50) YARD – SIDE. The yard extending along the side lot line between the front and rear yards to a depth or width required by set-back regulations for the zoning district in which such lot is located.
- (51) YARD – FRONT. A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to depth required in the setback regulations for the zoning district in which such lot is located.
- (52) YARD – STREET SIDE. Side yard which adjoins a public or private street.

16.05 GENERAL PROVISIONS

(1) APPLICATION AND INTERPRETATION.

- (a) In their interpretation and application, the provisions of this ordinance shall be held to the minimum requirements for the promotion of the public health safety, morals, convenience and welfare.
- (b) Where the conditions imposed by any provision of this ordinance are either more restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.

- (c) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.
- (2) SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The City Council hereby declares that they would have passed this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.
- (3) NON-CONFORMING USES AND STRUCTURES.
 - (a) Any structure or use lawfully existing upon the effective date of this ordinance may be continued at the site and in a manner of operation existing upon such date except as hereinafter specified.
 - (b) Nothing in this ordinance shall prevent the placing of a structure in a safe condition when said structure is declared unsafe by the Building Inspector.
 - (c) When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
 - (d) When a lawful non-conforming structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, and the nonconforming structure was damaged or destroyed on or after March 2, 2006, it may be reconstructed if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without limits on the costs of the repair, reconstruction, or improvement.
 - (e) Whenever a lawful non-conforming use of a structure or land is discontinued for a period of 12 months, any future use of said structure or land shall be in conformity with the provisions of this ordinance.
 - (f) Such non-conforming use shall not be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this ordinance.
 - (g) Any structure which will, under this ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this ordinance or of amendments thereto, may be completed in accordance with the approved plans; provided construction is started within 6 months of the effective date of this ordinance or amendment thereof and continues to completion within 2 years. Such structure shall thereafter be a legally existing non-conforming structure.
 - (h) Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted including necessary non-structural

repairs and incidental alterations which do not extend or intensify the non-conforming use.

- (i) Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or bulk of the building.

(4) LOT PROVISIONS.

- (a) A lot of record existing upon the effective date of this ordinance in an “R” District, which does not meet the requirements of this ordinance as to area or width may be utilized for single family detached dwelling purposes provided the measurements of such area or width are within 70% of the requirements of this ordinance, but said lot of record shall not be more intensively developed unless combined with one or more abutting lots or portions thereof so as to create a lot meeting the requirements of this ordinance.
- (b) Except in the case of planned unit developments as provided for hereinafter, not more than one principal building shall be located on a zoning lot.

(5) ACCESSORY BUILDINGS. (Ord. #1138 5/16/2017)

- (a) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.
- (b) No accessory building or structure, unless an integral part of the principal building shall be erected, altered, or moved within 5 feet of all buildings.
- (c) No accessory building shall exceed the height of the principal building.
- (d) Total accessory buildings shall not exceed 1,200 square feet of floor area in the R-1 and R-2 Districts.
- (e) No detached garages or other accessory buildings shall be located nearer the front lot line than the principal building on that lot.
- (f) No accessory buildings shall be located less than 3 feet from a rear lot line and 3 feet from a side lot line.
- (g) Accessory Buildings shall be made of the same or comparable rigid, non-pliable material as the principal building.
- (h) A temporary structure may not be standing for more than 30 days.
- (i) Shipping containers are not allowed in residential districts. Repurposed shipping containers that meet State and City of Chilton requirements are allowed in commercial and industrial zoning districts.

(6) REQUIRED YARDS AND OPEN SPACE.

- (a) No yard or other open space shall be reduced, in area or dimension so as to make such yard or other open space less than the minimum required by this ordinance, and if the existing yard or other open space as existing is less than the minimum required, it shall not be further reduced. **Revised 5/16/2017**

- (b) No required yard or other open space allocated to a building or dwelling group shall be used to satisfy yard, other open spaces, or minimum lot area requirements for any other buildings.
- (c) The following shall not be considered to be encroachments on yard and setback requirements.
 - 1. In Any Yard: Architectural features attached to the principal building, but not extending more than four (4) feet beyond the required setback line including: Posts, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, open terraces, awnings, open canopies, open-air balconies (suspended from the building), steps, railings, chimneys, flag poles, and open fire escapes.
 - 2. In Any Yard: Sidewalks, driveways, and off-street open parking spaces.
 - 3. In Rear Yards: Recreational and laundry drying equipment, open arbors and trellises, balconies, breezeways, porches, decks, and temporary swimming pools provided that the accessory structure setback requirements are met..
- (7) **TRAFFIC VISIBILITY.** Except in the Central Business District, no fences, structures or planting shall be permitted within any yard areas on a corner lot which shall interfere with the visibility across the corner within 15 feet of the intersecting street right-of-way lines.
- (8) **ESSENTIAL SERVICES (PUBLIC UTILITY USE).** Essential services shall be permitted as authorized and regulated by state law and ordinances of the City of Chilton, it being the intention that such are exempt from the application of this ordinance.
- (9) **ANNEXED TERRITORY.** Annexed territory shall be placed in the “R-C” Zoning District until such time as a detailed study determining its proper use district is undertaken.
- (10) **LAND RECLAMATION.** Under this Ordinance, Land Reclamation is the reclaiming of land by depositing of material so as to elevate the grade. Land reclamation shall be permitted only by special use permit in all districts. Any lot or parcel upon which 400 cubic yards or more of fill is to be deposited shall be land reclamation. The permit shall include as a condition thereof a finished grade plan which will not adversely affect the adjacent land, and as conditions thereof shall regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress, and for control of materials disbursed from wind or hauling of material to or from the site.
- (11) **MINING.** The extraction of sand, gravel, or other material from the land in the amount of 400 cubic yards or more and removal thereof from the site without processing shall be mining. In all districts the conduct of mining shall be permitted only upon issuance of a special use permit. Such permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the sites.

- (12) **SOIL PROCESSING.** The operation of processing sand, gravel, or other material mined from the land shall be permitted only by special use permit. Such special use permit shall include a site plan where the processing is to be done, showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site, and such permit shall be granted for a specified period.
- (13) **RELOCATED STRUCTURES.** Before any dwelling unit of more than 600 square feet is moved into a vacant lot, a Manufactured or Relocated Home Permit must be secured. The Plan Commission shall report to the City Council whether the structure will be compatible with other development in the area. If the City Council concurs with the decision of the Plan Commission that a structure would depreciate the area into which it is to be moved, the City Council may withhold issuance of a permit for such relocation. The Director of Public Works or designee (Director for the purposes of this section) shall submit a report concerning structural soundness and improvements that should be made if the building is relocated. The applicant shall submit photographs taken from 2 or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with adjacent lots and structures. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for 18 months or less. (Ord. No. 1089 6/19/12)
- (a) Before a permit is issued to move any building over any public way in the city, the party applying therefore shall give a \$25,000 performance bond or a \$10,000 cash deposit to the City Clerk. The bond is to insure that the permittee erects adequate barriers around the excavation exposed by the removal of the building from its foundation. Such bond or cash deposit is to be returned upon meeting the above requirements and those set forth in subsections (d) and (e) below, to the satisfaction of the Director. Should the conditions set forth in this section not be met by the permittee, the Director shall have the same done to his satisfaction, charging the cost thereof to the performance bond or cash deposit.
- (b) The Director shall require in addition to said bond, public liability insurance covering injury to one person in the sum of not less than Three Hundred Thousand (\$300,000) Dollars and for one accident in a sum not less than Five Hundred Thousand (\$500,000) Dollars together with property damage insurance in a sum not less than Fifty Thousand (\$50,000) Dollars.
- (c) When a permit is issued the movement of the building shall be a continuous operation during all hours of the day and night until such movement is fully completed.
- (d) Every person receiving a permit to move a building shall within one day after said building reaches its destination report to the Director who shall inspect the streets and highways over which said building has been moved and ascertain their condition. If any damage is reported, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of said permittee to do so within

ten (10 days thereafter to the satisfaction of the Director, the Director shall authorize to have the repairs of such damage done to City owned property and shall hold the permittee responsible for the payment of same from his bond or cash deposit, as provided for in subsection (a) above.

- (e) Every person receiving a permit to move a building shall within 6 months after said building reaches its destination have the building complete and habitable if it is a home or complete and usable if it is a structure other than a home, to the satisfaction of the Director. Failure to do so shall constitute a nuisance and the Director shall proceed with abatement or remove the nuisance. The cost of such abatement shall be charged against the bond or cash deposit, as provided for in subsection (a).
- (14) **VACATED STREETS.** The zoning of any street, alley, easement, or public way that is vacated by official action shall be the same as the property the area lies within.
- (15) **PLATTING.** All buildings hereafter erected upon un-platted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land planning.
- (16) **DWELLING UNITS.** No cellar, basement of unfinished home, garage, tent, trailer, or accessory building shall at any time be used as a dwelling unit except mobile homes located in an approved mobile home park. Basements shall not be used as dwelling units except where specifically designed for such use through proper damp-proofing, fire protecting walls and other requirements as may be imposed by the building and housing codes.
- (17) **STREET FRONTAGE REQUIRED.** No existing lot shall contain any building used as a dwelling unless it abuts at least 20 feet on a public street.
- (18) **INTERPRETATION.** In any case where there is doubt as to the meaning or intent of this ordinance as applied to any proposed use, the Building Inspector shall submit the application for a building permit or proposal for open land use to the Plan Commission which shall make a report to the City Council; the City Council shall determine if a building permit shall be issued or if the open land use may be permitted.
- (19) **PERMITTED USES.** Except as provided for, no building or premises may be devoted to uses other than those indicated as permitted uses according to provisions of this ordinance.
- (20) **BULK STORAGE (LIQUID).** All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals and similar liquids shall require a conditional use permit in order that the City Council may have assurance that fire, explosion, or water contamination hazards are not present that would be detrimental to the public health, safety and general welfare.

All existing, above ground liquid storage tanks having a capacity in excess of 270 gallons shall secure a conditional use permit within 12 months following enactment of this ordinance; the City Council may require the developments of dicing around said tanks, suitably sealed, to hold a leakage capacity equal to 115% of the tank

capacity. Any existing storage tank that in the opinion of the City Council constitutes a hazard to the public safety shall discontinue operations within 5 years following enactment of this ordinance.

16.06 ZONING DISTRICTS ESTABLISHED

(1) **DISTRICT.** For purposes of this ordinance, the City of Chilton is hereby divided into the following zoning districts:

(a) Residential Districts:

1. **R-C Rural Character District**

The R-C District is intended to maintain areas with limited development within the City that contain a rural character appeal as identified in the City's Comprehensive Plan. Intensive land use development shall be limited in this district in order to maintain the area as a buffer to adjacent town agricultural uses. Conversion (and rezoning) of land within the R-C district to more intensive land uses should only occur when planned growth warrants the need for additional lands.

2. **R-1 Single-Family Residential District**

The R-1 District is intended to provide for single-family residential land uses in newer urban areas served by public sewers. The district is also intended to protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses, and is for the exclusive location of single-family dwellings.

3. **R-2 One and Two-Family Residential District**

The R-2 District is intended to provide for single-family and two family dwellings in the more established areas of the City. The District is also intended to provide an area protected from traffic hazards and safe from blighting influences.

4. **R-D Two-Family Residential District**

The R-D District is intended to provide for Two-family dwellings in urban areas outside the downtown served by public sewer. The District is also intended to provide an area protected from traffic hazards and safe from blighting influences.

5. **R-3 Multi-Family Residential District**

The R-3 District is intended to provide appropriate areas for Multi-family land used only in urban areas outside of the downtown served by public sewers. The district is also intended to provide rental housing in an area protected from traffic hazards.

6. R-MF-D Multi-Family Residential District (Downtown)

The R-MF-D District is intended to provide appropriate areas for Multi-family land uses in and around the downtown. The district is also intended to provide rental housing in an already built up area.

7. R-MH Mobile and Manufactured Home District

The R-MH District is intended to provide appropriate areas for manufactured homes on rented lots. Permitted Use, Conditions, and regulations per Code Chapter 6.05 is incorporated herein by reference as if fully set forth herein.

(b) Business Districts:

1. C-1 General Business District

The C-1 District is intended to provide an area for the businesses oriented towards the highway user, tourist, or temporary visitors to the City.

2. C-2 Central Business District

The C-2 District is intended to provide an area for Central Business District needs of the community and to create an area of specialized retail and service business.

(c) Industrial Districts:

1. I-1 Limited Industry District

The I-1 District is intended to provide for industry and manufacturing in areas suited for industry based on location, topography, existing streets and potential for utilities, and relationships to other uses. The I-1 District is intended to keep out uses not compatible with industry.

2. I-2 General Industry District

The I-2 District is intended to provide for industry and manufacturing that have potential blight producing impacts in areas suited for industry based on location, topography, existing streets and potential for utilities, and relationships to other uses. The I-2 District is intended to keep out uses not compatible with industry.

(d) Conservation

1. C Conservancy District

The C Conservancy District is established to preserve and perpetuate in an open state certain areas, such as lakes and waterways, wetlands and marshes, flood plains and stream beds, certain agricultural lands, slopes and other areas of aesthetic value, which because of their unique physical features, are deemed

desirable and functional as natural drainage ways, water retention and erosion control areas, natural habitat for plant and animal life, green belts and other multi-purpose uses beneficial to the community.

The regulations of the Conservancy District are intended not only to preserve and perpetuate certain open space land and water areas for multiple-purpose uses consistent with the intent and purpose of this ordinance, but to also protect the community from the costs which may be incurred when unsuitable development occurs in certain areas. Development in the Conservancy District is limited in character, although certain agricultural and recreational uses are permitted when controlled by specific limitations. Conservancy District

No building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter.

(e) **Planned Development**

1. **PUD Planned Unit Development District**

The PUD District is intended to provide areas for residential, commercial, or mixed use planned development. The purpose of the Planned Unit Development District and applicable regulations is to encourage desirable, quality development through greater flexibility and design freedom than that permitted under the basic district regulations. For projects conceived and implemented as comprehensive and cohesive developments, regulations are established to permit and encourage diversification, variation and creativity in the relationship of uses, structures and heights of structures; encourage the preservation of open space; and encourage more rational, economic development with respect to the provisions of public services. PUDs shall conform to the Site Plan as filed with the City; shall be consistent with the purpose of this ordinance; shall include adequate community facilities; shall in all respects conform to the subdivision regulations of the City except for specified waivers of certain provisions. See Section 16.11 for PUD requirements and procedures.

- (2) **ZONING DISTRICT MAP.** The boundaries of the districts as established by this chapter are shown on the map accompanying and part of this ordinance, which is designated as the “Zoning District Map”, which is properly approved and filed with the City Clerk. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary line is otherwise indicated on the map. In the case of un-subdivided property or in any case where street or lot lines are not used as boundaries, the district boundary lines shall be determined by use of dimensions or the scale appearing on the map.

16.07 ZONING DISTRICT REGULATIONS

The following table shows the basic regulations for each zoning district. Refer to Section 16.08 for clarifications and exceptions as noted by an asterisk (*) in the table.

Zoning District	Lot Size		Min Setbacks (Ft)			Min Open Space (% of Lot)	Max Building Height (Ft)*
	Min Area	Min Width (Ft)	Front*	Side* (Single/ Abutting Street/ Combined Sides)	Rear*		
R-C Rural Character	1 Acre (Max Area: 1.5 Acre; Max Residential Units per Parcel: 2)*	150	50	20/50/50	50	70%	40
R-1 Single-Family Residential	7,200 SF	60	25	8/20/20	25	25%	45/ 3 Stories
R-2 One & Two-Family Residential	4,500 SF/ Unit	60	25	8/20/20	25	25%	45/ 3 Stories
R-D Two-Family Residential	4,500 SF/ Unit	60	25	8/20/20	25	25%	45/ 3 Stories
R-3 Multi-Family Residential	3-4 Unit Structure: 8,000 SF/Unit 5+ Units: 2,000 SF/ Unit (efficiency); 2,500 SF/ Unit (one-bedroom); 3,000 SF/ Unit (two+ bedrooms)*	60	25	8/20/20	25	35%	45/ 3 Stories
R-MF-D Multi-Family Residential (Downtown)	6,000 SF	40	0	- /10/ -	25	10%	45/ 3 Stories
R-MH Manufactured Home	Per Code Chapter 6.05 which is incorporated herein by reference as if fully set forth herein.						
C-1 General Business	15,000 SF	100	15	7/15/15 Adjacent to Residential Districts: Additional 2 Ft + 1 Ft/Story Over 2	20 (1 Story) 25 (2+ Stories)	10%	45/ 3 Stories
C-2 Central Business	All uses exempt from lot size, lot width, yard, and off-street parking requirements.						
I-1 Limited Industry	5,000 SF	50	15	10/15/20	25	10%	75/ 6 Stories
I-2 General Industry	5,000 SF	50	15	10/15/20	25	10%	75/ 6 Stories
C Conservancy	No building shall be erected or structurally altered, unless otherwise provided in this Chapter.						
PUD Planned Unit Development	See Section 16.11.						

16.08 REGULATION CLARIFICATIONS AND EXCEPTIONS

- (1) **FRONT SETBACK.** Where adjoining structures existing at the time of adoption of this ordinance have a different setback from that required the Plan Commission shall determine the necessary front yard setback in such cases. However, in no case shall a building be required to setback more than 60 feet, except where an industrial district is adjacent to a residential district.
- (2) **SIDE AND REAR SETBACKS**
 - (a) Buildings may be excluded from side and rear setback requirements if party walls are used and if the adjacent buildings are constructed as an integral unit. Party walls must be of two-hour fire resistant construction.
 - (b) In any Business or Industrial District, side and rear yard requirements on properties abutting a public alley or railroad trackage may be waived.
- (3) **BUILDING HEIGHT:** Height limitations may be increased by 50% for the following structures: Church spires, belfries, water towers, flag poles, smoke stacks, cooling towers and elevator equipment. Heights in excess of those allowed under this section shall be permitted only by a Conditional Use permit granted by the City Council determining that such structure would not be dangerous and would not adversely affect the adjoining property.
- (4) **R-C RURAL CHARACTER DISTRICT**
 - (a) **Residential Density (Maximum)**
 1. Residential Density Definition: the number of single-family housing units per gross land area (measured in acres). Within each development parcel, gross land area includes wetlands, easements, and road rights-of-way.
 2. Each parcel at least two (2) acres in size as of the effective date of this ordinance, July 29, 2011, is limited to a maximum of two (2) residential dwelling units/lots (including any existing homes). This effectively creates higher residential densities on existing smaller parcels (where land is already divided), and lower densities on existing larger parcels (where there is more potential for preservation until planned growth is warranted).
For reference, the effective maximum densities are as follows:
 - a. Parcels between 2 and 5 acres: 1 unit per acre to 1 unit per 2.5 acres
 - b. Parcels between 5 and 10 acres: 1 unit per 2.5 acres to 1 unit per 5 acres
 - c. Parcels between 10 and 20 acres: 1 unit per 5 acres to 1 unit per 10 acres
 - d. Parcels between 20 and 40 acres: 1 unit per 10 acres to 1 unit per 20 acresExisting parcels smaller than two (2) acres (without an existing home) are eligible for a residential dwelling unit provided all other zoning district regulations can be met.

3. Density Management. Residential density within the Rural Character District will be tracked by the City of Chilton for each parcel. When the maximum residential density is achieved, no further residential units will be allowed unless planned growth warrants a need for a rezoning.
 4. Residential Lot Location. Residential lots shall be located so that:
 - a. They are grouped together to form clusters and surrounded by open space,
 - b. Impacts to natural resources and environmentally sensitive areas are minimized including wetlands, floodplains, drainage ways, woodlands, and slopes over 12 percent,
 - c. Negative impacts to historic and cultural resources are minimized,
 - d. Negative impacts to prime agricultural land and large tracts of productive farmland are minimized. The location of lots should avoid interference with normal agricultural practices, and
- (b) Side Yard (Minimum)
1. Accessory Structures: 20 feet
 2. Animal-related agricultural structures: 50 feet
- (c) Rear Yard (Minimum)
1. Accessory Structures: 20 feet
 2. Animal-related agricultural accessory structures: 50 feet
- (5) R-3 AND R-MF-D RESIDENTIAL
- (a) Floor Area Per Dwelling Unit (3 or More Unit Structures)
1. Efficiency units: 400 square feet
 2. One-Bedroom units: 540 square feet
 3. Two-Bedroom units: 720 square feet
 4. An additional 120 square feet for each bedroom over two bedrooms.

16.09 ZONING DISTRICT PERMITTED AND CONDITIONAL USES

(1) **LAND USE TABLE.** The following table includes the permitted and conditional uses for each zoning district. Permitted uses are indicated with a ‘P’, permitted accessory uses with an ‘A’, and conditional uses with a ‘C’. More information including land use definitions, and in some cases specific standards and exceptions are included in Section 16.09(2) through Section 16.09(7).

Land Uses	Definitions, Standards, & Exceptions Reference	Rural Character	Single-Family Residential	One & Two-Family Residential	Two-Family Residential	Multi-Family Residential	Multi-Family Residential - Downtown	General Business	Central Business	Limited Industry	General Industry
		R-C	R-1	R-2	R-D	R-3	R-MF-D	C-1	C-2	I-1	I-2
AGRICULTURAL/ OPEN SPACE LAND USES	16.09(2)										
Agriculture - Cultivation	(a)	P	-	-	-	-	-	-	-	-	-
Animal Boarding and Breeding Services	(b)	C	-	-	-	-	-	-	-	-	-
Customary Agricultural Accessory Uses and Structures	(c)	P	-	-	-	-	-	-	-	-	-
On-Site Agricultural Retail	(d)	A	-	-	-	-	-	-	-	-	-
Horses and Accessory Private Stables	(e)	P	-	-	-	-	-	-	-	-	-
Horse Riding Academies - Commercial	(f)	C	-	-	-	-	-	-	-	-	-
RESIDENTIAL LAND USES	16.09(3)										
Customary Residential Accessory Uses and Structures	(a)	A	A	A	A	A	A	-	-	-	-
Dwelling – Single Family	(b)	P	P	P	P	-	-	-	-	-	-
Dwelling – Two Family	(c)	-	-	C	P	-	-	-	-	-	-
Dwelling – Multi-Family	(d)	-	-	-	-	P	P				
Dwellings Above Commercial Uses	(e)	-	-	-	-	-	-	-	C	-	-
Home Occupation	(f)	C	C	C	C	-	-	-	-	-	-
COMMERCIAL LAND USES	16.09(4)										
Adult Cabaret	(a)	-	-	-	-	-	-	-	C	C	-
Bed and Breakfast	(b)	P	P	P	P	-	-	-	-	-	-
Group Day Care Center	(c)	-	-	C	C	C	C	C	C	-	-
Entertainment and Service – Indoor Commercial	(d)	-	-	-	-	-	-	C	C	-	-
Greenhouses and Nurseries - Commercial	(e)	C	-	-	-	-	-	P	P	-	-
Indoor Lodging - Commercial	(f)	-	-	-	-	-	-	P	P	-	-
Indoor Retail Sales Activity as an Accessory Use to Industrial, Storage, or Wholesaling	(g)	-	-	-	-	-	-	-	-	C	C
In-Vehicle Sales and Service	(h)	-	-	-	-	-	-	C			
Maintenance Service - Indoor	(i)	-	-	-	-	-	-	P	P	P	P
Maintenance Service - Outdoor	(j)	-	-	-	-	-	-	-	-	C	C
Outdoor Display and Sale – Long Term	(k)	-	-	-	-	-	-	P	C	C	C

Land Uses	DEFINITIONS, Standards, & Exceptions Reference	Rural Character	Single-Family Residential	One & Two-Family Residential	Two-Family Residential	Multi-Family Residential	Multi-Family Residential - Downtown	General Business	Central Business	Limited Industry	General Industry
		R-C	R-1	R-2	R-D	R-3	R-MF-D	C-1	C-2	I-1	I-2
Parking Garages - Commercial	(l)	-	-	-	-	-	-	A	A	A	A
Personal Storage	(m)	-	-	-	-	-	-	-	-	C	C
Personal or Professional Service	(n)	-	-	-	-	-	-	P	P	-	-
Professional Offices	(o)	-	-	-	-	-	-	P	P	-	-
Resort	(p)	C	-	-	-	-	-	-	-	-	-
Retail Sales and Service – Indoor Small	(q)	-	-	-	-	-	-	P	P	-	-
Retail Sales and Service – Indoor Medium	(r)	-	-	-	-	-	-	P	C	-	-
Retail Sales and Service – Indoor Large	(s)	-	-	-	-	-	-	C	C	-	-
Storage or Wholesaling - Indoor	(t)	-	-	-	-	-	-	P	C	P	P
Storage or Wholesaling - Outdoor	(u)	-	-	-	-	-	-	C	-	C	C
Veterinary Services – Domestic Animals	(v)	-	-	-	-	-	-	C	-	-	-
INDUSTRIAL LAND USES	16.09(5)										
Auto Wrecking Yard, Junk or Salvage Yard	(a)	-	-	-	-	-	-	-	-	C	C
Contractor Shop and Yard	(b)	-	-	-	-	-	-	-	-	C	C
Light Industry Accessory Activity as an Accessory Use to Retail Sales or Service	(c)	-	-	-	-	-	-	C	C	C	C
Small Engine Repair	(d)	C	C	C	-	-	-	-	-	-	-
Industrial - Light	(e)	-	-	-	-	-	-	-	-	P	P
Industrial - Heavy	(f)	-	-	-	-	-	-	-	-	-	P
PARK/ RECREATION LAND USES	16.09(6)										
Camps and Campgrounds	(a)	C	-	-	-	-	-	-	-	-	-
Outdoor Public Recreation and Parks - Passive	(b)	P	P	P	P	P	P	P	P	-	-
Outdoor Public Recreation and Parks - Active	(c)	C	C	C	C	C	C	C	C	-	-
PUBLIC / INSTITUTIONAL / UTILITY LAND USES	16.09(7)										
Airports	(a)	-	-	-	-	-	-	-	-	C	C
Bus Terminals	(b)	-	-	-	-	-	-	C	C	P	P
Churches and Similar Places of Worship	(c)	C	C	C	C	C	C	C	C	-	-
Communication Towers	(d)	-	-	-	-	-	-	C	-	C	C
Community-Based Residential Facilities	(e)	-	-	-	-	C	C	-	-	-	-
Essential Services	(f)	C	C	C	C	C	C	C	C	C	C
Governmental and Cultural Uses – Non-Industrial	(g)	-	C	C	C	C	C	C	C	C	C
Rest and Nursing Homes	(h)	-	-	C	C	C	C	-	-	-	-
Truck and Freight Terminals	(i)									C	C

(2) AGRICULTURAL/ OPEN SPACE USES

- (a) Agriculture: Land uses that include crop or forage production, nursery, sod, or Christmas tree production, floriculture, forestry operations consistent with

WDNR best management practices and guidelines, and any other use that the Department of Agriculture, Trade, and Consumer Protection, by rule, identifies as an agricultural use related to cultivation. Animal husbandry (breeding and raising livestock or wild animals) is not permitted without a conditional use permit. Animal husbandry uses currently in existence will require a conditional use permit for any expansion in operation. Livestock and wild animals shall be defined by Wisconsin Administrative Code ATCP 17.

- (b) Animal Boarding and Breeding Services: The use of land, with related buildings or structures, for the breeding, rearing, grooming, training, selling, or boarding of more than 4 dogs or other domesticated animals over six (6) months of age.
- (c) Customary Agricultural Accessory Uses and Structures: 1) Buildings, structures, or improvements that are an integral part of, or incidental to, an agricultural use or keeping of horses; and 2) activities or business operations that are an integral part of, or incidental to, an agricultural use.
- (d) On-Site Agricultural Retail: Land uses that include operations associated with the sale of agricultural products grown exclusively on the site or exclusively by the farm operator. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site. Roadside stands shall not exceed 12 feet in total height or 200 square feet in floor area, and no portion of any such stand shall be located or erected nearer than 50 feet from any street line (all other setbacks outlined in this ordinance must also be followed). In addition, off-street customer parking shall be limited to no more than three (3) vehicle spaces. Any on-site agricultural retail that exceeds these requirements shall be considered through the conditional use process.
- (e) Horses and Accessory Private Stables: Keeping, raising, and breeding of horses not to exceed one (1) horse per two (2) acres of land area excluding surface water. This ratio may be exceeded only through conditional use.
- (f) Horse Riding Academies - Commercial: Operation of commercial riding schools, academies including associated stables, structures, and tracks, and trails.

(3) RESIDENTIAL LAND USES

- (a) Customary Residential Accessory Uses and Structures: Land uses and structures clearly incidental to the primary permitted residential use such as private garages, swimming pools, carports, storage sheds, and decks.

A private garage is an accessory building or accessory portion of the principal building which is intended for and used to store the vehicles of family or families resident upon the premises, and in which no business, service or industry is carried on, provided that not more than ½ of the space may be rented for the private vehicles of persons not resident on the premises, except

that all the space in a garage of none or 2 car capacity may be so rented. Such a garage shall not be used for more than one commercial vehicle. The load capacity of such commercial vehicle shall not exceed one ton.

- (b) Dwelling – Single-Family: A detached building designed, arranged or used for and occupied exclusively by one (1) family.
 - (c) Dwelling – Two-Family: A building designed, arranged or used for and occupied exclusively by, two (2) families living independently of each other.
 - (d) Dwelling – Multi-Family: A building designed, arranged or used for and occupied by three (3) or more families living independently of each other, which may include apartments, condominiums, row housing, and similar units.
 - (e) Dwellings Above Commercial Uses: Residential units in buildings where commercial uses occupy the lower floor(s) and residential units occupy the second story or higher.
 - (f) Home Occupation: Any gainful occupation or profession engaged in by the occupant of a dwelling or from the dwelling when carried on within a the dwelling unit as follows: and not in an accessory building provided that no signs other than those normally utilized in a residential district are present,
 1. No stock in trade is stored on the premises, over the counter retail sales are not involved, and entrance to the home occupation is gained from within the structure.
 2. Such uses may include professional offices, family day care (following all State of Wisconsin requirements), minor repair services, photo or art studio, dress-making, barber shops, beauty shops, or teaching and similar uses; however, a home occupation shall not be interpreted to include tourist homes, restaurants, or similar uses, or any use that produces excessive noise or odors.
 3. Teaching shall be limited to 4 students at any given time.
 4. A home occupation may include one person employed other than the occupant.; however,
 5. No home occupation shall be permitted that results in the need for more than 2 parking spaces at any given time in addition to spaces required by the occupant of the home.
 6. The home occupation shall be limited to no more than twenty-five percent (25%) of the floor area of the principal building, and shall not utilize any secondary buildings or structures.
 7. One (1) unlighted sign not over three (3) square feet in area.
- (4) **COMMERCIAL LAND USES**
- (a) Adult Cabaret: A nightclub, dance hall, bar, tavern, restaurant, or similar commercial establishment, whether or not licensed under Chapter 125, Stats.,

which features Live, Nude Dancing or Live, Semi-Nude Dancing, as defined in Sec. 7.19 of the Municipal Code. This does not include a live dance, ballet, musical or dramatic performance of serious artistic merit that features nudity or semi-nudity and in which the predominant attraction is not to provide sexual or erotic stimulation or gratification to the customers or patrons.

1. An Adult Cabaret is a conditional use in the C-2 and I-1 Districts. In addition to those conditions prescribed by this Code, the Wisconsin Statutes and those imposed by the City Council to protect the health, safety and welfare of the community, the following conditions shall apply to an Adult Cabaret:
 - a. No Adult Cabaret may be located within 250 feet of: a school; library; licensed day-care center; public park; medical clinic; hospital; church or regular place of religious worship; or a residence in any residential zoned district.
 - b. No Adult Cabaret shall allow, nor shall any person engaged in Live, Nude Dancing or Live, Semi-Nude Dancing have any physical contact with any other person, employee, or patron. Live, Nude Dancing and Live, Semi-Nude Dancing shall only occur on a stage or table that is elevated at least 18 inches above the immediate floor level. To prevent actual physical contact between a person engaged in Live, Nude Dancing or Live, Semi-Nude Dancing and another person, employee, or patron, all such nude and semi-nude dancing shall not be less than five feet from an area occupied by any patron.
 - c. A premises licensed under Chapter 125 of the Wisconsin Statutes shall be subject to the provisions of sec. 7.19 of the Municipal Code, which prohibits Live, Nude Dancing.
 2. Penalties:
 - a. Enforcement of this ordinance shall be in accordance with Sec. 16.18(4) of the Municipal Code (which by reference subjects a violation or noncompliance to the penalty provisions of Sec. 20.04 of the Municipal Code).
 - b. In addition, a premises licensed under Chapter 125, Stats. is subject to license suspension, revocation, or non-renewal as provided in Sec. 7.19 of the Municipal Code.
 - c. A violation of this ordinance is declared to be a public nuisance in accordance with Section 8.01, subject to civil abatement procedures.
 3. Severability. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.
- (b) Bed and Breakfast: A place of lodging that provides a maximum of two (2) rooms for rent in a personal residence occupied by the owner at the time of

rental, and in which the only meal served to guests is breakfast and length of stay does not exceed seven (7) days.

- (c) Group Day Care Center: A child care center that is licensed by the Wisconsin Department of Health and Social Services, which provides for compensation supervision and care and/or instruction for four (4) or more children for periods of less than 24 hours per day at a location.
- (d) Entertainment and Service – Indoor Commercial: Land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extends significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, microbreweries, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls. Such land uses do not include adult cabarets.

Microbreweries are facilities where beer, fermented on the premises, is bottled or kegged and sold, and where food may or may not be sold for eat in or carry out. The volume of production of such facility may not exceed one hundred thousand (100,000) gallons a year.

- (e) Greenhouses and Nurseries - Commercial: Structures, from which plants, seedlings, seeds, trees, and those items related to cultivation are sold, traded or bartered to the public.
- (f) Indoor Lodging - Commercial: Land uses including hotels and motels, which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

Motels shall contain at least 600 square feet of lot area per unit, except that there shall be at least 1,000 square feet of lot area per unit, intended for permanent occupancy (2 weeks or more) by a family.

- (g) Indoor Retail Sales Activity as an Accessory Use to Industrial, Storage, or Wholesaling: Land uses that include any retail sales conducted exclusively indoors which is clearly incidental to an industrial facility or indoor storage and wholesaling facility, on the same site.
- (h) In-Vehicle Sales and Service: Land uses which perform sales and/or services to persons in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel and service stations, and all forms of car washes.

Service stations are facilities where gasoline, kerosene, or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles. Includes

greasing and oiling and the sale of automobile accessories on the premises. Also included minor repairs, incidental body and fender work, painting and upholstering, replacement of parts and motor services to passenger automobiles and trucks not exceeding 1-1/2 tons capacity. It shall not include general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body, frame or fender straightening or repair; overall painting or paint job; vehicle steam cleaning.

- (i) Maintenance Service - Indoor: Land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building.
- (j) Maintenance Service - Outdoor: Land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.
- (k) Outdoor Display and Sale – Long Term: Land uses which conduct sales or display merchandise or equipment on a long term basis outside of an enclosed building as a principal accessory use of the lot. Examples of such land uses would include vehicle and equipment sales and rental, manufactured housing sales, monument sales, and garden centers. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk or salvage yard or other permanent outdoor land uses specifically defined by the this Ordinance.
- (l) Parking Garages - Commercial: Parking garages or structures for employees, customers, or commercial vehicle and equipment storage.
- (m) Personal Storage: Land uses oriented to the indoor storage of personal items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as “mini-warehouses.”
- (n) Personal or Professional Service: Land uses that are exclusively indoors whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include, but are not limited to, professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses.
- (o) Professional Offices: Offices of engineers, architects, lawyers, consultants, and similar professions including related administrative functions not dependent on walk-in traffic or appointments from the general public.
- (p) Resort: Any structure or group of structures containing more than 2 dwelling units or separate sleeping quarters designed or intended to serve as a seasonal or temporary dwelling on a rental or lease basis for profit, the primary purpose of the structure or structures being recreational in nature. Accessory uses may include: a grocery for guests only, fish cleaning house, marine services, boat landing, recreational areas and equipment, and similar uses normally associated with and incidental to resort operation.

- (q) Retail Sales and Service – Indoor Small: Land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building with a footprint smaller than 20,000 square feet. This includes general merchandise stores, grocery stores, sporting goods stores, antique stores, gift shops, Laundromats, artisan and artist studios, bakeries, and the like. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as “Light Industry Accessory Activity as an Accessory Use to Retail Sales or Service.”
 - (r) Retail Sales and Service – Indoor Medium: Land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building with a footprint of 20,000 square feet to less than 50,000 square feet.
 - (s) Retail Sales and Service – Indoor Large: Land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building with a footprint of 50,000 square feet or greater.
 - (t) Storage or Wholesaling - Indoor: Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Does not include uses described in the “personal storage facility” land use category. Retail outlets associated with this principal use shall be considered an accessory use.
 - (u) Storage or Wholesaling - Outdoor: Land uses primarily oriented to the receiving, holding, and shipping of materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include equipment yards, lumber yards, coal yards, landscaping materials yard, tank farms, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. Contractors’ storage yards are considered accessory in the “contractor shop” land use category. Retail outlets associated with this principal use shall be considered an accessory use.
 - (v) Veterinary Services – Domestic Animals: Indoor veterinary services including animal clinics and hospitals for domestic animals (does not include livestock services). Also includes indoor grooming, but excludes animal boarding not related to medical services.
- (5) INDUSTRIAL LAND USES
- (a) Auto Wrecking Yard, Junk or Salvage Yard:

1. Automobile Wrecking Yard: Any premises where 3 or more inoperative vehicles (including recreational vehicles) are stored which are not registered and which do not possess current state auto licenses.
 2. Junk or Salvage Yard: An area consisting of buildings, structures, or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition.
- (b) Contractor Shop and Yard: Land uses that include businesses engaged in contract services or labor, such as contractors involved with landscaping; building construction or carpentry; and electrical, plumbing, or heating systems. Often involves accessory equipment storage yards and rental of equipment commonly used by contractors.
- (c) Light Industry Accessory Activity as an Accessory Use to Retail Sales or Service: Land uses that include any light industrial activity conducted exclusively indoors which is clearly incidental to indoor sales or service, on the same site.
- (d) Small Engine Repair: Small engine repair and service including dirt bikes, snowmobiles, ATVs, lawnmowers, snow blowers, and similar equipment.
- (e) Industrial - Light: Land uses which operations (with the exception of loading operations):
1. Are conducted entirely within an enclosed building;
 2. Are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
 3. Do not pose a significant safety hazard (such as danger of explosion); and
 4. Comply with all of the applicable performance standards in Section 16.10. Applicants for building permits in the I-1 District shall submit such evidence as may be required by the Building Inspector to assure compliance with the performance standards. Should the Building Inspector have any doubt as to the ability of any proposed use to meet the required standards, the matter shall be referred to the Plan Commission which shall make a recommendation to the City Council which shall grant or deny the application.
- (f) Industrial - Heavy: Land uses which meet one or more of the following criteria:
1. Are not conducted entirely within an enclosed building;
 2. Are potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line;
 3. Pose a significant safety hazard (such as danger of explosion).

4. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers (excluding microbreweries); paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

(6) PARK/ RECREATION LAND USES

- (a) Camps and Campgrounds: Land uses designed, maintained, intended or used for the purpose of providing camping sites for nonpermanent overnight use to accommodate not more than one (1) recreational vehicle (RV), motor home, pick-up coach, travel trailer, camping trailer, park model, or tent per site. This use also includes facilities for use by campers including restrooms/showers, active and passive recreation areas, office/convenience store buildings, and necessary accessory uses. Any public or private parcel of land containing two (2) or more recreational vehicles used for habitation and occupied twenty-four (24) hours or longer shall be deemed a campground or camping resort. In any residential zone each home or cottage owner shall be permitted only one recreational vehicle to be parked on his premises for storage purposes only. These units are not to be rented, leased, or used for habitation purposes at any time.
- (b) Outdoor Public Recreation and Parks - Passive: Land uses that include recreational uses located on public or private property which involves passive recreational activities. Passive uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, ski trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.
- (c) Outdoor Public Recreation and Parks - Active: Land uses that include recreational uses located on public or private property which involves active recreational activities. Active uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, sportsmen's clubs, public fairgrounds, and similar land uses.

(7) PUBLIC/ INSTITUTIONAL/ UTILITY LAND USES

- (a) Airports: Including landing strips, control towers, hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo.

- (b) Bus Terminals: A terminal or depot that serves bus passengers and includes ticketing office(s), bus maintenance, and storage/parking.
- (c) Churches and Similar Places of Worship: A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
- (d) Communication Towers: Land uses that include free-standing broadcasting, receiving, or relay structures, and similar principal land uses.
- (e) Community-Based Residential Facilities: A place where 5 or more unrelated adults reside in which care, treatment or services above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility. Community living arrangements do not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.
- (f) Essential Services: Overhead or underground transmission facilities of electric power, gas, water, telephone and railroad companies. These include: electric power transmission lines, gas pipe lines, telephone lines, water pumping, reservoir, and distribution facilities including poles, wires, mains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or similar equipment, railroad trackage, but not including buildings, storage, and switching yards.
- (g) Governmental and Cultural Uses – Non-Industrial: Facilities such as fire and police stations, government offices, highway storage garages, cemeteries, funeral homes, hospitals, schools, community centers, libraries, public emergency shelters, clubs or lodges, museums, and similar uses.

Public (government) garages are buildings or spaces for the repair or maintenance of motor vehicles but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.
- (h) Rest and Nursing Homes: A private home for the care of children or the aged or infirm or place of rest for those suffering bodily disorders. Such a home does not contain equipment for surgical care or for the treatment of disease or injury, nor does it include maternity care or care for mental illnesses or infirmities. The outward appearance of these facilities shall be residential in nature and be compatible with the surrounding neighborhood to the greatest degree possible.
- (i) Truck and Freight Terminals: Land uses that include facilities oriented to the short-term storage and trans-shipment of materials, and/or the outdoor storage of trucks and related equipment.

16.10 PERFORMANCE STANDARDS

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible. The performance standards are also designed to prevent and eliminate those conditions that cause urban blight. All future development shall be required to meet these standards. The standards shall also apply to existing development where so stated.

Before any building permit is approved, the Building Inspector shall determine whether the proposed use will conform to the performance standards. The developer shall supply data necessary to demonstrate such conformance. Such data may include description of equipment to be used, hours of operation, method of refuse disposal, type, and location of exterior storage etc. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

- (1) **EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS. EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS.** All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following; laundry drying and recreational equipment, construction, and landscaping materials and equipment currently being used on the premises, agricultural equipment and materials if these are used or intended for use on the premises. Boats and unoccupied trailers, less than 30 feet in length, are permissible if stored in the rear yard more than 5 feet from any property line on an impervious surface and moved every 12 months. Seasonal storage of boats and unoccupied trailers, less than 30 feet in length is permissible on a side yard (not street side) on an impervious surface. No person shall park a vehicle, boat or trailer on a front yard or street side yard of any lot used primarily for residential purposes. All parking is required to be on an impervious surface and on an approved driveway per Municipal Code 16.10 Performance Standards. Existing uses shall comply with this provision within 12 months following enactment of this ordinance. (Ord. 1129 4/5/2016)
- (2) **REFUSE IN ALL DISTRICTS.** All waste materials, debris, refuse, unused construction materials, or garbage shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse and noxious weeds. Existing uses shall comply with this provision within 6 months following enactment of this ordinance.
- (3) **OFF-STREET LOADING.** In connection with any structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles, there shall be provided off-street loading space. Where noise from loading or unloading activity is audible in a residential district, the activity shall terminate between the hours of 7:00 p.m. and 7:00 a.m.
- (4) **TRAFFIC CONTROL.** The traffic generated by any use shall be channelized and controlled in a manner that will avoid:
 - (a) Congestion on the public streets.

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- (b) Traffic hazards, and
- (c) Excessive traffic through residential areas, particularly truck traffic

Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing into the streets. No access drive or curb cut shall be located within 10 feet of any 2 intersecting right-of-way lines and shall not encroach on the full radius of corner curbing.

- (5) **DRAINAGE.** No land shall be developed and no use shall be permitted that results in water run-off causing flooding, or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, watercourse, ponding area, or other public facility.
- (6) **EXPLOSIVES.** No activities involving the storage, utilization or manufacture of materials or products such as TNT or dynamite which could decompose by detonation shall be permitted except such as are specifically licensed by the City Council.
- (7) **RADIATION AND ELECTRICAL EMISSIONS.** No activities shall be permitted that emit dangerous radioactivity beyond enclosed areas. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.
- (8) **LANDSCAPING IN ALL DISTRICTS EXCEPT C-2 OR I-2.** All developed uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures, storage, and off-street parking. Except for driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot; such yard shall have a depth of at least 15 feet.
- (9) **MAINTENANCE IN ALL DISTRICTS.** All structures required landscaping and fences, shall be maintained so as not to be unsightly or present harmful health or safety conditions.
- (10) **INDUSTRIAL STANDARDS.** Within any I Industrial District, no structure, or premises shall fail to comply with the following performance standards:
 - (a) **Vibrations.** Any vibration discernible (beyond property line) to the human sense of feeling for 3 minutes or more duration in any one hour and any vibration producing an acceleration of more than 0.1 grains or resulting in any combination of amplitudes and frequencies beyond the “safe” range of Table 7, United States Bureau of Mines Bulletin No. 442, “Seismic Effects of Quarry Blasting”, on any structure.
 - (b) **Screening.** Any industrial use abutting to an R District shall provide and maintain a wall, fence or planting so as to screen and reduce the noise and dust between the two uses and to inhibit eye level vision between the residential and industrial areas.
 - (c) **Glare or Heat.** Any operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

- (d) Industrial Waste Material. Industrial waste material shall not be washed into the public storm sewer system nor the sanitary system without first having received approval from the Department of Public Works. If said approval is not granted, a method of disposal shall be devised which will not require additional land for continual operation and will not cause a detrimental effect to the adjacent land. Should the industrial waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view, and a maximum amount of accumulation determined along with a satisfactory method of disposal.

16.11 PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

(1) GENERAL PROVISION.

- (a) Qualification as an Applicant. Applicants for a Planned Unit Development District can be an individual, firm, trust, partnership, public or private association or corporation. At the time of application for preliminary approval, the applicant must demonstrate the ability to eventually exercise single ownership of the district area. Previous to final approval the applicant must acquire the entire district area and place it in his singular ownership.
 - (b) Engineering Design Standards. Normal standards or operational policy, regarding right-of-way widths, provision for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a Planned Unit District, but precise standard satisfactory to the Plan Commission, pursuant to the criteria as set forth in Subsection (3) hereof, shall be made a part of the approved plan and shall be enforceable as a part of this Ordinance.
 - (c) Guarantee of Performance. At the time final approval is given, the developer shall enter into an appropriate agreement, through contract and performance bond, with the City insuring the completion of the proposed development in accordance with the plan and approvals given. Specific application of the performance bond shall be determined by the Plan Commission within the review process.
 - (d) Failure to Comply. Failure to comply with conditions, commitments, guarantees or recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Building Inspector, the developer then shall be required to appear before the Plan Commission, at its next meeting, to explain any such failure to comply. The Plan Commission at such meeting may set a time limit for compliance to recommend specific steps to be taken to rescind the approval of the district, including the termination of the construction of any buildings on such site upon 30 day notice in writing to the developer at his last known address.
- (2) **CRITERIA FOR APPROVAL.** As a basis for determining the acceptability of Planned Unit Development District, the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent

with the spirit and intent of this Ordinance, has been prepared with the competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- (a) Character and Intensity of Land Use. In a planned development the uses proposed and their intensity and arrangement on the site shall be of visual and operational character which:
 - 1. Is compatible to the physical nature of the site with particular concern for preservation of environmental and natural features, tree growth and open space.
 - 2. Would produce an attractive environment of sustained aesthetic, ecological desirability, and functional practicality compatible with the general development plans for the area as established by the community.
 - 3. Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- (b) Economic Feasibility and Impact. The applicant shall provide satisfactory evidence of its economic feasibility and if available, adequate financing.
- (c) Engineering Design Standards. The width of street right-of-ways, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to implement the specific function in the specific situation, provided, however, that in no case shall minimal construction standards be less than those necessary to insure the public safety and general welfare.
- (d) Preservation and Maintenance of Open Space. In a Planned Unit Development District, adequate provision shall be made for the permanent preservation and maintenance of common "open space" either by private reservation or by dedication to the public. Public dedications shall be accepted at the discretion of the governing body.
 - 1. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the City as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Building for non-commercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan, or, subsequently with the express approval of the City Council following approval of building, site and operational plans by the Plan Commission.
 - 2. The care and maintenance of such open space reservations shall be assured by establishment of an appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to

individual properties shall be determined prior to the approval of the final development plan and shall be included in the title to each property.

3. Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the City and made a part of the conditions of the plan approval.
- (e) Implementation Schedule. The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Plan Commission, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.
- (3) **SUBSEQUENT CHANGE IN THE PLAN**. Any subsequent change in the plans as finally approved shall first be submitted to the Plan Commission, and if in their opinion such change constitutes a substantial alteration of the original plan, the plans shall be resubmitted subject to approval procedures outlined in Subsection (4).
- (4) **EFFECT OF APPROVAL BY THE CITY COUNCIL**. Final Approval of the Planned Unit Development District does not constitute approval for the construction of new buildings or structures on the site. Separate approval shall be required for each building or structure upon application for a building permit.

16.12 SITE PLAN REVIEW

- (1) **PURPOSE**. It is the purpose of this Section to require site plan review approval for certain developments, buildings, structures and uses that may have significant impact on traffic patterns, adjacent parcels, and the character of the neighborhood and City.
- (2) **APPLICABILITY AND PROCESS**. An approved Site Plan shall be required prior to approval/issuance of the following according to the each designated process:
 - (a) Conditional Use Permits. The Site Plan shall be reviewed as part of the Conditional Use Permit process outlined in Section 16.18(3). The Site Plan shall include all information listed in Section 16.12(3) Site Plan Requirements.
 - (b) Building Permits in the C-1 and C-2 Zoning Districts. The Site Plan shall be reviewed by the Plan Commission. In addition to building code requirements, issuance of a building permit shall be based on an approved Site Plan. The Site Plan shall include all information listed in Section 16.12(3) Site Plan Requirements.
 - (c) Planned Unit Development (PUD) Zoning Districts. The procedure for approval of the Site Plan for a PUD shall include the following:
 1. Initial discussion with the Plan Commission to determine general feasibility of the PUD District.

2. Preliminary review of the Site Plan/PUD according to the requirements of Section 16.12(3) by the Plan Commission. The Plan Commission may recommend approval, approval with revisions, or denial of the Site Plan/PUD to the City Council.
 3. After Plan Commission review, a Public Hearing shall be held by the City Council. After public input, the City Council may approve, approve with revisions, or deny the Preliminary Site Plan/PUD.
 4. Final approval of the Site Plan/PUD District in all its terms and details by the City Council based on consistency with the Preliminary Site Plan/PUD as approved. The Final Site Plan/PUD shall include all information within Section 16.12(4).
- (3) SITE PLAN REQUIREMENTS. The following information shall be provided by the applicant in adequate detail to satisfy the Plan Commission and City Council where applicable:
- (a) A narrative statement describing the development character, all intended uses, and operation of any business (es).
 - (b) An accurate map of the property (ies), including topography and the relationship to surrounding properties.
 - (c) A general development plan showing at least the following information in sufficient detail:
 1. The size, arrangement, and location of any proposed lots.
 2. All existing and proposed public and private roads, sidewalks, paths, driveways, parking facilities, signage, lighting, and landscaping. All roads, parking/loading areas and walks shall be paved with hard surface material meeting applicable specifications of the Public Works Department.
 3. The type, size, height, and location of any existing or proposed structures including setbacks.
 - (d) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, open space calculations, estimated cost of structures, and any other pertinent data.
 - (e) Building plans and architectural drawings of all proposed structures in sufficient detail such that the uses, scale, and aesthetic nature of the building(s) can be determined.
 - (f) Additional Site Plan requirements for Planned Unit Developments:
 1. All maps shall include a minimum of 300 feet of the area surrounding the proposed district's boundaries.
 2. Commercial buildings shall be setback a minimum of 25 feet from all PUD boundaries.

3. The location of sewer and water mains in relation to proposed PUD Districts shall be illustrated.
 4. The location of recreational and open space areas and areas reserved or dedicated for public uses such as school, park, etc shall be shown. Any part of the project area not used for buildings or other structures, or for parking, loading or access ways shall be landscaped with grass, trees, shrubs, or pedestrian walks. Reasonable additional requirements as to landscaping, lighting, signs or other advertising devices, screening, access ways, building setbacks and height limitations may be imposed by the City Council for the protection of adjoining residential property.
 5. Any architectural design standards that will be employed for development of the PUD.
 6. General outline of intended organizational structure related to property owner's association, deed restrictions and private provisions of common services.
 7. The names of the owners and developers of the development site and the mailing addresses and telephone numbers of all parties.
- (4) **PLANNED UNIT DEVELOPMENT FINAL PLAN.** In addition to the Site Plan requirements in Section 16.12(3), the following information shall be provided by the applicant in adequate detail to satisfy the City Council for approval of the Final Planned Unit Development District
- (a) A plat of survey of the Planned Unit Development District with a recordable legal description, including all existing utilities and recorded easements. The plat of survey shall conform to Chapter 236 (or Section 703.13 the Condominium Ownership Act) of the Wisconsin Statutes.
 - (b) A copy of any declaration of covenants and restrictions which govern the use, maintenance, and continued protection of the Planned Unit Development District, any recordable declaration of the Condominium Ownership Act's applicability (Section 703.01 through 703.28 of the Wisconsin Statutes) or any bylaws governing the administration of properties subject to the Condominium Ownership Act.
 - (c) A topographic map with two-foot contour intervals showing all public rights of way and building locations. Said map shall also indicate all utility lines, storm water drainage ways (including Flood Plain) and any easements therefore.
 - (d) A statement indicating the number of phases, if more than one is intended, to be used in construction of the development. Also included shall be the time limit for completion and description of the real property of each phase. If more than one stage phase is proposed, a plot plan shall be provided indicating the physical location of each phase.
 - (e) An application fee as established by resolution.

16.13 SIGNS

(1) Signs are a permitted accessory use in all Zoning Districts, subject to the following regulations:

(a) DEFINITIONS.

1. SIGN. A name, identification, description, display, illustration, structure or device which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor surface or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business, and may be a single-face, double-face, or “V” type structure.
2. SIGN – ADVERTISING. A sign which directs attention to a business or profession or to the primary commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.
3. SIGN – BILLBOARD. A sign which advertises goods, products or facilities, or services not on the premises where the sign is located or directs persons to a different location from where the sign is located.
4. SIGN – BUSINESS. A sign which directs attention to a business or profession or to the primary commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
5. SIGN – BUSINESS (OFF-PREMISE BANNER OR PLATE). A sign which directs attention to an off premise business or profession or to the primary commodity, service or entertainment sold or offered. (ORD. 1099 1/15/2013)
6. SIGN – IDENTIFICATION (NAMEPLATE). A sign identifying a resident, school, church, or other non-business use.
7. SIGN – ILLUMINATED. Any sign which has characters, letters, figures, design or outline illuminated by electric lights or luminous tubes as part of the sign proper.
8. SIGN – ILLUMINATED FLASHING SIGNS. Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use.
9. SIGN – MOBILE. Any sign mounted on any type of frame, chassis, or trailer, whether on wheels, skids, or otherwise mounted, designed to be easily relocated or driven for the primary purpose of advertising. These are sometimes referred to as a mobile sign, portable sign or relocatable sign. These exclude signs such as real estate signs, garage/yard sale signs, or sandwich board signs directly adjacent to the business it advertises.
10. SIGN – REVOLVING. A sign, which does not remain stationary and revolves at a rate faster than one revolution per minute.

11. SIGN – TEMPORARY. A sign that is not solidly affixed to the ground or to a building and displayed not more than 60 days within a six (6) month period. This includes garage or yard sale signs, banners, and sale advertisements.
- (b) A sign is considered a structure or a part of a structure for the purpose of applying yard and height regulations.
 - (c) Except for traffic control, signs and parts of the superstructure may not extend into the required yards and right-of-way without a revocable special permit for temporary signs and decorations granted by the City, subject to the laws of the State of Wisconsin.
 - (d) Illuminated flashing signs or devices giving off an intermittent or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district.
 - (e) For the purpose of selling or leasing property in any district, a sign not in excess of 32 square feet per surface (10 square feet in Residential Districts) may be placed within the front yard of such property to be sold or leased. Such signs shall not be less than 15 feet from the right-of-way line unless flat against the structure.
 - (f) The area within the frame shall be used to calculate the square footage except that width of a frame exceeding 12 inches shall constitute advertising space, or should such letters or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending 6 inches beyond the periphery formed around such letters or graphics in a plane figure, bound by straight lines connecting the outer-most points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign. Any symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walks, awnings, free standing structures, suspended by balloons or kites or on persons, animals or vehicles shall be considered as a sign.
 - (g) Except for temporary signs, signs shall not be attached by an adhesive or painted on a building or fence but shall be on a separate frame or attached by a permanent fixture. Permanent window signs (painted or vinyl occupying no more than 25% of the glazed portion of a window) and awning signs are excluded.
 - (h) The source of light for any illuminated sign shall not be directed into any street or property used or zoned for residential purposes.
 - (i) Election signs are permitted in all districts; however, they shall be removed within 15 days following election days. Election signs shall not be greater than 32 square feet per surface (10 square feet in Residential Districts).
- (2) RESIDENTIAL (R) DISTRICTS. Within the R Districts, the following signs are permitted:

- (a) One (1) nameplate sign for each dwelling and such sign shall not exceed three (3) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.
 - (b) One (1) nameplate sign for each dwelling group of three (3) or more units, and such sign shall not exceed three (3) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.
 - (c) One (1) unlighted sign not over three (3) square feet in area for home occupations.
 - (d) Public and institutional uses within a Residential District may be allowed a sign in excess of three (3) square feet may be allowed as a conditional use, taking into consideration the size, design, location and lighting of the sign, and its impact on the aesthetics of the neighborhood, visibility and any other safety factors.
 - (e) Symbols, statues, sculptures and integrated architectural features on non-residential buildings may be illuminated by flood lights provided the direct source of light is not visible from the public right-of-way or adjacent residential district.
 - (f) Temporary signs shall not exceed three (3) square feet in area per surface.
- (3) **BUSINESS (C) DISTRICTS.** Within the Business Districts, nameplate signs and business signs are permitted subject to the following regulations:
- (a) The aggregate square footage of signage per lot shall not exceed the sum of three (3) square feet for each front foot of building plus one square foot for each front foot of building siding on a street. Signs directing ingress, egress, and traffic flow (directional signs) are exempt from the aggregate square footage limits; however, each directional sign shall be no greater than three (3) square feet per surface.
 - (b) No individual sign shall exceed 200 square feet of area per surface.
 - (c) Off-Premise Signs, Billboards, Displays and Devices shall be permitted only by Conditional Use subject to the following:
 1. Must be a minimum of 100 feet from Residential District property line.
 2. Must be a minimum of 100 feet from an intersection.
 3. Must be a minimum of 350 feet from a church or school.
 4. Must be a minimum of 1,000 feet from another billboard on the same side of the street.
 5. Must be a minimum of five (5) feet from the right-of-way and from any property line.
 6. Must be erected on a free standing structure – no back bracing or guy wires are allowed.

7. Must meet all federal, state and local requirements prior to issuance of permit.
 8. The maximum size shall be 32 square feet per side of sign.
 9. No off premise, sign shall be permitted within 60 feet of the right-of-way or 110 feet of centerline, whichever is greatest on all streets within the City limits.
 10. Height of sign shall not exceed principal building on lot; if a vacant lot, the height of the sign shall not exceed fifteen (15) feet.
- (d) Off-Premise Banner or Plate Signs shall be permitted only by Conditional Use subject to the following: (1/15/2013 Ord. No. 1099)
1. Must be attached or affixed to a permanent building structure.
 2. The sign cannot exceed the set back of the principal building.
 3. The sign cannot exceed the height of the principal building.
 4. The maximum size of the sign shall be 32 square feet, taking into consideration the size, design, location and lighting of the sign, provided it does not exceed the allowable square footage for signs in commercial or industrial zoning.
 5. The sign must be one sided.
- (e) Mobile Signs are limited to thirty-two (32) square feet per side and shall not be located in any right-of-way.
- (4) **INDUSTRIAL (I) DISTRICTS.** Within the industrial Districts, nameplate signs and business signs and advertising signs shall be permitted subject to the following regulations:
- (a) The aggregate square footage of sign space per lot shall not exceed the sum of 4 square feet per front foot of building, plus one square foot per front foot of property not occupied by a building. No individual sign surface shall exceed 250 square feet except advertising signs permitted as an accessory use shall not exceed 250 square feet of surface and shall be counted toward square footage permitted.
 - (b) Off-Premise Signs, Billboards, Displays and Devices shall be permitted only by Conditional Use subject to the provisions of Section 0.
 - (c) Mobile Signs are limited to thirty-two (32) square feet per side and shall not be located in any right-of-way.
- (5) **DANGEROUS AND ABANDONED SIGNS**
- (a) **REMOVAL.** Except as otherwise herein provided, all dangerous and abandoned billboards and/or sign messages shall be removed by the owner or

lessee of the premises upon which a sign or billboard is located when the business it advertised is no longer conducted where advertised or when, in the judgment of the City, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove the sign or billboard, the City Council or its designee, shall give the owner thirty (30) days written notice to remove and sign or billboard. Thereafter, upon the owner's or lessee's failure to comply, the City Council or its designee, may remove such sign or billboard, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the City Council, or its designee, may take any other appropriate legal action necessary to attain compliance. The owner may appeal the City's or its designee's decision to the Board of Appeals.

- (b) ALTERATIONS. For signs erected before the adoption of this Sign Code, said signs shall be rebuilt or relocated to conform to this Article if the cost of reconstruction or relocation is fifty percent (50%) or more of its replacement value.
- (c) VIOLATIONS. All signs maintained in violation of any of the provisions of this Article are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the City Council or its designee may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

(6) VIOLATIONS OF SIGN CODE

- (a) Any person, firm or corporation who begins, erects or completed the erection or construction of any sign controlled by this Article prior to the granting of a permit shall be in violation of this Chapter.
- (b) If the City finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.
- (c) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within thirty (30) days after such notice, the City Council may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Article.
- (d) Any person, firm or corporation who violates any provision of this Article shall be subject to the penalties prescribed in Section 16. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

16.14 OFF-STREET PARKING AND LOADING

- (1) SURFACING AND DRAINAGE. Driveways, approaches, parking and loading areas shall be improved with gravel or an equally durable and dustless surface.

Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area. These requirements shall also apply to open sales lots for cars, trucks, and other equipment.

- (2) LOCATION. All accessory off-street parking facilities required herein shall be located as follows:
 - (a) Spaces accessory to one and two family dwellings in the same lot as the principal use served.
 - (b) Spaces accessory to multiple family dwellings in the same lot as the principal use served or within 40 feet of the main entrance to the principal building served.
 - (c) Spaces accessory to uses located in a business or industrial district; within 800 feet of a main entrance to the principal building served.
 - (d) There shall be no off-street parking space within 3 feet of any street right-of-way.
 - (e) No off-street open parking area containing more than 4 parking spaces shall be located closer than 15 feet from an adjacent lot zoned for residential purposes.
- (3) ACCESS. All off-street parking spaces shall have access off driveways and not directly off the public street.
- (4) PARKING DESIGN.
 - (a) Parking access aisles shall have the following minimum widths:
 - i. Two-way aisles:
 1. Perpendicular parking: 24 feet
 2. Angled or parallel parking: 18 feet
 - ii. One-way aisles:
 1. Perpendicular parking: 20 feet
 2. 60° angled parking: 18 feet
 3. 45° angled parking: 13 feet
 4. 30° angled parking: 11 feet
 5. Parallel parking: 12 feet
 6. If the degree of angle of parking provided is not listed, the aisle width required shall be the next largest angle of parking shown above.
 - b. All required parking spaces shall have minimum area of 162 square feet with a minimum width of nine (9) feet and a minimum length of 18 feet.
 - c. Parking that meets the number, location, and configuration required by the Americans with Disabilities Act (ADA) Standards for Accessible Design shall

also be provided. These spaces count toward the number otherwise required for each use.

- (5) **RESTRICTED VEHICLE PARKING IN RESIDENTIAL AREAS.** No motor vehicle over 1 ½ ton rated capacity bearing a commercial license nor any motor vehicle equipped or used for the purpose of auto salvage commonly referred to as a wrecker, or any commercially licensed trailer, or any school bus, as defined under Wis. Stat. Sec. 340.01(56), shall be parked or stored in a residential district except when loading, unloading or rendering a service.
- (6) **RESTRICTED VEHICLE PARKING OTHER THAN RESIDENTIAL.** No motor vehicle over 1 ½ ton rated capacity bearing a commercial license or any motor vehicle equipped or used for the purpose of auto salvage commonly referred to as a wrecker, or any commercially licensed trailer, or any school bus, as defined under Wis. Stat. Sec. 340.01(56), shall be parked or stored on any City street or district for more than two hours unless occupied by the driver and/or except when loading, unloading or rendering a service.
- (7) **SIGNS.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this chapter.
- (8) **LIGHTING.** Lighting used to illuminate off-street parking shall have no direct source of light visible from a street or adjacent land.
- (9) **REDUCTION OF PARKING AREAS.** Off-street parking spaces shall not be reduced in number unless such number exceeds the requirements set forth herein.
- (10) **PARKING IN THE CENTRAL BUSINESS (C-2) DISTRICT.** Uses located within the Central Business District are exempt from all off-street parking and loading requirements.
- (11) **OFF-STREET PARKING REQUIREMENTS.**
 - (a) **Agricultural/Open Space Uses**
 1. Animal Boarding or Breeding – Commercial: One (1) parking space per every 1,000 square feet of gross floor area.
 - (b) **Residential Land Uses**
 1. Dwelling – Single-Family: Two (2) parking spaces per dwelling unit.
 2. Dwelling – Two-Family: Two (2) parking spaces per dwelling unit.
 3. Dwelling – Multi-Family: Two (2) parking spaces per dwelling unit.
 - (c) **Commercial Land Uses**
 1. Adult-Cabaret: One (1) parking space per every three (3) patron seats or one (1) space per three (3) persons at the maximum capacity of the establishment, whichever is greater.
 2. Bed and Breakfast: One (1) parking space per bedroom.

3. Group Day Care Center: One (1) parking space per every six (6) person capacity of the center, plus one (1) space for each employee on the largest working shift.
 4. Entertainment and Service – Indoor Commercial: One (1) parking space per every three (3) patron seats or one (1) space per three (3) persons at the maximum capacity of the establishment, whichever is greater.
 5. Greenhouse and Nurseries: One (1) parking space per 400 square feet of gross floor area in the principal building(s).
 6. Indoor Lodging – Commercial: One (1) parking space per room or suite, plus one (1) space for every employee on the largest working shift.
 7. In-Vehicle Sales and Service: One (1) parking space per 150 square feet of gross floor area in the principal building(s).
 8. Maintenance Service – Indoor: One (1) parking space per 300 square feet of gross floor area in the principal building(s).
 9. Maintenance Service – Outdoor: One (1) parking space per 300 square feet of gross floor area in the principal building(s), plus adequate parking for the storage of vehicles awaiting service or pick-up.
 10. Outdoor Display and Sale – Long Term: One (1) space per 2,000 square feet of outdoor sales or display area.
 11. Personal Storage: One (1) parking space for each employee on the largest work shift.
 12. Personal or Professional Service: One (1) parking space per 300 square feet of gross floor area in the principal building(s).
 13. Professional Offices: One (1) parking space per 300 square feet of gross floor area in the principal building(s).
 14. Resort: One (1) parking space per room, suite, cabin, or cottage, plus one (1) space for every employee on the largest working shift.
 15. Retail Sales and Service – Indoor: One (1) parking space per 300 square feet of gross floor area in the principal building(s).
 16. Storage or Wholesaling – Indoor: One (1) parking space per 2,000 square feet of gross floor area in the principal building(s).
 17. Storage or Wholesaling – Outdoor: One (1) parking space for every 10,000 square feet of gross storage area, plus one (1) space per each employee on the largest work shift.
 18. Veterinary Services: One (1) parking space per 300 square feet of gross floor.
- (d) Industrial Land Uses

1. Auto Wrecking Yard, Junk or Salvage Yard: One (1) parking space for every 20,000 square feet of gross storage area, plus one (1) space for each employee on the largest work shift.
 2. Contractor Shop and Yard: One (1) parking space per each employee on the largest work shift.
 3. Industrial: One (1) parking space per each employee on the largest work shift.
- (e) Park/Recreation Land Uses
1. Boat Launching Areas and Boat Liveries: One (1) parking space for every two slips or berths plus one (1) space per each employee on the largest work shift. Facilities that include a boat ramp should provide an additional 15 parking spaces per launching lane.
 2. Camps and Campgrounds: One and one half (1.5) parking spaces per camping site plus one (1) space per employee on the largest work shift. Each recreational vehicle camping area shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of recreational vehicles, incidental to parking shall not necessitate the use of any public street, sidewalk or right-of-way or any private grounds not part of the recreational vehicle parking area.
 3. Recreation Areas: One (1) parking space per four (4) expected patrons at maximum capacity. Additional paved, graveled, or grassed area for overflow parking may be provided for occasional outdoor assembly land uses (i.e., special events) located on outdoor public recreation sites.
- (f) Public/Institutional/Utility Land Uses
1. Airports: One (1) parking space per three expected patrons at maximum capacity.
 2. Bus Terminals: One (1) parking space per each employee on the largest work shift.
 3. Churches and Similar Places of Worship: One (1) space per five (5) seats at the maximum capacity.
 4. Community-Based Residential Facilities: 1-8 residents: three (3) total spaces; 9-15 residents: four (4) total spaces; 16+ residents: five (5) total spaces.
 5. Community or Recreation Center: One (1) space per 250 square feet of gross floor area, or one (1) space per four (4) patrons to the maximum capacity, whichever is greater.
 6. Funeral Home: One (1) space per three (3) patron seats at the maximum capacity.
 7. Hospital or Clinic: Two (2) spaces per three (3) patient beds, plus one (1) space per staff doctor and each other employee on the largest work shift.

8. Library or Museum: One (1) space per 250 square feet of gross floor area or one (1) space per four (4) seats to the maximum capacity, whichever is greater.
 9. Rest and Nursing Homes: One (1) space per six (6) patient beds, plus one (1) space per employee on the largest work shift.
 10. School - Elementary and Middle: One (1) space per teacher and per staff member, plus one (1) space per two (2) classrooms.
 11. School - Senior High: One (1) space per teacher and staff member, plus one (1) space per five (5) non-bused students.
 12. School - College or Trade: One (1) space per staff member on the largest work shift, plus one (1) space per two (2) students of the largest class attendance period.
- (g) Adjustments to Required Parking.
1. Purpose. The purpose of this Section is to allow adjustments to the minimum number of parking spaces required to avoid constructing unneeded and excessive off-street parking facilities. Reducing the amount of excess off-street parking facilities is intended to provide for more cost-efficient site development, to eliminate constructing more impervious surface than necessary, to minimize stormwater runoff, to avoid construction of unnecessarily large stormwater management facilities, and to provide more landscape areas and open space on commercial and industrial sites. To achieve these purposes, the Plan Commission may reduce the minimum number of required off-street parking spaces in specific cases as described in this Section.
 2. Adjustments. In all commercial and industrial districts, the minimum number of required parking spaces may be adjusted by the Plan Commission on a case-by-case basis. The petitioner for such an adjustment shall show to the satisfaction of the Plan Commission that adequate parking will be provided for customers, clients, visitors, and employees. The following provisions and factors shall be used as a basis to adjust parking requirements:
 3. Evidence that Actual Parking Demands will be less than Ordinance Requirements. The petitioner shall submit written documentation and data to the satisfaction of the Plan Commission that the operation will require less parking than the Ordinance requires.
 4. Availability of Shared Parking. The petitioner shall submit written documentation to the satisfaction of the Plan Commission that off-site shared parking spaces are available to satisfy the parking demand. When a reduction of parking spaces attributable to shared parking is requested, the petitioner shall submit written verification that such parking is available and shall include copies of any contracts, joint lease agreements, purchase agreements, and other such documentation to show that such shared parking can be accomplished. The City Attorney shall provide an opinion

designating the method by which the required shared parking shall be provided. The off-site shared parking spaces shall be clearly posted for the Joint use of employees, and/or tenants, or customers of each respective use of those spaces.

5. Use of On Street Parking for Visitors. Available nearby on-street parking may be counted toward visitor parking needs. This may only be allowed when on street parking is permitted in a specific location, and then only when such on-street parking spaces are within two hundred fifty (250) feet of the entrance they are intended to serve.

(12) OFF-STREET LOADING. The regulations and requirements set forth in this section shall apply to the required and non-required loading and unloading facilities in all the districts. If, in the application of the requirements of this section, a fractional number is obtained, one loading space shall be provided for a fraction of $\frac{1}{2}$ or more, and no loading space shall be required for a fraction of less than $\frac{1}{2}$.

- (a) Location. All loading berths shall be 25 feet or more from the intersection of 2 street right-of-way lines. Loading berths shall not occupy any yard requirement bordering a street.
- (b) Size. Unless otherwise specified the first berth required shall not be less than 12 feet in width and 50 feet in length. Additional berths shall be not less than 12 feet in width and 25 feet in length. All loading berths shall maintain a height of 14 feet or more.
- (c) Access. Each loading berth shall be located with approximate means of access to a public street or alleys in a manner which will least interfere with traffic.
- (d) Surfacing. All loading berths and access ways shall be improved with a durable material.
- (e) Accessory Uses. Any area allocated as a required loading berth or access drive so as to comply with the terms of this ordinance, shall not be used for the storage of goods, storage of inoperable vehicles, nor shall it be included as a part of the space requirement necessary to meet the off-street parking area.
- (f) Number of Required Loading Berths.
 1. Auditorium, Convention Hall, Public Buildings, Hospitals, Schools, Hotels, Sports Arena. At least one loading berth 25 feet in length for each building having 1,000 to 10,000 sq. ft. of floor area. For those buildings having 10,001 square feet of floor space to 100,000 square feet of floor area or fraction thereof, one additional loading berth 50 feet in length.
 2. Retail Sales and Service Stores, Offices. At least one loading berth 25 feet in length for each building having 6,000 square feet of floor area or more plus one additional loading berth 50 feet in length for each 25,000 square feet of floor area up to 100,000 square feet.
 3. Manufacturing, Fabrication, Processing and Warehousing. At least one loading berth 25 feet in length for each building having 3,000 square feet

or fraction thereof plus one loading berth 50 feet in length for each 25,000 square feet of floor area up to 100,000 square feet plus one loading berth for each 50,000 square feet of floor area over the first 100,000 square feet of floor area. The operator of the business shall have the option to declare the length of the berths required for buildings above 100,000 square feet of floor area, except that one-half or more of the total number of berths required shall be 50 feet in length.

4. Other. There shall be provided adequate off-street loading space in connection with any structure which requires receipt or distribution of materials by vehicles.
 - (g) Uses Not Specifically Noted Above Including Public Uses. Parking space requirements shall be determined by the City Council upon advice from the Plan Commission.
- (13) **JOINT FACILITIES.** Required parking facilities serving 2 or more uses may be located on the same lot or in the same lot or in the same structure provided that the total number of parking spaces furnished shall be not less than the sum of the separate requirements for each use, during any peak hour parking period when the parking facility is utilized at the same time by 2 or more uses. Conditions required for joint use:
- (a) The proposed joint parking space is within 500 feet of the use it will serve.
 - (b) The applicant shall show that there is no substantial conflict in the principal operating hours of the 2 buildings or uses for which joint use of off-street parking facilities is proposed.
 - (c) A properly drawn legal instrument approved by the City Council, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the City Clerk. Said instrument including the City and all private parties involved.
- (14) **LIBRARY.** The library property on Park Street is exempt from all off street parking and loading requirements.

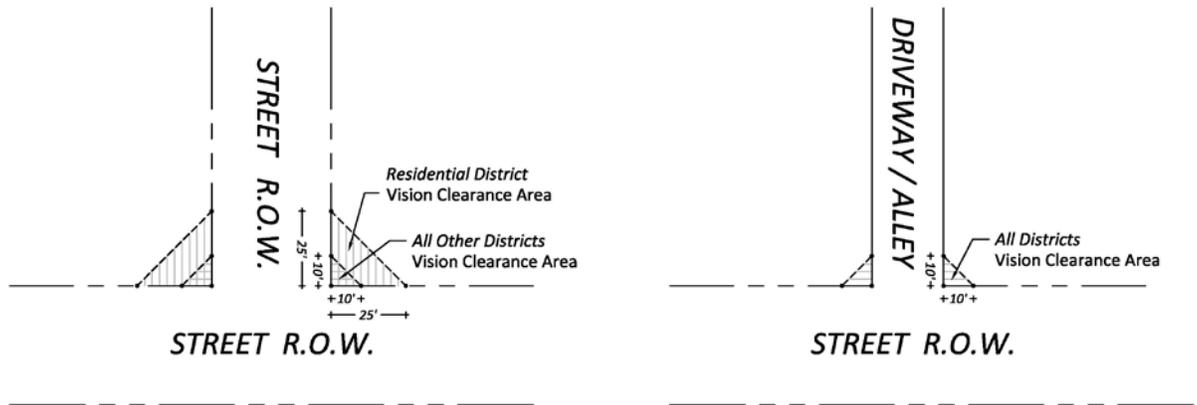
16.15 FENCES

- (1) **PERMIT REQUIRED.** No fence shall hereinafter be located, moved, reconstructed, extended, enlarged, converted or structurally altered without being in conformity with all the structural requirements of local and state building codes. All fences, shall present the non-structural (finished) face outward. A permit is required for all fences that are greater than four (4) feet in height, or located in a front yard.
- (2) **FENCES PERMITTED.** The following fences are permitted subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility:
 - (a) Fences in all districts are permitted up to the property lines subject to the following:

1. Screening, erected, placed, maintained or grown in a required front or street side yard shall not exceed a height greater than four (4) feet above the curb level or its equivalent, and shall not exceed a height greater than three (3) feet within the vision clearance areas established in Section 16.15(3).
 2. Unless otherwise provided, a vision-barrier fence that is within four (4) feet of the lot line in an abutting residential district shall not exceed six (6) feet in height except by conditional use.
 3. A snow fence shall be permitted in all districts when comprised of wooden pickets, including plastic snow fence, bound together by wire and not exceeding four feet in height and removed between May 1 and November 1 of each year. No privately owned snow fence shall extend beyond the highway right-of-way line.
 4. Security fences or walls are permitted in all districts other than residential districts. Security fences or walls may be placed up to the side and rear property lines, but shall not be located closer than two (2) feet to a public right-of-way line. Security fences or walls shall not exceed eight (8) feet in height.
 5. Fences to be installed around swimming pools shall be governed by Chapter 10, Section 10.09 of the Municipal Code.
 6. Fences to be installed for the purpose of a beer garden shall be governed by Chapter 6, Section 6.01(6) (d) (2) of the municipal Code.
- (b) Agricultural fences in the R-C District shall be permitted provided that they do not extend into the highway or road right-of-way.
- (c) Residential fences or walls are permitted up to the property lines in residential districts subject to the following:
1. Fences shall not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the street yard.
 2. Fences or walls in the rear street yard of a double frontage lot shall not be greater than six (6) feet in height.
 3. No fence or wall which incorporates barbed top spikes shall be permitted in any residential district.
- (d) Reference in the above provisions and elsewhere in this ordinance, referring to “up to the property line” shall mean adjacent to, but not overlapping, including not obscuring vision lines to surveying pipes marking said property line.
- (3) **REQUIRED VISION CLEARANCE.**
- (a) In order to provide adequate vehicular vision, no fence, structure, screening, vegetation, or embankment shall be erected, placed, maintained or grown between the heights of three (3) feet and ten (10) feet above the curb level or

its equivalent within the triangular space formed by the intersection and points a distance along the intersecting lines as follows:

1. Two (2) street rights-of-way:
 - a. In any Residential District: 25 feet.
 - b. In any other district: 10 feet.
 2. A street right-of-way and a driveway or alley: 10 feet.
- (b) However, a fence so designated, constructed and maintained as to be at least ninety (90%) percent open for through vision may be constructed in such vision clearance area.



Required Vision Clearance Areas.

- (4) **EXISTING SCREENING.** Any screening which exists at the time of the passage of this Code, but does not conform to the provisions thereof, shall not be altered or enlarged without making the entire unit conforms to the provisions of this section.

16.16 WIRELESS TELE-COMMUNICATION FACILITIES

- (1) **PURPOSE.** In order to accommodate the communication needs of residents and business while protecting the public health, safety, and general welfare of the community, these regulations are necessary in order to:
- (a) Facilitate the provision of wireless telecommunication services to the residents and businesses of the City;
 - (b) Minimize adverse visual effects of towers through careful design and siting standards;
 - (c) Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements;
 - (d) Maximize the use of existing towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of towers needed to serve the community and encourage co-location; and,

- (e) Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the City.

(2) DEFINITIONS.

As used in this section of the Zoning Ordinance, the following terms shall have the meanings indicated:

- (a) Antenna means any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes, and omni-directional antennas, such as whip antennas.
- (b) 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.
- (c) FAA means the Federal Aviation Administration.
- (d) FCC means the Federal Communications Commission.
- (e) Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- (f) Personal communications service (PCS) means a provider of personal wireless service facilities as now defined in Par. 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 332, and as the same may be amended from time to time.
- (g) Personal wireless facilities means transmitters, antenna structures and other types of installations used to provide personal wireless services.
- (h) Pre-existing towers shall have the meaning set forth in this ordinance.
- (i) Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.
- (j) Tower site means the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used on connection with said tower.
- (k) Wireless telecommunication services means licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (ESMR), paging and similar services that are marketed to the general public.

(3) **CONDITIONAL USE PERMIT REQUIRED.**

A Conditional Use Permit in accordance with Section 16.20(3) of the Municipal Zoning ordinance shall be required for the construction of a new tower or co-location on an existing tower not previously granted a Conditional Use Permit.

- (a) No Conditional Use Permit shall be granted for the placement of a tower in any residential zone.
- (b) 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.
- (c) No Conditional Use Permit for a tower site exceeding 30 feet in height shall be granted within 1,500 feet of an existing tower site.
- (d) If a Conditional Use Permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (e) Any information of an engineering nature required by the Conditional Use Permit that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

(4) **TOWER/STRUCTURE DESIGN REQUIREMENTS.**

All towers constructed after June 22, 2000 or wireless telecommunication antennas affixed to building shall comply with the following requirements:

- (a) Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities.
- (b) Wireless telecommunication service towers shall be of a monopole design unless the City determines that an alternative design would better blend into the surrounding environment.
- (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (d) The placement of wireless telecommunication antennas on roofs or walls shall include submittal of a report prepared by a qualified and licensed professional engineer indicating the existing structure's suitability to accept the antenna, and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
- (e) All towers shall comply with the "Obstruction Marking and Lighting" requirements of the FAA in cooperation with the FCC. Where "Dual Lighting

Systems” are suggested, it shall be mandatory that white strobe lighting be used only during daylight hours and only the red light shall be utilized at night.

- (f) Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the FAA or other federal or state authority for a particular tower. Light, if required, shall be shielded from the ground. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
- (g) Towers shall be set back a distance equal to the height of the tower from any residential structure.
- (h) Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.
- (i) Distance from Streets and Utility Lines. All towers shall be so installed that no part of the structure will be nearer to a street or other public thoroughfare than the height of the tower measured from its base to the top of the structure. Any variance necessary from the requirement shall be reviewed by the Plan Commission. If a variance is granted herein, the owner shall sign an agreement, approved by the City Attorney, to hold the City harmless from any and all liability that may result from the construction and maintenance of any structure permitted pursuant to such a variance. No wires, cables, or guy wires shall extend over any street or other public thoroughfare or over any electric power or communications lines.
- (j) Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.
- (k) The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
- (l) All towers shall be shielded, filtered and grounded to meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal and State government with the authority to regulate towers and antennas so as to minimize the possibility of interference with locally received transmission.
- (m) The following site plan review requirements shall govern landscaping surrounding towers:
 - 1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.
 - 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 tree growth and natural land forms on the site shall be preserved to the maximum extent possible.
4. All utility buildings and structures accessory to a tower shall be architecturally designed to blend in with the surrounding environment. Site plan review shall be required for these types of buildings.

(5) FACTORS CONSIDERED IN GRANTING CONDITIONAL USE PERMITS.

The governing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- (a) Height of the proposed tower;
- (b) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment;
- (c) Proximity of the tower to residential structures and residential district boundaries.
- (d) Nature of uses on adjacent and nearby properties;
- (e) Surrounding topography;
- (f) Surrounding tree coverage and foliage;
- (g) (g) the effect of reducing or eliminating visual obtrusiveness;
- (h) Proposed ingress and egress;
- (i) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

(6) CO-LOCATION

- (a) Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
- (b) The holder of a permit for a tower, excepting amateur radio towers and sites, shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through independent arbitration or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.
- (c) No new tower, excepting amateur radio towers and sites, shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the

applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support 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.

(7) **REMOVAL OF ABANDONED ANTENNAS AND TOWERS.**

- (a) All abandoned or unused towers and associated facilities shall be removed within 12 months of the cessation of operations at the site, unless the Plan Commission and City Council approve a time extension.
- (b) Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. In such circumstances, the following shall apply: The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove the antenna and/or tower including all supporting equipment and building(s) within ninety (90) days of receipt of an abandonment notice from the City Inspection Department.
- (c) If removal to the satisfaction of the Director of Public Works or designee does not occur within the ninety (90) days, the City may remove and salvage the antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

16.17 WELL HEAD PROTECTION (ORD. NO. 1111 10/21/2014)

- (1) **PURPOSE.** It is the purpose of this Ordinance to ensure a safe and sanitary drinking water supply for the City of Chilton Water Works by the establishment of well head protection zones surrounding the well heads for all well sites, which are the supply sources for the City of Chilton Water Works system, and by designation and regulation of property uses and conditions that may be maintained within such zones.

- (2) **APPLICABILITY.** This Ordinance applies to all well sites that are or are proposed to be the supply sources for the City of Chilton Water Works. The regulations specified in this Ordinance shall apply within the boundaries of the City of Chilton.
- (3) **PROTECTIONS ZONE DESCRIPTION.** There is hereby established a use district to be known as a well head protection zone, identified and described as Five Year Capture Zone of Well 7, 9 and 10 (Exhibit A Attached) developed by Layne Northwest, a division of Layne Christensen Company and all the area within 1,200 feet of the City of Chilton Well #11.
- (4) **Separation Distance Requirements.** Any Utility water supply well site selected or proposed after October 1, 2013 shall be adequately separated from potential sources of contamination. The following separation distances, as specified in NR 811.12(5) (d) WI Administrative Code, shall be maintained round Well #11.
 - (a) 50 feet between a City Well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.
 - (b) 200-feet between a City Well and any sanitary sewer main not constructed of water main class materials, sanitary manhole, lift station, one or two-family residential heating fuel oil underground storage tank or above-ground storage tank or Private On-Site Wastewater Disposal System (POWTS) treatment tank or holding tank component and associated piping.
 - (c) 300-feet between a City Well and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil or hazardous substances.
 - (d) 300-feet between a City Well and any farm above-ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy; other above-ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the Department of Safety and Professional

Services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil or hazardous substances.

- (e) 400-feet between a City Well and a Private On-Site Wastewater disposal System (POWDS) dispersal component with a design capacity of less than 12,000-gallons per day, a cemetery or a storm water retention or detention pond.
- (f) 600-feet between a City Well and any farm underground tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260 and receive written approval from the Department of Safety and Professional Services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil or hazardous substances.
- (g) 1,000-feet between a City Well and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under Ch. NR 718 while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
- (h) 1,200-feet between a City Well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or single wall farm above ground storage tank or other single wall underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110 for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative

fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

- (5) **EXISTING FACILITIES AND NON-CONFORMING USES.** The standards in this section, not inconsistent with the provisions of Section 62.23(7) (h), Wisconsin Statutes, shall apply to all existing lawful uses of a structure or building or its accessory uses, which are not in conformity with the provisions of this ordinance (Non-Conforming Use). A non-conforming use may be continued subject to the following conditions:
- (a) No modifications or additions to a non-conforming use shall be permitted unless made in conformity with provisions of this section. For the purposes of this section, the words “modification”, in and “addition” shall include, but are not limited to, any alteration, addition, modification, rebuilding or replacement of any such structure or accessory use. Ordinary maintenance is not considered a modification or addition; and includes internal or external painting, decorating, paneling and the replacement of windows, doors, and other non-structural components.
 - (b) If a Non-Conforming Use is discontinued for 12 consecutive months, any future use of the property shall conform to the appropriate provisions of this ordinance.
 - (c) A Non-Conforming Use shall provide copies of all federal, state and local reports off on-going environmental monitoring or testing.
 - (d) A Non-Conforming Use shall provide environmental procedures or monitoring as deemed necessary by the City of Chilton, which may include but are not limited to storm water runoff management and monitoring.
 - (e) Ordinary maintenance shall be done by a Non-Conforming Use in a manner that improves the existing environmental conditions already in existence.
 - (f) A Non-Conforming Use shall have the responsibility of filing with the City of Chilton a contingency plan satisfactory to the City of Chilton, provide immediate notification to the City of Chilton of any emergency or other event that has the potential to cause groundwater contamination. The contingency plan shall include at a minimum a list of contacts, including City of Chilton contacts, to be notified in the event of an emergency, the type of emergency that may occur, or a response plan and the type of equipment used to respond to emergencies.
 - (g) In the event the Non-Conforming Use causes the release of any contaminants which endanger the City’s groundwater, the activity causing said release shall immediately cease with cleanup satisfactory to the City of Chilton, including the payment of all cost of cleanup, City of Chilton consultant fees, and City of Chilton administrative cost for oversight, review and documentation.
- (6) **ADMINISTRATION.** The provisions of this Ordinance shall be administered and enforced jointly by the City Public Works Committee and the City’s Director of

Public Works. They shall examine all applications for building permits for properties within a 1,200 foot radius of a municipal well site with regard to the setback distances established in this Ordinance.

- (7) SEVERABILITY. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or its application.
- (8) PENALTIES. Anyone who violates the provisions of this ordinance shall be subject to forfeiture as provided in Sec. 20.04 of the Municipal Code. Each day of violation shall be considered a separate offense. In addition, the City shall be entitled to injunctive relief.

16.18 ADMINISTRATION AND ENFORCEMENT

- (1) AMENDMENTS. In accordance with the provisions of Wisconsin Statutes, the City Council may, from time to time, adopt amendments. All proposed amendments shall be referred to the Plan Commission prior to adoption.
- (2) REZONING. The procedure for changing zoning district boundaries (rezoning) shall be as follows:
 - (a) The Plan Commission, City Council or property owner may initiate a rezoning. Persons wishing to initiate a rezoning of property shall make application on forms provided by the City Clerk. The form shall be accompanied by a fee established by resolution which is to be used for the costs of processing the application. The application shall be filed with the City Clerk.
 - (b) Property owners or occupants within 200 feet of the property in question shall be notified in writing, although failure by any property owner to receive such notification shall not invalidate the proceedings.
 - (c) The Plan Commission shall make its report to the City Council on or before the next regular meeting of the City Council.
 - (d) A public hearing on the rezoning application shall be held by the City Council. Notice of said hearing shall be made by publication as a Class 2 notice under Chapter 985 of the Wisconsin Statutes.
 - (e) The City Council must take action on the application within 60 days following referral by the Plan Commission. The person making the application shall be notified of the City Council's action.
- (3) CONDITIONAL USE PERMITS. The procedure for issuance of conditional use permits is as follows:
 - (a) The person applying for a conditional use permit shall fill out a form provided by the City Clerk together with a fee as established by resolution.

- (b) Conditional use permit applications require Site Plan Review according to Section 16.12.
 - (c) The Clerk shall refer the application to the Plan Commission. Property Owners within 200 feet of the property in question shall be notified in writing, although failure of any property owner to receive such notification shall not invalidate the proceedings.
 - (d) The Plan Commission shall consider the petition at its next regular meeting, but not earlier than 7 days from the date of submission to the Plan Commission.
 - (e) The petitioner or his representative shall appear before the Plan Commission in order to answer questions concerning the proposed conditional use.
 - (f) The report of the Plan Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Plan Commission, but no more than 90 days after the application has been submitted by the applicant.
 - (g) The City Council must take action on the application within 60 days after receiving the report of the Plan Commission. If it grants the conditional use permit, the City Council may impose conditions it considers necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
- (4) ENFORCING OFFICER AND PENALTY. This ordinance shall be administered by the Building Inspector and enforced by the Director of Public Works who may institute in the name of the City any appropriate actions or proceedings against a violator as provided by law. Any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this ordinance shall be subject to a penalty as provided in Sec. 20.04 of the Code of Municipal Ordinances of the City of Chilton.
- (5) DUTIES OF THE DIRECTOR OF PUBLIC WORKS OR DESIGNEE.
- The Director of Public Works or designee shall enforce this ordinance and in addition, thereto and in furtherance of said authority he shall:
- (a) Determine that all building permits comply with the terms of this ordinance.
 - (b) Conduct inspections of buildings and use of land to determine compliance with terms of this ordinance.
 - (c) Maintain permanent and current records of this ordinance, including but not limited to, all maps, amendments, and conditional uses, variances, appeals and applications therefore.
 - (d) Receive, file and forward all applications for appeals, variances, conditional uses or other matters to the designated official bodies.
 - (e) Institute in the name of the City of Chilton any appropriate actions or proceedings against a violator as provided by law.

(6) BOARD OF APPEALS.

- (a) A Board of Appeals is hereby created in accordance with sec. 62.23, Wis. Stats. The Board of Appeals shall consist of 5 members appointed by the Mayor, subject to confirmation by the City Council, for 3 years, except that of those first appointed, one shall serve for one year, 2 for 2 years and 2 for 3 years without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. The mayor shall designate one of the members as chairperson. The Board of Appeals may employ a secretary and other employees. The Mayor shall appoint an alternate member for a term of 3 years, who shall act with full power only when a member of the Board of Appeals refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (b) The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- (c) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.
- (d) Appeals to the Board of Appeals may be taken by any person, persons, bodies politic or corporate or the officers thereof aggrieved or by any officer, department, board or bureau of the City of Chilton affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide the same within a reasonable time.
- (e) The Board of Appeals shall have the following powers:
 - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official.
 - 2. To hear and decide special exceptions to the terms of this ordinance upon which the Board of Appeals is required to pass.
 - 3. To authorize upon appeal in specific cases, such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical

difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

4. Permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this ordinance, for such public utility purposes which are reasonably necessary for public convenience and welfare.
 5. The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the administrative official. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter upon which it is required to pass or to effect any variation in the requirements of this ordinance.
- (f) In addition to the powers mentioned previously, the Board of Appeals shall have the following specific powers:
1. Grant a permit for a temporary building for commerce or industry in a residence district, which is incidental to the residential development, such permit to be issued for a period of not more than one year.
 2. Grant a permit for the extension of a district boundary for a distance of not more than 25 feet where the boundary of a district divides a lot in single ownership at the time of the adoption of this ordinance.
 3. By special permit, after due notice and public hearing, authorize the location of any of the following buildings or uses in any district from which they are excluded by this ordinance, provided that such building or use shall comply with all other regulations in the district in which it is proposed to be relocated:
 - a. Nurseries and greenhouses for the propagation and cultivation of plants.
 - b. Private clubs and lodges excepting those the chief activity of which is a service customarily carried on as a business.
 - c. Hospitals and clinics
 - d. Institutions of an educational, philanthropic or eleemosynary nature.
 - e. Cemeteries
 - f. Community building or recreation field

In passing upon appeals covering the foregoing uses, the Board may establish adequate safeguards and conditions in harmony with the terms of this ordinance, particularly as they apply to structures of a height and bulk greater

than the normal standards of the district in which the proposed use may be located.

4. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown on the “District Map” accompanying and made a part of this ordinance, where the street layout actually on the ground varies from the street layout on the aforesaid map.
 5. After public hearing, grant a permit for the construction or erection of a building or structure located within 2 miles of the boundary line of any airport to a height greater than that permitted by this ordinance, provided that the Board of Appeals shall first have determined that the height, use and location of such building or structure will not constitute a hazard to the normal, safe operation of aircraft.
 6. The Board of Appeals shall have the power to call on any other City department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.
- (7) **BUILDING PERMITS.** No person shall erect, alter, wreck or move any building, sign or part thereof without first securing a building permit therefore. No structure requiring a building permit shall be occupied prior to final inspection/approval by the Building Inspector.
- (8) **CERTIFICATE OF OCCUPANCY.**
- (a) **Application.** No structure hereafter erected or moved, or that portion of an existing structure erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector stating that the structure complies with all of the provisions within this ordinance. No parcel of land unoccupied by a building or structure shall be utilized for a use until a certificate of occupancy has been issued by the Building Inspector stating that the proposed use of land complies with all the provisions within this ordinance. No parcel of land unoccupied by a building or structure shall be utilized for a use until a certificate of occupancy has been issued by the Building Inspector stating that the proposed use of land complies with all the provisions within this ordinance.
 - (b) **Request for Certificate.** Said certificate shall be issued after the Building Inspector has found the building or structure satisfactory.
 - (c) **Non-Conforming Use.** A certificate of occupancy shall be issued to and a record maintained of each existing non-conforming use upon the effective date of this ordinance. Said certificate shall indicate the type of use, square footage in use, number of employees and other such information as considered necessary to establish the size and scale of the non-conforming use.

16.19 VALIDITY

- (1) All other ordinances or parts of ordinances of the City of Chilton in conflict with the provisions of this ordinance are hereby repealed.