

AN ORDINANCE AMENDING THE ZONING CODE
ORDINANCE 883
THE COMMON COUNCIL OF THE CITY OF NEW LONDON, OUTAGAMIE AND WAUPACA
COUNTIES, WISCONSIN DO ORDER AS FOLLOWS:
SECTION 1 THAT CHAPTER 17 MUNICIPAL CODE IS HEREBY REPLACED FOLLOWS:

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ZONING ORDINANCE
CODE OF ORDINANCE, CHAPTER 17

17. 00 INTRODUCTION

17.00-1 AUTHORITY

- (1) This ordinance is adopted pursuant to the authority granted by the Wisconsin statutes including, but not limited to Section 60.62 City planning under village powers} and 62.23 (7) City planning and zoning), 87.30 (flood control}, and amendments thereto.
- (2) This ordinance takes note of the dual authority of the County together with the City granted by Wisconsin Statutes 59.971 and 144.26 relating to protection of natural resources in shoreland areas of the City.

17.00-2 TITLE

This Ordinance shall be known *as*, referred to, and cited as the ZONING ORDINANCE OF THE CITY OF NEW LONDON, WISCONSIN and hereinafter is referred to as the "zoning Ordinance", "Ordinance", "Zoning Code" or "Code".

17.00-3 JURISDICTION

The provisions of this Ordinance shall apply to all structures, land, air space, and surface and subsurface waters, within the City of New London, Wisconsin.

17.00-4 PURPOSE

This ordinance is adopted for the purpose of promoting health, safety, esthetics, prosperity, morals or the general welfare of the community through the comprehensive regulation of land use within the City.

17.00-5 INTENT

- (1) It is the intent of this ordinance to carry out the statutory purposes enumerated in 60.61 and 62.23 (7) including but not limited to:
 - A. regulate areas in which various land uses may be conducted;
 - B. regulate the location of community facilities;
 - C. regulate the location and operation of economic development areas;
 - D. regulate the location! bulk, height and similar features of structures, including the overall population density of the community;
 - E. establish zoning districts to accomplish the above and other purposes;
 - F. regulate land use along natural water courses to protect such courses;
 - G. regulate land use for the protection of groundwater resources;
 - H. regulate so as to preserve areas with historic or aesthetic value;
 - I. provide for special planned development districts pursuant to ss.62.23 (7) (b);

17.00-6 PURPOSES IN VIEW

- (1) In accordance with ss.62.23 (7) Cc) the regulations of this Ordinance shall be made and administered in accordance with a comprehensive plan as authorized in 62.23 (3);
- (2) Also in accordance with 62.23 (7) (c) the related areas of the statutes cited in the Authority above, the regulations of this Ordinance are designed to:
 - A. lessen congestion in the streets;
 - B. secure safety from fire, panic and other dangers including flooding and soil erosion;
 - C. provide adequate light and air including access to sunlight for solar collectors and to wind for wind energy systems;
 - D. prevent the overcrowding of land and the destruction of natural resource areas, such as wetlands;
 - E. facilitate the adequate provision of transportation, water, sewerage, school parks and other public requirements;
 - F. relate the regulations to the character of the particular uses, with *a* view to;
 - G. conserving the value of buildings and encouraging the most appropriate use of land.

17.00-7 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of the Ordinance shall govern.

17.00-8 LIBERAL CONSTRUCTION

In the interpretation and application of this Ordinance, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes, as may be amended from time to time, or now possessed by the City.

17.00-9 SEVERABILITY AND NON-LIABILITY

- (1) If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (2) If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water nor specifically included in said judgment.
- (3) The City does not guarantee, warrant or represent that only those areas designated as floodlands or wetlands will be subject to periodic inundation or that those soils listed as unsuitable for various uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the City, its agencies or employees for any flood damage, sanitation problems, structural or other damages that may occur as a result of reliance upon and conformance with this Ordinance.

17.00-10 REPEAL

The existing City Zoning Ordinance together with any amendments thereto are hereby repealed.

17.00-11 EFFECTIVE DATE

This Ordinance becomes effective upon adoption by the Common Council after the public hearing and after the review and recommendation by the City Planning Commissioners required under State Statute 62.23.

17.01 RULES AND DEFINITIONS

17.01-1 COMPLIANCE

No structure, land or water shall be hereafter used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a Zoning Permit, except as specifically exempted herein, without full compliance with the provisions of the Ordinance.

17.01-2 PREVIOUSLY ISSUED PERMITS

Zoning Permits issued in compliance to law prior to the effective date of nay amendments to this Ordinance which affect the terms of said Permits remain valid provided substantial work authorized by the Permit has been commenced within 6 months of the date of permit issuance, and provided work is being diligently pursued so as to be eligible, in the opinion of the Zoning Administrator, for issuance of a Zoning Occupancy Permit within 18 months of the Zoning Permit issuance date.

17.01-3 WORD USE AND MEASUREMENTS

- (1) In the construction of this Ordinance the v following words, rules, and definitions contained in this article shall be observed and applied, except when the context clearly indicated otherwise:
 - A. Words used in the present tense shall also include the future; and words used in the singular number shall also include the plural and plural shall also include the singular;
 - B. The word "shall is mandatory and not discretionary;
 - C. The word "may" is permissive;
 - D. The word "lot" shall also include the words "piece", "parcel", and "plots";
 - E. The word "building" includes all other structures of every kind regardless of their lack of similarity to building;
 - F. The phrase "used for" shall include "arranged for", "designed for", "intended for", "maintained for" and "occupied for";

- G. The word "person" applies to persons, individual (s) associations, proprietorships, corporations, and partnerships;
- H. All measured distances shall be to the nearest "integral foot." If a fraction is one half foot or less, the next below shall be taken.

17. 01-4 DEFINITIONS (See Appendix of words arranged alphabetically)

17.02 ADMINISTRATION AND ENFORCEMENT

17.02-1 ORGANIZATION

- (1) Composition and Appointment: The Plan Commission referred to in this section and elsewhere in this Ordinance shall be composed and appointed as provided for in ss.62.23(1) Wis. Stats. (also see ss.60.60(1)) and as further provided for in any City ordinance implementing said Statute.
- (2) Compliance to Open Meeting Law: All meeting and hearings of the Plan Commission shall be conducted in accordance with sections 19.841 through 19.98 of the Wisconsin Statutes, the Open Meeting Law.
- (3) Duties:
 - A. The primary duties of the Plan Commission with respect to this Ordinance shall be :
 - 1. to carry out ss.62.23 (2) regarding the making and maintaining of a master plan for the physical development of the municipality; and
 - 2. to also be cognizant of such plans as may be adopted by adjacent municipalities, the county, or the regional planning agency referred to in ss.66.1001 Wis. Stats; so as
 - 3. to make its recommendations and conduct its administration of this Ordinance, pursuant to ss.62.23 (3) Wis. Stats., in accordance with said City plan and with such of the other plans as the Plan Commission shall endorse.

- B. Additional duties of the Commission shall be:
 - 1. to hold informational or public hearings as assigned to the Commission by this Ordinance;
 - 2. to supervise the office of the Zoning Administrator in the administration of this Ordinance.

(4) Powers:

- A. to enter upon any lands and make inspections thereof, in the performance of Commission duties, as provided for in ss.62.23 (4) Wis. Stats.
- B. to recommend to the Common Council amendments to this Ordinance, either as petitioned by owners of land or their agents, (with or without modifications or conditions as the Commission shall deem appropriate), or as petitioned by the Commission itself.
- C. to grant or deny without Common Council approval conditional use permits as set forth in 17.06 CONDITIONAL USES.
- D. to review, negotiate, and approve without Common Council approval applications for Zoning Permits where the District regulations require Commission action as set forth in 17.05 REVIEW OF BUILDING, SITE AND OPERATIONAL PLANS.
- E. to suspend or revoke any zoning or conditional use permit as approved by the Commission where the Commission finds non-compliance to the permit, or to delegate said authority to the Zoning Administrator,

17.02-3 ZONING ADMINISTRATOR

- (1) There is hereby created the office of Zoning Administrator for the City of New London as the administrative and enforcement officer for the provisions of the Ordinance.

- (2) Building Inspector Designated: The Building Inspector is hereby designated as the Zoning Administrator. For such duties, he may be provided with the assistance of such additional persons as the Common Council may direct.
- (3) Duties: It shall be the duty of the Zoning Administrator to administer, supervise and enforce the provisions of this Ordinance and to:
 - A. Record all permits issued, inspections made, work approved and other official actions.
 - B. Inspect all structures, lands and waters as often as is necessary to assure compliance with this Ordinance.
 - C. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.
 - D. Give Notice of all violations of this Ordinance to the owner, resident, agent or occupant of the premises.
 - E. Report Uncorrected Violations to the City Attorney and assist him in the prosecution of said Ordinance violations.
 - F. Assist in the Preparation of agendas for the City Planning Commission and Zoning Board of Appeals including processing of applications for action by those bodies.
- (4) Powers: The Zoning Administrator shall have all the powers necessary to enforce the provisions of this Ordinance without limitation by reason of enumeration including the following:
 - A. Issue Zoning Permits and Occupancy Certificates upon application for the erection or use of a structure, land or water where such erection or use complies with all of the Provisions of this Ordinance.

- B. Permit Temporary Events for periods not to exceed ten (10) days for specific purposes such as: temporary carnivals, sports activities over public ways, church bazaars, charity fund raisers, and revival meetings which are not detrimental to the public health, safety, morals, comfort, convenience, or general welfare; provided, however, that said use or operation and any incidental temporary structures or tents are in conformance with all other ordinances and codes of the City;
- C. Enter Premises, Public or Private, at any reasonable time for any proper purpose to make those inspections as deemed necessary by him to ensure compliance with this Ordinance, if, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Sect. 963.10 of the Wisconsin Statutes, except in case of emergency. Where upon he may act necessary to preserve life and property.
- D. To Revoke any Zoning Permit or Occupancy Certificate upon reasonable cause or question as to proper compliance and to issue Cease and Desist Orders requiring the cessation of any building, moving or alteration which is in violation of this Ordinance, such revocation to be effective until reinstated by himself or the Board of Appeals.
- E. Commence Any Legal Proceedings in the name of the City and with authorization of the Common Council necessary to enforce the provisions of this Ordinance.
- F. Recommend to the Planning Commission any additional use regulations the Administrator shall deem necessary to make the operation of this Ordinance more effective.

17.02-4 ZONING PERMIT AND OCCUPANCY CERTIFICATE

- (1) Required: No new building and no existing building which is to be remodeled or relocated shall be issued a Building Permit until a Zoning Permit is issued certifying that such construction or change would comply with the provisions of this Ordinance, based upon the information and plans supplied to the Zoning Administrator as required hereunder. Occupancy or use of land, water or buildings and structures shall be prohibited until an Occupancy Certificate has been issued certifying that all appropriate provisions of this Ordinance have been met.
- (2) Procedure: Applications for Zoning Permits and Occupancy Certificates shall be made to the Zoning Administrator on forms furnished by the Administrator prior to or at the same time as an commencement of any use not involving a Building Permit, and shall include the following where pertinent and necessary for proper review.
 - A. A Statement by the applicant as to the intended use of the premises and buildings thereon.
 - B. An accurate map of the property drawn to a reasonable scale and property dimensions showing:
 1. The boundaries of the property involved, and, address including subdivision lot and block number or metes and bounds description.
 2. The location of the center line of any abutting streets, existing highways access restrictions, proposed street access points and the locations of off street parking, loading areas and driveways.
 3. The location on the lot of any existing buildings, proposed additions or proposed new building, including the measured distances between such buildings and from the lot lines and from the center line of any abutting street to the nearest portion of such building.

4. The proposed floor elevation of any proposed building in relation to the existing and/or established grade of any abutting streets and the general direction of surface drainage on the lot including the defined location of any defined drainage way, such elevations shall be referenced to Mean Sea Level datum.
 5. The high water line of any stream or lake which abuts the property or otherwise directly affects it by flooding.
 6. The boundaries of soil types shown as existing on the property on USDA Soil Conservation Service maps where these are required by the Zoning Administrator.
- C. Water Supply: where the proposed use involves human occupancy and connection is not to be made to municipal water service, satisfactory evidence that a safe and adequate supply of pure water is to be provided and the location of any well for that purpose shown on the above map.
- (3) Permit Issuance: Upon Determination of Compliance by the Zoning Administrator of the applicant 's request with all applicable provisions of this Ordinance, including where necessary approval by the Plan Commission of Building Site and Operational Plans pursuant to Sect. 17.05 and upon payment of the proper fee (Sect. 11.5), a Zoning Permit shall be issued. The applicant shall post such permit in a conspicuous place at the site.
 - (4) Final Inspection: Within 10 days after the notification of the completion of the erection, alteration or relocation of the building, the Zoning Administrator shall make an inspection of the premises and any building thereon and if the building and the intended use thereof and the proposed use of the premises comply with the requirements of this Ordinance, and Occupancy Certificate shall be issued.

- (5) Expiration: If within 12 months of the date of application for a Zoning Permit, no Occupancy Certificate has been issued, any Zoning Permit related thereto shall lapse and the Zoning Administrator shall make immediate investigation to ascertain that no use or occupancy has in fact commenced without proper authority. Upon showing of valid cause, the Zoning Administrator may grant an extension of such permit for a period not to exceed six (6) months.

17.02-5 ZONING COMPLIANCE STATEMENTS

Owners of properties or their agents, for their convenience and without actually applying for a zoning permit, upon paying a separate fee therefore, may request the Zoning Administrator to issue a "zoning compliance statement" on whether the existing or prospective use or construction thereon of that property complies with, or is likely to comply with, the terms of this ordinance. The Zoning Administrator may refuse to issue such permits except on an "as time is available basis" based upon work flow in the zoning office, and may condition such statements as not covering aspects that are in the opinion of the administrator speculative, or indeterminate from the information at hand.

17.02-6 FEES

- (1) Fees: for Zoning Permits, Occupancy Certificates, Conditional Uses, Zoning Changes and Amendments! Variances or other requests before the Board of Appeals shall be required to defray the cost of administration, map preparation, inspections, public notices and record keeping. The Board shall, upon recommendation of the City Planning Commission, establish a fee schedule by resolution and the fee schedule shall be published and made available through the Zoning Administrator, which shall update the schedule of fees of (2) following.

- (2) Schedule of Zoning Fees:

ZONING PERMITS

single and two family	\$ 2.00
multifamily	\$ 5.00
all other principal structures	\$ 8.00
accessory structures	no charge
occupancy certificate	\$ 2.00
temporary use	\$ 15.00
sign permit	\$ 7.50

SITE PLAN REVIEWS

residential 1 & 2 family	\$ 15.00
residential multi-family	\$ 50.00
commercial industrial	\$100.00
mobile home development	\$100.00
overlay extractive landfill	\$100.00+2/acre
overlay planned unit development	\$100.00
Public hearing fees (Ord. #1087)	\$200.00
Board of Appeals fees (Ord. #1087)	\$200.00

17.02-7 DOUBLE FEES

A double fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

17.02-8 ENFORCEMENT AND VIOLATIONS

- (1) Financial Sureties The Building Inspector may require that a performance bond or letter of credit be obtained for the benefit of the City and filed with the City so as to insure compliance with the terms of this ordinance or a permit. In setting the amount of the bond or letter of credit, consideration should be given to 1) the purpose of the bond or letter of credit, 2) the use to which any forfeit money is to be applied, and 3) the time when it may be applied and any increased costs due to time or inflation that may be incurred by the City in the event of noncompliance with this ordinance or the terms of a permit or that may be incurred for purposes of rehabilitation. The amount of the bond may be subject to further review. Failure to obtain or maintain such bond or letter of credit shall invalidate any permit.
- (2) Violations, Injunctions, Abatement and Removal:
It shall be unlawful to construct, develop or use any structure, or develop or use any land, water, air in violation of any of the provisions of this ordinance or order of the Zoning Administrator or Board of Appeals. In case of any violation, the Common council, the City Attorney, the Zoning

Administrator, or any owner of real estate affected who would be specifically damaged by such violation, any institute appropriate legal action or proceedings to enjoin a violation of this ordinance, or seek abatement or removal. In addition, those actions commenced on behalf of the City may seek a forfeiture or penalty as outlined herein.

(3) Proceedings:

- A. Civil Proceedings: Pursuant to the provisions of section 66.12 of the Wisconsin Statutes, an action for violation of the municipal ordinance is deemed a civil action. Accordingly, Chapters 801 to 847 of the Wisconsin Statutes shall apply where applicable to violations of this ordinance.
- B. City Attorney: The City Attorney may, in his discretion, commence legal actions or proceedings as outlined above and may proceed pursuant to the proceedings outlined in Wisconsin Statutes section 66.119, 66.12 or 288.10 or pursuant to the issuance of a summons and complaint.
- C. Citations: Citations may be issued by the Zoning Administrator, or authorized deputies.
- D. Special Inspection Warrants; The provisions of Wisconsin Statutes section 696.122 and 66.123 shall govern the issuance of all special inspection warrants.
- E. Statute of Limitations; Pursuant to Wisconsin Statutes section 893.93 (2) (6) any action to recover a forfeiture or penalty imposed by ordinance or regulation, when no other limitation is prescribed by law, shall be commenced within two years of said violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day the violation exists continues to constitute a separate offense, no penalty may be imposed for each day of violation occurring more than two years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two year period prior to the issuance of the complaint.

(4) Penalties:

- A. General Penalties: Any person, partnership, firm or corporation who fails to comply with the provisions of this ordinance or any order of the Zoning Administrator issued in accordance with this ordinance shall, upon conviction thereof, forfeit not less than Ten Dollars (\$13) or more than Five Hundred Dollars (\$503) and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
- B. Schedule of. Cash Deposits for Violations Charged Under A. : The cash deposit for the violation of any section or subsection of this ordinance shall be One Hundred Dollars (\$100). In addition, upon conviction, any person who has been found to have acted in violation of any of the above sections shall be liable for the costs of prosecution including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs, shall

(4) PENALTIES (2) cont.

be imprisoned until payment thereof, but not exceeding thirty (30) days. For a second offense of a similar nature within a twelve month period, the cash deposit shall be Two Hundred and Fifty Dollars (\$250) and for a third offense of a similar nature within a twelve month period, the cash deposit shall be Five Hundred Dollars (\$500).

- (5) Liens: In addition to all other remedies available at law, judgment on convictions of violations of the terms of this ordinance wherein a forfeiture or penalty is imposed shall be filed with the County Register of Deeds Office and shall constitute a lien on the property and running with the property wherein the violation occurred and shall be removed only upon payment of said penalty or forfeiture. Notice of the imposition of such a lien shall be given to the defendant and prior

to the filing of the lien, the defendant shall be given ten days to appeal the court of the county in imposing such a lien on the property wherein the violation occurred. Any judgment so filed with the Register of Deeds shall note thereon the imposition of a lien and a legal description of the property so affected. Upon satisfaction or partial satisfaction of such judgment notice of satisfaction or partial satisfaction shall be filed with the Register of Deeds.

17.03 GENERAL PROVISIONS

17.03-1 INTRODUCTION

The proper regulation of the use of certain structures, land, waters, and air only through the use of the zoning districts contained within this ordinance is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this ordinance.

17.03-2 USE REGULATIONS

- (1) Uses Restricted; No structure or land shall be used and no structure shall be hereafter erected, structurally altered, or relocated, except for a use as permitted and in compliance with the regulations hereinafter established for the district in which it is located, and the regulations of this section as applicable.
- (2) Uses Classified: For the purpose of this Ordinance, all uses shall be classified according to the following categories:
 - A. Permitted Uses By Right : Principal uses, the permissibility of which is predetermined right anywhere in the district in which located, subject only to the regulations established governing such use.
 - B. Permitted Accessory Uses: Uses which are incidental, customary to, and commonly associated with a permitted principal use, and therefore permitted on the same basis as the principal use. Accessory uses shall not be permitted prior to principal uses.

- C. Uses Permitted By Conditional Grant: Uses, the nature, character or circumstances of which are so unique or so dependent upon the specific contemporary conditions that predetermination of permissibility by right specific standards, regulations or conditions necessary or appropriate at all possible sites to such permissibility, are not practical; but which may be permitted or denied in the districts where listed subject to arriving at mutually agreed conditions and requirements between the petitioner and the town.
- (3) Unclassified Uses: Any use not specifically listed as a permitted or conditional use shall be considered to be prohibited except as may be otherwise specifically provided in Districts where uses listed are examples, not an exhaustive listing. In case of question as to the classification of a use, the question shall be submitted to the Planning Commission for determination. *
- (4) [Amd. Ord. #1317] Temporary Uses, such as real estate development field offices, or shelters for construction materials and equipment, may be permitted by the Zoning Administrator for periods not exceeding 18 months, renewable for a second 18 months. Additional time for Temporary Uses may be granted only by approval of the Planning Commission. These approvals will be done on a case by case basis. (Also see 17.02-3 (4)).
- (5) Performance Standards listed in Section 17.04 shall be complied with by all uses in all districts. Uses, even if listed as permitted, which cannot comply with a particular performance standard, become individually prohibited.
- (6) Storage And Discharge Prohibited; No waste material such as garbage, rubbish, gasoline, fuel oil, phlegm, soils, tars, chemicals, greases, industrial or agricultural waste, or any other materials of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be so located stored, or discharged in a way that would be likely to run off, seep, or wash into surface or ground waters. Nor shall any such material be allowed to accumulate on any lands of waters so as to be nuisance. No non-agricultural gasoline storage tanks shall be permitted in a residential district and no more than five cords of firewood may be stored on any parcel located in the R-E through R-5 Districts.

(1) Establishment of Grades:

- A. Intent: It is the intent of this section to minimize drainage problem impact on adjacent properties, including city right-of-way by the construction of new development.
- B. Requirement: Every building hereafter erected, structurally altered, or relocated shall have its lot grades and structure built accordingly.

1. Drainage Ways

- a. Filling or blocking of any drainage course in the city's right-of-way is prohibited.
 - b. Filling or blocking of any drainage way across the property is prohibited. However, it can be rerouted on the parcel from its upstream entry point back to its downstream exist point so as to accommodate the site improvements providing that the new drainage way will carry the runoff from a storm that is so intense that it will occur on an average of only once in 100 years for a Type Two 24-hour storm as defined by the United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS).
- 2. Structures built beyond 100 ft. of a city right-of-way or any edge of their property line shall not be limited. However, any structural change shall not cause flooding of adjacent parcels and if in a floodplain zone, shall comply with those regulations.
 - 3. Structures within 100 ft. of the adjacent city right-of-way and within 100 ft. of any of its remaining lot lines.
 - a. If the structure is in a floodplain, the conditions of the City's Flood Zoning Ordinance shall supersede this ordinance.
 - b. Front Yard: The elevation of the ground at this side of the house facing the adjacent street shall be set according to the following conditions.

1. Minimum of one-half foot above the curb.
 2. If no curb exist, then a minimum of one foot above the center line of the road.
 3. Also if said new structure is to be built within 75 ft. of another structure on the street, its ground elevation shall be the same height above the curb or centerline of the road (if no curb exists) as the adjacent structures. But no lower than that of conditions 1 or 2 above.
 4. If said structure is between 2 structures and within 75 ft. of both structures, the ground at the front of the house shall be the average of height above the curb or center of road of the two adjacent structures.
- c. Side yards: The side yards (that portion of the lot which is on the adjacent side of the structure that faces the adjacent Street) shall be sloped downward away from the house an adequate distance, than sloped downward to the street. In no case though, shall the drainage course created be lower than the top of the curb or lower than 1/2 foot above the center of the road.
- d. Rear yards:
1. Rear yards (that portion of the lot opposite of the front side of the lot) shall be sloped downward away from the structure for at least 10 feet.
 2. If possible, the yard should be sloped downward as much as possible toward the drainage way created by the side yards as to drain towards the street.

3. Thereafter, the remaining yard slope shall meet the elevations along the property line.
4. Structures within 15 ft. of the city's adjacent right-of-way line and/or within 5 ft. of side lot lines and or within 10 ft. of the rear lot line.
 - a. Front yard. If the structure is permitted to be closer than 15 ft. of the right-of-way, the ground at the front of the structure shall be at least 6 inches above the center of the road (if no curb exists), 2 inches above the top of the curb or at least 1-1/2 inches above the closest edge of the city sidewalk.
 - b. Side yards and Rear yard. If the structure is permitted to be less than 5 ft. from the side lot lines, or 10 ft. of the rear lot line, the ground at the side of the structure shall be within 3 inches of the lot line elevation. Drainage from the surface of the structure shall be collected to common points on the structure and drained directly to the nearest city storm sewer or ditch, if no curb exists.
5. Runoff Restrictions
 - a. Developments or parcels in non-water saturated or non-frozen ground condition and that are over 5 acres in size will not erase their discharge or runoff rate to no greater than the following peak rainfall rates of a storm whose intensity is so great as to occur on an average of only once in 100 years:

Multiple Family Zoned	50%
Commercial Zoned	70%
Industrial Zoned	70%
All Other Areas	35%

In such cases, the excess water shall be temporarily stored on site in a manner that does not damage superstructures and it's basements.

- b. Upon request of the developer, the City Engineer may establish the design criterion for the sizing of the runoff retention volumes.
 - c. If such development is adjacent to a navigable waterway or wetland, it may discharge to that area without restriction, except as may be imposed by other City, County, State, or Federal restrictions.
6. Exclusions:
- a. Where severe topographic relief prevents these conditions from being reasonably met, then the site plan can be approved by both the City Building Inspector and City Engineer when alternative solutions to the conditions and intent of this ordinance is met. Such severities include but are not limited to:
 - 1. Existing site slopes greater than 15%.
 - 2. Presence of springs.
 - 3. Ponds natural or man made.
 - 4. Excavation restrictions imposed by the State or Federal authorities.
 - 5. Conflicts with other city ordinances.

- b. If the intent of this ordinance cannot be achieved, then the plan most acceptable to the Building Inspector and City Engineer would be forwarded to the Planning Commission with a written narrative explaining the need to deviate from the ordinance, The Planning Commission will be able to recommend to the City Council denial, approval or require further modifications as it see fit.

(2) Erosion Control:

- A. Erosion Limits : In excavating on any site less than 5 acres of disturbance in size, no particle larger than what can pass through a 200 sieve may leave the site during the excavation process via wing or water, except in equipment that shall contain that material for transport in enclosures that contain that material until it reaches its destination.
- B. Enforcement : The City's Building Inspector shall enforce this ordinance in privately funded and controlled development and the Public Works Director shall enforce publicly funded and controlled development.
- C. Standards: The "Wisconsin Construction Site Best management Practice: Handbook", prepared by the Wisconsin Department of natural Resources, shall be used for methods and design of site erosion control systems. Alternate custom designed methods and equipment can be approved for conditional use if it will meet or exceed the capability of those methods and systems cited in the Handbook.
- D. State Code: Disturbed site areas over 5 acres in size are regulated by the Wisconsin Department of Natural Resources.

- E. Approval: The permittee shall submit his erosion control on his site plan which shall show property lines and topographic features, to either the Public Works Director, 30 days before releasing plans for bid for public projects, or to the Building Inspector, 7 days before the issuance of permits on private improvements.
 - F. Corrective Action: Should the contractor fail to execute the approved site erosion management plan, the permitter shall order all work to cease until the deficiencies are corrected. More than 3 violations by a contractor or permittee within 12 consecutive months or 5 violation in 24 consecutive months will be just cause to no longer issue permits for construction in the City.
- (3) Sanitation and Water Supply: [Amd. Ord. #1321] Zoning of land for urban development and the subdividing thereof for human occupancy or any other use shall only be recommended by the City Planning Commission and adopted by the Common Council after each is assured that the development will be served, by the time of development, with municipal sewer and water.
- (4) Preservation Of Topography: In order to protect property owners from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protection the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than two horizontal to one vertical, within a distance of 20 feet from the property line, except where retaining walls are built pursuant to Section 17.05 or with the written consent of the abutting property owners and with the approval of the building Inspector; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case, shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

17.03-4 LOCATIONAL REGULATIONS

- (1) Location Restricted: No building shall be hereafter erected, structurally altered or relocated, or moved onto a lot except in conformity with the following locational regulations as hereinafter specified and. for the district in which it is located.
 - A. Building Must Be On a Lot: Every building hereafter erected, structurally altered or relocated shall be placed on a lot as defined in this Ordinance and regulated in this section.
 - B. Only One Principal Residence Building on A Lot: Except as provided in the district regulations for attached single family dwelling, apartment, mobile home projects, or planned development projects, only one principal residence building shall be permitted on a lot.
 - C. Accessory Building Location: No accessory building shall be erected, structurally altered, or relocated so that any roofed or enclosed portion thereof is closer than 10 feet to the principal building on the lot unless it is attached thereto with a wall or roof. All accessory buildings shall be constructed on a foundation or concrete slab to retard soil contamination. In Residential Use Districts, one accessory structure per lot, may be erected to within 3 feet of a side or rear lot line. Accessory structures of less than 120 square feet shall not require a zoning permit.
- (2) Front Setback The proximity of a building, structures, or uses to a public street or way is regulated by setback provisions as follows:
 - A. The minimum horizontal distance between the front lot line, measured at a right angle to such lot line, and the nearest point of a building or structure shall be the front setback as regulated by this ordinance. In the case of an interior lot abutting upon only one street, the front lot line shall be the line separating such lot from such street. In the case of a through lot, each line separating such lot from a street shall be considered a front lot line.

- B. No building shall hereafter be erected, structurally altered or relocated so that it is closer to the front lot line than the setback distance hereinafter specified by the regulations of the District in which it is located, except that in the case of a new residential building to be located adjacent to one or more existing residential buildings which are placed farther back than the required setback, the following increased setbacks shall apply:
1. Where only one adjacent residence with an increased setback is within 250 feet or 2 lots, whichever is less, of the proposed residence, the average between the required setback and that of the existing residence shall be applied.
 2. Where the nearest existing residences on both sides of a proposed residence and within 250 feet or 2 lots thereof whichever is less, have increased setbacks the average of the adjacent increased setbacks shall apply.
- C. How Measured. The setback as required in "B" preceding shall be measured from the foundation of a building.
- D. Structures and Uses Permitted in Setback. The only structures permitted within the setback area shall be necessary highway and traffic signs, public utility lines and poles, telephone booths, walls and fences as regulated herein, mailboxes (no less than two(2) feet from a side yard line), signs as permitted under the district regulations, structures other than buildings as regulated herein, temporary structures, outdoor lighting installations and unenclosed canopies for lighting and rain protection in conjunction with such uses as automobile fuel sales or "drive-in commercial facilities" provided that such canopy structures are approved by the Planning Commission.
1. Walks, drives, paved terraces and purely decorative garden accessories such as fountains, pools, statuary, flag poles, etc. where subject to permanent structure classification, shall be permitted in setback and side yard areas.

2. Fences, walls, hedges, clothes poles, children's play apparatus and architectural screening devices where anchored to supports imbedded in the ground shall be considered permanent structures and shall be subject to the regulations of accessory structure, 17. 03-6.
- E. Vision Setback Lines at the intersections of public streets and of a street with a railroad or alley, where the grade is not separated, in all districts except B-1 Central Business District are hereby established as follows:
1. Across each sector between the intersection of a street with a railroad a Vision Setback line shall be established by a straight line connecting points on the Base Setback Line and the railroad right-of-way line, which points are located 15 feet on a spur and 120 feet on any other railroad line from the intersection of the Base Setback Line and the railroad right-of-way line.
 2. Across each sector between any other intersecting street, a Vision Setback Line shall be established by a straight line connection two points on the intersecting Base Setback Lines, which points are located 15 feet from the intersection of said Base Setback Lines.
 3. Across each sector between an alley and an intersecting street a Vision Setback Line shall be established by a straight line connecting two points on the intersecting Base Setback Lines, which points are located 10 feet from the intersection of said Base Setback Lines.
- F. In the Vision Setback Area no structure and no landscaping of any kind shall be permitted which obscures vision between a height of 2 1/2 feet to 10 feet above the elevation of the center of the intersection except for necessary highway and traffic signs, public utility lines, and open fences through which there is clear vision.

- G. On corner lots of record, as of the date of this Ordinance, the effect of the setback regulations shall not reduce the buildable width of such corner lot to less than 30 feet.
- (3) Side Yards and Rear Yards: the proximity of any portion of a building to any other lot line other than a street line is regulated by side yard and rear yard provisions as follows:
- A. No building shall hereafter be erected, structurally altered or relocated so that roofed or enclosed portion thereof is closer to any lot line than the side yard or rear yard distance hereinafter specified by the regulations for the district in which it is located except as follows:
 - 1. Individual Districts may establish differing side and rear yard requirements for accessory structures than for principal structures, and for the driveway side of a lot than for the other sides. The Zoning Administrator may require a driveway side yard where in the Administrator's judgment, a present or future owner is likely to install a driveway, and the Administrator may deny permits for driveways into side yards less than the driveway side yard requirement.
 - 2. In case of single family attached, multiple family, commercial, or industrial use structures, two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the State Industrial Code relative to such construction are complied with and provided that at both ends of such "row" type buildings, the applicable side yard requirements shall be complied with.
 - B. How Measured: The side yards and rear yards shall be measured from the foundation of a building.

- C. Courtyards: In all districts which allow common wall construction or do not require a side yard or rear yard, all buildings which are hereafter erected, structurally altered or relocated having any rooms required by the Building Code to have light and ventilation by windows opening directly to the outer air, shall provide courts as follows:
 - 1. Outer Courts: The width of any required court shall be not less than the height of any opposing wall forming said court. the depth of an outer court formed by walls on three sides shall be not greater than one and one-half times the width.
 - 2. Inner Courts: The least dimension of an inner court shall be not less than the full height of the walls enclosing such court.

(4) Height Regulations

- A. Maximum Height Restricted: In any district, no building or structure shall be hereafter erected or structurally altered to a height in excess of that hereinafter specified by the regulations for that district.
- B. Exceptions: The following shall be excepted from the height regulations of all districts:
 - 1. Chimneys, flues, electrical or telephone and telegraph transmission and distribution structures.
 - 2. Subject to approval of the Plan Commission who shall be guided by the standards of 17.05 Approval of Building Site and Operational Plans: Cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts, aerials and dish antennae and necessary mechanical appurtenances.

- C. Increased Permitted: Subject to approval of the Planning Commission who shall be guided by the standards of 17.05 Approval of Building, Site and Operation Plans, the maximum height in commercial, industrial, and other nonresidential districts as permitted under Section 17.10-7 may be increased provided the required setbacks and offsets affecting the portion of the structure having increased height shall be increased by one foot for each foot in excess of the height limit in the district, but in no case more than one story.

17.03-5 LOT REGULATIONS

- (1) Street Access Required: No lot shall hereafter be created nor any building placed on a lot which does not access onto a public street or approved private street or way as provided in (2) below. Where the access street is not open to traffic at the time of zoning permit application or is dedicated to only a portion of the minimum width required for that street; issuance of the zoning permit may be denied or delayed until the zoning administrator is satisfied that:
 - A. In the case of an unopened or partially opened street, the necessary utilities, drainage, or paving will be provided in time to facilitate the development or construction authorize by the permit, as assured by execution of a Developer' s Agreement.
 - B. In the case of a street not dedicated to its fully planned width, that the zoning permit applicant has dedicated all that is required from the applicant's ownerships, and that the resulting available width is sufficient to accommodate the necessary underground utilities and a street paving adequate to assure access by public emergency vehicles.
- (2) Approved Private Street on Way Subject to the approval of the Planning Commission, approved private streets or ways that lead to public streets may be substituted for direct interest to require provided the Commission finds that;
 - A. It is not in the public interest to require direct public street access at the time of zoning permit application;

- B. The proposed development will not preclude provision of public street access in the future;
- C. Permanent easements satisfactory to the Commission are recorded to ensure continued function of the approved private street or way, which easements show no liability of the City to assume maintenance of the easement area.
- D. Any buildings erected or other improvements made do not interfere with future provision of public streets, and are located so as to be in conformance with such future streets. The Commission may require a Future Street Reservation be recorded to set forth the commission's intent and ensure compliance to this section.

(3) Lot Size:

- A. Minimum Required: No lot shall be platted of less area or width than required by the District regulations in which the lot is placed.
- B. Future Resubdividability Required: Whenever a lot is proposed to be platted larger than the minimum lot size required by the district regulations, or in the case of certain areas due to the unavailability of public sanitary sewer or water at the time of platting, but which districts permit redivision of such lots when such utilities become available, the Planning Commission shall require that the future possible divisions be taken into account in the initial lot layout so as to facilitate such future divisions, and at the Commission's discretion, or if required by the district regulations, the future lot lines be shown, or actually created, so that initial construction does not inadvertently preclude such future resubdividability.

- C. Lot Area. How Measured: For the purposes of this Ordinance, the lot area shall be measured from the Base Setback Line and shall be exclusive of the area between said Line and the existing property line ultimately to be included in street right of way. Wetlands and required lot area provided in minimum sufficient are not in wetland or floodplain to accommodate the proposed building, access drive and on-site sanitary system and water well where such services are not provided via off-site public utilities.
- D. Lot Width. How Measured: Where a minimum lot width is specified by individual district regulations, measurements shall be applied as follows:
 - 1. Interior. Rectangle Shaped Lots: The width shall be measured at the rear of the required setback area.
 - 2. Corner Lots: The width shall be measured at the rear of the required setback area on the narrowest street side, and the district regulations may also provide that the lot width be up to 20% greater than for an interior lot in the same district.
 - 3. Interior Irregular Shaped Lots: (Am. Ord #953) Such as pie-shaped or L-shaped: The width specified by the district regulations for rectangular interior lot shall constitute the required minimum average width of irregular interior lots, measured at the point of average depth. Such lots shall have a minimum frontage on a street or approved way of at least 20 feet, or greater if specified in the District regulations.
- E. Lot Area Reduction: No lot area shall be reduced by any means so as to create a lot of less than the required size or so that the existing setbacks, yards, open space, or lot area would be reduced below that required by the regulations for the district in which such lot is located.

17.03-6 STRUCTURE, BUFFERS, AND LANDSCAPE REGULATIONS
(Amending Ord. #1145)

- (1) Structures less than 6 inches in height: Structures not classified as buildings and less than 6 inches in height from the approved surface of the ground shall not be subject to the setback, side yard, or rear yard or building size or open space requirements of this Ordinance except as may be specifically otherwise provided, such as swimming pools, below.
- (2) Structures 6 inches or more in height: Structures not classified as buildings and 6 inches or more in height from the surface of the ground shall be subject to the setback, yard, height, and open space requirements of this Ordinance except as may be specifically otherwise provided, such as in Section 17.03-4(2)D "Structures Permitted in Setback Areas" and "Fences", following. Ground or building mounted satellite or other dish shaped antennae shall not be located in required front or side yards unless specifically approved by the Building Inspector.
- (3) Fences and Walls
 - A. Purpose: the purposes of the following regulations governing fences and walls are to prevent ground slippage, to screen unsightly views, to provide suitable access, confinement, personal safety, security and usable lot areas, to protect property and to preserve light, air and open space.
 - B. Permit Required: No fence or wall, except as provided for in 2. following, shall hereinafter be located, moved, reconstructed, extended, enlarged, converted, structurally altered or maintained without a zoning permit and without being in conformity with all the structural requirements of local and State building codes; provided, however, that routine fence and wall maintenance and repair of parts thereof shall not, standing alone, be considered an alteration of the fence or wall requiring zoning permit.
 - C. Fences Permitted Without a Zoning Permit:
The following fences are permitted as specified without a zoning permit subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility:

17.03-6 STRUCTURE, BUFFERS, AND LANDSCAPE REGULATIONS

1. A plastic snow fence shall be permitted in all districts November 1 and April 1 of each Winter Season. No privately owned snow fence shall extend beyond the highway right-of-way line.
 2. Fences or walls to be installed around swimming pools shall be governed by the provisions of 17.03-6(5) E zoning permits for pools, below.
 3. Decorative fences not exceeding two feet in height shall be permitted in all districts.
- D. Use: A fence or wall is a permitted use in all districts except commercial districts where a special permit is required.
- E. Location: (Amended with Ord. 1032) No fence, except a picket fence and an open fence as described in H. following, shall be located within the front setback on any lot in a residential area. (Maintain 1 foot on all sides.)
- F. Construction:
1. Front and Corner Lot Side Yards: It shall be unlawful to construct a fence or wall in the front yard or in the side yard adjacent to the street of a corner lot.
 2. Back and Interior Side Yards: The solid material in any fence or wall located in a back yard or interior lot side yard may represent 100 percent of the total surface area of such fence or wall.
 3. Poles and Supports. No fence shall be erected unless the poles and supports for the fence are placed on the interior side of the fence.
 4. Hazardous Materials: It shall be unlawful to construct or maintain any fence or wall carrying an electrical charge or consisting in whole or in part of barbed wire, embedded glass, spikes or blades or similar materials designed to cause shock or personal injury, except that barbed wire may be permitted in the manufacturing districts, provided that such barbed wire shall be at least 6 feet above ground level and extend inward of property.

17.03-6 STRUCTURE, BUFFERS, AND LANDSCAPE REGULATIONS

- G. Height Limitations: (Amended with Ord. 1032) Except where a greater height is expressly authorized for screening purposes pursuant to this section, all fences and walls erected as a permitted obstruction in any required yard shall be subject to the following height limitations:

	District	Maximum Height
1.	Residential Districts (R-1, R-2, R-3, R-4, R-5 and office) and conditional uses in such districts	6 feet*
2.	All other Districts	
	Front and corner side yards	4 feet
	All other yards	8 feet**

*Picket fences and open fences shall be restricted to the heights listed in H. below.

**Except at boundaries of Districts in Subsection 1 where the maximum height shall be 6 feet

- H. Picket Fences: (Amended with Ord. 1032) Picket Fences may be constructed in a front setback or corner side yard only with approval of the Planning Commission. Picket fences shall not exceed 3 feet in height.

Open Fences: Open fences may be constructed in a front setback or corner side yard only with the approval of the Planning Commission. Open fences shall have support posts not exceeding 40 inches in height and no more than two intermediate rails with a distance of at least twelve (12) inches between the rails.

- I. Maintenance: (Amended with Ord. 1032) All fences and walls shall be maintained in structurally sound and durable condition free of holes or missing or broken portions.

- (4) Screening and Landscaping Within Sight Triangles Notwithstanding any other provision of this Section, no landscaping, fencing, or other screening shall be erected or maintained at a height in excess of 30 inches within the area of any sight triangle.

17.03-6(5) (Rep & Recr. Ord.#941)

(5) SWIMMING POOLS:

- A. COMPLIANCE: All residential and non-residential swimming pools shall be constructed and maintained by the owner in compliance with this ordinance.
- B. DEFINITIONS: "Swimming Pool" – Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes. Including wading pools, spas and Jacuzzi's but not including ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or be used for swimming or wading.
- C. LOCATION: No portion of a swimming pool, outside of a building, shall be located closer than 3 feet from a side or rear property line or within the street setback on any side of a property. Fences installed around a swimming pool must comply with Section 17.03 (3).
- D. MAXIMUM POOL SIZE: No pool, together with its deck area, shall occupy more than 40 percent of the useable area of the rear yard excluding all garages or other accessory structures located in such areas.
- E. CONTROL OF POOL LIGHTING: No lighting may be installed in connection with the pool, which shall throw any direct rays beyond the property lines.
- F. WATER DRAINAGE: No water drained from a pool shall be discharged over or near any septic tank, septic field, or well, nor into neighboring property except to the approved drainage system for the area.
- G. ZONING PERMIT REQUIRED: Prior to the installation of a swimming pool, a zoning permit must be obtained. (Per 17.02-6(2) there is no charge for an accessory structure.)

- H. Safety Features: No in-ground swimming pool shall be installed or maintained unless;
 - 1. There shall be erected and maintained a sound and secure fence not less than six feet in height completely surrounding the pool or surrounding the yard in which the pool is located. In lieu of a fence, the Building Inspector may, on a case-by-case basis, approve other measures designed to prevent unauthorized access to the pool.
 - 2. Every gate or other opening in the fence enclosing such pool, except an opening to the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool. All such gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.
Above-ground pools at least 48" shall be exempt from these requirements. Exterior ladders must be removed or folded, to not allow access. Exterior ladders must be removed or folded to not allow access.
 - I. Control of Pool Lighting: No lighting may be installed in connection with the pool which shall throw any direct rays beyond the property lines.
 - J. Water Drainage: No water drained from a pool shall be discharged over or near any septic tank, septic field, or well, nor into neighboring property except to the approved drainage system for the area.
- (6) Other Residential Recreational Facilities Other outdoor residential recreational facilities accessory to any dwelling located in any single-family residential district shall be buffered and screened by a perimeter landscaped open space equal in width to the applicable required yard or 10 feet, whichever is more, and consisting of an opaque fence or densely planted hedge of five to six feet in height in combination with other landscaping materials to buffer and screen such other recreation facilities. Such screening for such other recreation facilities shall be provided on all sides of such facilities visible from any adjoining property or any public or private et.

- (7) Non-Dwelling Use Abutting Residential Use.
In any case where a lot to be devoted to any use other than use for a dwelling abuts or is across a right-of-way from any lot zoned for residential use, the use and development of the lot to be devoted to the non-dwelling use shall be subject to the following requirements:
- A. Site Plans: Site plan approval pursuant to Section 17.05 of this ordinance shall be required.
 - B. Building Setback: All buildings shall be set back from any front or corner side yard line facing a residential district a distance equal to the setback normally required or to the front yard required in the adjacent residential district whichever is greater and from any other yard line a distance equal to the yard normally required or 25 feet, whichever is greater.
 - C. Landscaping: Any front or corner side yard setback required pursuant to 17.03-6(12)B above shall be treated as a perimeter landscaped open space. Any side or rear yard abutting a dwelling use or a residential district shall include a perimeter landscaped open space of at least five feet in width along the lot line of such dwelling use or the district boundary line of such residential district.
- (8) Amateur Radio Antennas: Notwithstanding any other height limitation of this Ordinance, any antenna and antenna support structure that is capable of transmitting as well as receiving signals and is licensed by the Federal Communications Commission as an amateur radio facility may extend to no more than 60 feet in height above grade or 20 feet in height above the roof of a principal building to which it is attached, whichever is less, if such antenna and antenna support structure meets each of the following conditions:
- A. Setback from Street: No such antenna or its support structure shall be erected or maintained closer to any street than the wall of the principal building to which it is accessory that is nearest to such street.

- B. Setbacks from Adjacent Buildings: No such antenna or its support structure shall be located nearer than one-half the height of the antenna and support structure to an adjacent principal building on any adjacent property.
- C. Guy Wires Restricted: No guy wire or other support wires shall be used in conjunction with such antenna or support structure except when used to anchor the antenna or the support structure to an existing building on which such antenna or support structure is maintained.
- (9) General Landscaping Requirements: Except for accessory uses expressly permitted to be located in required yards, all yards and open space between and about structures and off-street parking and loading areas and lots shall be landscaped. All landscaping shall be continually maintained by the owner or other person responsible for maintenance of the premises, and all planting areas shall be kept reasonably free of weeds and debris. Undeveloped areas shall be mowed and kept free of debris until developed.

- (10) Minimum Usable Floor Area: Within the City no dwelling unit shall be constructed or remodeled to have less living area than the following minimum standards:

Dwelling Unit Type	Minimum Usable Gross Floor Area
One family detached dwelling	960 square ft. with a min. width of 23 ft and no less than 600 square ft. on the first floor if more than one story.
Two family dwellings	1,700 sqr. ft. with no less than 850sq/family
Townhouse style attached	960 square feet; single family
Single family	
Multiple family	
Efficiency apartment	400 square feet;
One bedroom apartment	500 square feet;
Two bedroom apartment	850 square feet;
Three or more bed room apartment	1,000 square feet;
Mobile homes	600 square feet;

17.03-7 FARMING AND ANIMAL REGULATIONS

- (1) Statement of Intent: It is the intention of the following regulations to conserve undeveloped areas as long as possible before being needed for development, especially residential uses.
- (2) Household Pets and Commercial Kennels Separately Regulated: This section does not intend to establish regulations for household pets, to be regulated by Municipal Code separate from this Ordinance, nor for boarding and breeding kennels for dogs, uses which are regulated, as conditional uses, in this Ordinance apart from this section.
- (3) Agricultural. Uses Prohibited: Those agricultural operations and associated activities generally understood in the County Farmland Preservation Plan as agribusiness" rather than common farming, and intended for non-urban Towns due to the heavy impact of such uses upon the land or upon potential nearby urban uses, are hereby prohibited, including, but not limited by virtue of explicit listing, to such operations as;
 - A. Alcohol distillation for fuel or food
 - B. Animal or plant fat rendering or processing
 - C. Commercial feedlots (see Definition section)
 - D. Commercial egg production exceeding 1000 laying hens
 - E. Drying and dehydrating fruits and vegetables
 - F. Grain elevators and grist mill operations
 - G. Fertilizer production or sales
 - H. Fur farming
 - H. Livestock sale facilities

The above categories of excluded uses which also qualify as manufacturing may be permitted in the industrial district of this Ordinance if the performance Standards of this Ordinance can be met.
- (4) Crop and Tree Farming Permitted: The raising of field crops, tree plantations and plant nurseries and all related activities thereto shall be permitted in any district except as may be restricted in the N-R district and except that a commercial greenhouse in excess of 1,000 square feet shall be permitted only in an agricultural or commercial district or on an existing operation of at least 10 acres and except that crops requiring application of inorganic chemicals or fungicides shall not be grown closer than 200 feet to a residence.

- (5) Animal Husbandry Permitted: The keeping or raising of horses, poultry, beef and domestic livestock, and all related activities thereto, shall be permitted in any agricultural district except as may be restricted in the N-R district subject to the following;
- A. (Am. Ord. #1214) No such use shall be permitted on a lot less than 5 acres in area.
 - B. Except on an existing farm operation of at least 20 acres, such use shall be limited to not more than 1 head of livestock per acre nor more than 20 fowl per acre, nor more than 10 rabbits per acre.
 - C. The keeping of hogs, goats, roosters or fur bearing animals for commercial purposes, other than rabbits, guinea pigs, gerbils, and hamsters shall not be permitted except on an existing farm operation of at least 20 acres, provided however that up to 2 such animals or poultry, except hogs, may be kept as pets in any district.
 - D. The keeping of horses in an A-G zone for private use shall be permitted on the basis of one horse per acre. The operation of a commercial stable for boarding or training shall be permitted only as a Conditional Use.
 - E. Any area where poultry, domestic livestock or horses are allowed to pasture or run shall be adequately fenced to keep them confined to such area.
 - F. In any district other than on an existing farm of at least 20 acres, no building housing domestic livestock, poultry or horses shall be permitted closer than 50 feet to an adjoining lot line of a property zoned residential.
 - G. Raising of Fish Permitted: The stocking of private ponds with fish shall be permitted in any district except that commercial fish hatcheries or the operation of commercial "fishing ponds" shall be permitted only as a Conditional Use in the A-G district.

17.04 PERFORMANCE STANDARDS

17.04-1 INTENT

- (1) Section 17.10 of this Ordinance, the various District use regulations, sets forth (subject to the General Provisions and similar separate sections of this Ordinance) specific permitted uses, or general classes of uses, permitted by this Ordinance in each such District, based upon commonly accepted expectancies existent at the time of adoption of this Ordinance, of the impact those specific or classes of uses normally have upon their own land, on surrounding properties, and in some cases on the neighborhood or community at large.
- (2) However, it is the intent of this section that no existing use be considered conforming, and no new use be granted a zoning permit, even if a listed permitted use, unless the use is also able to comply with all of the following performance standards, which are hereby imposed upon all land, water, and air uses within the jurisdiction of this Ordinance.

17.04-2 COMPLIANCE

- (1) The performance standards enumerated below are designed to limit, restrict, and prohibit the adverse effects of uses, in most cases outside their premises, or the district line is so regulated by certain zoning districts, but in matters related to soil erosion or potential pollution of surface or ground water, also the premises of the use.
- (2) The use of all buildings, structures, lands, air and waters shall hereafter, in addition to complying with the use and area regulations of each district and of other regulations of this Ordinance, also comply with the following performance standards in this section.

17.04-3 PROCEDURE

- (1) Zoning Permit Application: Any applicant for a zoning permit under this Ordinance shall be supplied with a copy of this section, and said applicant as part of the permit process shall certify by sworn statement contained within the application form that the use subject to the permit application will be operated in accordance with the performance standards set,

- (2) Planning Commission Review: Uses which are subject to Planning Commission review of their Building, Site and Operational Plans pursuant to Section 17.05 of this Ordinance, or uses subject to issuance of a Conditional Grant type of zoning permit pursuant to Section 17.06, if so requested by the Planning Commission shall supply specific additional information in the way of plans, specifications, data, or reports, such as by disinterested professionally qualified persons, addressing any specific standard about which the Commission has concern, to assure the Commission beyond the certification required in (1) preceding that the use will in fact be able to meet the certification.
- (3) Determination of Violation: The Zoning Administrator shall investigate any observed or reported violation of performance standards and shall reach a conclusion whether a violation is present or not at the time of inspection. If no violation is observable at inspection time due to the periodic nature of the operation, the Zoning Administrator may require the operator of the use to announce a reasonable opportunity when the Administrator may be present to observe or conduct tests to ascertain compliance or violation of the standards. In case of suspected contamination of underground waters, the Administrator may require the owner/operator to conduct a soil probe or similar test and to share the test report results with the Zoning Administrator.
- (4) Termination of Violation: All violations as ascertained in (3) above shall be terminated within 30 days after notice. Violations not terminated with 30 days shall be deemed a separate violation for each day of existence and subject to fines as set forth in Section 17.02-8.
- (5) Imminent Danger Violation: Notwithstanding the protection extended to uses existing before the adoption of this Ordinance by Section 17.12 Non-Conforming Uses, and the provisions of (4) preceding, uses which are found to be violating performance standards related to soil erosion, where the erosion is substantial and extends off the offending property, especially into public waterways or drainage facilities, or uses are found to be violating standards related to surface or ground water pollution where the Zoning Administrator believes the danger is substantial to private or public personal health, safety and welfare, the Zoning Administrator is hereby empowered to treat such specific violations under the terms of (3) above subject to the following:

- A. Rapid Compliance: Where the Zoning Administrator finds that the violation is posing a progressively more dangerous threat to personal or public health, safety, or welfare the longer the violation continues, the Administrator may require immediate corrective action, including temporary stopgap measures to lessen the rate of pollution, to be followed later by more permanent solutions.
- B. Mitigation Versus Compliance: Where an existing use that is Legal Non-Conforming under this Ordinance as set forth in Section 17.12 is found under this section to be committing an imminent danger violation, and full compliance is not possible given the nonconforming circumstances, the Zoning Administrator may call upon other regulatory agencies also having jurisdiction or may negotiate temporary corrective measures that, while not achieving full compliance, result in mitigating the violation out of the imminent danger category.

17.04-4 POINT OF MEASUREMENT

- (1) No land or building in any district shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; water pollution; electrical, radioactive or other disturbances; glare; or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such amount as to adversely affect the surrounding area or premises; provided that any use permitted by this ordinance may be undertaken and maintained if it conforms to the regulations of this subsection limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.

- (2) The determination of the existence of any dangerous and objectionable elements shall be made at:
 - A. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, or for smoke and other forms of air pollutions.
 - B. The property lines of the use creating such elements for noise, vibration, glare and odors, except the District lines of the AG and M-I District for noise and odor for permitted agricultural and industrial uses.

17.04-5 PERFORMANCE STANDARDS TO BE ENFORCED

- (1) Electromagnetic Emissions: No activity shall emit electrical, radioactive or other electromagnetic disturbances outside its premises that adversely affect the use of neighboring premises such as by interfering with the use or enjoyment of common television, telephone, computer or facsimile operations.
- (2) Fire Hazards: All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion with adequate firefighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and automatic fire extinguishing system.
- (3) Glare and Heat: No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so that the direct rays are not visible outside their premises.

- (4) Noise: At the points of measurement specified in section 17.04-4, the maximum sound pressure level radiated in each standard octave band by any use or facility (other than transportation facilities or temporary construction work) shall not exceed the values for octave bands lying within the several frequency limits given in Table I after applying the corrections shown in Table II. Sound pressure level shall be measured with a Sound Level Meter and associated Octave Band Analyzer conforming to standards prescribed by the American Standards Association, New York, N.Y. (American Standard Sound Level Meters for Measurement of Noise & Other Sounds, 224.3-1944, American Standards Assoc., Inc., New York, N.Y., and American Standard Specification for an Octave-Band Filter Set for Analysis of Noise and Other Sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, N.Y. shall be used.)

Table I

Frequency Ranges Containing Standard Octave Bands in Cycles Per Second	Octave Band Sound Pressure Level in Decibels re 0.0002 dyne/cm
20-75	65
75- 150	55
150- 300	50
300- 600	45
600- 1200	40
1200- 2400	40
Above 2400	35

If the noise is not smooth and continuous and is not radiated between the hours of 10 p.m. and 7 a.m. one or more of the corrections in Table II shall be applied to the octave band levels given in Table.

Table II

Type of Location of Operation of Character of Noise	Correction in Decibel's
1. Daytime operation only	5
2. Noise source operates less than	
a. 20% of any one-hour period	5
b. 6% of any one-hour period	10
3. Noise of impulsive character (hammering, etc.)	-5

Table II cont.

Type of Location of Operation of Character of Noise	Correction in Decibel's
4. Noise of periodic character	-5
5. Property is located in any M-District and is not within 200 feet of any R-District	10

*Apply one of these corrections only

- (5) Odors: No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 154 of the Wisconsin Administrative Code and amendments thereto.
- (6) Vibrations: No activity in any district except the M-1 districts shall emit vibrations which are discernible without instruments outside its premises. No activity in the N-i and OME districts shall emit vibrations which exceed the following displacement measured with a 3-component measuring system:

Frequency (Cycles Per Second)	Displacement (Inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

17.04-6 CREATION OF REQUIREMENTS FOR OUTDOOR MUSIC EVENTS
(Creating Ord. #1240; Amd. Ord. # 1276)

(1) GENERAL. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, park, waterway or any private residence.

(2) SYSTEMS AND AMPLIFIERS. No person shall use or operate any public address system, amplifier or device which increases the volume of voice, music or other sounds so loud as to disturb the public peace or quiet anywhere within the City limits between the hours of 9:00 pm and 6:00 am unless a special permit is obtained from the City Council. This permit may be applied for, up to twice per month, to extend the time until 12:00 pm, Midnight, but no later. Maximum sound level is 70 decibels at the property line.

(3) SECURITY REQUIRED. Upon review of the application, the Police Chief may require the owner to provide one or more County Sheriff's Special Deputies on site during the entire event.

(4) APPLICATION PROCESS FOR PERMITS. Permits must be applied for at least 10 days prior to the event. The application for the permit may be obtained at the City Clerk's Office during regular business hours.

(5) FEES. The required fee, per event, will be \$25.00 payable upon initial application

17.05 SITE PLAN REVIEW

(1) PURPOSE AND APPLICATION

(A) The purpose of this Section is to provide a process to review and approve site plans for land uses which are subject to a Building and/or Conditional Use Permit.

This Section does not apply to one (1) and two (2) family residential units. This Section does apply to the new construction or erection of any multifamily, commercial or industrial/manufacturing building or structure and to any addition to an existing multifamily, commercial and/or industrial/manufacturing building or structure.

(B) [Amd. Ord. #1321] The following criteria will also be considered during the review for Multi-Family buildings and additions:

1. The project will not have an undue adverse impact on the character of the surrounding neighborhood nor result in large pockets of high-density housing;
2. The school district must have sufficient capacity to accommodate new students who will live in the School District;
3. The street and sidewalk system in the neighborhood can handle the increased amount of traffic that the project will generate;
4. The area is adequately served by parks, open spaces and public facilities;
5. The existing utility system has sufficient capacity to serve the project

(2) SITE PLAN REVIEW AND OTHER PERMITS REQUIRED

A. Site Plan Review. A review of a Site Plan which is subject to this Section, is a condition precedent to the issuance of a Building and/or Conditional Use Permit being reviewed or issued.

B. Other Permits Required. Certain land development and land uses may require permits other than a Building and/or Conditional Use Permit, such as, but not limited to:

1. Erosion Control Permit.
2. Sign Erection Permit.
3. Move a Building Permit.
4. Raze a Building Permit.
5. Occupancy Permit.
6. Shoreland, Wetlands Permit.
7. Public Right of Way Work Permit.
8. Sidewalk and Driveway Permit.
9. Water and Sanitary Sewerage Connection Permit.
10. Licenses to operate particular business as required by Ordinance.
11. Such other licenses, approvals and permits as are, or in the future may be, required by the Zoning and Code of General Ordinances.

(3) REVIEW AUTHORITY

The Permit Review Authority shall be the Zoning Officer, which shall have authority to approve or reject Site Plans or approve with modifications.

(4) APPLICATION FOR SITE PLAN REVIEW

Applications for Site Plan Review may be obtained from and shall be filed with the Zoning Officer. The application shall be made on City forms, which are fully, accurately and legibly completed and which include ten (10) sets of mandatory submittals and such optional submittals as are required by the Review Authority. The Site Plan Review Fee, which is payable at the time of application, is One Hundred (\$100) Dollars. However, any applicant who has paid a Site Plan Review Fee for a Conditional Use Permit is exempt from the payment of such fee.

(5) AMENDMENTS

Any change to an approved Site Plan shall require the submission of revised plans and approval by the Review Authority. The fee for an amendment, which is payable at the time of filing of the amendment, is Fifty (\$50.00) dollars.

(6) APPLICATION FORMS AND SUBMITTALS

A. Written Application. Every applicant for a Site Plan Review shall complete a written application form, with supplementary attachments on 8-1/2 x 11 paper, if necessary, containing the following information:

1. Name, address and phone number of the applicant.
2. If the applicant is not the owner of the property in question:
 - a. the name, address and phone number of the owner;
 - b. the interest of the applicant in subject property; and,
 - c. written consent by the owner to the filing of the application.
3. Date of the application.
4. Identification of the property in question by street address and by parcel number. If there is no street address the applicant must provide a description of the location of the property in relation to surrounding streets and properties.
5. Description of the nature of the proposed development or redevelopment, and the proposed land use(s), including accessory uses.
6. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, and that all necessary right-of-ways or easements have been provided.
7. Time schedules for the completion of phases in staged development.

- B. Conditional Uses. Where the Site Plan Review is for a conditional use, the additional submittals required for a Conditional Use Permit application shall be included, in addition to the Development Plans herein required.
- C. Development Plans. The following plans must be submitted for review, whether or not the use is a conditional use:
 - 1. Building plan.
 - 2. Site plan.
 - 3. Landscape plan.
 - 4. Utility plan.
 - 5. Drainage plan.

Two or more plans may be combined, but in no case shall the combined plan fail to show any of the items required for each individual plan. For example, site plans and landscape plans may be suitable for combination.

- D. General Requirements. All building plans, site plans, drainage plans, landscape plans, utility plans, elevations, and sections shall be drawn to such a scale that all features required to be shown on the plans are readily discernible. Building floor plans and elevations may be drawn to an architect's scale, all other plans shall use an engineering scale. For site, drainage, landscape, and utility plans (as differentiated from elevations and sections), the scale used shall be the same for each plan, which shall be no smaller than 1" 50', except that for properties with unusual characteristics, the City Zoning Officer may waive this requirement.

Plans, elevations, and sections shall not exceed 30" x 42" in size, unless otherwise approved prior to submittal. The following shall be shown on each plan, elevation, or section:

 - 1. The name of the applicant.
 - 2. The name and location of the development, and the title of the plan, e.g., "Site Plan," "Landscape Plan."
 - 3. Scale and north arrow.
 - 4. The date of the original plan and the date(s) of any revisions.
 - 5. The license number, seal, and signature of any professionals involved in the preparation of the plans.

- E. Optional Submittals. Whenever it is determined by the Review Authority that the documentation to permit a comprehensive review, such information or documentation shall be provided by the applicant after receiving a written request from the Review Authority. The following is a representative, but not exclusive, list of the optional submittals that may be requested:

1. Traffic Impact Statement which analyzes adjoining street capacity and current volumes, trip generation rates expected for the development, and expected increase or decrease in volumes on adjoining streets and impacted arterials. The traffic impact statement shall identify the size, location, and characteristics of roadway or traffic control improvements necessitated by the proposed development to maintain existing levels of service on public thoroughfares. The analysis shall identify the impact of the development on pedestrian or vehicular safety and congestion. The impact analysis shall be required when the total floor space of the development on a single parcel or contiguous parcels totals 100,000 square feet or more.
 2. Environmental Impact Statement, including its effect on historically significant or ecologically fragile wetlands, floodplains, streams, lakes, woodlands, etc.
 3. Photometric plot of the illuminating effect of all exterior lighting fixtures on the site and adjacent property and rights-of-way.
 4. Description of any unusual characteristics of the site, which might affect surrounding development.
 5. Drainage calculations.
 6. Street perspectives showing view corridors.
 7. Legal documentation establishing homeowners associations or other legal entities, responsible for control over required common areas and facilities.
 8. Historic Site or Historic District impact statement.
- F. Preliminary Review. The applicant shall meet with City Zoning Officer, prior to submitting an application, to review the application requirements and review process and to determine whether any optional submittals will be required.
- G. Notifications.
1. Site Plan Reviews. The alderman of the aldermanic district in which a site is planned for development shall receive a copy of the application from the City Planning Commission.
- H. City Zoning Officer and City Department Review. The City Zoning Officer will forward copies of the plans and applications to relevant City departments for review. The City Zoning Officer and City Departments will review the plans using the Development Standards of this Section. The Departmental review shall be completed no later than twenty (20) working days following the receipt of a complete application, excluding the day the application was received. The City Zoning Officer shall advise the applicant, in writing, of the department comments, recommendations, approvals or disapprovals within forty (40) days of the receipt of a complete application.

1. Review Authority Decision. The Review Authority will review the application and shall either approve or deny the application, or approve with conditions based upon the standards of this Section and the comments of relevant departments.
A copy of the decision of the Review Authority shall be mailed to the applicant.
- I. Permits. No building or construction or Site Work Permits shall be issued by the Zoning Officer until the Review Authority has reviewed and approved the Site Plan.
Footing and foundation permits may only be granted if each of the following conditions are met:
 1. The Review Authority has granted conditional approval with respect to such work, after receiving the written recommendation of reviewing agencies.
Within ten (10) working days of receipt of the permit information, the review agencies will recommend, via a transmittal form, whether a footing and foundation permit should be issued prior to formal Site Plan approval. If one or more reviewing agency recommends that the footing and foundation permit should not be granted, and the applicant still desires the permit, then within five (5) working days a representative from each reviewing agency will meet and delineate the requirements that must be fulfilled prior to the issuance of a permit. If agreement is not reached, a footing and foundation permit shall not be issued. Permits may be withheld in order to protect the public safety and welfare of the community, or if in the opinion of the reviewing agency, there is a need for additional information.
- J. Footing and foundation permit approval shall be subject to a specific timetable, which specifies project completion dates that must be met.
- K. Appeals. Any petitioner/applicant objecting to any decision of Review Authority - City Zoning Officer, related to plan review may appeal the decision to the City Plan Commission. Such appeals shall be filed, accompanied by the required fee, with the City Clerk within thirty (30) days after the filing of the decision with the Administrator.
The Plan Commission shall hold a hearing of an appeal within forty-five (45) days of the filing of the appeal. The Plan Commission shall notify the appellant of the hearing by mail. At the hearing, the appellant shall appear in person, or by agent, or attorney.
- L. Revocation. A building permit, if required, must be secured by the permittee within six (6) months of the date of approval of the Site Plan by the Review Authority. The Review Authority may authorize the issuance of a Building Permit subject to an extended period of time for condition compliance in the case of a phased development or when deemed appropriate by the authority.

The Site Plan approval shall expire and be null and void in the event the permittee does not obtain a Building Permit, If an approved Site Plan expires for such reason, any subsequent development or use of the property shall require a new permit application. This provision does not apply to planned developments, which are governed by the revocation procedure outlined in this Ordinance.

- M. Successors. Any conditions applied to an approved plan review shall run with the land and be considered transferable to any subsequent owner of the land or premises.

(7) DEVELOPMENT STANDARDS

To establish and define criteria for the review process set forth in this ordinance, the following Development Standards for all uses requiring site plan review are created.

A. General Provisions.

1. The development standards provided herein are minimum standards and additional standards or conditions may be required for individual developments when the circumstances warrant.
2. Should the development standards conflict with any other provision of the ordinance, the most restrictive provision shall apply.
3. The development plans shall serve as the review documents, which the Review Authority will use in the analysis of the application for Site Plan Review.

B. Building Plans. Building Plans shall show and include:

1. Design and architecture of buildings. Elevation shall be provided and dimensioned. Plans shall be drawn to sufficient detail so that all room sizes, wall openings, building projections and locations of all exterior HVAC and utility services equipment can be identified.
2. Materials and colors of exterior surfaces such as walls, roofs, and window trim shall be indicated.
3. Details on fire detection, fire alarm and other safety devices, including fire suppression, sprinkler, standpipe, and restaurant hood suppression systems, shall be provided for review and be approved by the Department of Commerce or the authority having jurisdiction.
4. Building size and scale should reflect the physical scale of the surrounding area and the scale of surrounding buildings.
5. The location and orientation of building elements, such as balconies or porches, should reflect the orientation of surrounding buildings and structures.
6. Rooms used for residential purposes shall provide adequate living area, as required in the Minimum Housing Code of the Code of General Ordinances.
7. The materials and design of buildings, structures and additions should complement the surrounding area.
8. Building design shall be in compliance with the Americans with Disability Act.
9. Building address shall be clearly displayed on building.

- C. Site Plans. Site Plans shall show and include:
1. Dimensions of the development site, indicated along the property line. Distances to all buildings, structures and freestanding signs, on adjoining properties and building setbacks shall be indicated.
 2. The location, footprint and outside dimensions of buildings, structures, and freestanding signs.
 3. Existing and proposed pedestrian and vehicular access points, streets, drives, alleys, bicycle paths, bridges, intersections, and other pedestrian and vehicular circulation elements, labeled with street names, dimensioned in feet and tenth and hundredths, and with surface materials identified, i.e., asphalt, sod, etc.
 4. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas), with the surface material identified and showing the layout of parking spaces and direction of travel lanes, aisles, or driveways.
 5. Front, side, and rear yards, labeled as such and dimensioned.
 6. Location and dimensions of all existing or planned easements, lands subject to deed restrictions or protective covenants, rights-of-way, and required emergency accessways.
 7. Identification of all land to be dedicated or reserved for public use, with the use named.
 8. The location, elevation and dimensions of walls and fences that are to be permanent improvements to the site or erected temporarily during construction.
 9. The location, elevation and dimensions of outdoor lighting fixtures, if any.
 10. With respect to construction of 250,000 square feet, or greater, of building development or expansion on a single parcel or contiguous group of parcels, a three dimensional model or other depiction or color rendering of proposed buildings, the site, and its immediate vicinity. This model shall be at a minimum scale of 1" = 50'. It shall show all proposed buildings, roads, vehicular and pedestrian circulation elements, parking lots or parking structures, existing vegetation to remain, proposed landscaping and any other significant natural features.
 11. A legal description and certified survey of the property. Any easement, covenant or right-of-way, existing or planned, which creates site design constraints shall be indicated. Any design adjustments to these constraints shall not adversely impact the intent of these standards or the provisions of this ordinance. Location of any floodplain, wetland, and shoreland boundary shall be shown.
 12. The location, proportion, and orientation of buildings or structures should compliment the location, proportion and orientation of surrounding landforms, buildings or structures.
 13. Surrounding land uses and respective zoning classifications. The Review Authority shall consider the impact of the proposed development on the comprehensive plan, any neighborhood plan, and the official zoning map, as amended. The Review Authority shall use the following criteria when assessing the development's impact on surrounding land uses: the development shall be consistent with the objectives of the comprehensive plan, and any relevant neighborhood plan, the development shall be compatible with the character and objectives of the zoning district or districts within which it is located, and the development shall be compatible with the character of the neighborhood which surrounds the development.

14. Site access governed by the following criteria.
 - a. Site entrance drive dimensions such as widths, radii and visibility triangles.
 - b. Development shall provide the least number of ingress/egress points along a street necessary for safe and efficient traffic flow. A minimum separation of three hundred (300') linear feet of street frontage shall be required, except that each development or parcel shall be allowed at least one ingress/egress location, or access via cross access easements, through adjoining property. The Review Authority shall determine the location of all access points.
 - c. Individual development vehicular entrances shall be at least one hundred twenty-five (125') feet apart.
 - d. Vehicular entrances shall follow the recommended safety guidelines established by the Wisconsin Department of Transportation.
 - e. An adequate internal stacking distance, as deemed to be safe by the City Engineer, shall be provided from the property line at each entrance.
 - f. Appropriate traffic control measures including signs, cross walks, etc. shall be utilized at all entrances to public rights-of-way.
 - g. Adjacent development shall share a common entrance drive, where possible.
 - h. Access to adjoining sites shall be coordinated, where possible.
 - (1) At least one (1) vehicular and pedestrian access point to each adjoining site shall be granted by cross easements.
 - (2) Cross access easements should not occur within interior parkways.
 - (3) Cross access easements shall be a minimum of thirty (30') feet wide.
 - (4) Cross access easements are encouraged behind buildings to encourage linked rear parking areas.
 - (a) Vehicular access to any nonresidential structure, use, parking or loading facility shall not be gained across land zoned for a residential use, except where authorized by the Review Authority, with due consideration to special circumstances.
15. Parking Lots and Parking Structures. This section sets forth standards for the design of parking areas in a manner that will reduce the negative visual impacts of large expanses of impervious surface while maintaining maximum safety standards. In addition to these standards, parking lot layout shall conform with the Code of General Ordinances, "Parking Facilities."

- a. Layout.
 - (1) Building entrances shall be accessible from adjacent parking areas by means of a minimum five (5') foot wide paved walkway, as shown on Figure 1.
 - (2) Parking adjacent to the front of buildings, except within the B-1 districts, shall maintain a 7 foot separation from the building to accommodate pedestrian circulation.
 - b. Parking Lot Design.
 - (1) Parking lots shall be designed and constructed in accordance with paragraph 17.08-5 the Code of General Ordinances, "Parking Lots".
 - (2) Parking lots shall be paved with asphaltic concrete or portland cement concrete.
16. Traffic Circulation. Clear and identifiable patterns of circulation are critical to minimizing potentially dangerous conflicts between pedestrian, automobile, and truck traffic. The intent of this section is to establish standards which create a separation of non-compatible traffic, and create patterns that are clearly oriented to the needs of each, to minimize conflict.
- a. Pedestrian Access.
 - (1) There shall be a minimum of a five (5') foot wide paved walkway provided to each building entrance from parking areas and from public sidewalks.
 - (2) Pedestrian walkways shall be provided for access to adjacent properties and be handicap accessible.
 - (3) Drainage improvements shall not pass over pedestrian walks.
 - (4) Pedestrian walks shall not exceed a longitudinal slope of five (5%) percent or a side slope of three (3%) percent as measured over a ten (10') foot Interval.
 - b. Traffic Circulation Lanes.
 - (1) Internal circulation lanes shall be no closer to the right-of-way than the minimum required stacking distance at the site driveway exit/entry as required by the City Engineer.
 - (2) Site cross-access lanes shall be provided. Cross access lanes should be a minimum of twenty-four (24') feet wide.
 - (3) Traffic lanes shall be clearly separated from parking and pedestrian areas through the use of landscaped islands, barrier curbs, or lane striping.
 - (4) Vision, clearance as specified the Zoning Ordinance shall be utilized within parking areas as deemed necessary by the City Engineer.
 - (5) Truck traffic should be routed directly to service areas without passing through parking or pedestrian areas.

- (6) Service truck parking should only be allowed within designated service areas.
 - (7) Unless otherwise exempt by the Chief of New London Fire Department, all circulation lanes adjoining the perimeter of buildings shall be designated as fire lanes.
- 17. Protection of Natural Features.
 - a. Preservation. All new development shall preserve, enhance, or protect existing natural features. The Site Plan or accompanying documents shall evidence the means by which the development addresses the following:
 - (1) Minimize disruption of existing natural features, and wherever possible, incorporating them into the overall design.
 - (2) Prior to development, protecting all natural elements from damage due to construction activities.
 - (3) Comply with Erosion Control requirements.
 - (4) Comply with Tree Protection guidelines.
 - b. Open Space. The following specific areas shall be preserved as undeveloped open space:
 - (1) Wetlands as described in State Statute 404 Federal Water Pollution Control Act Amendments of 1972 and delineated on the Wisconsin Department of Natural Resources Wetland Inventory Map, verified by on-site inspection by a qualified wetlands consultant.
 - (2) Lands in a designated floodway or floodplain. Lands within floodplain may be used for parking and recreational uses provided all required permits are obtained.
 - (3) Steep slopes in excess of twenty (20%) percent as measured over a ten (10') foot interval, unless appropriate engineering measures are taken.
 - (4) Habitats of endangered wildlife or vegetation as identified by the Federal and/or Wisconsin Department of Natural Resources.
- D. Utility Plans. Utility Plans shall show and include:
 - 1. Location and dimensions, in length and diameter where applicable, of all aboveground and underground conduits and utility lines: storm and sanitary sewers, water mains, electrical, natural gas, and communication (cable television, telephone, etc.) lines.
 - 2. Location of all utility connections and metering facilities, including fire hydrants, Fire Department connections, existing wells, pumping stations and lift stations.
 - 3. Road and paving cross-sections and details.
 - 4. Location and footprint of any and all buildings and structures, in outline.

5. Locations and names of existing and proposed streets and intersections, and the location of parking lots, sidewalks, and bike paths, and other elements of vehicular and pedestrian circulation.
6. Plumbing plans showing in detail, the size and location of all water meters.
7. Storm sewer, sanitary sewer, and water utility systems, as outlined in the Utility Plan, shall meet the requirements of Chapter 17.03 and Chapter 18.10 of the Code of General Ordinances. These provisions may require the designation of easements providing access for public utility purposes.
8. Electric, gas and telephone utility systems, as designated on the Utility Plan, shall meet the requirements of the respective utility company's rules and regulations.
9. Cable television systems, as designated on the Utility Plan, shall meet the requirements of Chapter 20, "Cable TV" of the Code of General Ordinances.
10. Utility systems shall be placed in accordance with City Ordinances and utility companies' rules and regulations. The Review Authority may require the underground installation of lines and distribution points, the elimination of poles and overhead lines, or the simultaneous organization and installation of utility systems.
11. Exterior lighting is intended to promote a safe and attractive character throughout New London without creating a nuisance to adjacent properties. All exterior lighting shall comply with the following standards:
 - a. Light fixtures shall be selected with care to ensure that they are appropriately scaled in relation to their setting and to ensure that they are of a style that is compatible with the character of their immediate environment.
 - b. Luminaries shall be aimed, shielded, or relocated so as to minimize glare.
 - c. The maximum allowable light spillover to an adjacent residential property shall be 0.5 foot candles measured at the property line, four feet above grade; for all other types of land uses the maximum allowable light spillover shall be 0.75 average foot candles, measured in the same manner.
 - d. Lighting levels shall be measured in foot candles with a direct-reading, portable light meter. The meter sensor shall be mounted not more than four feet above the ground line in a horizontal position. Readings shall be taken only after the cell has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination.
 - e. All lighting wires/cables shall be placed underground.
 - f. Accent lighting should be used to highlight architectural and landscape design elements when appropriate.
 - g. At the time any exterior lighting is installed or substantially modified, an exterior lighting plan shall be submitted to the Zoning Officer and Engineer in order to determine whether the requirements of this section have been met.
 - h. Illumination of uses shall meet the minimum standards of Illuminating Engineering Society of North America (IES).

- i. Pedestrian walkways and parking areas shall be illuminated to a sufficient level so as to provide for security.
- E. Drainage Plan. Drainage Plan shall show and include:
 - 1. Existing topography by contours related to USGS survey datum or other datum approved by the City Engineer. The contour interval shall be not greater than 2' feet (a 1' foot interval is recommended) and shall extend at least 20' feet beyond the site. The City Engineer may require site elevations beyond 20' feet of the site. Spot elevations of existing buildings, structures, high points, and wet areas or flood elevations shall be shown.
 - 2. Floodplain, shoreland, environmental corridors, and wetland boundaries, if applicable.
 - 3. Soil characteristics.
 - 4. The location, capacity, & dimension of onsite storm water drainage facilities, including manhole, pipe, curb, gutter, curb inlet, curb cut & drainage grate & design calculator shall be provided.
 - 5. Location, extent, & typical cross sections & slope ratios of all storm water retention and detention areas & drainageways. Location and elevations at top and bottom of proposed retaining walls.
 - 6. The location and footprint of any and all buildings and structures.
 - 7. The locations and names of existing and proposed streets and intersections, and the location of parking lots, sidewalks, bike paths, and other elements of vehicular and pedestrian circulation.
 - 8. All development shall comply with the City's land division & zoning ordinance requirements for storm water retention and detention.
 - 9. Erosion control measures shall be exercised during construction to prevent unnecessary soil erosion from steep slopes, drainageways and topsoil stockpiles as required by the Code of General Ordinances. Erosion control measures shall be identified on the site plan or in supporting documents.
 - 10. A topographic analysis by the review authority shall consider: contours, elevations, & slopes; spot elevations of existing buildings and structures; spot elevations of rock outcroppings, high points, water courses, depressions, ponds, and marsh areas, with any previous flood elevations; floodplain boundaries, if applicable; and test pits or borings if required to determine subsoil conditions.
 - 11. The Review Authority shall analyze the drainage plan to assure that the following conditions are met:
 - a. Surface water runoff on the site shall be absorbed or retained on the site so that the rate of flow of surface water leaving the site would not be greater than if the site had remained undeveloped.
 - b. Surface water from the site shall be discharged to a City storm sewer or ditch, where available and of sufficient capacity to handle the flow.

- c. Surface water flow may be directed onto adjoining private property only under the following circumstances:
 - (1) The surface water follows a pre-development drainage course.
 - (2) The property owner of the site being developed executes an Indemnity and Hold Harmless Agreement with the City, drafted by the City Attorney.
 - (3) Private drainage tiles may be connected to those on adjacent property only with the written permission of said property owner.
 - d. Nonresidential uses and all parking areas shall not discharge surface water onto any property zoned residential unless such drainage is approved by the City Engineer.
 - e. All floodland developments shall be elevated or floodproofed to an elevation at least 2' feet above the elevation of the 100 year recurrence interval flood.
 - f. Floodland developments shall not increase flood stages and flood discharges beyond the limits set forth in Chapter 2 of this ordinance.
- 12. The Review Authority may require site grading:
 - [Amd. Ord. #1321]
 - a. To create drainage swales.
 - b. To create berms as noise, wind, or visual barriers.
 - c. To correct undesirable landforms.
 - d. To raise the ground level above unfavorable subgrade conditions such as groundwater.
 - e. To create, emphasize or control circulation routes such as paths or roads.
 - f. To relate the site to the surrounding area.
 - g. To prevent erosion and sedimentation.
 - h. [Amd. Ord. #1321] Storm water retention on all sites greater than one (1) acre shall be regulated by NR 511-Subchapter III.
- F. Landscape Plans. Landscape Plans shall show and indicate:
 - 1. The location and footprint of any and all buildings and structures.
 - 2. Dimensions of development site, indicated along the property line.
 - 3. Existing & proposed streets, drive, sidewalk, alleys & intersections, pedestrian & vehicular access point, bicycle paths, bridges, & other pedestrian and vehicular circulation elements, labeled with street names and dimensioned. Surface materials shall also be identified.
 - 4. Location and dimensions of parking lots, parking spaces, and parking lot accessways.
 - 5. Location and dimensions of all existing or planned easements, lands subject to covenant, lands to be dedicated or devoted to public use, and rights-of-way.

6. The location and dimensions of snow removal and storage areas.
7. The location and dimensions of outdoor lighting fixtures, freestanding signs, permanent or temporary walls and fences, waste and trash disposal facilities, surface utility structures, and other freestanding structural features.
8. The location and dimensions of playgrounds, tot lots, and other recreational facilities.
9. Details of all permanent fences and walls to be constructed on the site, including dimensioned elevations and materials schedules.
10. Existing & proposed contours & grades, including the location, slope ratios (horizontal to vertical), of all proposed berming, at a 1' foot contour interval. Location, extent, & general elevations and slope ratios of all surface water retention & detention area & drainageway. Elevations at top & bottom of all proposed retaining & screening walls & fences. Existing lines should be shown as dotted lines.
11. Plant materials, showing the location, quantity, installation size, intended maintained size and/or mature size (height & crown), distance between plants, with labels of both scientific & common names of all proposed plant materials. All plants to be drawn to scale in relation to mature crown size. This Ordinance shall not apply to:
 - a. A deciduous tree, which has a diameter at breast height, measured at fifty-four (54") inches from grade of less than three (3") inches.
 - b. The following trees: Box Elder, (Acer negundo), Black Locust (Robinia Pseudoacacia), Tree of Heaven (Ailanthus Altissima) and Cottonwood.
12. Specification of the type and boundaries of all proposed ground cover, including both scientific and common names of all proposed plant materials.
13. The location of paving materials and non-living ground cover, which is identified by description, and brand names.
14. Location, species, and size of all existing trees that are three (3") inches or larger in diameter, measured fifty-four (54") inches above natural grade. Any trees to be removed should be clearly identified. Trees measuring three (3") inches or greater which will be used to meet landscape requirements shall also be indicated. If required for reasons of clarity, this information may be depicted as a supplemental illustration.
15. Tree line of wooded areas.
16. Orchards or other agricultural groves by common or scientific name.
17. A landscape improvement table with the following information:
 - a. Square footage of parking lot area.
 - b. Square footage, and percentage of interior parking lot landscape area expressed as a ratio to total parking lot area.
 - c. Number of trees provided for parking lot interior.
 - d. Plant quantities provided for buffer, strips and medians.
 - e. Square footage of interior open spaces.
 - f. Number of trees on interior open spaces.

18. Proposed location of all utilities on the site, i.e., gas, water, sewer, cable, irrigation, drainage, etc.
 19. Compliance with Landscape Standards and Tree Protection Plan.
 20. Plan should identify how plantings and buffer area will be maintained including location of any irrigation systems.
 21. Recommended Trees, Shrubs and Ground Cover. Species and/or varieties of trees, shrubs and ground cover shall be those recommended by the City Forester or the most recent version of "A Guide To Selecting Landscape Plants For Wisconsin", by E.R. Hasseilcus.
- The following criteria shall also govern selection:
- a. Size in relation to proximity to buildings, utilities, entrances, pedestrian walkways, roads and other improvements.
 - b. Species in relation to plant hardiness (Zones 5 through 2), disease or insect resistance, and low maintenance.

(8) SITE LANDSCAPE STANDARDS

- A. Intent. The following landscape standards shall be established as part of the landscape plan to ensure that:
 1. Neighboring properties are shielded from subject site uses.
 2. Subject site is shielded from the negative impacts of adjacent uses, including streets or railroads.
 3. The appearance & desirability of the development contributes to the overall attractiveness and health, safety & welfare of the City.
- D. General Requirements. The following shall establish the standards for the preparation and submission of required plans for landscape and screening.
 1. Landscape Plan Required. A landscape plan shall be required for all projects requiring Site Plan Review.
 2. Content of Landscape Plan. At a minimum, all landscape plans shall include or have attached thereto the information required in the Zoning Ordinance.
 3. Tree Protection Plan shall show existing trees, trees to be removed, and indicate how existing trees will be protected on the site.
- E. The issuance of a Certificate of Occupancy. However, a temporary Certificate of Occupancy may be issued if weather conditions prevent installation of all or portions of the landscape materials, provided the developer enters into a written agreement which sets forth the date at which time all landscaping is to be completed and deposits with the City Clerk/Treasurer a cash bond, letter of credit or other "assurance" as approved by the City Attorney for the completion of all landscaping materials, provided the developer enters into a written agreement which sets forth the date at which time all landscaping is to be completed and deposits with the City Clerk/Treasurer a cash bond, letter of credit or other "assurance" as approved by the City Attorney for the completion of all landscaping.

- F. The amount of the assurance, as determined by the City Engineer, shall reasonably compensate the City for its cost of completion of any landscaping improvements not completed by the agreed date.
- D. Landscape Open Space.
 - 1. All open space or open areas required by the yard requirements of the zoning district or as required for storm water control or other purposes in the Site Development Standards shall be landscaped in accordance with the standards set forth in this section. Unless otherwise identified, all development shall contain a minimum of fifteen (15%) percent of the site in landscaped open space, including interior parkways, buffer strips, parking lot landscaping, and site interior landscaping.
- E. Flexibility in the Administration of Required Landscape Standards.
 - 1. To meet the objectives of this Section, the following landscape requirements are hereby established. These standards provide specific requirements for site landscaping. However, the City recognizes that, because of the wide variety of types of developments and sites and the relationships between them, it is neither possible nor prudent to establish inflexible landscaping requirements. Therefore, the City may either require more intensive or allow less intensive landscaping whenever it finds that such deviations will satisfy the intent set forth in this Section.
 - 2. Whenever the City allows or requires deviation from the requirements set forth in this Section, it shall enter on the face of the landscape plan the reasons for allowing or requiring deviation from the requirements of this Section.
- F. Types of Landscaped Areas. This chapter regulates landscaping of five distinct areas of the parcel being developed as follows:
 - 1. Interior Parkway. A landscaped open space directly abutting a public street right-of-way.
 - 2. Parkway. The unpaved portion of the public street right-of-way between a curb or curblin and sidewalk.
 - 3. Buffer Strip Area. A landscaped area intended to separate two adjacent land uses or properties from one another, and soften land use incompatibility.
 - 4. Parking Lot Landscaping. Landscaped area within or surrounding a parking area, used to soften the visual and environmental character of paved parking areas.
 - 5. Site Interior Landscaping. The open space area surrounding buildings intended to enhance building and site character excluding the interior parkway, parking lot landscaping, and perimeter landscape area.

See Figure 2 which provides a graphic illustration of each area above described.

G. Multiple Family Site Landscaping Requirements. The following landscape requirements apply to multifamily residential uses:

1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public rights-of-way, as shown in Figure 3.

Interior parkway landscape standards for multiple-family residential uses in all zones other than within the B-1 Central Business District are indicated in Table 1, except where vehicular site lines may be impaired.

Landscape screening as shown on Figure 4 shall consist of one or a combination of the following along at least fifty (50%) percent of the frontage.

- a. Masonry walls compatible with proposed building design and landscaped with foundation plantings.
- b. Screen fence of wood or approved material at least seventy-five (75 %) percent opaque and landscaped with foundation plantings.
- c. Planting screen including earth berming, ornamental and evergreen trees, shrubs and groundcover.

2. Parkway Landscaping. Parkway landscaping is required of development in order to provide street tree plantings along public right-of-ways.

A minimum of one (1), two (2") inch caliper deciduous tree is required for every forty (40') linear feet of parkway frontage.

Parkway shade trees not required when plans show deciduous trees in interior parkway within thirty-five (35') feet of parkway curb line.

3. Buffer Strips. All developments shall create a buffer between land uses promoting a sense of privacy and security. Buffers shall be composed of landscape plantings, earth berming and/or screen fencing as required for intended land use, as indicated in Table 2. Figure 5 illustrates the options which are permitted in the buffer strip.

Buffer strips shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit.

Shrubs are intended to be planted in groupings or hedges through the buffer strip, at a minimum height of twenty-four (24") inches.

Screen fencing or walls shall be of wood, face brick or other approved material.

4. Site Interior Landscaping. Site interior landscaping should utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics, through the implementation of the following standards:

a. Between Buildings.

- (1) There should be sufficient quantities of shade, ornamental and evergreen trees, shrubs, and groundcovers to adequately screen undesirable views and create a sense of privacy at the side and rear of adjacent building.
- (2) There should be a minimum quantity of one (1) shade tree for every five thousand (5,000') square feet of open space between and at the rear of buildings. This quantity should be calculated separately from and not be counted toward any buffer strip or interior parkway quantity requirements.
- (3) Up to 50% of the shade trees required may be substituted with ornamental or coniferous trees.
- (4) All designated lawn areas between or around buildings should be sodded. Seed may be used if planted and mulched early enough in the year to be established at the end of the growing season.

b. Foundation Planting.

- (1) A minimum 5 foot wide landscape area should be provided along 50% of building walls.
- (2) This landscape area should be planted with a balance of ornamental and coniferous trees, shrubs and groundcovers. Trees must be columnar in form when planted within 20 feet of a building overhang.
- (3) Plantings should emphasize softening of the large expanses of building walls length and height, accent building entrances and architectural features and screen mechanical equipment adjacent to buildings.

c. Utility and Mechanical Equipment Screening.

- (1) All freestanding utility and mechanical equipment shall be screened from view through the use of evergreen plant materials or fencing compatible with proposed building design.
- (2) Trash dumpsters shall be screened with fencing of decorative wood or masonry at least 6 feet in height, with a solid, attractive single or double access gate on one side only, and with shrubs or trees, as shown in Figure 6.

H. Commercial Site Landscaping Requirements. The following landscape requirements refer to commercial uses, which include all commercial, office and institutional uses.

1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public right-of-way. (See Figure 8)

Interior parkway landscape standards for commercial uses in all zones are indicated In Table 3.

Parking lot frontage shall be screened to a height of three (3') feet along at least fifty (50%) percent of the frontage, as shown on Figure 7.

2. Parkway Landscaping. Parkway landscaping is required of development in order to provide street tree plantings. Parkway landscape standards for commercial uses shall include one (1), two (2") caliper deciduous tree for every forty (40') feet of street frontage.

Parkway trees are not required when plans show shade trees in interior parkway within thirty-five (35') feet of parkway curb line.

Parkway trees shall conform to Chapter 8.044 of the Code of General Ordinances.

3. Buffer Strips. All commercial developments shall create a buffer between land uses. Buffers shall be composed of landscaping plantings, earth berming or screen fencing. Figures 8 and 9 and Table 4 illustrate permissible buffer strip options.

Buffer strips shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit.

Ornamental clump trees shall be a minimum of five (5') feet; all other ornamental trees shall be a minimum of two (2") inch caliper.

Shrubs shall be planted in groupings or hedges through the buffer strip.

Screen fencing or walls of wood. face brick, or other approved material, shall be provided.

4. Site Interior Landscaping. Site interior landscaping shall utilize plant material, earth berming & screening element to functionally screen and aesthetically enhance site and building characteristics.

- a. Between Buildings.
 - (1) There shall be sufficient quantities of deciduous, ornamental and coniferous trees, shrubs and groundcovers to adequately screen undesirable views at the sides and rear of buildings.
 - (2) All designated lawn areas between or around buildings shall be sodded. Seed may be used if planted and mulched early enough in the year to be established at the end of the growing season.
 - b. Foundation Planting.
 - (1) A five (5') foot wide landscape area should be provided adjacent to all building walls. All trees shall be planted a minimum of ten (10') feet from building overhangs and only columnar trees may be planted within twenty (20') feet of a building overhang.
 - (2) The landscaped area should be planted with a balance of ornamental and coniferous trees, shrubs, and groundcovers.
 - (3) Plantings should emphasize softening of large expanses of building walls length and height, accent building entrances and architectural features and screen mechanical equipment adjacent to buildings.
 - c. Service Area Screening.
 - (1) All service areas such as loading docks, freestanding utility and mechanical equipment shall be screened from view through the use of coniferous plant materials or fencing compatible with proposed building design. The B-i business district is exempt from these requirements and will be addressed in the B-i Architectural Ordinance.
 - (2) Trash dumpsters and other waste receptacles or equipment shall be screened with fencing of decorative wood or masonry six (6') feet in height, with shrubbery or trees and a solid, attractive single or double access gate on one side only, and with shrubs and trees, as shown In Figure 6.
- I. Industrial Use Landscape Requirements. The following landscape requirements apply to industrial uses:
- 1. Interior Parkway Landscaping. Interior parkway landscaping is required of developments in order to screen vehicular parking which may be viewed from the public right-of-way. Interior parkway landscape standards for industrial uses in all zones are illustrated in Table 5.

Parking lot frontage shall be screened, except where vehicular sight lines may be impaired, as shown In Figure 10.

2. Parkway Landscaping. Parkway landscaping is required of developments in order to provide street trees.

Parkway landscape standards for industrial uses in all Industrial Districts shall include one (1), two (2') inch caliper tree for every forty (40') linear feet of street frontage.

Parkway trees not required when plans show deciduous trees in interior parkway within thirty-five (35') feet of parkway curb line. Parkway trees shall conform to Chapter 8.044 of the Code of General Ordinances.

3. Buffer Strips. All Development shall create a buffer between land uses promoting a sense of privacy, as illustrated in Tables 6, 7 and 8. Buffers may be composed of landscape plantings, earth berming and screen fencing as required for intended land-use, specified below. Buffer strip plants shall contain deciduous, ornamental or coniferous trees or combination thereof. Figures ii, 12, and 13 illustrate the options which are permitted in buffer strips, in relation to adjacent zoning districts.

Shrub beds should be used especially when deciduous trees represent fifty, (50%) percent or more of plantings. A larger number of coniferous trees and shrubs must be used when land uses conflict such as between industrial land use adjacent to residential land uses.

Buffer Strips shall be provided along the periphery of the development site except where cross access, utilities or special circumstances prohibit.

Shrubs are intended to be planted in groupings or hedges through the buffer strip.

Screen fencing or walls of wood, face brick or other approved material six (6') feet high, at least seventy-five (75 %) percent opaque, or earth berming at a maximum slope of 3:1 (horizontal to vertical) shall be provided.

4. Site Interior Landscaping. Site interior landscaping should utilize plant materials, earth berming and screening elements to functionally screen and aesthetically enhance site and building characteristics, through the implementation of the following standards:

- a. Foundation Planting.

- (1) At minimum there shall be a five (5') foot wide landscape area along fifty (50%) percent of any building wall or portion of wall visible from the public right-of-way.

- (2) These plantings should emphasize softening of large expanses of building walls length and height, accent building entrances and architectural features.
 - b. Service Area Screening.
 - (1) All service areas, activities and facilities shall be substantially screened from view through the use of coniferous plant materials and/or fencing compatible with proposed building design.
 - (2) Trash dumpsters and other waste receptacles or equipment shall be screened with fencing of decorative wood or masonry six (6') feet in height with a solid, attractive single or double access gate on one side only, and with shrubs and trees, as shown on Figure 6.
- J. Parking Lot Landscaping. Landscaping shall be provided within all parking lots. Parking lot plantings shall provide screening, shade, subdivided space, and are intended to reduce glare and heat from pavement surfaces, by meeting the following standards:
 - 1. Each parking row, regardless of its length, should begin and end with a landscape island with barrier type curbs.
 - 2. No parking space shall be more than ninety (90') linear feet away from either a landscaped parking island or landscaped buffer strip, foundation planting or landscaped interior parkway.
 - 3. All parking lots or portions of parking lots adjacent to Buffer Strips or Interior Parkways which are adjacent to any residential properties shall be screened from view by landscaping, fencing, berming, and/or a combination thereof.
 - 4. Shrubs within parking lot islands shall be maintained at a height not to exceed three (3') feet.
 - 5. Parking lot landscape areas shall have a minimum width of eight (8') feet, measured from back of curb to back of curb and a depth equal to the depth of the parking stall, as shown in Figure 14. Irregularly shaped planting islands may be permitted upon approval by the City Engineer. Landscape islands shall include at least one (1) two and one-half (2 1/2") inch deciduous caliper tree. Additional trees may be required depending on the size of the island and the location of parking lot lighting.

TABLE 1
INTERIOR PARKWAY LANDSCAPING FOR MULTI FAMILY
RESIDENTIAL DEVELOPMENT

M1NIMUM REQUIREMENTS	OPTION 1 Parking lot in view of the ROW	OPTION 2 Parking lot in view of the ROW
Width of Interior Parkway	25 feet	15 feet
Landscape screening (select one)		
-berming (Height % of frontage	3 feet/ 50 %	3 feet/75 %
-masonry wall (Height % of frontage)	3 feet/50 %	3 feet/75 %
-screen fence of wood or other material (height % of frontage	3 feet/50 %	3 feet/75 %
Plantings		
Trees	one 6 foot coniferous or one 2.5' caliper deciduous tree per 60 feet of frontage	one 6 foot coniferous or one 2.5" caliper deciduous tree per 40 ft. of frontage
Shrubs		
- percent of frontage	50%	50%
- percent to be coniferous	50%	50%
- planting size	coniferous – 18" deciduous – 3ft.	coniferous - 24" deciduous - 3ft.

TABLE 2
BUFFER STRIPS FOR MULTI FAMILY RESIDENTIAL USES

MINIMUM REQUIREMENTS	OPTION 1	OPTION 2
MINIMUM WIDTH OF BUFFER STRIP	25 Feet	10 Feet
NUMBER OF TREES	one tree per 60 feet of linear buffer strip	one tree per 30 feet of linear buffer strip
SIZE OF TREES AT INSTALLATION Deciduous Trees Coniferous Trees Ornamental Trees Percent of trees to be coniferous	2.5" cal. 5 feet Clump tree - 5 Feet cal. tree - 2 " 25 %	2.5" Cal. 5 feet Clump tree - 5 feet cal. tree - 2" 50%
SHRUBS % of buffer to be planted in shrubs Percent of shrubs to be coniferous Height at installation (deciduous) Height at installation (evergreen)	20% 50% 3 feet 18"	30% 50% 3 feet 24"
SCREEN FENCE OR WALL Height above grade % of buffer strip fence to be installed along	not required not required	6 feet 100%
BERMING Height above grade % of buffer strip to contain berm	5 feet 100%	

TABLE 3
INTERIOR PARKWAY LANDSCAPING FOR COMMERCIAL USES

MINIMUM REQUIREMENTS	OPTION 1	OPTION 2	PARKING LOT NOT IN VIEW OF ROW
WIDTH OF INTERIOR PARKWAY Landscaping screening (select one)	15 feet	8 feet	not required
-berming (height % of frontage)	3 ft./50%	N/A	not required
-masonry wall (height % of frontage)	3 ft./50%	3 ft./100%	
-screen fence of wood or other material (height % of frontage)	3 ft./50%	3 ft./100%	
PLANTINGS Number of Trees	one tree per 40ft of linear street frontage	one tree per 40 ft. of linear street frontage	not required
SIZE AT INSTALLATION			
Deciduous trees	2.5 cal.		
Coniferous trees	6 ft.		
Ornamental trees	clump tree-5 ft.		
Percent of trees to be coniferous	cal. tree-2 .5"		
	50%	75%	
SHRUBS			
- percent of frontage	50%	75%	
- percent to be coniferous	50%	50%	
- planting size	coniferous- 18" Deciduous-3 ft.	coniferous-24" Deciduous-3ft.	

TABLE 4
BUFFER STRIPS FOR COMMERCIAL USES

MINIMUM REQUIREMENTS	OPTION 1 COMMERCIAL USE ADJACENT TO RESIDENTIAL	OPTION 2 COMMERCIAL USE ADJACENT TO RESIDENTIAL	COMMERCIAL USE ADJACENT TO NONRESIDENTIAL
MINIMUM WIDTH OF BUFFERS NUMBER OF TREES	25 ft.	10 ft.	10 ft.
SIZE OF TREES AT INSTALLATION	one tree per 40 ft. of linear buffer strip	one tree per 40 ft. of linear buffer strip	one tree per 60 ft. of linear buffer strip
Deciduous trees	2.5" cal.	2.5" cal.	2.5" cal.
Coniferous trees	5 feet	5 feet	5 feet
Ornamental	clump tree-5' cal. tree-2"	clump tree-5' cal. tree-2"	clump tree-5' cal. tree-2"
PERCENT OF TREES TO BE CONIFEROUS	50%	75%	25%
SHRUBS % of buffer strip to be planted with shrubs	25 %	40%	20%
% of shrubs to be coniferous	50%	50%	50%
Size of deciduous shrubs			
Size of coniferous shrubs	3 ft. 18"	3 ft. 18"	3 ft. 18"
SCREEN FENCE OR WALL Height above grade	6 ft.	6 ft.	not required
% of buffer to contain fence/wall	100%	100%	not required
BERMING Height above surrounding grade	5 ft.	not required	not required
% of buffer to contain berming	100%	not required	not required

TABLE 5
INTERIOR PARKWAY LANDSCAPING FOR INDUSTRIAL DEVELOPMENT

MINIMUM REQUIREMENTS	OPTION 1	OPTION 2
Width in Interior Parkway Landscaping screening (select one)	25 ft.	15 ft.
-berming (height % of frontage)	3 ft./50%	3 ft./75%
-masonry wall (height % of frontage)	3 ft./50%	3 ft./75 %
-screen fence of wood or other material (height % of frontage)	3 ft.50%	3 ft./75 %
Plantings		
Trees	one 6 ft. coniferous or one 2.5' caliper deciduous tree per 60 ft. of frontage	one 6 ft. coniferous or one 2.5" caliper deciduous tree per 40 ft. of frontage
Shrubs		
-percent of frontage	50%	50%
-percent to be coniferous	50%	50%
-planting size	coniferous- 18" deciduous-3 ft.	coniferous-24" Deciduous-3 ft.

TABLE 6
BUFFER STRIPS FOR INDUSTRIAL USES

MINIMUM REQUIREMENTS	OPTION 1 Industrial use Adjacent to Residential Zone	OPTION 2 Adjacent to Resident Zone
MINIMUM WIDTH OF BUFFERS	30 ft.	20 ft.
NUMBER OF TREES	One tree per 40 ft. of linear buffer strip	One tree per 40 ft. of linear buffer strip
SIZE OF TREES AT INSTALLATION	2.5" caliper	2.5" caliper
Deciduous trees	5 ft.	6 ft.
Coniferous trees	clump tree-5 ft.	clump tree-5 ft.
Ornamental trees	cal. tree-2"	cal. tree-2"
PERCENT OF TREES TO BE CONIFEROUS	50%	75%
SHRUBS		
% of buffer strip to be planted with shrubs	50%	50%
% of shrubs to be coniferous	50%	50%
Size of deciduous shrubs	3ft.	3ft.
Size of coniferous shrubs	18"	18"
SCREEN FENCE OR WALL		
Height above grade	6 ft.	6 ft.
% of buffer to contain fence/wall	100% or berm	not required
BERMING		
Height above surrounding grade	6 ft.	not required
% of buffer to contain berming	100%	not required

TABLE 7
BUFFER STRIPS FOR INDUSTRIAL USES

MINIMUM REQUIREMENTS	OPTION 1 Industrial use Adjacent to Nonresidential	OPTION 2 Industrial use Adjacent to Nonresidential
MINIMUM WIDTH OF BUFFER	15 ft.	10 ft.
NUMBER OF TREES	one tree per 60 ft. of linear buffer strip	one tree per 60 ft. of linear buffer strip
SIZE OF TREES AT INSTALLATION		
Deciduous trees	2.5" cal.	2.5" cal.
Coniferous trees	6 ft.	6 ft.
Ornamental trees	clump trees - 5 ft. cal. tree-2 .5"	clump tree - 5 ft. cal. tree-2 .5"
PERCENT OF TREES TO BE CONIFEROUS	50%	50%
SHRUBS		
% of buffer strip to be planted with shrubs	50%	50%
% of shrubs to be coniferous	50%	50%
Size of deciduous shrubs	3ft.	3ft.
Size of coniferous shrubs	18"	18"
SCREEN FENCE OR WALL		
Height above grade	not required	not required
% of buffer to contain fence/wall	not required	not required
BERMING		
Height above surrounding grade	not required	not required
% of buffer to contain berming	not required	not required

FIGURE 1

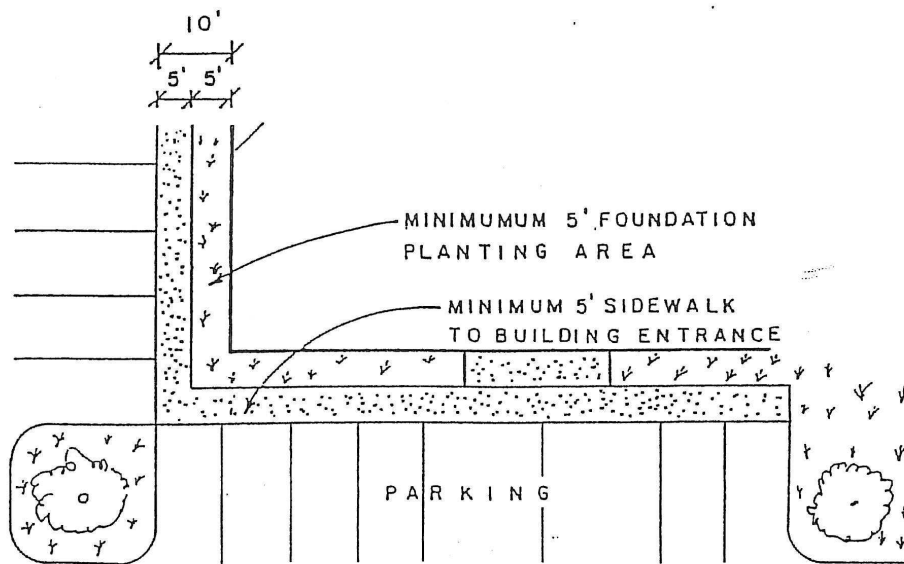


FIGURE 2
LANDSCAPED AREAS

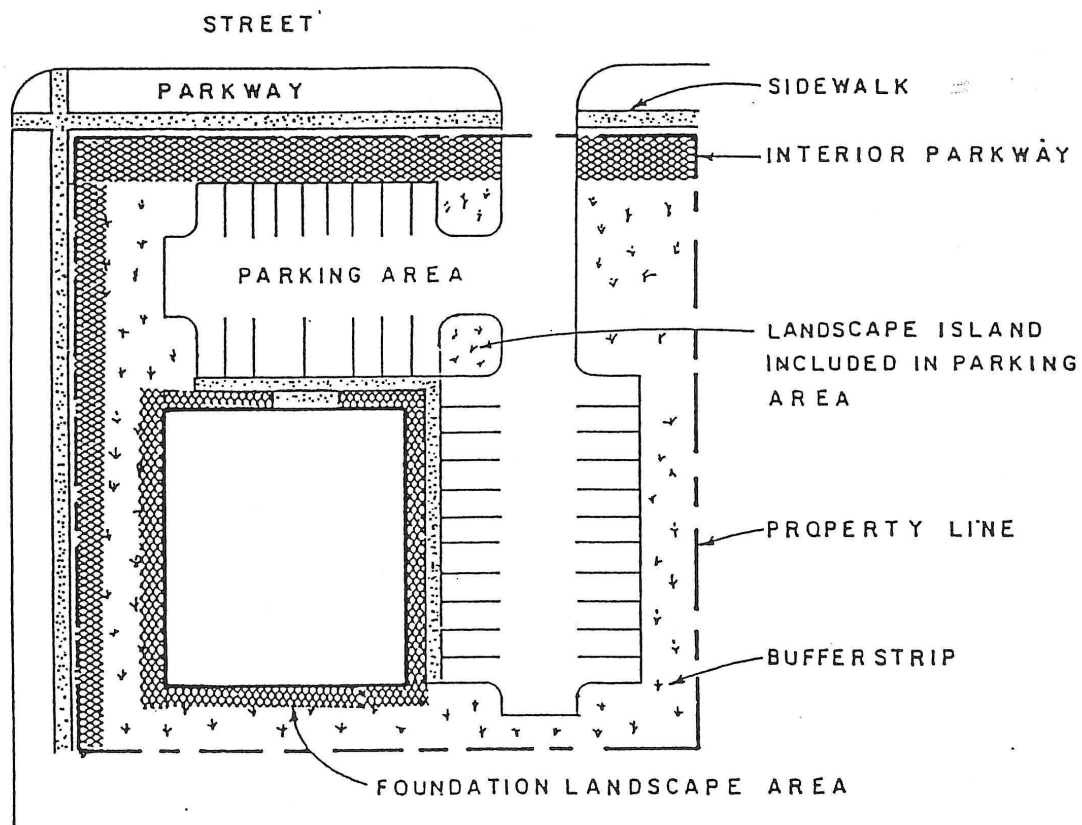
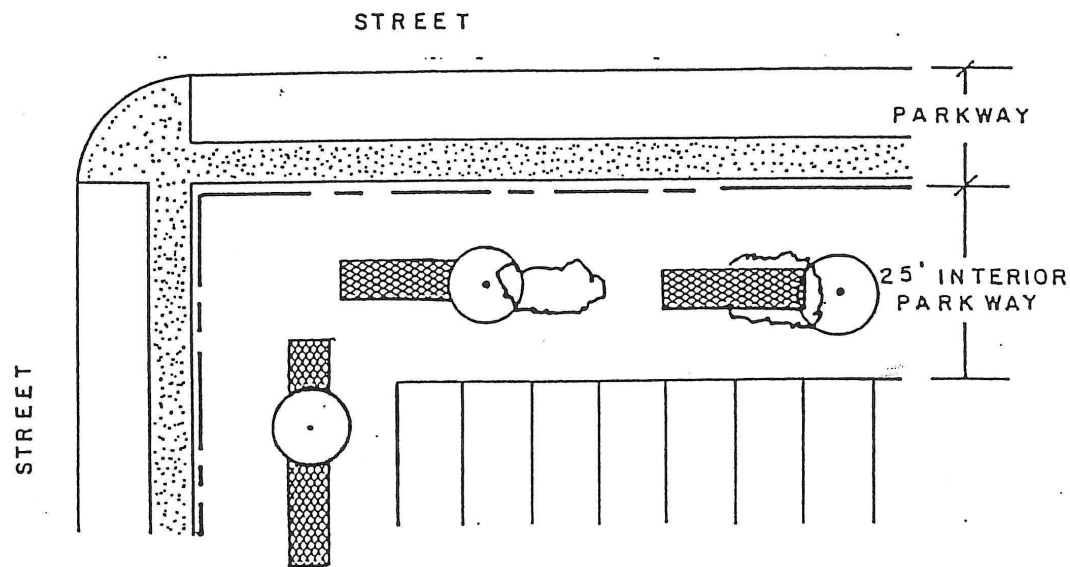


FIGURE 3
MULTI-FAMILY INTERIOR PARKWAY LANDSCAPING
OPTION 1



OPTION 2

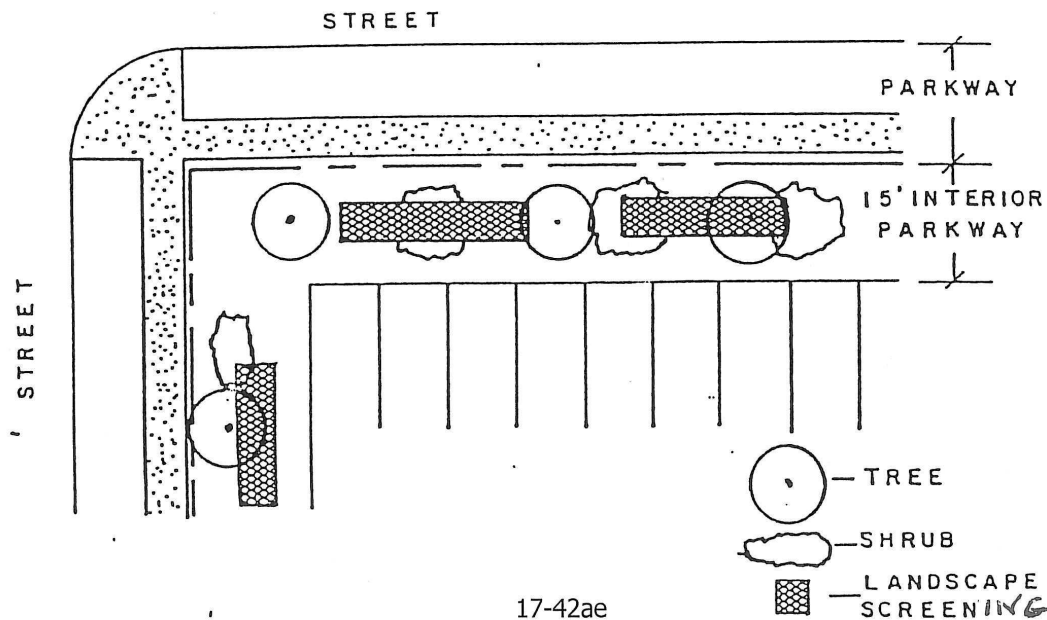
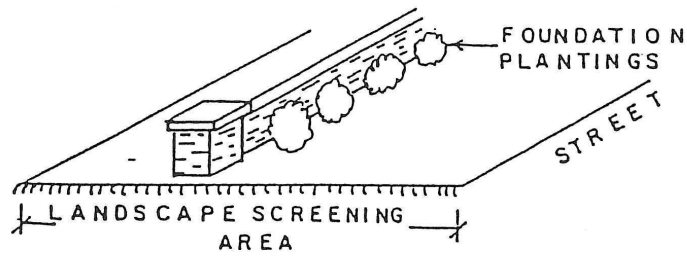
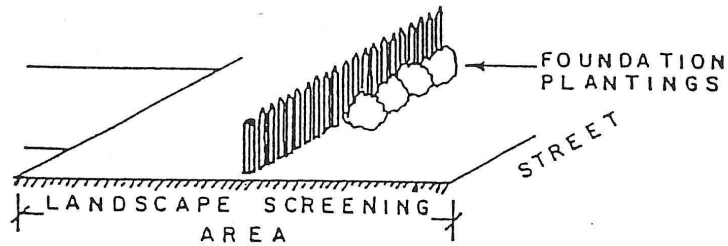


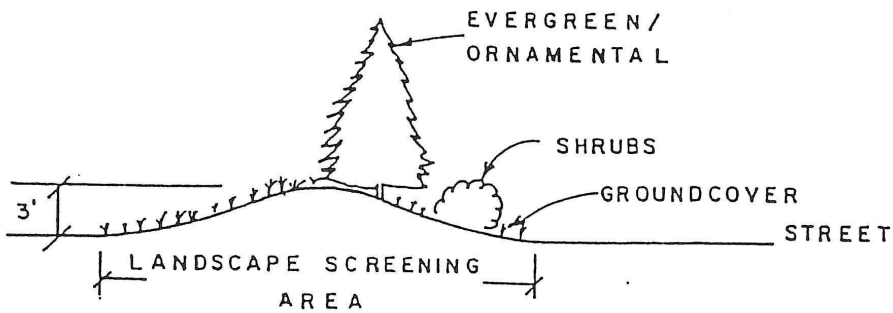
FIGURE 4
LANDSCAPE SCREENING OPTIONS



MASONRY WALL
TYPE - A

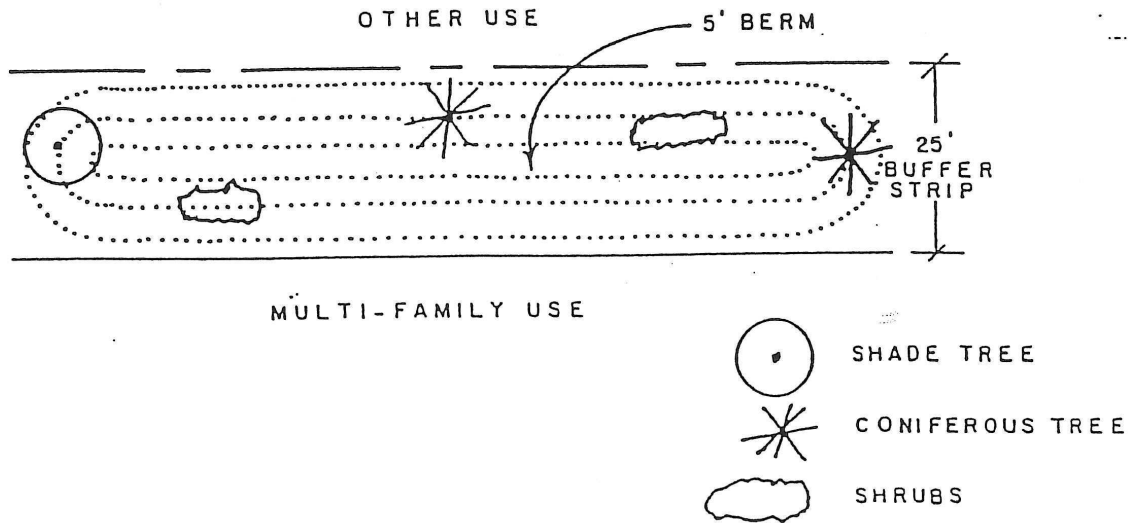


SCREEN FENCE
TYPE-B



PLANTING SCREEN
TYPE - C

FIGURE 5
MULTI-FAMILY BUFFER STRIPS
OPTION 1



OPTION 2

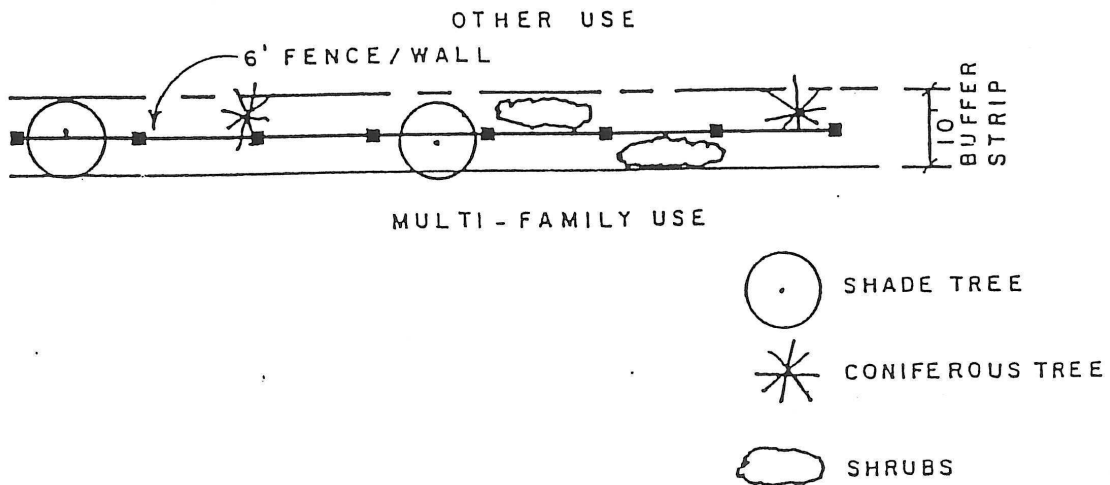


FIGURE 6

SERVICE AREA SCREENING

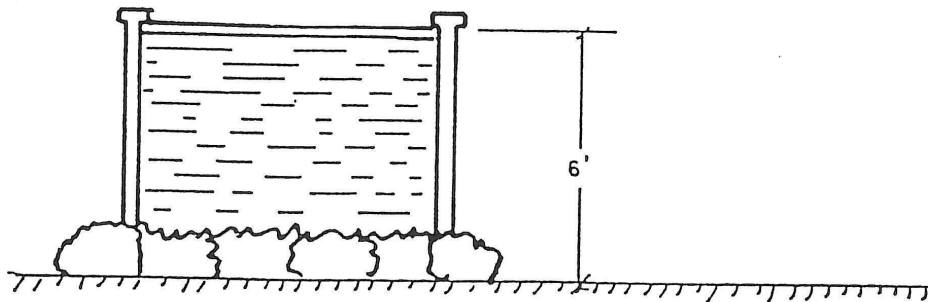
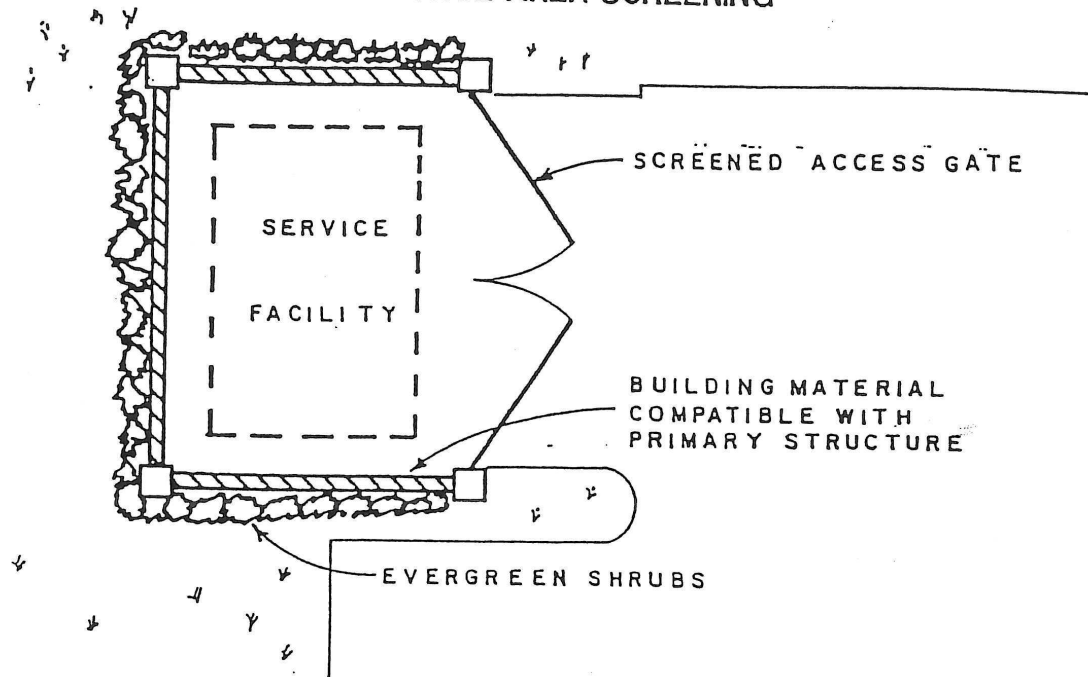
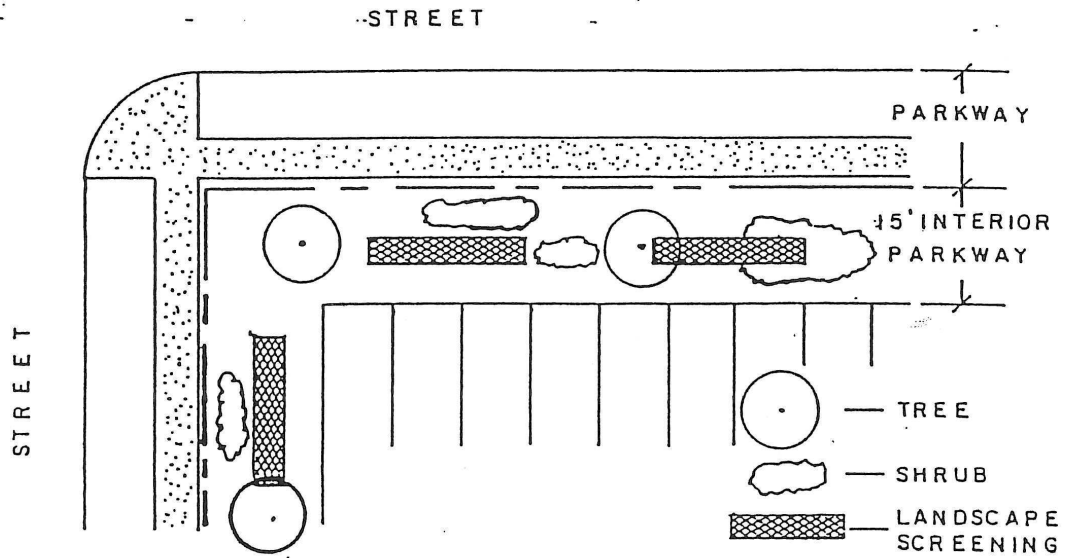
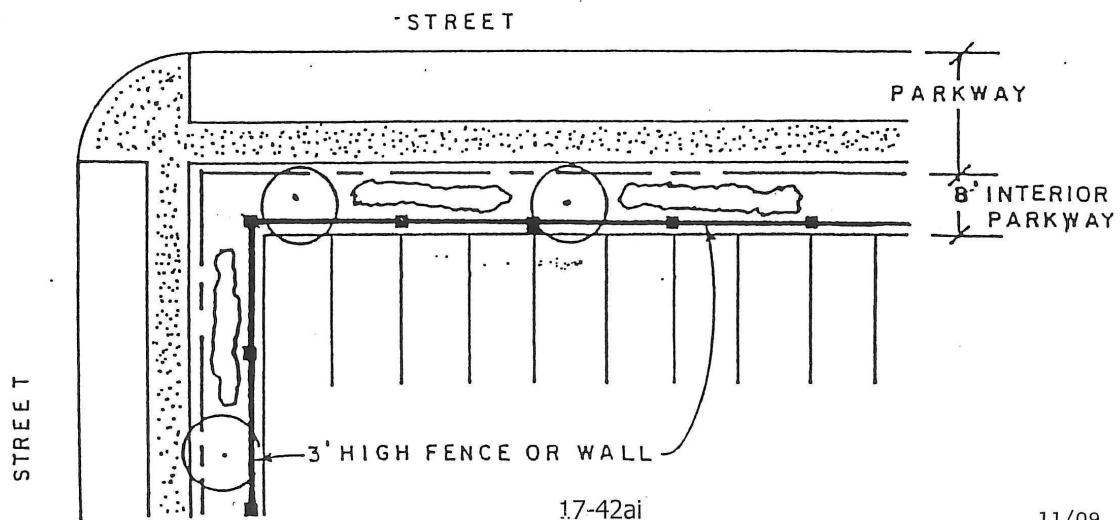


FIGURE 7
COMMERCIAL INTERIOR PARKWAY LANDSCAPING
OPTION 1



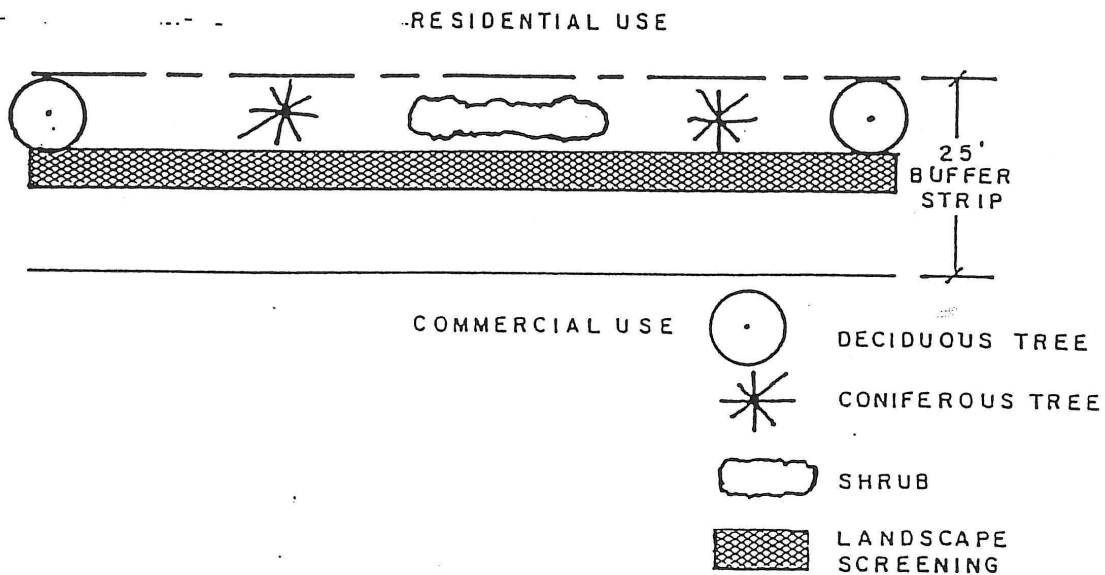
OPTION 2



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FIGURE 8
COMMERCIAL BUFFER STRIP ABUTTING RESIDENTIAL ZONE
OPTION 1



OPTION 2

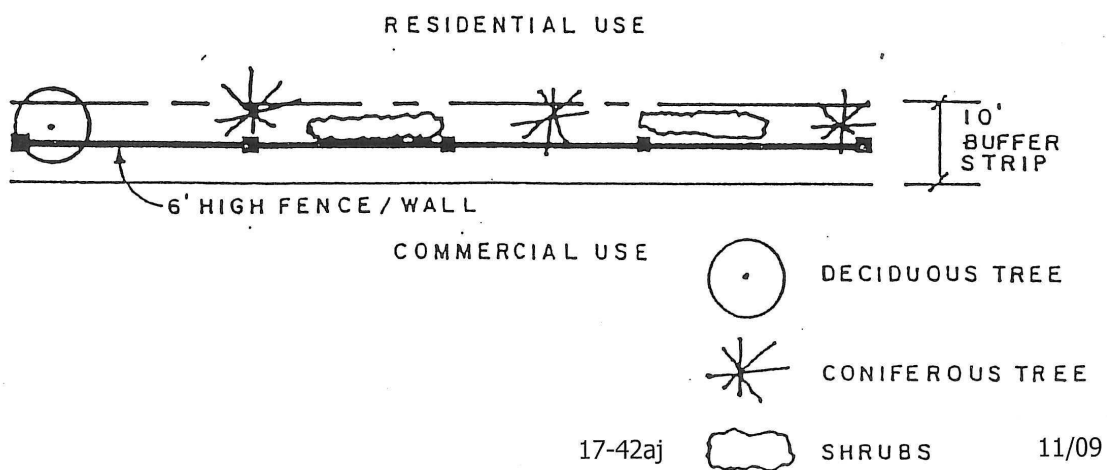


FIGURE 9
COMMERCIAL BUFFER STRIPS ABUTTING NON-RESIDENTIAL ZONE

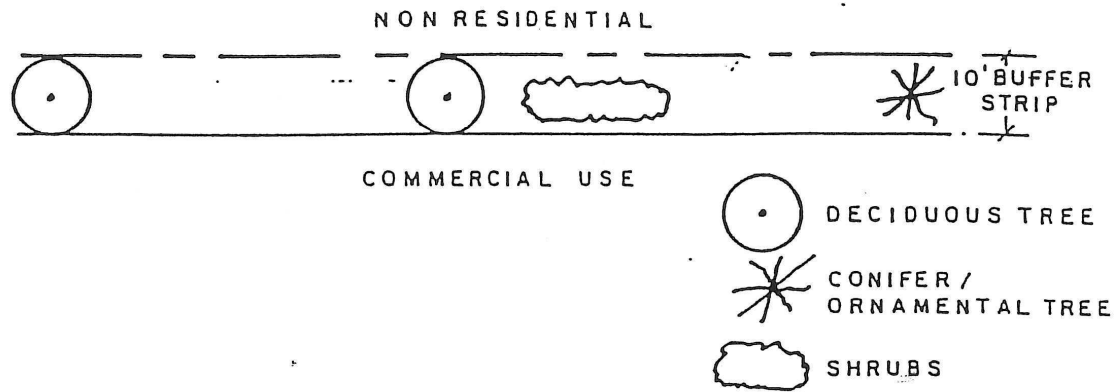
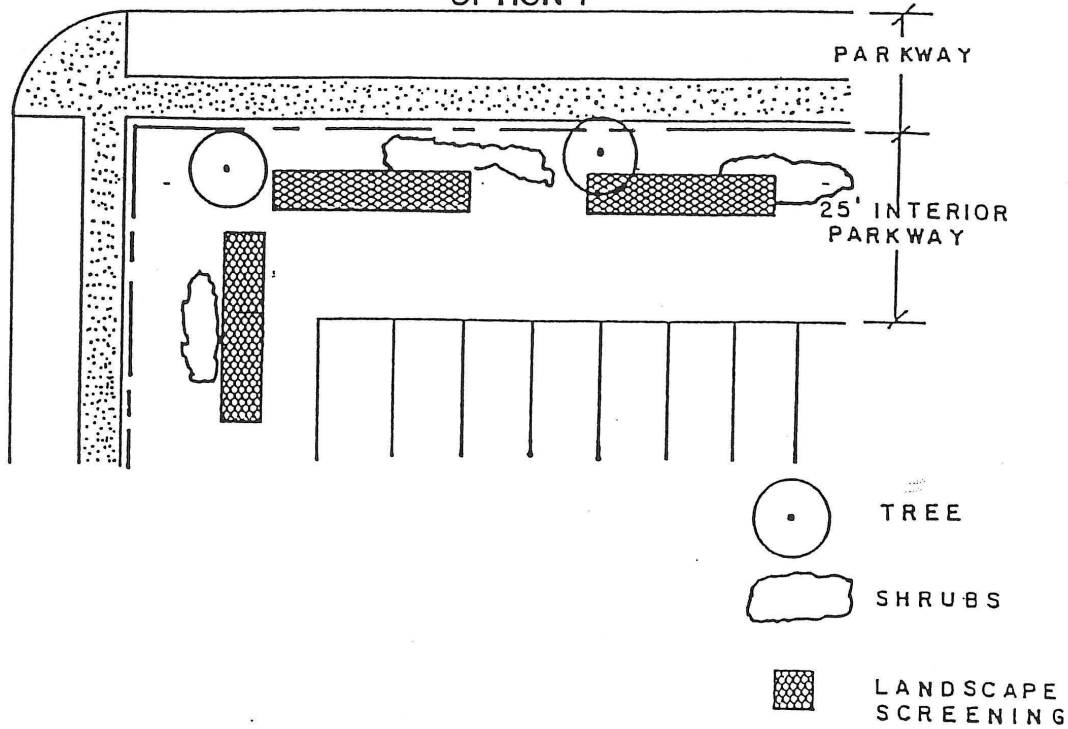


FIGURE 10
INDUSTRIAL INTERIOR PARKWAY LANDSCAPING
OPTION 1



OPTION 2

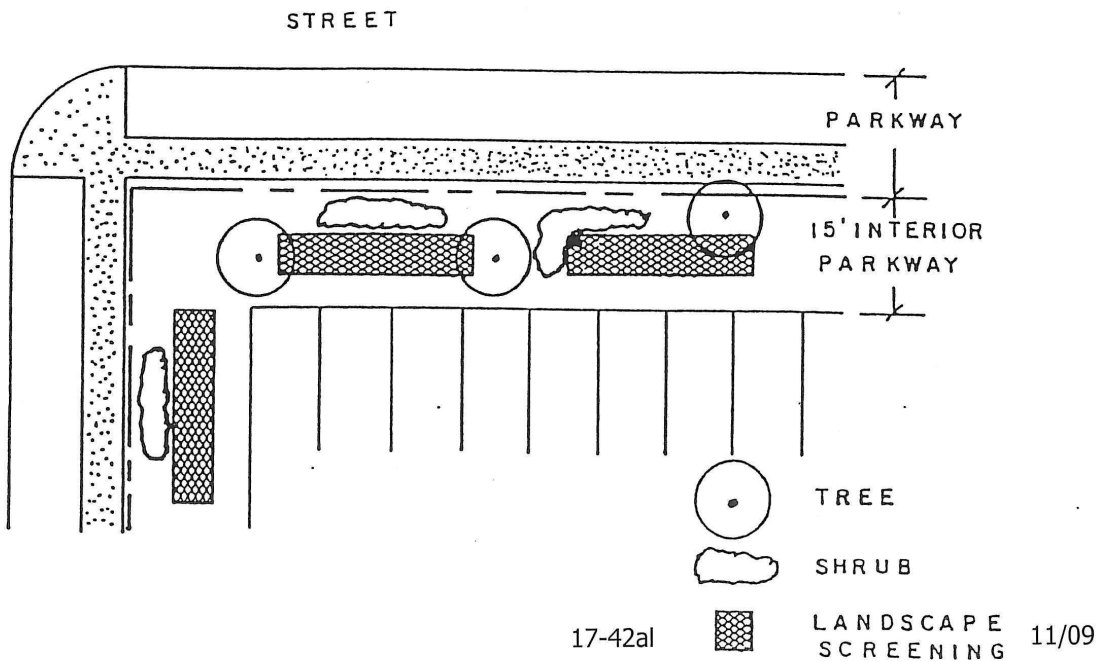
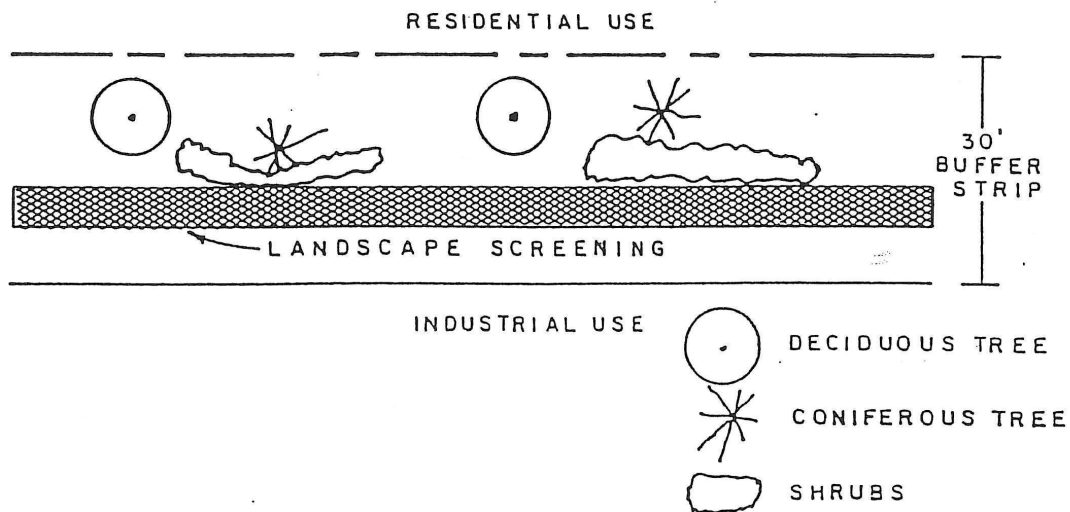


FIGURE 11
INDUSTRIAL BUFFER STRIP ABUTTING RESIDENTIAL ZONE
OPTION 1



OPTION 2

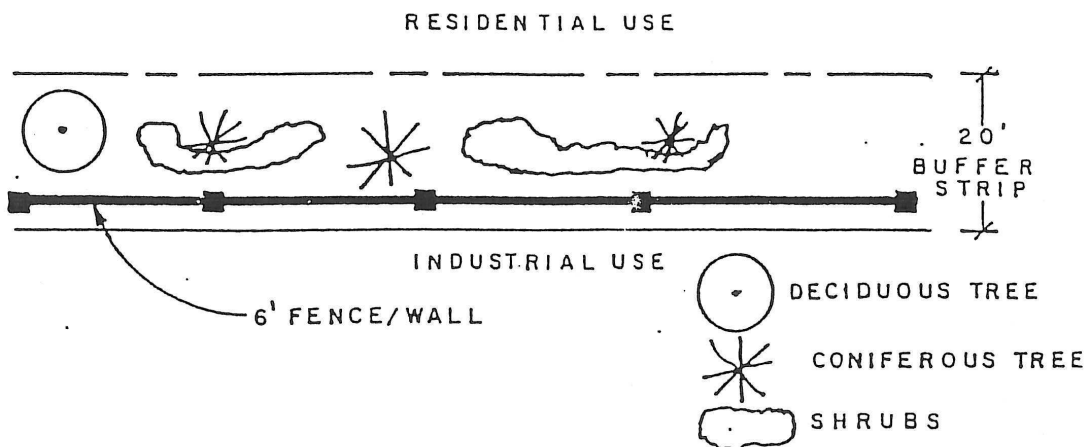
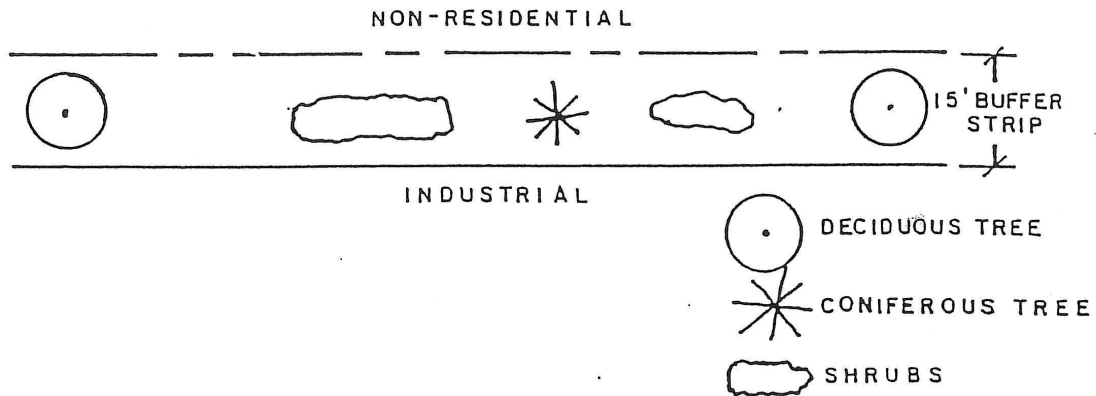


FIGURE 12
INDUSTRIAL BUFFER STRIP ABUTTING NON-RESIDENTIAL ZONE
OPTION 1



OPTION 2

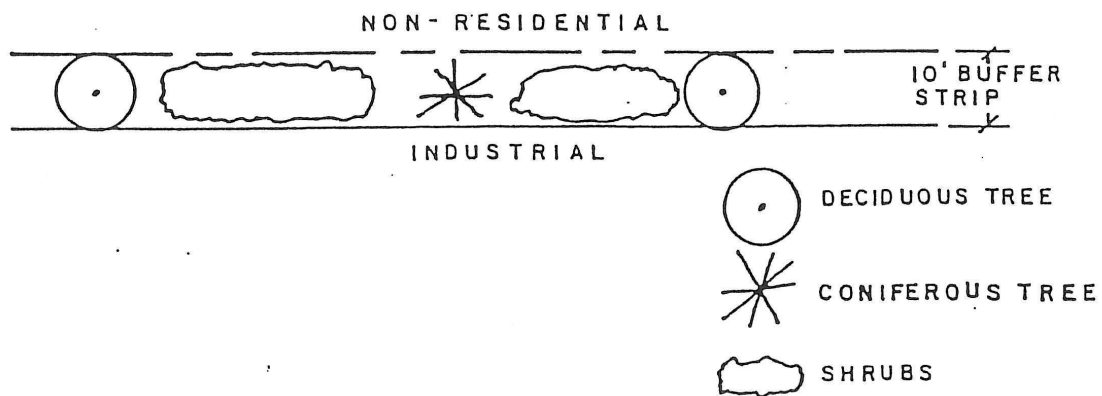


FIGURE 13
INDUSTRIAL BUFFER STRIP ABUTTING INDUSTRIAL ZONE

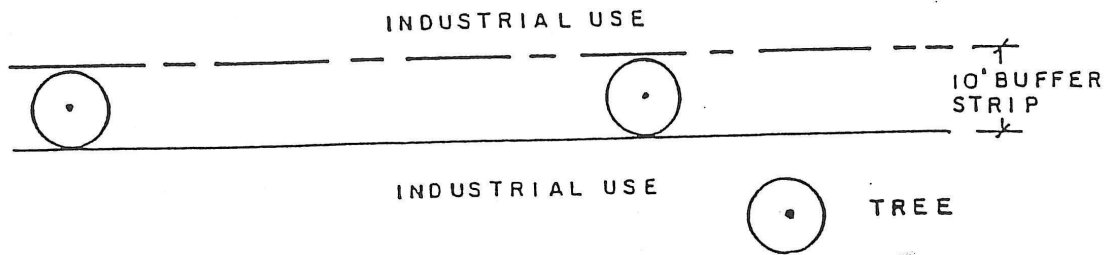
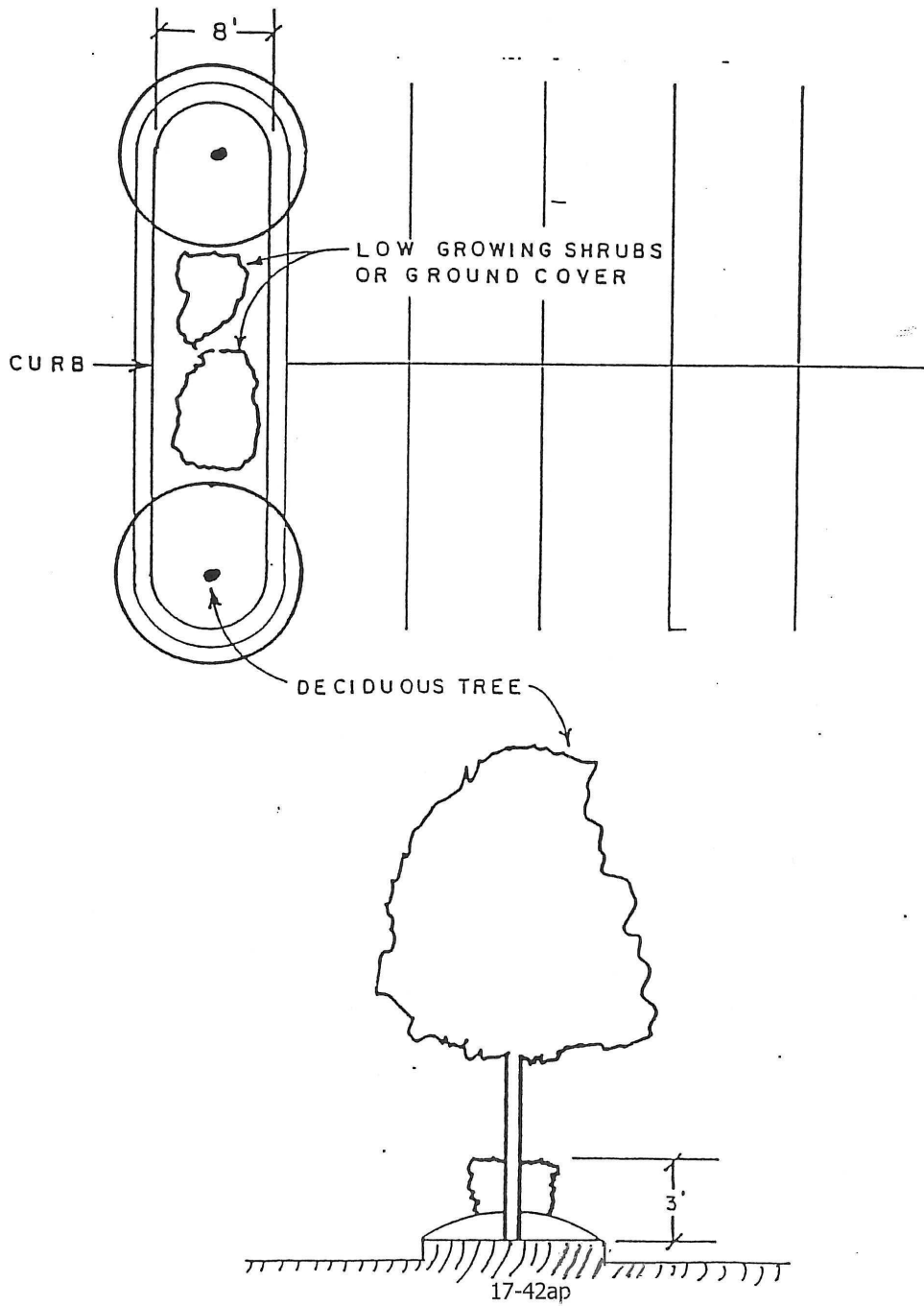


FIGURE 14
TYPICAL PARKING LOT PLANTING ISLAND



11/09

17.05-9 DESIGN REQUIREMENTS FOR RETAIL DEVELOPMENTS EXCEEDING 60,000
SQUARE FEET (Creating Ord. #1154)

[The following Large Development standards shall apply to all new indoor sales and service-oriented (retail) buildings in all Business and M-P zoning districts within the City of New London in excess of 60,000 gross square feet. Such conditions shall apply to both new development and to portions of development prior to the adoption of this ordinance. This 60,000 square foot limit shall apply to individual free-standing buildings and to Group Developments in which the combined total of all structures within a development (regardless of diverse lotting, use or tenancy) combine to more than 60,000 gross square feet.]

- 17.05-9 (1) Large Development Requirements. The applicant shall provide, through a written Compatibility Report submitted to the Planning commission adequate evidence that the proposed building and overall development project shall be compatible with the City's Comprehensive Plan and any Detailed Neighborhood Plan for the area.

The Compatibility Report shall specifically address the following items:

- A. Traffic and Parking Conditions
- B. Municipal Utilities and Services
- C. Physical and Ecological / Environmental Impact
- D. Character of Community – scenic, historic and archeological conditions.
- E. Economic impact on local businesses and residents, number of jobs created, local labor used, potential spin-off development

The above information shall be provided on a Large Development questionnaire provided by the Planning Commission

The granting of a conditional use for such a project shall require a three-quarters majority vote of all members of the Common Council.

- (2) Building exterior materials shall be of high aesthetic quality on all sides of the structure, such as, glass, brick, decorative concrete block, or stucco. Decorative architectural metal with concealed fasteners may be approved with special permission from the Planning Commission.
- (3) Building exterior design shall be unified in design and materials throughout the structure, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20 percent of the combined facades of the structure shall employ actual facade protrusions or recesses. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more as measured cave to cave or parapet to parapet. Roofs with particular slopes may be required by the Planning Commission to complement existing buildings or otherwise establish a particular aesthetic objective.

- (4) Standard Corporate Trademark building designs, materials, architectural elements, and colors all shall be acceptable, as determined by the Planning Commission, only as subtlety integrated into the more generic design of the building as a whole. Color schemes of all architectural elements shall be muted, neutral, non-reflective and non-use nor tenant specific.
- (5) Public entryways shall be prominently indicated from the building's exterior design and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street or public parking area shall have, or appear to have, public entrances.
- (6) Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
- (7) Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screen wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.
- (8) Vehicle access from public streets shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets from inadequate parking lot design or capacity, inadequate access drive entry throat length, improper access drive width or design, or inadequate driveway location. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant's traffic engineer to not adversely impact off site public roads, intersections, interchanges during the peak hour of on-site traffic as determined as coinciding with a full parking lot. Where the project shall adversely impact off-site traffic, the Planning Commission may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.
- (9) Parking lots shall be designed to meet the off-street parking requirements of section 17.08-2(2) of the Zoning Code and their design shall employ interior landscaped islands with a minimum of 400 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking isle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
- (10) A minimum of one (1) two hundred (200) square foot cart return area shall be provided for every one hundred (100) parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within twenty-five (25) feet of the building

- (11) Exterior display areas shall be permitted only where clearly depicted on the approved barrier visible to drivers and pedestrians, and by a minimum of ten (10) feet. Display areas on building aprons must maintain a minimum walkway width of five (5) between the display items and any vehicle drives.
- (12) The applicant shall demonstrate full compliance with City standards for storm water management, sanitary sewerage, public water, erosion control and public safety.

On site landscaping shall be provided per the landscaping requirements of section 17.05 of the Zoning Code. Except that building foundation landscaping and paved area landscaping shall be provided at 1.5 times the required landscape points for development in the Planned Business Zoning District.

- (13) A conceptual plan for exterior signage shall be provided at the time of Site Plan Review that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall compliment the on-building signage. Free-standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.
- (14) The entire development shall provide for full and safe pedestrian and bicycle access within the development, and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including, sidewalk connections to all building entrances from all existing or planned public sidewalks or pedestrian/bike facilities. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location. All sidewalks shall be a minimum of 6 feet wide.
- (15) The applicant shall provide adequate evidence that the proposed development and uses shall not hinder or undermine the City's community character objectives as stated and elaborated in the City's Comprehensive Master Plan.
- (16) The applicant shall provide adequate evidence that the proposed development shall not have the likely result of hindering the preservation or attainment of the community's desired small city community character as exemplified by certain off-site impacts, including new lane additions, traffic signals, storm water management problems, sudden declines in road levels of service or substantial impacts on city facilities or services.

17.05 – 10 CENTRAL BUSINESS DISTRICT DESIGN GUIDELINES

(Cr. Ord. # 1237)

17.05 – 10 (1) General Purpose

It is the general intent of the New London Common Council and Planning Commission to renovate, preserve and maintain properties within the Central Business District through a process of design guidelines in order to:

1. Encourage urban design and uniformity;
2. Integrate urban design and preservation of New London's heritage into the process of redevelopment and revitalization;
3. Enhance the character of the New London downtown business community

This ordinance shall be liberally construed to effectuate this purpose.

17.05-10 (2) Signs

(1) **PURPOSE.** The purpose of this sub-section is to regulate, standardize, and enforce outdoor sign advertising and display in the New London Central Business District. This sub-section is intended to promote the effective use of signs as a means to communicate, maintain, and enhance aesthetic value of the Central Business District; promote pedestrian and vehicular safety; protect property values; and provide fair and consistent enforcement.

(2) **DEFINITIONS.** The following terms have the meanings indicated:

- (a) Abandoned Sign: Any sign or a business or building owner that is no longer in use or is in a state of disrepair.
- (b) Business Identification Sign: Any sign that displays the name, address, slogan, logo, or emblem of a particular business.
- (c) Canopy/Awning: A protective roof like covering, often of canvas, mounted on a frame over a walkway or door.
- (d) Central Business District: The Central Business District includes parcels zoned B-1 and designated as the Central Business District in Chapter 17.10-5 (2) of the New London Municipal Code.

CENTRAL BUSINESS DISTRICT DESIGN GUIDELINES 17.05 – 10 (2)

- (e) Non-conforming Sign: Any sign that does not comply with City of New London Municipal Code Sections 17.05–10, 17.09-4, or any other State or Municipal Statute, ordinance or regulation pertaining to signs. Existing non-conforming signs are regulated by Section 17.09 -4 of the New London Municipal Code.
 - (f) Permanent Sign: Any sign that is displayed for the intent of advertising for more than (45) consecutive days.
 - (g) Projecting Sign: Any sign located on a building and perpendicular to the street. No new projecting signs are allowed. See (3) below for further restrictions.
 - (h) Sandwich Board Sign: Any free standing sign with an A-frame shape and messages on at least 2 sides that is generally placed on a sidewalk in close proximity to the business making use of it.
 - (i) Temporary Sign: Temporary signs shall be limited to one for each premise, a maximum of forty (40) square feet per side and limited to a total of 120 days or 5 times per year for any one premises or business, provided that no temporary sign shall be allowed for longer than 45 days.
 - (j) Wall Sign: Any sign that protrudes not more than six inches (6”) from the exterior wall of building and is less than twelve feet (12’) above the ground or any wall sign that protrudes not more than twelve inches (12”) from the exterior wall of the building and is more than twelve feet (12’) above the ground.
 - (k) Weatherproof: Material capable of withstanding exposure to all types of repeated weather conditions.
 - (l) Window Sign: Any sign of permanent or temporary nature displayed in any exterior window of a building.
- (3) NON-CONFORMING SIGNS. Signs in existence prior to the adoption of this ordinance and not considered abandoned shall be deemed lawful non-conforming signs. If signs deemed non-conforming are relocated or reconstructed then they shall be subject to the provisions of this ordinance.

(4) ABANDONED SIGNS. The following restrictions shall apply to all signs located within the Central Business District:

- (a) Any sign in the Central Business District that advertises or identifies a business or similar activity must be removed within sixty (60) days of the date such business ceases operation or vacates the premises, or the activity ceases.
- (b) Any sign shall also be removed when it becomes so old, dilapidated or in disrepair as to be unsafe or unsightly.
- (c) Sign removal shall be the responsibility of the owner of the property on which it is located. If the owner fails to timely remove signs as required here, the City of New London shall give the owner of the building thirty (30) days written notice thereof, and on the owner's failure to comply with this notice the City of New London may cause removal to be executed, the expenses of which shall be assessed to the tax roll of the property on which the abandoned sign is located.

(5) WALL SIGNS. The following restrictions shall apply to wall signs located within the Central Business District:

- (a) Each business shall be permitted one externally mounted permanent sign on the main floor of the building, except that any building located on a corner lot may be permitted two externally mounted permanent signs on the main floor of the building, one sign facing each thoroughfare.
- (b) Wall signs shall not exceed ten percent (10%) of the building's exterior facade or one square foot per foot of frontage of the building, whichever is less.
- (c) Wall signs shall be located above the first floor windows and doors but below the second story window sill if applicable.
- (d) Second story wall signs shall not exceed eight (8) square feet in area.
- (e) Wall signs shall be used solely for identification of the business name, services provided and / or available products.
- (f) Wall signs shall not physically diminish the architectural quality or structure of the building to which they are attached.

(6) WINDOW SIGNS. Within the Central Business District, permanent or temporary signs displayed in or on exterior windows shall not cover more than twenty percent **(20%)** of the window surface. Window signs may be illuminated.

(7) SANDWICH BOARD SIGNS. The following restrictions shall apply to sandwich board signs located within the Central Business District:

- (a) No more than one sandwich board sign shall be permitted per property, unless on a corner lot in which case two such signs shall be permitted, one on each sidewalk along each thoroughfare.
- (b) Sandwich board signs shall not exceed two feet in width and four feet in height. Height is measured from ground level to the peak of the sign. Width is measured from the farthest outside edge of the surface area to the opposite outside edge of the surface area.
- (c) Sandwich board signs shall be placed in such manner as to not obstruct pedestrian traffic or take up more than one third of the sidewalk width.
- (d) Sandwich boards shall not be placed so as to extend beyond the property lines on either side of the property to which they apply.
- (e) Sandwich board signs shall contain no more than two (2) sides each on which different messages may appear. Message lettering shall be neat, orderly and visually attractive.
- (f) Sandwich board signs shall be made of durable weatherproof material.
- (g) Lighting is not permitted on sandwich board signs.
- (h) Sandwich board signs shall not be attached to any public property or fixture owned by the City of New London.
- (i) Sandwich board signs shall only be displayed during business hours of the business to which they apply. If established business hours permit sandwich board signs to remain after dusk, then such signs shall be placed in a well-lit area for pedestrian safety.

(8) CANOPIES / AWNINGS. The following restrictions shall apply to canopies and awnings located within the Central Business District.

- (a) Canopies and awnings shall have a minimum ground level clearance of seven feet six inches. (7' 6")

- (b) Canopies and awnings shall not project more than six feet from the building's exterior wall, but shall not extend closer than two feet from any sidewalk curbing
- (c) Words or graphics displayed on any canopy or awning shall not exceed sixteen (16) square feet in overall surface area.

17.05 – 10 (3) FACADE

- (1) PURPOSE. The purpose of this subsection is to promote uniformity and overall aesthetically pleasing facades of the buildings located in the Central Business District for the City of New London.
- (2) WINDOWS. The following restrictions shall apply to windows in need of substantial repair and all window replacement for buildings located within the Central Business District:
 - (a) New windows should reflect the design and overall theme of the Central Business District as described in (5) (a) below.
 - (b) Windows that have been blocked or screened by concrete or other materials should be reopened to re-establish the intent of the original façade.
 - (c) Windows shall be kept clean and free of obstruction
 - (d) Broken windows shall be repaired or replaced in a reasonable period of time, not to exceed thirty days. If repairs are not made in a timely manner, the City may initiate such repairs, the cost of which shall be assessed to the tax roll of the applicable property.
- (3) ELECTRICAL HARDWARE AND WIRING. Electrical hardware and wiring for all buildings located in the Central Business District shall be covered and positioned in a manner that is safe and as aesthetically pleasing as practical.
 - (a) Electrical wiring shall be bundled when possible to eliminate mess and hazard when hanging in front or down the side of businesses.
 - (b) Electrical hardware on the exterior walls of buildings shall be covered in an appropriate manner as to avoid injury and accident.

CENTRAL BUSINESS DISTRICT DESIGN GUIDELINES 17.05 – 10 (3)

- (c) Due to the possible danger that electrical hardware may pose to residents and property, all electrical hardware is subject to this ordinance, regardless of whether pre-existing or not. All electrical hardware not conforming to this amendment at the time of its adoption will be subject to sanctions if not corrected within thirty (30) days of passage of this ordinance.
- (4) **BUILDING NUMBERING.** All new building numbering should be done in a manner to promote uniformity throughout the New London Central Business District. All new building numbering shall be displayed on the main entrance to the building. Numbers shall be block styled, bold, black and have a three-inch minimum size.
- (5) **EXTERIOR WALLS AND MURALS.**
 - (a) The architectural design should reflect a unified design, which is in character and proper relationship with the surrounding area.
 - (b) Any additions to exterior walls or the installation of new exterior walls within the Central Business District shall be constructed in a manner that coincides with the surrounding architecture. approved by the Planning Commission prior to construction.
 - (c) Plans regarding murals on business exterior walls shall be approved by the Planning Commission prior to the mural installation, placement or painting. Mural size, color scheme and theme shall be approved by the Planning Commission on a case-by-case basis.
- (6) **EXTERIOR MATERIALS AND COLOR.** Exterior building materials for facades in the Central Business District shall be complimentary to a building's original materials as well as to those of adjacent buildings.
 - (a) Brick, stone and decorative concrete block are preferred and recommended for all exterior façade repair and rehabilitation. When repairing brick exterior; care shall be taken to match appropriate size, color and texture to existing brick exterior.
 - (b) Colors that are considered earth tone, natural and terra cotta are the preferred choices for brick or stone exteriors. All other materials for prospective projects shall be approved the Planning Commission prior to construction.

- (c) Use of vinyl or aluminum siding is prohibited on the ground level and may only be used for improvements on the second story and above with prior approval from the Planning Commission. Other materials made to either to imitate exterior finish materials or used to cover original architectural features are also prohibited unless approved by the Planning Commission.
- (d) Paint shall be used only on surfaces intended for paint application, including wood, etc. Paint shall compliment the colors of existing materials on the facade such as brick and stone.

17.05-10 (4) OUTDOOR FURNITURE

Furnishings purchased by the City of New London pursuant to grants, donations, et cetera remain the property of the City of New London. Such items shall include without limitation: benches, bicycle racks, flowerpots, tree tubs, urns, and lighting fixtures.

The City shall be responsible for maintenance, pick-up and removal of these furnishings at appropriate times. On a case-by-case basis and only with a consensual agreement between the business owner and the City of New London, a business owner may be responsible for daily upkeep of plants, trees, shrubbery and other maintenance. Unless otherwise noted, the City of New London shall maintain all furnishings acquired for the express purpose of downtown revitalization.

17.05-10 (5) PARKING AND PARKING LOTS

The following subsection shall apply to parking lots located in the Central Business District that are not under the ownership of the City of New London.

- (1) Parking lots or areas in the Central Business District shall be maintained by the property owner. Parking areas shall be free from any detriment that may endanger public safety or personal property.
- (2) Parking areas shall be properly lit from the time period directly following dusk until the closure of the business served by the parking area. Lighting shall not be required if hours of business are concluded before dusk.
- (3) Trash receptacles, dumpsters, storage bins and other containers located in parking areas shall be confined to specified areas and shall remain secured and closed at all times to insure public health and safety.

17.05-10 (6) CONDITIONAL USE; ABROGATION AND GREATER RESTRICTIONS

- (1) Any provision contained in this chapter may be conditionally amended by the City of New London as to any property located within the Central Business District, on application by the property owner. In considering whether to grant such application, the Planning Commission shall give due consideration to the purpose of this chapter as stated in Section 17.05-10 (1) above. In granting such conditional use, the Planning Commission may impose reasonable restrictions it considers appropriate in carrying out the purposes of this chapter.
- (2) The enactment of this chapter is not intended to repeal, abrogate or impair any existing state or municipal statute, ordinance or regulation. In the event this chapter conflicts with any other provisions of this code, easement, covenant or deed restriction, the more stringent restriction shall apply.

17.06 CONDITIONAL USES

17.06-1 INTRODUCTION

This Ordinance regulates most uses through zoning districts as authorized in ss.66.23(7) (b) Wis. Stats. wherein the regulations are uniform within each district for each class or kind of buildings and for the use of land throughout each district. However, as set forth in section 17.03-2(2)C. Uses Classified of this Ordinance, it is recognized that there are certain uses, therein called Conditional Uses and regulated in this Section, in each district which cannot be properly classified as uses by right everywhere in that district, but which have to be given individual consideration in each case whether the use would be suitable at a specific location given the City Plan, the specific site, and the neighboring land, and given the public need for the particular location, and if so, what specific conditions should attach to such use, or whether the use would be unsuitable and should be denied. (See also Section 17.03-2(2)C Uses Permitted By Conditional Grant)

17.06-2 APPROVAL REQUIRED

- (1) Uses listed as permitted by conditional grant, or uses determined by the Planning Commission to be so similar to listed uses that the unlisted uses may within the spirit and intent of this Ordinance be classified by the Commission under Section 17.03-2 (3) Unclassified Uses as permissible by conditional grant in specific districts, may be permitted in the grant in specific districts, may be permitted in the district in which listed or classified, upon petition to and approval by the City Planning Wis. Stat., which power is hereby delegated to said Commission by the Common Council.
- (2) Basis for Approval:
 - A. Building, Site and Operational Plan Approval Supplanted: Processing of a conditional Use Grant application under this section shall require applicant submittal and Commission evaluation of at least the same information as required by review and approval under Section 17.05 approval of Building Site and Operational Plans, and therefor separate processing under 17.05 shall not be required unless certain issues not critical to the permissibility of the Grant are treated for Staged Approval under 17.05 as permitted by section 17.05(5), in which case the Grant shall be contingent upon satisfying fully said section 17.05.

- B. Compliance With Performance Standards:
Processing of a Conditional Use Grant application shall particularly require applicant submittal and Commission evaluation of compliance with the Performance Standards set forth in section 17.04-5.
- C. District Regulations Modifiable: Processing of a Conditional Use Grant application shall ordinarily be in accordance with the applicable numerical regulations (lot size, open space, setbacks, side and rear yards, height, etc.) of the district in which the use is being contemplated, however, the Commission in complying with this provision may vary such individual numerical requirements up or down as the spirit of the Ordinance requires. For example, the Commission may impose greater yard requirements for a large use going into a district with smaller buildings, or the Commission may waive the minimum building floor area for a utility substation structure.
- D. Standards: The principal criteria guiding the Planning Commission in reaching its decision in each case upon petitions for conditional use grants shall be whether, in the Commission's opinion, implementation of the City Plan will be advanced, and whether the spirit of this Ordinance will be upheld including those factors given in Section 17.06-1(1) INTRODUCTION above. More specifically, the Commission shall not approve an application and set conditions unless it shall first find:
 - 1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
 - 2. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor noticeably diminish and impair property values or esthetics within the neighborhood.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. that adequate utilities, access roads, street access that does not impede public traffic flow, drainage, and other necessary facilities have been or are being provided.

17.06-3 PROCEDURE

- (1) Petition: A request for Conditional Use Grant shall begin with a petition by an applicant capable of agreeing to and abiding by the conditions the Commission shall impose upon the use. If said applicant is other than the owner of the site upon which the grant is proposed, the applicant shall demonstrate that they have an interest in the land, such as a prospective lease or purchase agreement which is specifically enforceable should the applicant's petition be granted.
- (2) Filing of Petition: The petition shall be filed with the Zoning Administrator who shall place it upon a Plan Commission agenda after first being assured by City Professional Staff review that the application is complete and that it addresses concerns which the staff, on the basis of this Ordinance, finds the Commission will or should raise.
- (3) Petition Content: The petition shall be accompanied with sufficient information to enable the Commission to fully accomplish the review and decision required of it by 17.06-2(2) Basis of Approval, above. Accordingly the Commission shall require, as appropriate, the information normally required under Sections 17.05 Approval of Building, Site, and Operational Plans, as well as Section 17.04-5 Performance Standards. The Commission may establish administrative forms and applications to aid in the processing of such petitions, and may require therein any other pertinent information as it deems necessary to fulfill this Section.

- (4) Hearing: Before concluding its findings and decision on each application, the Commission shall hold a public hearing on the petition, following the same notice provisions contained in this Ordinance for petition to rezone a property.
 - A. The Commission may have the draft conditions completed by the time of the hearing in order to gain public input thereto, or the Commission may hold the hearing before the formulation of draft conditions for purpose of gaining public suggestions thereon.
 - B. Where the Commission holds a hearing prior to the drafting of conditions, or where the Commission in its judgment makes substantial revisions to the conditions as drafted and presented to public hearing, the Commission may, at its sole discretion, hold a second public hearing for the purpose of learning public opinion thereon.
- (5) Determination: Following necessary staff and Commission review, investigation, public hearing, as soon as practical shall render its decision in writing, and a copy made a permanent part of its records. Such decision shall include an accurate and complete description of the use as permitted, including all the conditions applicable thereto, or if disapproved, the principal reasons for disapproval.
- (6) Determination Not Appealable: As provided for in ss.62.23(7) (e) Wis. Stats where the power to approve or deny conditional use grant applications as special exception uses may be assigned by Ordinance to the Planning Commission as set forth in 17.06-2 preceding, applications denied, or conditions approved under this Section, because of the close relationship intended by this Ordinance between the specificity of those conditions and the permissibility of impermissibility of the petitioned use under this section, shall not be appealable to the Zoning Board of Appeals as otherwise provided in Section 17.13 of this Ordinance.

- (7) Administrative Review: Nothing in (6) preceding shall preclude the petitioner or an aggrieved party from seeking a review by the Planning Commission of the Commission's decision, where it is claimed an error in facts or in application of this Ordinance was made.
 - A. Such review must be requested within 30 days from the date of the meeting where action on the petition was taken. If requested by an aggrieved party, mailed notice to the petitioner's address as found on the petition must be made by the party simultaneously with the review request to allow the petitioner the opportunity of avoiding expenses that might otherwise be incurred during the period until the review is completed. The petitioner may introduce at the rehearing evidence of unavoidable expenses incurred during the period between original action on the petition and the rehearing.
 - B. Reaffirmed Decisions: Where the Commission reaffirms its original decision on the petition, no notices or public hearing are necessary.
 - C. Reversed or Modified Decisions: Where the Commission is inclined to reverse or modify the original action taken on the petition, it shall first give notice to the same parties and in the same manner as the first public hearings to give opportunity for interested parties to be heard, with the fee for notice and hearing paid from the Commissions' budget. Where the reversal or modification is to an approved grant, the Commission shall take into consideration whether its action would have an unfairly high financial impact upon original grant petitioners.
- (8) Guarantees and Sureties: Among the conditions the Commission may set in approving an application for conditional use grant may include performance bonds, letters or credit, cash deposits, or similar financial sureties related to ensuring that certain conditions will be met, or that material or workmanship improvements covered by the conditions are guaranteed, as further authorized in Section 17.08(1) of this Ordinance.

- (9) Mapping and Recording: When a conditional grant is approved, the Zoning Use and Occupancy Permits shall be appropriately noted and such grant shall be applicable solely to the structures, use and property as described. Indication of such a grant shall also be made on the Zoning Map by appropriate code number or symbol. An official record of such grant shall be prepared by the Zoning Administrator on a form prescribed therefore, which shall include the description of the use for which the grant. A land covenant form provided by the City shall be recorded at the County Register of Deeds as a covenant to the existence of the grant.
- (10) Termination of Grants:
 - A. Grants for Specific Time Periods: Where the applicant agrees, the Commission may set as one of the conditions that the use will only exist for a stated period of time or until described circumstances are fulfilled.
 - B. Failure to Comply with Conditions: Where the use upon inspection by the Zoning Administrator and review by the Planning Commission is found to be in non-conformance with one or more of the significant condition of the Grant, the provisions of 17.028 ENFORCEMENT AND VIOLATIONS shall be applied in order to gain compliance. Where nonconformance to conditions continues to occur, and the Commission determines that one or more of the non-compliance conditions are of an essential nature to the granting of the original application, the Commission may petition the Common Council for termination of the entire Grant or portion thereof as the Commission shall nominate.
 - 1. Hearing: The Common Council shall hold a hearing on the Commission's Petition for Termination as set forth in 17.06-3 (4) above, giving the holder of the Grant ample opportunity to explain the circumstances related to the alleged noncompliance.

2. Modification or Revocation: Where the Common Council agrees in whole or part with the Commission's petition, the Common Council may modify or revoke the original Grant of Conditional Use in whole or part, causing the recordation of the grant on the title of the property to be accordingly amended.

(11) Application to Existing Uses:

- A. A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only as a conditional use status under the procedures herein.
- B. The grant of conditional use in such case shall be based upon the existing conditions at that time; however, the Planning Commission may require improvements in general building appearance, in proper storage of outside materials, in the provision of more satisfactory off-street parking, in the use of planting and fencing screens where necessary, and in operational matters relating to the control of noise, dust, odor, smoke and excessive glare or illumination of lighting, provided that such measures be within the reasonable economic capacities of such a use. Any expansion or change in use shall require changing of conditional use grant.

(12) Expansion or Modification of Existing Conditional Use Grants: Petitions may be made at any time for expansion or other change of the conditional use grant and such petition shall not prejudice the existing grant as herein authorized.

17.07 PLANNED DEVELOPMENT PROJECTS

17.07-1 INTRODUCTION AND PURPOSE

- (1) Uniform and Individual Lot Regulations: This Ordinance is predicated upon regulating the land development and use maintenance process primarily on an individual lot or tract basis, with all lots in the same district being subject to regulations which are uniform throughout that district, as prescribed by ss.62.23 (7) (b) Wis. Stats., in order to achieve the Purposes In View set forth in ss.62.23(7) (c) and in section 17.00-6 of this Ordinance.
- (2) Diversified and Grouped Lot Regulations: However, as also provided for in said ss.62.23(7) (b), with the consent of the land owners, there may be, and hereby is established, a special district in which the regulations need not be uniform throughout the district, so that there may be permitted development regulations which have the same Purposes In View as ss.62.23 (7) (c) and section 17.00-6 of this Ordinance, but which seek to allow regulation on a project basis, possibly involving many lots or tracts or multiple structures, including possibly allowing more than one principal structure per lot, which regulations as set forth in said ss.62.23(7) (b) Wis. Stats., will tend to promote over time the maximum benefits of:
 - A. coordinated area site planning
 - B. diversified location of structures
 - C. mixed compatible uses
 - D. safe and efficient pedestrian and vehicle traffic systems
 - E. attractive recreation and landscaped open spaces
 - F. economic design and location of public and private utilities, and community facilities, insuring adequate standards for construction and planning

17.07-2 DISTRICT ESTABLISHMENT

- (1) OPD Overlay Planned Development District: The regulations of this Section shall operate in conjunction with the application to specific tracts of land of the OPD Overlay Planned Development District as established in Sections 17.10 and 17.11 of this Ordinance.

- (2) Minimum Area Required: In order to be regulated under this section, proposed project plans must be no less than the following minimum size:

Proposed Principal Uses	Minimum Project Size
Residential & Open Space Uses	100,000 Square feet
Mixed Compatible Uses	200,000 Square feet
Commercial or Industrial Uses	200,000 Square feet

- (3) Ownership Consent: As required by ss.62.23 (7) (b) Wis. Stats. a proposed development at the time of application of the OPD Overlay Planned Development District shall require the consent of the owners to the regulations as shall apply to their individual tracts through the approved OPD district project plan.

17.07-3 USES PERMITTED

- (1) Underlying District Uses: All uses as permitted by the underlying district or districts within the boundaries of the overlay OPD district may be permitted in the project plan approved as part of the OPD regulations as stated therein, subject to (4) below. Said plan may also provide for excluding uses that are otherwise permitted by the underlying districts, or for follow-up approval of Building Site and Operational Plans as provided for in Section 17.0 of this Ordinance.
- (2) Other Uses Permitted: In addition to (1) preceding, any other use permitted by this Ordinance may be permitted as part of the project plan approved as part of the OPD regulations, consistent with the approval criteria set forth in 17.07-5 hereunder.
- (3) Individual Uses and Structures need not necessarily comply with the specific building location, height, building size, floor area ratio, lot size or open space requirements of the underlying district, provided that benefits as set forth in ss.66.23 (7) (b) Wis. Stats. and 17.07-1(2) of this section justify deviation from said requirements.

- (4) Conditional Use Processing: Uses permitted in an underlying district or elsewhere in the Ordinance by Conditional Use Grant, if not permitted by right in one of the underlying districts, shall only be permitted through the OPD regulations as a Conditional Use. The petition, application materials, and hearing for said Conditional Uses may be part of the OPD process to avoid dual processing unless the OPD plan specifically determines that the Conditional Uses are to be separately evaluated and processed.

17.07-4 PROCEDURE

- (1) Pre-Petition Conference: Prior to official submittal of a petition, the petitioner shall meet with the Planning Commission for a preliminary discussion as to the scope and proposed nature of the contemplated development, especially as relates to the petitioner's intentions to submit a General or Detailed application.
- (2) Petition: Following the pre-petition conference, petition may be made to the Zoning Administrator by the owners or agents of properties proposed for such development, to amend the zoning map by the overlaying of an OPD District in order to permit the application of the provisions of this section to such development. Such petition shall be accompanied by a fee as required in Sections 17.02-6, and the following information in appropriate detail as to the type of approval, General or Detailed, desired. (See Determination in Section 17.07-6)
 - A. A Statement describing the general character of the intended development and the desirability of applying the requirements of this section and the OPD district rather than those ordinarily applicable through basic underlying zoning. This statement should at least include:

1. Statistical Data on total size of the project area, area of open space, residential density computation and proposed number of dwelling units, population analysis, market analysis, economic analysis, impact upon municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 2. A Financial Factors general summary including the value of structures estimated improvement costs, amount proposed for landscaping and special features, estimated sale or rental price, and total anticipated development cost of the project.
 3. Organizational and Service Structure general outline related to intended property owner's association, deed restrictions, and provision of private services.
- B. A General Development Plan and related maps and plans including descriptive statements of objectives, principles and standards used on its formulation of the project showing at least the following information as may be required by the Planning Commission and Common Council to apply the criteria for approval as hereinafter set forth:
1. An accurate map of the project area including its relationship to surrounding properties.
 2. The pattern of public and private roads, driveways, and parking facilities and intended design standards.
 3. The size, arrangement and location of lots or of proposed building groups.
 4. The location of recreational and natural open space areas are reserved or dedicated for public uses such as school, park, nature preserve, etc.
 5. The type, size and location of structures.

6. General landscape treatment.
 7. Architectural drawings and sketches or photos of similar developments illustrating the design and character of proposed structures.
 8. The location of present and proposed sanitary sewer and other utility facilities if necessary to an evaluation of the project plan.
 9. Existing topography and storm drainage pattern and proposed storm drainage system showing basic topography changes, if deemed necessary for project evaluation.
- (3) Referral to Planning Commission: Such petition shall be referred to the Planning Commission and processed as a zoning change. Upon completion of necessary study and investigation, the Planning Commission shall make its recommendation to the Common Council as to the appropriateness and desirability of the application of the OPD District as relates to the suitability of the building, site and development plans and any additional conditions which the Commission may feel necessary or appropriate.
- (4) Public Hearing: The Planning Commission, before taking affirmative action to approve such petition, shall hold a public hearing pursuant to statutory provisions for zoning amendments. Notice for such hearing shall include reference to the consideration of the proposed project development plans coincident with the requested zoning change to OPD.

17.07-5 BASIS FOR APPROVAL

The Planning Commission, in making its recommendations, and the Common Council, in making its determination, shall give consideration and satisfy themselves as to the following:

- (1) Construction Schedule: That the proponents of the proposed development have demonstrated that they intend to start construction within a reasonable period following the approval of the project and requested overlay of the OPD District, & that the development will be carried out according to a reasonable construction schedule satisfactory to the City.

- (2) Adequate Professional Assistance: That the project plan has been prepared with adequate professional assistance, especially as relates to justifying deviation from standards as set forth in the underlying basic zoning districts or from other development standards such as for streets and utilities, and to achieving (3) and (4) below.
- (3) Conformity to City Plan: That the project plan serves to implement the spirit and intent of the City Plan, especially as relates to preservation of conservation areas and creation of common open spaces, and to creation of a more diversified and interesting use pattern than might otherwise result from application of underlying zoning patterns.
- (4) Achievement of Purposes and Benefits: That the project plan achieves the Purposes In View for zoning as set forth in ss.62.33 (7) (c) Wis. Stats. and Section 17.00-6 of this Ordinance, as well as the Benefits of Planned Development projects as set forth in ss.62.23 (7) (B) Wis. Stats and Section 17.07-1(2) of this Ordinance.
- (5) Preservation and Care of Open Space:
 - A. That the resultant common open space is suitable for its use as relates to location, access, size and shape, proposed degree of improvement for recreational use, or proposed degree of protection from damage if a natural area.
 - B. That adequate guarantee for retention of proposed private open spaces in their proposed uses and against building or other development (except as consistent with the open space objective) shall be accomplished by conveying to the municipality as part of the conditions of approval, a land covenant to be approved by the Planning Commission and recorded at the County Register of Deeds office restricting the area as herein required.

- C. That in the case of a private open space proposal, the care and maintenance of such open space shall be insured either by establishment of an appropriate management organization or property owner's association for the project or by agreement with the municipality for establishment of a special service district for the project area on the basis of which the municipality shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the City shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the City.
- D. That ownership and tax liability of private open space areas shall be established in a manner acceptable to the municipality, and miss a part of the conditions of the plan approval.
- E. That adequate financial guarantee that such common open space will be developed or protected as proposed is made by the owners or developers in the form of bonds, sureties, or letters of credit acceptable to the City pursuant to the procedures used in the building and platting of public streets.

(6) Proposed Residential Developments:

- A. That such development will create an attractive residential environment of sustained desirability and economic stability, including placement of structures in relation to terrain and soils, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the neighborhood.
- B. That the population composition of the development will not result in adverse effect from that anticipated in the City Plan upon the community's capacity to provide needed school or other municipal service facilities.

- C. That adequate guarantee is provided for permanent retention as “open area” of open land area resulting from the application of these regulations either by dedication to the public or by private reservation as regulated by Section 17.07-5(5) preceding.
- (7) Proposed Commercial Developments:
- A. That the economic practicality of the proposed development can be justified on the basis of purchasing potential, competitive relationship, and demonstrated tenant interest.
 - B. That the proposed development will be adequately served by off-street parking and truck service facilities.
 - C. That the locations for entrances and exits have been designed to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect on the general traffic pattern of the area.
 - D. That the architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the aesthetics, enjoyment or property values of the surrounding neighborhood.
- (8) Proposed Industrial Developments:
- A. That the operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
 - B. That the proposed development will have adequate provision for off-street parking and truck service areas and will be adequately served by rail or highway facilities.

- C. That proposed development is properly related to the total transportation system of the community and will not result in adverse effect on the safety and efficiency of the public streets.
- (9) Proposed Mixed Use Developments:
 - A. That the proposed mixture of uses produces a unified composite which is compatible within itself and which, as a total development entity, is compatible with the surrounding neighborhood and consistent with the general objectives of the City Plan.
 - B. That the various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use character.

17.07-6 DETERMINATION

- (1) Denial or Approval: The Common Council after due consideration, upon recommendation of the Planning Commission, may deny or approve the petition as submitted or approve the petition subject to changes or additional conditions. Petitions which are approved become final only after application of the Overlay Planned Development District as provided for in Section 17.14 Changes and Amendments.
- (2) Representations and Conditions Incorporated: The General or Detailed Approval of a petition and consequent amending of the Zoning Map by overlay of the OPD district shall be based upon, and thereby incorporate, all the representations contained in the petition and its accompanying written and other exhibits offered by the petitioner, as modified by the City as part of the review and approval process.

- A. General Approval: Plans submitted for such an approval need not necessarily be completely detailed at the time of Overlay zoning, provided they are of sufficient detail to satisfy the Planning Commission and Common Council as to the general character, scope and appearance of the proposed development. Such preliminary plan shall at least designate the pattern of proposed streets, and size and arrangement of lots as in the preliminary platting process which may indeed also be involved, the basic pattern of land use, with an illustration of a "typical" example of the development proposed. The approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans as the development progresses, so that all detailed approvals are complete before an Occupancy Certificate is required.
 - B. Detailed Approval: Plans submitted for detailed approval shall be sufficiently complete that the factors normally associated with issuance of a Zoning Permit under this Ordinance, such as a developer's agreement or approval of a property division under the Subdivision Ordinance, are presented. Without prejudice because of enumeration, this can include information related to section 17.05 Approval of Building, Site, and Operational Plans; to section 17.06 Conditional Uses; to section 17.04 Performance Standards; and to preliminary or final plats under the Subdivision Ordinance.
- (3) Subsequent Changes: Proposed changes to approved project plans, judged insubstantial by the Planning Commission, may be approved by the Commission and added to the project file. Proposed changes which the Commission judges to be substantial shall require approval by the Common Council, after review and recommendation by the Commission and after Public Hearing as set forth in 17.07-4(4) preceding.

- (4) Project Terminations: Approved Planned Development Projects including those which have begun development under the terms of the approved project plan, may be modified so as to terminate all or some of the special conditions approved under the plan, in order to return to basic underlying zoning regulations for all or some of the developed or undeveloped portions of the project area.
- A. Petition: Where the original project petitioner or their successors are able to initiate a petition, they may file a petition seeking project plan termination, suggesting how areas already developed under the project plan may be made conforming to underlying zoning regulations, or how those areas might remain under a reduced area project plan. where said original petitioners are no longer able to file such a petition, the Planning Commission may act as a petition filer.
 - B. Hearing and Recommendations: When a petition is filed to terminate a project plan in whole or part, the Commission shall hold an informational hearing, notifying all affected parties, so the Commission may learn what form of projects plan termination would best serve the interests of all affected parties. The Commission shall then recommend to the Common Council such project plan modifications or termination as it deems appropriate. The Common Council shall treat said recommendation as a zoning petition, & hold the necessary hearing before acting.
 - C. Determination: In the manner set forth in 17.01-6 preceding the Common Council shall act upon the petition. the project file and Zoning Map shall be appropriately modified with the changes adopted by the Board, and as necessary, any land covenants, plats or other recorded documents amended as required to conform with the revised regulations, with the costs apportioned as directed by the Board.

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17.08 OFF-STREET PARKING AND LOADING

17.08-1 OFF-STREET FACILITIES REQUIRED

This Section does not apply to B-1 Zones.

In all districts and in connection with every use as hereinafter specified or otherwise required, except the B-1 district, there shall be provided space for motor vehicle parking and loading in amounts specified herein, which space shall normally be on the same premises as the use being served and be reasonably close thereto, be intended to serve the residents, patrons, employees or operations of said use, and be demonstrably accessible and usable for such purposes.

- (1) Uses Not Enumerated: In the case of uses not specifically listed herein, the provisions for uses which are similar, as determined by the Planning Commission, shall apply.
- (2) Off-Premises Parking: In cases where the Planning Commission permits off-premises parking or loading facilities, the land on which the facilities are provided shall be in the same possession as the use being served, which possession may either be by deed, or by long-term lease for the duration of the use.
- (3) Combinations of Uses: Parking and Loading Facilities shall normally be determined separately for each use occupying a single premises and then totaled to arrive at the facilities required, but upon application, where the Planning Commission finds that peaks of use do not coincide, shared loading and parking facilities may be approved which are less than said total, as long as the Commission is satisfied that adequate service will be rendered and that public facilities such as nearby streets will not be impacted.

17.08-2 PARKING SPACES REQUIRED

- (1) Size of Parking Spaces: The following schedule of required parking spaces refers to passenger car automobiles. (For trucks, see 17.08-3 following). Motorcycle, moped and bicycle spaces may be substituted with permission of the Planning Commission. To qualify as meeting the schedule, spaces provided for passenger cars must be at least 9 feet wide and 19 feet long exclusive of access aisles shall be no less than 7 feet of floor to ceiling clearance when enclosed in a structure. Access aisles shall be no less than 12 feet wide for parallel parking spaces, 15 feet wide for one way 45 degree angles parking spaces, 18 feet wide for on 60 degree angles spaces, and 24 feet wide for two way 90 degree angled spaces.

- (2) Schedule of Required Car Parking By Use:

SPECIFIC OR CLASS OF USES	OFF-STREET PARKING REQUIREMENT
Single Family Detached Residence including Mobil Home Elderly Housing	2 spaces per dwelling unit 1 space per 2 dwellings plus 1 guest space every 4 units
All Other Residential Uses (Two Family, Town House, Multiple Family)	2 spaces per dwelling unit plus 1 guest space each 4 units
Public Assembly Facilities Providing for Seated Audiences (Churches, Theaters, Auditoriums, etc.)	1 space per 4 seats
Funeral Homes	1 space per 4 seats
Hotels, Motels, Tourist Homes	1 space per rental unit plus 1 space per 3 employees
Rooming Houses, Boarding Houses, Dormitories, Clubs with Sleeping Rooms, Group Homes	1 space per 4 beds

SPECIFIC OR CLASS OF USES	OFF-STREET PARKING REQUIREMENT
Elementary and Secondary Schools	2 spaces per classroom or auditorium requirement, whichever is greater
Colleges, Universities Vocational or Other Adult Schools	1 spaces per 3 students of maximum peak hour capacity
Hospitals	1 space per 3 beds plus 1 space per 2 employees
Nursing, Convalescent, rest and Old Age Homes	1 space per 5 beds plus 1 space per 2 employees
Clinics, Medical & Dental	Medical: 5 per doctor Dental: 3 per doctor
Industrial Uses	2 spaces per 3 employees
Office Buildings and Office Portions of Other Uses	1 space per 250 sq.ft. of Primary Floor Area (P.F.A.)
Retail Stores, Shopping, Centers	1 space per 150 sq.ft. of Primary Floor Area
Customer Service Establishments (Financial Institutions, Barber-Beauty Shops, Appliance Repair, etc.)	1 space per 200 sq.ft. of Primary Floor Area
Restaurant, Taverns, Supper Clubs, and Bars	Greater of 1 space per 100 sq.ft. of P.F.A or 1 space per 3 seats
Commercial Recreation: Indoor (Other than Theaters,) Bowling Alleys, etc.	1 space per 150 sq.ft. of Primary Floor Area or 4 spaces per bowling lane, whichever is greater
Theaters (motion picture, live performance)	2 spaces per 5 seats

SPECIFIC OR CLASS OF USES

OFF-STREET PARKING REQUIREMENT

Outdoor Recreation: (Golf Courses)	50 spaces per 9 holes
(Driving Ranges, Campgrounds, etc.)	See Section 17.08-1(3)
(Outdoor Movie Theaters)	Reservoir Lane 10% of Viewing Spaces
Drive-Thru Facilities(Restaurants, Financial Institutions, Car Washes)	Add Reservoir capacity of 4 vehicles per service lane, teller window, etc. (Except single door car washes add 10 per lane)

- (3) Modification Procedure: The preceding schedule of minimum number of off-street parking spaces required is based upon contemporary experience observed within or near the jurisdiction of this Ordinance or upon professional studies such as those published by property management, community planning, or traffic engineering societies. In applications for a Zoning Permit where it is alleged by the applicant or an affected party that the preceding standards, or a classification by the Planning Commission under 17.08-1(3) above, are substantially in error, requiring either too little or too much space, a request may be filed with the Commission seeking application of a differing standard. The Commission in granting or denying the differing standard shall give great weight to any professionally prepared data which is submitted for consideration.

17.08-3 LOADING SPACES REQUIRED

- (1) Uses Affected: In any commercial or industrial district, and where required by the Planning Commission of institutional uses, off-street truck loading and unloading space shall be provided in addition to the passenger car spaces required in 17.08-2 preceding.

- (2) Street Servicing Prohibited: For the above uses, the arrangement of the loading space shall not require parking upon the public street, nor backing of the trucks onto or off of the public street.
- (3) Size of Loading Space: For trucks considered of "in-city" size such as panel trucks and vans, the space provided shall be not less than 10 feet wide and 25 feet long, and may be marked within a parking lot aisle if no other parking spaces are blocked thereby. For trucks considered suitable for "inter-city" transport, the space provided shall be no less than 10 feet wide and 55 feet long, with an overhead clearance of not less than 15 feet. For uses containing more than 3,000 sq.ft. of floor area the space marked shall normally be separate from any parking lot aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the lot is not in use.
- (4) Determination of Need: The exact need and suitability of the space provided shall be determined by the Planning Commission in connection with their review of Building, Site and Operational Plans as set forth in Section 17.05 of this Ordinance, however, as a general guideline, the applicant and the Commission shall consider the following:
 - A. Commercial Uses: One 10 x 25 feet space for each 3,000 sq.ft. of floor space or fraction thereof.
 - B. Commercial, Industrial and Wholesale, one 10 x 50 feet space for each 10,000 sq.ft. of floor space or fraction thereof.
 - C. Queuing Space: For uses such as schools, stadiums, public assembly halls, bus or truck terminals, where school or other buses or trucks may be expected to wait for the opportunity to load or unload, the site plan approved by the Commission shall take into account necessary queuing space.

17.08-4 DRIVEWAYS AND HIGHWAY ACCESS

- (1) Need To Regulate: It is hereby determined that the number, placement and design of motor vehicle driveways connecting private property to public highways can so greatly affect the safety and capacity of arterial public streets and their intersection, that it is necessary to regulate driveway connections to all public streets, including points of lateral access near the public street on private driveways that are connected to the street.
- (2) Definition:
 - A. A driveway approach is that part of the driveway between the street right-of-way line and the edges of the road, either the curb or pavement or edge of gravel, whichever is closest.
 - B. A driveway approach width is measured along the curb or edge of pavement, if no curb and no gravel shoulder, or the edge of the gravel shoulder, should one exist.
- (3) Driveway Approaches for Residentially Zoned Areas:
 - A. The nearest edge of a driveway approach shall be no closer than 55 ft. from the nearest corner where a right-of-way meets another right-of-way. This will be waived where inadequate frontage exists in which case the far edge of the drive will be placed along the edge of the farthest property line from the corner.
 - B. A driveway approach shall be no less than 12 feet wide nor more than 8 feet wider than the driveway at the right-of-way line. The driveway at the right-of-way line shall not be more than 25 feet wide.
 - C. Only one drive per property per street frontage is permitted, unless the driveway opening is only 12 feet wide in which case 2 drive opening are permitted on one street frontage only.
 - D. Drive approaches on the right-of-way shall be either:

1. 6" concrete on a 4" granular base minimum, or
 2. 2" bituminous asphalt pavement and 8" of crushed stone minimum.
- E. Paving between the curb and right-of-way line is not permitted except for the drive approach on city sidewalks.
- F. Shared driveways in new developments is prohibited.
- G. All driveway aprons shall slope upwards from the gutter so that the driveway shall be at least 6 inches above the gutter between the gutter and right-of-way line.
- (4) Driveway Approaches for Commercially and Industrially Zoned Properties: (Rep & Replaced Ord #916)
- A. Existing driveways which are in non-conformance with this section shall be brought into conformance when the following occurs.
1. A building permit for building expansion occurs or the land sold to new owners or a new business moves in.
 2. The parking lot is paved or repaved.
 3. When the City performs construction on the adjacent right-of-way.
 - a. The set back requirement from the intersection can be reduced by the Board of Public Works from 55' down to 30' from the intersection of the adjoining right-of-way line upon receipt of a written petition by the affected property owner. If approved by the Board, the waiver would be valid only for that landowner, or business while they are at that site. Sites whose drive locations has no practical alternative can also be waived by the Board of Public Works while that site is occupied by the business or owner at that time.

- B. One driveway only is permitted per every 200 feet of contiguously owned frontage, but not more than two per street frontage.
- C. Paving of the city's right-of-way between the curb and the nearest adjacent right-of-way line is prohibited except for the driveway approach and city sidewalks.
- D. Driveway approach spacing shall be limited as follows:

35MPH speed Zone	150ft. center to center
40MPH Speed Zone	175ft. center to center
45MPH speed Zone	200ft. center to center

- E. Two adjacent properties can have a shared opening, however no less than 20 foot width will be permitted on both sides of the abutting property line.
- F. Road width (curb-to-curb or gravel shoulder edge-to-edge) vs. opening for driveway:

Pavement and Shoulder

Total Width	Drive Opening
20 ft.	85 ft.
28 ft.	60 ft.
30 ft.	50 ft.
40 ft.	50 ft.
50 ft. or larger	45 ft.

If trucks larger than a WB62 are permitted, as defined by the Wisconsin Department of Transportation, then requests for larger openings will need to be verified with the truck's turning space requirements.

- G. The drive shall taper 8 feet narrower from the curb inward 5 feet.
- H. All driveway approaches on city right-of-way where the street has either an asphalt of 4" on 12" granular base or concrete pavement surface shall be made of concrete at least 8 inches thick with a granular base of at least 6 inches. Where curb needs removal, only the rear back portion above the gutter shall be removed.
- I. All driveway aprons shall slope upwards from the gutter so that the driveway shall be at least 6 inches above the gutter between the gutter and the right-of-way line.

17.08-5 PARKING LOT REQUIREMENTS

(1) Location and Paving:

- A. Single and two family residence parking shall be on the driveway, garage apron, or similar all-weather paved surface, directly adjacent to the driveway, and not on the lawn or other landscaped open space not designed for parking, except that if otherwise permitted, one boat or recreational vehicle may be parked in a side or rear yard space.

- B. All other use parking shall be on all-weather paved parking lots, which lots are set back from property lines, except where they are interconnected across property lines, to allow space for landscaped areas and screening made up of fences, landscaping, or combination thereof.
- C. Paving shall normally consist of concrete, asphalt, or paver brick, except for single family dwellings the surface may be crushed stone which surfaces shall be maintained to keep them from deterioration which affects drainage flow or generates dust.
- D. Landscaped Areas around parking lots and along residential drives measured to the property line shall be no less in width than the smallest side or rear yard space required by the zoning district for accessory structures, but in no case less than 5 feet. For the purposes of this regulation perimeter driveways, and queuing or service lanes shall be considered parking lots and subject to providing a landscaped area, and screening as set forth in (2) following.

17.08-6 PRIVATE RESIDENTIAL PARKING

- (1) Occupant and Guest Parking: Open parking of cars accessory to a residence use shall be limited to those actually used by the residents, or for temporary parking of guests, except as provided in B below. Inoperable or unlicensed motor vehicles may not be kept on a residential lot unless parked in a garage.
- (2) Garages accessory to a residence in a nonagricultural district shall conform to the following:
 - A. No more than one private detached garage structure shall be permitted on a lot in addition to one attached garage.
 - B. Vehicular storage space for not more than one vehicle may be rented to persons not resident on the lot, such space being defined as not more than 300 square feet, except that a maximum of two rental spaces may be permitted where they are the only spaces provided on said lot.

- C. (Amd. Ord. 899, Ord. 1008) No detached private garage shall have a floor area greater than 1,100 square feet and no more than one story.
- D. No detached private garage shall be erected, structurally altered, or relocated so that any roofed portion thereof is closer than 10 feet to the principal building on the lot. There is a 15' maximum height measured from top of the floor to the top of the ridge.
- E. (Amd. Ord. 1008) No private attached garage in a residential district shall have a floor area providing more than 1,100 square feet.
- F. (Cr. Ord.895) The Planning Commission, upon review of the building and site plans, may permit a larger garage where the garage would not appear to dominate the residence or otherwise detract from the basic residential character.

17.08-7 PARKING OF TRUCKS AND TRAILERS (Amd. Ord. #1249)

- (1) Commercial Parking Regulated: No commercial vehicle shall be parked on any private property in a residential district.
- (2) No commercial vehicle shall be parked on any street in any district except as allowed in 7.05(2) for the purpose of obtaining orders for moving or delivering supplies or commodities to or from a place of business or residence facing thereon provided that, in no event shall the weight of the vehicle and load on such street exceed the limitations of 348.15 and 348.16(3), Wis. Stats.
- (3) Definition: Commercial vehicle means a motor vehicle designed or used to transport passengers or property and having one or more of the following characteristics:
 - (a) The vehicle is a single vehicle with a gross vehicle weight rating of 12,000 or more pounds or the vehicle's registered weight or actual gross weight is more than 12,000 pounds.
 - (b) The vehicle is a combination vehicle with a gross combination weight rating, registered weight or actual gross weight of 12,000 or more pounds inclusive of a towed unit with a gross vehicle weight rating, registered weight or actual gross weight of more than 10,000 pounds.

17.08-7 (3) PARKING OF TRUCKS AND TRAILERS

(c) The vehicle is designed to transport or is actually transporting the driver and 15 or more passengers. If the vehicle is equipped with bench type seats intended to seat more than one person, the passenger carrying capacity shall be determined under s.340.01 (31) or, if the vehicle is a school bus, by dividing the total seating space measured in inches by 13.

(d) The vehicle is transporting hazardous materials requiring placarding or any quantity of a material listed as a select agent or toxin under 42 CFR 73.

- (4) Penalty: The penalty for violation of Sec. 17.08-7(1) and (2) of this chapter shall be as provided in Sec. 25.04 of the Municipal Code.

17.09 SIGNS

17.09-1 USE RESTRICTED

In any district, no signs shall be permitted except as specified in that district, or as otherwise regulated in this Section. All signs shall also meet all the structural requirements of local and state building codes.

17.09-2 PERMIT REQUIRED AND SIGNS CLASSIFIED

- (1) Zoning Permit for Signs: No sign shall hereafter be located, erected, moved, reconstructed, relettered, enlarged, extended, converted or structurally altered without a Zoning Permit for Signs except those signs specifically exempted in Section 17.09-5
- (2) Classifications:
 - A. Flat Wall Signs are signs painted on buildings and all other signs, the back of which are attached to the facade of a building and where no part of the structure of the sign extends more than 12 inches out from the facade as measured near the points of sign attachment to the building.
 - B. Projecting Signs which are attached to a building, portions of which extend out beyond 12 inches from the point of attachment, typically having 2 or more viewable sides, but for purposes of this ordinance, only 1 side need be counted as a side for measuring its allowable area and the sign count; Signs printed on or affixed to awnings and canopies shall also be considered projected signs.
 - C. Free Standing (Pylon Type) Signs which have their own base of support from the ground, extending more than 6 feet in height from the ground, and are not attached to a building.
 - D. Ground Signs are free-standing signs not extending more than 6 feet in height.
 - E. Murals or other artwork judged by the Planning Commission, on referral by the Zoning Administrator, not to be signs, shall be exempt from this Section.

17.09-3 SIGNS PROHIBITED

- (1) Hazards or Nuisances: No sign which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining property in the following ways shall be permitted in any district:
 - A. No sign shall be placed so as to obstruct or interfere with traffic visibility nor in such a way as to cause glare or impair driver visibility upon public ways. (See also 17.03-4 (2)E.)
 - B. Signs shall not rotate nor have or be illuminated by moving or flashing lights, (except electronic controlled intermittent light that form the message for time, temperature and similar information are permitted subject to approval by the Planning Commission under 17.05) nor resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices, nor obstruct or interfere with the effectiveness of said devices.
 - C. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to standpipe or fire escape.
- (2) Non-Accessory Signs: No sign not directly related to the use of the premises on which it is located, except directional or political signs as herein provided, shall be permitted in any district. Signs showing time, temperature and similar information not related to the premises are permitted, but must be counted as part of the allowable sign area.
- (3) Roof Signs: Which are defined as signs whose lowest point is visually separate from and above the highest point of the roof, shall be prohibited. Signs on the face of mansard or gable roofs shall be considered wall signs.

- (4) **Abandoned Signs:** Such business signs that advertise an activity, business product, or service no longer conducted or available on the premises on which the sign is located, shall be prohibited. Upon failure of the sign or property owners to remove said signs, the Zoning Administrator shall, following 60 days written notice to either owner, cause the sign to be removed and the expense thereof billed to the owner of the sign.
- (5) **Parking of Advertising Vehicles Prohibited:** No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or other premises. This Section is not intended to prohibit any form of vehicular signage attached or lettered upon motor vehicle to identify the ownership or function of that vehicle.

17.09-4 NON-CONFORMING SIGNS TO BE REMOVED

- (1) The existing lawful use of a sign at the time of the enactment of this ordinance or any amendment thereto may be continued as a legal non-conforming use under the terms of Section 17.12 except as follows:
 - A. **Abandoned Non-Accessory Signs:** Upon failure of the sign or property owners to remove said signs the Zoning Administrator shall, following 60 days written notice to either owner, cause the sign to be removed and the expense therefor billed to the owner of the sign.
 - B. **Free-Standing Signs:** Non-Conforming as to location, after a 5 year period from the date of adoption of this ordinance, shall be either moved to conform to the locational requirements of the district in which located, or be removed by the owner or by the Zoning Administrator, as prescribed in (A) preceding.

- C. Change of Use: When a business or other use changes, requiring a new sign message, the sign shall be brought into conformity with the terms of this Ordinance, including the issuance of a sign zoning permit therefore.

17.09-5 SIGNS EXEMPTED

The following signs may be erected and maintained without a Zoning Permit for signs, providing they do not constitute a hazard or nuisance:

- (1) Temporary Political Posters and Signs: Provided they are not placed closer than 500 feet from a polling place, or on public property and not displayed before six months of the date for election to a national or state legislative or judicial office nor before the date of circulating nomination papers for a school, municipal or other local elected office, nor more than 3 months before a referendum, and are removed within 21 days after the election. Such signs shall be erected only on private property.
- (2) Operational Signs: Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises including "no trespassing signs" etc., shall be permitted without limitation other than reasonable size and necessity, as determined by the Planning Commission upon complaint.
- (3) Real Estate Signs advertising the sale or lease of the premises on which the sign is located, provided in residential districts, they are limited to 9 square feet and one sign per street frontage, and in all other districts are limited to 32 square feet. Permanent rental signs such as for apartments, shall be limited to 12 square feet.
- (4) Public Agency Signs: Erected by national, state, county or municipal governmental agencies, including traffic and informational signs.
- (5) Residential Nameplates identifying owners or occupants, provided not more than 1 is erected per dwelling unit, each being less than 2 square feet in area and without illumination. Home occupation signs shall be counted in this numerical and size limitation.

- (6) Agricultural Product Sale Signs when limited to one sign per highway frontage, not exceeding 20 square feet in area, and related to the agricultural premises on which it is installed.
- (7) Interior and Inside Window Signs: Signs installed inside a building whether intended for viewing from inside or outside the building are permitted without limitation as to size or number.
- (8) Price or Temporary Item Signs which advertise the price of products or services offered on the premises or of special temporary goods or services being sold or offered are permitted up to 12 square feet in area for each sign, provided the signs are not illuminated and no more than 4 signs are erected on a property, and are no closer than 5 feet to the property lines.
- (9) Signs for Non-Conforming Uses provided said signs are located over the show windows or doors and announce without display or elaboration only the name of the business and type of business, and do not exceed 20 square feet in area.
- (10) Memorial signs, Tablets, names of buildings and date of erection when cut into any masonry surface, or when constructed of metal and affixed flat against the building.
- (11) Construction Signs: Two construction signs per construction project not exceeding 64 square feet in sign area per sign, provided that such signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be confined to the site of construction, and shall be removed 5 days after completion of construction and prior to occupancy.
- (12) Flags: The flags, emblems or insignia of any nation or subdivision or corporate flag, provided the height imitation of the district in which they are located is observed and the size does not exceed 24 square feet. Pennants, banners or streamers not qualifying as such flags are prohibited except as permitted holiday decorations.

- (13) Holiday Decorations: Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than 60 consecutive days.

17.09-6 TEMPORARY SIGNS

- (1) New Development: A sign for the purpose of designating a new building or development, or for promotion of a subdivision, any be permitted for a limited period of time in any district with the approval of the Plan Commission and subject to the following:
 - A. Drawings showing the specific design, appearance and location of the sign shall be submitted to the Plan Commission for approval.
 - B. The permitted size of any such sign shall be at the discretion of the Planning Commission based upon the character of the area, type and purpose of the sign and the length of time permitted, provided the setback and side yard requirements shall be as specified for the district.
 - C. Such Sign may be permitted for a period up to one year, and an extension may be permitted for up to one more year.
- (2) Special Event: A sign for the purpose of announcing a special event, or for a similar special informational purpose, may be permitted for a maximum of 30 days at a time and not more frequently than 3 times per year nor more than once every 90 days for any one applicant, in any district with the approval of the Zoning Administrator and subject to the following:
 - A. Drawings and specifications showing the specific design, physical and electrical installation.
 - B. The permitted size of any such sign shall be discretionary with the Zoning Administrator based upon the character of the area, type and purpose of the sign and length of time permitted, providing setback and side yard requirements shall be as specified for the district and vision corners are preserved pursuant to 17.03-4(4)2E. of this Ordinance.

- C. Where the sign is to contain electrical service, it shall contain a recognized testing laboratory label such as the Underwriters Laboratory, Inc. (UL), a ground fault interrupter device (GFI), and meet applicable provisions of the City electrical code, including the issuance of an electrical permit therefore. Installations exposed to wind damage shall be made secure up to wind speeds as enumerated in the building code for such similar structures as aerial masts.

17.09-7 DIRECTIONAL SIGNS

- (1) All Districts: A sign not to exceed 6 square feet in area indicating direction to a church, hospital, school or other public service building may be permitted in any district.
- (2) Number Restricted: Not more than 4 such signs may be erected within the City for any one organization.

17.09-8 QUASI-PUBLIC INFORMATIONAL SIGNS

Non-commercial signs of a general information nature such as community welcome, safety warning, or a similar nature not to exceed 12 square feet in area may be erected by service clubs or other non-profit organizations upon approval of the Planning Commission of the location, size and appearance of such sign.

17.09-9 SIGNS FOR CONDITIONAL USES

Subject to the regulations set forth in Section 17.06, signs appropriate to permitted conditional uses may be permitted as determined by the Planning Commission notwithstanding limitations in the basic district to the contrary. In establishing the size and locational requirements, the Planning Commission shall be guided by the requirements imposed for similar uses in any of the other basic districts.

17.09-10 PROJECT SIGNS

The following signs not relating to a specific use but to a grouping of uses may be permitted by the Planning Commission as follows:

- (1) Commercial or Industrial Center Sign: A sign identifying a grouping of commercial or industrial uses may be permitted with the approval of the individual use free-standing signs, and the Commission may in such cases modify the regulations applicable to the height, size and location of such sign consistent with the spirit and intent of these regulations.
- (2) Residential Neighborhood Signs: Signs limited to identifying the name of a neighborhood area such as a subdivision or housing development and limited to 32 square feet in area may be permitted at each entrance to the area, provided the approval of the Planning Commission is first obtained that each such sign will not create a tragic hazard, is aesthetically in keeping with the character of the neighborhood, and will not cause a depreciation of property values in adjoining area, Such sign which are designed either as an integral part of architecture of a building or as part of a landscape architectural feature such as a wall, shall be permitted without limitation as to size if the Commission determines that the foregoing standards would be met.
- (3) Institutional Signs: A sign not exceeding 32 square feet in area giving the name and nature of occupancy and information as to the conditions of use or admission may be permitted at each entrance to the grounds or buildings of a private institution provided the approval of the Planning Commission first obtained that each such sign will not create traffic hazard, is aesthetically in keeping with character of the neighborhood. Such signs which are designed either as an integral part of the building or of the landscape features such as a wall shall be permitted without limitation as to size if the Commission determines that the foregoing standards would be met.

17.09-11 LOCATIONAL REGULATIONS

- (1) Height and Area: No free-standing sign shall exceed the height from the ground as specified under 17.09-12. Sign size limitations shall be applied separately to each sign face, including in the measurements the over-all sign and frame area except that in signs consisting of individual letters and symbols affixed to a building as an architectural element, only the individual items shall be measured. Uprights and supports shall be measured only where they become a part of the sign's message or image projecting function due to the shape, color, or illumination of said uprights or supports.
- (2) Setbacks and Other Yards: No portion of any sign other than those permitted as accessory uses to residences shall be permitted closer than 5 feet to the street right of way line, than the required minimum other property line, than the required minimum offsets of the district regulations. Ground signs may be permitted as close as 5 feet to the street line. (see Vision Corners 17.03-4(2).)

17.09-12 RESTRICTIONS FOR BUSINESS DISTRICTS B-1 TO B-3 (Amd. Ord. #1259)

- (1) Prohibited and restricted signs:
 - (A) The following types of signs are not permitted in the Central Business District (B-1)
 1. Projecting signs
 2. Off-premises signs
 3. Roof signs
 4. Swinging or oscillating signs
 5. Animated, flashing, blinking or rotating signs located on the exterior of buildings, except theater marquees and time and temperature signs approved by the Planning Commission.
 6. (Amd. Ord. #1259) Electronic Message Centers are permitted in the Central Business District (B-1) if they are installed per 17.09-12(E).
 - B) Temporary Window Signs: In buildings used for commercial purposes, the inside surface of any ground floor window may be used for the attachment of temporary (30 days maximum) window signs.
 - (C) Ground Signs: (Amending Ord. #1153) One ground sign may be allowed for each premises within a Business District. One additional free standing ground sign may be permitted for a premise which is located at an intersection of two major streets, and which premise has a minimum of 400 feet of frontage. The ground signs must be placed a minimum of 200 feet apart measured between signs along the frontage. All ground signs shall meet the following requirements.

17.09-12 RESTRICTIONS FOR BUSINESS DISTRICTS B-1 TO B-3

1. No part of a ground sign may protrude over a public right of way.
 2. All ground signs within 25 feet of an intersection or 15 feet of a driveway shall maintain a minimum vertical right of way line of 9 feet.
 3. The top of any ground sign shall not exceed 25 feet in height.
 4. The area of a ground sign shall not exceed 125 square feet per side.
 5. The electrical wiring shall meet the requirements of ch. 14, Sub Ch III of this code.
 6. A ground sign shall be built in such a manner to support the live and dead loads that it will be subject to.
 7. Signs mounted on gasoline pumps at gasoline or service stations are exempt from the requirements of this paragraph.
- (D) Permanent window signs shall not exceed 20% of the gross window area.
- (E) ELECTRONIC MESSAGE CENTERS (Amd. Ord. #1259)
1. Size – Electronic Message Centers shall be limited to a viewable area of not more than 36" x 72" in the Central Business District (B-1) and the Convenience Commercial District (B-3) and not more than 48" x 96" in the Highway Commercial District (B-2).
 2. Electronic message centers used as a wall sign shall not extend more than 10 inches from the building surface.
 3. Electronic message centers shall be calculated into the maximum allowable signage allowed for the property.
 4. The message area of an electronic message center may be LED (light emitting diodes) or digital display.

17.09-12(1) (E) ELECTRONIC MESSAGE CENTERS

Whatever the light source, undue brightness is prohibited. For the purpose of enforcing this provision, "undue brightness" will be construed to mean illumination of a white portion of the sign in excess of the intensity levels specified below:

Day: 10,000 nits
Night: 750 nits

To ensure compliance, with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels, compared to daytime brightness levels.

5. Any individual letter scrolling or otherwise displayed on the electronic message center shall remain illuminated and visible for at least 2 seconds.

6. The message shall not flash. Any message that remains visible for less than 2 seconds shall be considered as flashing.

7. The electrical wiring shall meet the requirements of ch. 14, subch. II of this Code.

(F) Wall signs are allowed within the Central Business District, provided that they conform to the following requirements:

1. Shall not protrude more than 6 inches from a building surface for any wall sign less than 12 feet above the ground and shall not protrude more than 12 inches from a building surface for any wall sign greater than 12 feet above the ground.
2. One wall sign or combination of wall signs shall not exceed 10% of the surface of the wall to which it is attached, except canopy or marquee signs.
3. Shall not exceed 25 feet in height above the street grade.
4. Shall be built in such a manner to support the live and dead loads that it will be subject to.
5. The electrical wiring shall meet the requirements of ch. 14, subch. II of this Code.

(G) Temporary signs shall be subject to the following regulations:

1. Only one temporary sign shall be allowed for each premises.
2. Shall be limited to 40 square feet per side.

17.09-12(1) (G) TEMPORARY SIGNS

3. Shall be limited to a total of 120 days or 5 times per year for any one premises or business, provided that no temporary sign shall be allowed for longer than 45 days.
 4. A special permit shall be required for a fee of \$7.50.
- (H) The maximum allowable sign area for any premises shall be determined as follows:
1. 1.75 square feet of sign area for each linear foot of road frontage up to a maximum of 350 square feet for all premises abutting one street in the Central Business District and a maximum of 700 square feet for all premises abutting more than one street in the Highway Business District.
- (I) (Am. Ord. 910) U.S. Highway Billboards along U.S. 45 shall conform to Wisconsin Administrative Code 201 and WI Stats. 84.30.
1. Style and design shall meet the most stringent restriction of the City of New London Municipal Code 17.09 or the above referenced State Code and Statutes.
 2. The minimum distance between billboards shall be 500 feet.
 3. The maximum size of a billboard shall be 700 square feet per side.
Signs located at least 50 feet from any public street right of way shall be allowed to exceed these maximum limits by an additional 15%.
- (J) Sign graphics should reflect simplicity, neatness and minimum wording to improve appearance and legibility.
- (K) Sign colors shall be compatible with the building facade, being designed as an integral architectural element of the building and site to which it principally relates.

17.09-12(1) (L) PERMANENT SIGNS

- (L) Permanent signs located on the exterior of any premises which contain calcium fluoride (fluorite) or any other transparent, crystalline mineral for the purpose of displaying a fluorescent character are prohibited.
- (M) Any sign containing lewd, indecent or otherwise offensive words, symbols or images are prohibited.
- (N) Signs painted, mounted or otherwise attached to motor vehicles where the intent is to intentionally advertise a business or products by frequently parking said motor vehicle near the advertised business or product over an extended period of time are prohibited.
- (O) Property owners on which any sign is erected shall be responsible to maintain such sign or signs in good repair, regardless if the tenant. Required maintenance shall include, but not necessarily be limited to, periodic painting, inspection and repair of supporting or bracing structures, structural soundness of the frame, or repair or replacement of any component or element of any sign which requires repair or replacement.
- (P) All signs shall not be less than 5 feet from all side lot lines.

17.09-13 CONSTRUCTION AND MAINTENANCE OF SIGNS

- (1) Wind Pressure and Dead Load Requirements: All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.
- (2) Construction Materials: (Am. Ord #910) Signs shall be constructed according to the State of Wisconsin Standards for Road & Bridges Construction §506. Electrical Components shall comply with the New London Electrical Code.
- (3) Secure Attachment: All flat or projecting wall signs shall be attached by such noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction, and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the Zoning Administrator determine that the safe and permanent support of such sign so requires, and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearing on the underside of roof or ceiling joists in accordance with instructions given by the Zoning Administrator. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.
- (4) Maintenance: The owner of any sign shall keep a sign in good maintenance and repair which includes restoring, repainting, or replacing a worn or damaged structural component to its original strength.

17.10 ZONING DISTRICTS AND ZONING MAP

17.10-1 COMPLIANCE REQUIRED

Within the City of New London, the use of any land, air or water; the size, shape and placement of lots including the provision of open spaces within lots; and the use, size, height, location and type of structure thereon shall be in compliance with the regulations established in this ordinance and made applicable to the district in which such land or structure is located.

17.10-2 REGULATIONS MADE APPLICABLE TO EACH DISTRICT

For the purposes of implementing this ordinance the following types of zoning districts are hereby created and established:

- (1) Basic Holding District: This district is established for the purpose of permitting certain existing uses of land to continue, principally agriculture, with limited new development permitted until major development or redevelopment is ready to occur, at which time, based upon the completion of additional detailed planning by the City, rezoning to other basic district or to overlay districts would take place.
- (2) Basic Development and Conservation Districts: These district are established for the purpose of regulating land use consistent with the City plan adopted as a guide for the City's development or conservation.

17.10-3 FORMAT OF INDIVIDUAL DISTRICT REGULATIONS AND SUMMARY

For convenience and readability the description of uses as permitted in each district and the supplementary regulations thereto are presented in a form consisting of the following:

- (1) Statement of Intent: Which sets forth the basic purposes of the District, interpreting the principles underlying the uses permitted and in some cases the intended geographic application of the district.
- (2) Uses Permitted by Right, Accessory Uses and Uses Permitted by Conditional Grant are presented in tabular form by major categories of district: Residential, Commercial, and Manufacturing.
- (3) Special Regulations which apply to the districts.

17.10-4 ESTABLISHMENT OF OFFICIAL ZONING MAP

- (1) Districts Mapped: The City of New London is hereby divided into Zoning Districts as shown upon an individual map designated as Zoning District Map, City of New London, Outagamie and Waupaca Counties, Wisconsin at a scale of 1 inch equals 400 feet and made part of this Ordinance, and all the notations, references and other information shown thereon shall be as much a part of this Ordinance as is the matters and information set forth by said map were fully described herein.
- (2) Map Changes: The official zoning map shall be kept current at all times. The official zoning map shall be corrected at the direction of the Zoning Administrator within 30 days of passage of any amendatory ordinances.
- (3) Replacement of District Zoning Map: In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new such map, which shall supersede the prior map. The new official zoning district map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.
- (4) Determination of Boundaries: District boundaries shall be determined by measurement from and as shown on the official zoning district map, and in case of any question as to the interpretation of such boundary lines, the Planning Commission shall interpret the map according to the reasonable intent of this Ordinance. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot line; section, quarter section, or sixteenth section lines; corporate boundaries; edges or wetlands or floodplain or the center lines of streets, highways, railways, or alleys, or such lines extended. Lines which appear to be parallel to any of the aforementioned boundaries at a specified distance shall normally be constructed to be parallel as noted. Where the above rules cannot be readily applied, the location of district boundary lines shall be determined by use of the scales shown of the official zoning map.

- (5) Identification of Official Ordinance and Map: The text of the official zoning regulations and the corresponding official zoning district map shall be kept on file in the office of the City and any other copies thereof shall be purely informational and shall not have the status of law. Said text and map shall be in the care of the City Clerk.

17.10-5 DISTRICT SYMBOLS AND NAMES

For the purpose of relating the Zoning District Map symbols to the district they represent, the following summary of the district names and their abbreviations are listed:

	District Symbol	District Name
(1)	Basic Holding District:	
	A-G	General Agriculture District
(2)	Basic Development and Conservation Districts:	
	N-R	Natural Resource Preservation District
	R-1R	Residential Single Family District
	R-1	Residential Single Family District
	R-2	Residential Single and Two Family District
	R-3	Residential Multiple Family District
	R-4	Residential Multiple Family District
	R-5	Residential Multiple Family District
	R-6	Mobile Home Park District
	B-1	Central Business District
	B-2	Highway Commercial District
	B-3	Convenience Commercial District
	M-1	Manufacturing District
	M-P	Manufacturing Park District
	M-R	Municipal Restrict District
	P-D	Planned Unit Development District

17.11 BASIC HOLDING DISTRICT

17.11-1

(1) A-G Agriculture District

- A. Statement of Intent: This district provides either a holding function, which is somewhat of a temporary use function but extending to decades rather than months or years; or a development or conservation district function, which means a fairly permanent end-use, depending upon the direction given by the City Plan.
 - 1. As a holding district this district permits continued agricultural uses as well as new residential development at a low density, which low density is intended to be compatible with farming uses while also providing a reasonable non-farm income economic use of the land, until more intensive urban development takes place, if such development is anticipated in the City Plan. The low density also precludes an overly high level of interim economic investment which could otherwise discourage permanent urban uses anticipated in the City Plan.
 - 2. As a development/conservation district this district functions to preserve the agriculture, hobby farming, and rural residential parts of the City, for which there is no realistic urban development potential as anticipated in the City Plan.
 - 3. Permitted uses, consist of limited agricultural activities, principally the growing of crops, rather than on a broadly diverse range of activities such as the raising of animals which could be incompatible with urban uses.
- B. Permitted Uses By Right:
 - 1. Agriculture, including field crops, forestry, orchards and wild crop harvesting, truck farming, horticulture an animal husbandry, subject to the provisions of Section 17.03-7(5) of this Ordinance.

3. Public utility transmission and distribution lines, poles, or pipes and related accessories, provide that when a Utility proposes a main intercity transmission facility, it shall give notice to the City Planning Commission of such intention and of the date of the hearing before the Public Service Commission regulating such use, and before beginning construction of a specific route shall file with the City Planning Commission the mapped description of the route.
- C. Permitted Accessory Uses:
1. Uses, buildings and structures normally accessory and incident to the permitted uses.
 2. Quarters for year around household or farm employees, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families.
 3. Home occupations and residential businesses as regulated in Section 17.01-4 Appendix of this Ordinance.
 4. Agricultural signs as regulated in 17.09.
 5. Residential signs as regulated in 17.09.
 6. One roadside produce sale stand per farm, for the sale principally of products produced by that farm and subject to the following:
 - a. Off-street parking for a minimum of four vehicles shall be provided.
 - b. Stand setback of 30 feet to the existing road right of way line and 20 feet from any other lot line shall be provided.
 - c. Located where the stand would not require vehicles to back onto any public roadway and not be creating any other traffic hazard, and where the permitted driveway shall be so designed and located as minimize interference with normal highway traffic flow.

D. Uses Permitted By Conditional Grant:

1. Airports, air strips and landing fields;
2. Boarding and riding stables for horses; commercial dog kennels; veterinary clinics.
3. Cemeteries.
4. Churches/temples/synagogues/monasteries and religious retreat facilities.
5. Educational facilities, whether public or private, boarding or non-boarding, including day, pre-school, elementary, secondary and post secondary.
6. Recreational facilities, whether public or private, including, but not limited to golf courses, athletic fields, golf driving ranges, outdoor theaters.
7. Other governmental facilities, including, but not limited to community centers, fire stations, police stations libraries, public emergency shelters, incinerators, sewage disposal plant, lift stations, waterworks, water pumps, wells and any associated infrastructure.
8. Seasonal farm labor housing, provided county or state sanitary regulations can be met.
9. Conversion of existing farm houses to two family residences.
10. Communications broadcasting and relay towers.
11. Parking of non-agricultural trucks and construction equipment.
12. Motor vehicle salvage yards.

17.11-2 N-R NATURAL RESOURCE PRESERVATION DISTRICT

- (1) Statement of Intent: This district provides for the conservation and protection of natural resources. Generally, this district includes swamps, marshland, river, flood plain, and other land either of natural value and unsuitable for intensive development.
- (2) Permitted Uses By Right:
 - A. Agriculture, including animal and poultry husbandry, beekeeping, dairying and grazing, field crops, forestry, orchards and wild crop harvesting, truck farming or horticulture.
 - B. Fish hatcheries and farm ponds.
 - C. Preservation of scenic, historic or scientific areas.
 - D. Wildlife preserves.
- (3) Uses Permitted By Conditional Grant:
 - A. Filling over 500 square feet.
 - B. Golf course.
 - C. Grading over 500 square feet.
 - D. Recreation area.
 - E. Work with respect to waterways.

17.11-3 RESIDENTIAL DISTRICTS

- (1) Statement of Intent: Six zoning districts are provided for residential development, as follows:
 - A. R-1R (ranch) Single Family. Residential District: This district is intended to provide a suitable environment for single-family residential development in the new residential areas of the City. It is intended to provide a modern minimum standard lot for houses that include, but are not limited to, ranch-style dwellings requiring a somewhat wider parcel width than the traditional lot in the City.

- B. R-1 Single Family Residential District: This district is intended to provide a suitable environment for single-family residential development in the older sections of the City.
- C. R-2 Single and Two Family Residential District: This district is intended to provide a suitable environment for single- and two- family development.
- D. R-3 Multiple Family District: This district intended to provide for multiple family dwellings constructed at the lowest end of the urban multiple family development intensity range, where the design emphasis is on lower mass of the structure, compatible with single and two family residences, which are often in close proximity to this district under the city plan.
- E. R-4 Multiple Family District: This district intended to provide for multiple family dwellings constructed at the lower to moderate end of the urban multiple family development intensity range, where the emphasis on design is on lower to moderate mass of the structure which makes the development somewhat less compatible with single and two family residences. This district is generally located adjacent to arterial and collector streets within easy walking distance of convenience shopping facilities.
- F. R-4 A Multiple Family District: This district is intended to provide for multiple family dwelling structures with no less than 2 units and no more than 8 units requiring at least one enclosed garage (either attached or detached) for every dwelling unit. Multiple family dwelling structures in this district are specifically intended to be of lower density to adequately accommodate the required garages which are expressly stated to be enclosed and do not include carports as otherwise defined in Appendix A-definitions of this ordinance. Structural design emphasis is on lower to moderate mass to be compatible with single and two family residences in neighborhood with limited outdoor storage and vehicular parking areas. This district is intended to be placed strategically in the community to buffer predominately single and two family residential areas from more intense multiple family residential districts.

- G. R-5 Multiple Family Residential District: This district is intended to provide for multiple family dwellings constructed at the higher of the urban multiple family development intensity range, where the structure is a larger mass in relation to the site, which makes the development less compatible with single and two family residences. This district is located near arterial streets and very near major shopping facilities and is designed principally to serve individuals and childless couples.
- H. R-6 Mobile Home District: This district is intended to accommodate mobile home parks.

Only service uses that are compatible with the residential character of the zoning districts are allowed in addition to permitted residential uses. Taken together, the districts provide a reasonable range of opportunity for the development and preservation of the housing types required to serve the various segments of the City's population.

- (2) Permitted Uses By Right: The following uses, and no others, are permitted by right in the Residential districts, as indicated in the following table ("X" indicates uses is permitted)

	R-1R	R-1	R-2	R-3	R-4	R-4A	R-5	R-6
1. Single family dwelling	X	X	X	X	X			
2. Two family dwellings			X	X	X	X	X	
3. Three or more family dwellings structures with:								
8 units or less				X				
12 units or less					X			
65 units or less						X	X	
Maximum Floor area Ratio								
33.3				X				
62.1					X			
108.1							X	
4. Mobile Homes								X
5. Foster Family Home licenses under S48.62, Wis. Stats, up to 4 children	X	X	X	X	X	X	X	X
6. Other foster homes, as restricted by S62.23 (7) (i)1 and 2 Wis. Stats	X	X	X	X	X	X	X	X
7. Adult family homes as defined in S50.01(1) Wis. Stats., up to 4 adults, or more is all adults are siblings (Cr.Ord#782)	X	X	X	X	X	X	X	X
8. Other adult family home (Cr. Ord.#782), as restricted by S.62.23 (7) (i) 1 and 2 Wis. Stats.	X	X	X	X	X	X	X	X
9. Community living arrangements, up to 8 persons, as restricted by S62.23 (7) (i) 2 and 9., Wis. Stats.	X	X	X	X	X	X	X	

	R-1R	R-1	R-2	R-3	R-4	R-4A	R-5	R-6
10 Community living arrangements 9 to 15 persons, as restricted by S62.23 (7) (i) 2 and 9., Wis. Stats				X		X	X	
11 Family daycare home licensed under S48.65, Wis., up to 8 children, as restrict by S66.304, Wis. Stats	X	X	X					X
12 Public parks and recreation areas, but not including facilities for organized athletics except as a permitted conditional use.	X	X	X	X	X	X	X	X
13 Public utility transmission and distribution lines, poles and other accessories provided that when a utility proposes a main intercity transmission facility, they shall give notice to the Planning Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning construction of a specific route shall file with the Planning Commission mapped description of the route of such transmission line.	X	X	X	X	X	X	X	X

(3) Permitted Accessory Uses:

	R-1R	R-1	R-2	R-3	R-4	R-4A	R-5	R-6
1. Garages,	X	X	X	X	X	X	X	
2. Carports and paved parking areas,	X	X	X	X	X		X	X

When 1) or 2) above are located on the same lot and not involving the conduct of a business, (except as a permitted home occupation, residential business, or conditional use), serving exclusively the occupants of the premises, their guests and service employees.

	R-1R	R-1	R-2	R-3	R-4	R-4A	R-5	R-6
3. Home occupations and residential businesses, as regulated in the 17.01-4 Appendix of definitions	X	X	X	X	X	X	X	X
4. Signs as regulated in Section 17.09		X	X	X	X	X	X	X
5. Recreational and service building incident to the permitted uses	X	X	X	X	X	X	X	X
6. Quarters for accessory household, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families.	X	X	X	X	X	X	X	X

(4) Uses Permitted By Conditional Grant:

	R-1R	R-1	R-2	R-3	R-4	R-4A	R-5	R-6
1. Field crops, forestry, orchards and wild crop harvesting, truck farming or horticulture	X	X	X	X	X		X	X
2. Multiple family dwellings Units per structure								
9-12				X				
13-65					X			
66-75							X	
3. Religious facilities such as churches/temples/synagogues; convents, rectories and parsonages, retreat houses		X	X	X	X		X	X

	R-1R	R-1	R-2	R-3	R-4	R-4A	R-5	R-6
4. Community living arrangements and family day care homes not listed under Permitted Uses By Right (2)6-(2)12 above				X	X		X	
5. Government and cultural uses as:								
a. Recreational and social facilities, such as athletic fields involving organized teams and leagues, golf courses (but not including separate golf driving ranges or miniature golf); grounds, courts and fields for non commercial recreation clubs and lodges; non commercial recreation and community centers and swimming pools.	X	X	X	X	X		X	X
b. Fire Stations		X	X	X	X		X	X
c. Libraries;		X	X	X	X		X	X
d. Public emergency shelters		X	X	X	X		X	X
e. Public and private elementary and secondary schools		X	X	X	X		X	X
6. Public utility installations	X	X	X	X	X		X	X
7. Two family residences where the second unit does not exceed 60% of the floor area of the principal unit, its occupancy is intended for a family member related by blood, adoption or marriage to the occupants of the principal unit, & where the overall appearance of the structure resembles a single family residence.	X	X						

	R-1R	R-1	R-2	R-3	R-4	R-4A	R-5	R-6
8 Planned developments	X	X	X	X	X		X	X
9 Amd. Ord. # 1335 Temporary Use of Campers on Property Without a Principal Structure. Definition of a Camper is a "Hard Side Trailer".			X					

- (5) Parking and Loading Requirements: The parking and loading requirements applicable to the above residential districts are set forth in Section 17.08.
- (6) Buffers and Landscaping: Requirements relating to buffering and landscaping of certain uses and structures in the above residential districts are set forth in Section 17.03-6 of this Ordinance.
- (7) District Lot and Building Bulk Regulations:

Minimum Lot			Minimum Setbacks (ft. -%lot depth)				
District	Area	Width (feet)	Water	Front a	Sideb	Rearc	Maximum Building Height
R-1r	7,200sf	72	75	25	6-14	15ft-20%d	40
R-1	7,200sf	60	75	25	6-14	15ft-20%d	40
R-2							
1-Family	7,200sf	60	75	25	6-14	15ft-20%d	40
2-Family	7,200sf	60	75	25	9	15ft-20%d	40
R-3							
1-Family	7,200sf	60	75	25	6-14	20	40
2-Family	7,200sf	60	75	25	9-18e	20	40
3 or more	10,820sf	80	75	25	10-20e	20	40
R-4,R-5							
1-Family	7,200sf	60	75	25	6-14	20	40
2-Family	7,200sf	60	75	25	9-18e	20	40
3 or more	10,820sf	80	75	25	9e	20	40
R-4A							
2-Family	7,500	60	75	25	9-18	20	40
3-8 Family	12,000	80	75	25	9-18	20	40
R-6							
Mobile home Park	5 acres	none	75	40	40	40	20
Site	8 acre	50x100	75	15	15	15	20

- (a) Listed shall apply to the alternate street side of a corner lot as well as the main frontage.
- (b) One number applicable to both sides; where there are two numbers, the first indicates the non-drive side and second indicates total minimum required.
- (c) Minimum is greater of first number or resultant of applying ratio of yard depth.
- (d) Minimum shall not exceed 30 feet.
- (e) Plus one foot for every foot in excess of 40 feet in height.
- (f) See table on maximum floor area and open space requirements in following Section h.

- (g) The Planning Commission may approve a greater height based upon site and construction data which the Planning Commission may require to be submitted, provided the side yards are met.
- (h) Special Multiple Family Regulations
1. The Planning Commission shall not approve building plans which do not treat all exterior walls of all structures permitted herein with acceptable materials that present equally finished facade to all sides.
 2. All structures with three or more dwelling units shall be regulated by the following space limitations and requirements. The maximum floor area percentages for the three multiple family districts shall be as follows:

R-3	33.3 percent of the lot area.
R-4	62.1 percent of the lot area.
R-4A	50.0 percent of the lot area, including garages
R-5	108.1 percent of the lot area.

For the foregoing and any lesser floor area percentage, the minimum proportions of lot area to be provided for open space, livability space (included in open space) and recreation space (included in livability space) shall be as follows (see definition in Section 17.01-4 Appendix for definitions of floor area, open space, livability space and recreation space).

9. Dog Kennels (Amended by Ord. 1037)

R-1	R-2	R-3	R-4
X	X	X	X

DISTRICT LOT & BLDG. BULK REGULATIONS – NEW SUBDIVISIONS 17.11-3 (8)

17.11-3 (8) DISTRICT LOT AND BUILDING BULK REGULATIONS – NEW SUBDIVISIONS: (Cr. Ord. #1122)

The following table shall apply to all subdivisions that have not been previously platted at the time of passage of this ordinance:

District	Area = ft²	Min. Lot Size - (Feet)	Minimum Setbacks (Feet)			Max Height
		Width	Front (a)	Side	Rear	
R – 1R	12,500	100	25	10	25	40
R – 1	12,500	100	25	10	25	40
R – 2						
1 - Family	12,500	100	25	10	25	40
2 - Family	12,500	100	25	10	25	40
R-3						
1 - Family	12,500	100	25	10	25	40
2 - Family	12,500	100	25	10	25	40
3 or more	12,500	100	25	10	25	40
R-4 & R-5						
1 - Family	12,500	100	25	10	25	40
2 - Family	12,500	100	25	10	25	40
3 or more	12,500	100	25	10	25	40
R-4A						
2 - Family	12,500	100	25	10	25	40
3-8 Family	12,500	100	25	10	25	40
R – 6	See section 17.11-3 (7)					

(a). Listed shall apply to the alternate street side of a corner lot as well as the main frontage.

(1.) MAXIMUM LOT COVERAGE: The maximum area allowed to be built on for lots in Section 17.11-3(8) shall be 35%, which includes the dwelling, attached and detached garages, storage buildings, patios, decks, driveways, walkways or any other hard surface areas.

RESIDENTIAL MULTIPLE FAMILY FLOOR AREA AND OPEN SPACE REGULATIONS
PERCENTAGES OF LOT

If the FLOOR AREA*	The following percentages shall be at least: OPEN SPACE * (including vehicular open space)
11.8	76.5
12.6	76.5
13.5	75.3
14.5	75.3
15.5	74.1
16.6	74.1
17.9	74.1
19.1	72.9
20.5	72.9
22.0	72.9
23.5	71.8
25.2	71.8
27.1	70.6
28.9	70.6
31.1	69.4
33.3	69.4
35.6	68.2
38.2	68.2
40.9	68.2
43.9	67.1
47.1	67.1
50.5	67.1
54.0	67.1
57.9	65.9
62.1	65.9
66.6	65.9
71.3	54.7
76.5	54.7
81.9	63.5
87.8	63.5
94.1	62.4
100.8	62.4
108.1 maximum	62.4

*See Section 17.01-4 Appendix for a complete definition of terms.

The Zoning Administrator shall interpolate the requirements for floor area percentages falling between those listed above.

17.11-4 BASIC DEVELOPMENT DISTRICTS: COMMERCIAL

- (1) Statement of Intent: Three zoning districts are provided for commercial uses. When taken together, these districts are permit development of property for the full range of commercial uses needed to serve the residents of New London region. The districts, while distinct, permit a harmonious spectrum of shopping and service opportunities. Specifically, the B-1 Central Business District, B-2 Highway Commercial District, B-3 Convenience Commercial District, and B-4 Office District are established to serve the commercial shopping and service needs of people living throughout the retail and service market area of the City. The B-1 and B-2 districts are alike with respect to many permitted uses, but they differ in respect to yard, merchandise storage and off-street parking requirements.

The B-1 Central Business District is established to accommodate many businesses that want compact development (no building setbacks) to encourage comparison and multi-purpose shopping by pedestrians. Mostly, such firms rely upon indoor storage of merchandise and centralized (public) parking facilities.

The B-2 Highway Commercial District is established to accommodate an extended pattern of commercial development with setbacks from lot lines in recognition of many single-purpose shopping trips, some outdoor storage of merchandise and off-street parking on the same lot.

The B-3 Convenience Commercial District, on the other hand, is established to accommodate the commercial businesses that supply the day-to-day needs of people living in immediately adjacent residential neighborhoods. Since this district is an integral part of the neighborhood, an important objective is to maintain its compatibility with nearby residential areas by keeping its size small and it uses limited to those that must be located within convenient walking distance of the customers served.

- (2) Permitted Uses By Right: The following uses, and no others, are permitted by right in the Commercial Districts, as indicated in the following table ("X" indicates use is permitted):

	Central Business District B-1	Highway Commercial District B-2	Convenience Commercial District B-3
1. Agriculture			
a. crop raising		X	X
2. Retail Trade			
a. Building Materials & Garden Supply Stores but not including open yards		X	X
b. General Merchandise Stores	X	X	
c. Food and Beverage Stores			
(1) 3,000 sq. ft. or less	X	X	X
(2) more than 3,000sq.ft.	X	X	
d. Automobile Tire, Battery & Accessory Stores including installation	X	X	
e. Apparel and Accessory Stores	X	X	
f. Furniture & Home Furnishing Stores	X	X	
g. Eating & Drinking Places, but not including live entertainment and drive-in est.	X	X	X
h. Miscellaneous Retail stores, but not including, non-store retailers or fuel dealer	X	X	
i. Non-store retailers		X	
j. Group Day Care Facilities (Amended by Ord. 1038)	X	X	X

	Central Business District B-1	Highway Commercial District B-2	Convenience Commercial District B-3
3. Finance, Insurance, and Real Estate			
a. Banks and Other Credit Agencies but not including drive-in establishments or automatic teller machines as principal use	X	X	X
b. Security and Commodity Brokers	X	X	X
c. Insurance Agents and Brokers	X	X	X
d. Real Estate Offices	X	X	X
e. Investment Office	X	X	X
4. Services			
a. Personal Services, except funeral establishments	X	X	X
b. Business Services, but not including laboratories	X	X	
c. Miscellaneous Repair Services limited to repair of household equip and furnishings and personal articles	X	X	
d. Commercial amusement establishment but not including dance halls and drive-in establishments.	X	X	
e. Membership Sports and Recreation Clubs	X	X	
f. Recr. Ord. 894) Health Services, including hospitals and medical/dental clinics	X	X	

	Central Business District B-1	Highway Commercial District B-2	Convenience Commercial District B-3
g. Legal Services	X	X	X
h. Membership Organizations	X	X	
i. Miscellaneous Services	X	X	X
5. Transportation and Utility Services			
a. Offices of local and interurban passenger transit companies, but not including stations, vehicle yards or garages	X	X	X
b. Offices and agencies for the arrangement of transportation Services	X	X	X
c. Offices of communication and utility storage	X	X	X
6. Government Facilities			
a. Government facilities, Excluding outdoor storage	X	X	X
7. Accessory Uses and Structures			
a. Garages for storage of vehicles used in conjunction with the operation of the business	X	X	X
b. Off-street parking and loading areas	X	X	X
c. Signs, subject to the provisions of Section 17.09 of this Ordinance	X	X	X

	Central Business District B-1	Highway Commercial District B-2	Convenience Commercial District B-3
d. Residential quarters for the owner, proprietor, commercial tenant, employee, or care taker located in the same building as the business	X	X	X
e. Any other structure or use normally accessory to the principal use permitted	X	X	X

- (3) Uses Permitted By Conditional Grant: Except as specifically limited in the following table, the uses listed in the following table may be permitted in the commercial districts indicated subject to the issuance of a conditional use permit.

	Central Business District B-1	Highway Commercial District B-2	Convenience Commercial District B-3
1. Multiple Family Residential	X		
2. Retail Trade			
a. Building Materials and Garden Supply Stores Open Yards	X	X	
b. Motor Vehicle Dealers, including open sales lots	X	X	
c. Gasoline Service Stations	X	X	X
d. Car Wash	X	X	
e. Drive-in Eating Places	X	X	
f. Eating and Drinking Places with live entertainment; dance halls	X	X	

			Central Business District	Highway Commercial District	Convenience Commercial District
			B-1	B-2	B-3
	g.	Miscellaneous retail stores, but not including non-store retailers or fuel dealers		X	
3.	Finance, Insurance, and Real Estate				
	a.	Drive-in Banks and Credit Agencies	X	X	
	b.	Automatic Teller Machines as a principal use	X	X	
4.	Services				
	a.	Funeral establishments	X	X	
	b.	Auto Repair Services and Garages, not including Major Auto Repair	X	X	
	c.	Medical and Dental Laboratories	X	X	
	d.	Vocational Schools	X	X	
	e.	Dance Schools	X	X	
	f.	Social services, not including residential care establishment	X	X	
	g.	Veterinary Services for pets	X	X	
	h.	Dog Kennels (Ord 1037)	X	X	X
5.	RELIGIOUS FACILITIES AND SCHOOLS				
5a.	Religious Facilities: (Ord. #1088; Amd. Ord. #1247) such as churches, temples, mosques, synagogues, or other places of worship, convents, Rectories, parsonages and Retreat homes.		X	X	X
			X	X	X
5b.	Schools: (Ord. #1247) Public and private schools				
6.	Miscellaneous				
	a.	Planned developments	X	X	X

- (4) Parking and Loading Requirements: The parking and loading requirements applicable to the above commercial district are set forth in Section 17.08.

- (5) Buffers and Landscaping: Requirements relating to buffering and landscaping of certain uses and structures in the above residential commercial are set forth in section 17.03-6 of this Ordinance.

(6) District Lot and Building Bulk Regulations

Minimum Lot			Minimum Setbacks (ft. -%lot depth)			
District	Area	Width (feet)	Front a	Side b	Rear c	Building Height
B-1						
Residential	1,500 sf/*u					
Other use	2, 500sf	20	none	none*	20*	75e
B-2	7,200sf	60	25	10*	20*	40
B-3	7,200sf	60	25	10*	20*	40

- (a) Listed number shall apply to the alternate street side of a corner lot as well as the main frontage.
- (b) One number applicable to both sides; where there are two numbers, the first indicated the non-drive side and second indicates total minimum required.
- (c) Minimum is greater of first number or resultant of applying ratio of yard depth.
- (d) Except same as adjoining district other than when separated by a street or alley.
- (e) Except where adjacent to an R District, where the maximum height shall be 40 feet.

17.11-5 BASIC DEVELOPMENT DISTRICTS: MANUFACTURING (Rep & Rec Ord #990)

- (1) Statement of Intent: Three zoning districts are provided for manufacturing uses. When taken together, these districts permit development of property for the full range of manufacturing, wholesaling, and general commercial uses needed to serve the residents of the New London region. Uses in these districts are required to adhere to performance standards set out in Section 17.04. The differences between the districts is in the allowance for outdoor storage and zero side yard setbacks.
- A. The M-P Manufacturing Park District is established to provide for industrial uses which have few, if any characteristics which are detrimental to surrounding uses in the same district and which in appearance and operational characteristics are compatible with highway commercial uses of a similar character. Outdoor storage is permitted in this district only as a conditional use.
- B. The M Manufacturing and Warehousing District is intended to provide for all manufacturing, warehousing and general commercial uses, including most of those requiring outdoor storage.

17.11-5 BASIC DEVELOPMENT DISTRICTS

C. The MP-0 District is established to provide zero side yard setbacks for uses that are permitted by right or by "Conditional Use" in the B-2 district.

(2) Permitted Uses By Right: The following uses, and no others, are permitted by right in the Commercial Districts, as indicated in the following table ("X" indicates use is permitted):

	M-P	M	MP-0
1. Dwellings only in connection with bona fide agricultural operation, or as living quarters for bona fide caretakers and/or watchpersons and their families.	X	X	
2. Farming or other agricultural uses;	X	X	
3. Off-street parking of motor vehicles in connection with uses within the district;		X	
4. Wholesaling and warehousing; Production, fabrication, processing, servicing, testing, repair or storage of materials, equipment and goods where the undertaking involves activities:	X	X	
a. To be carried on Side or within enclosed buildings;	X	X	
b. To be carried on outside enclosed buildings, except auto and/or truck salvage yards		X	
6. Research establishments and laboratories;	X	X	
7. Transportation terminals, including trucking and railroading and related transportation services such as overnight lodging, restaurants, vehicle fuel sales, service and wash facilities		X	

17.11-5 (2) PERMITTED USE BY RIGHT

	M-P	M	MP-0
8. Uses permitted by right in the B-2 District, except that all industrial or commercial operations shall be carried on inside or within enclosed buildings	X		X
9. Retail and service uses requiring extensive outside storage or display, such as lumber and building supply yards, contractor equipment and materials storage but excluding motor vehicle salvage yards and landfilling operations	X		
10. Accessory uses:			
a. Office, storage, power and water supply and other such uses normally ancillary to the permitted principal uses	X	X	
b. Off-street parking and loading areas	X	X	
c. Signs, subject to the provisions of Section 17.09 of this Ordinance		X	X
d. Residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business	X	X	
e. Any other structure or use normal accessory to the principal use permitted.	X	X	
11. Dog Kennels (Cr. Ord. 1037)	X	X	

3. Uses Permitted By Conditional Grant: Except as specifically limited in the following table, the uses listed in the following table may be permitted in the manufacturing district indicated subject to the issuance of a conditional use permit.

17.11-5 PERMITTED USE BY CONDITIONAL GRANT

	M-P	M	MP-0
1. Any use listed as a conditional use in the B-2 District; Amd. Ord. # 1325	X	X	X
2. Any permitted use in this district which involves outdoor operations or storage of materials, equipment or goods.	X		
3. Motor vehicles salvage or junk yards		X	

- (4) Parking and Loading Requirements: The parking and loading requirements applicable to the above manufacturing district are set forth in Section 17.08.
- (5) Buffers and Landscaping: Requirements relating to buffering and landscaping of certain uses and structures in the above residential commercial are set forth in Section 17.03-6 of this Ordinance.
- (6) District Lot and Building Bulk Regulations

Minimum Lot		Minimum Setbacks (ft. -%lot depth)			Maximum Building Height (ft)
District	Area	Front a	Side b	Rear c	
M	10,800/90	25	10e	10e	75d
M-P	10,800/90	25f	10e	10e	75d
MP-O	10,800/90	25	0	10e	75d

- (a) Listed number shall apply to the alternate street side of a corner lot as well as the main frontage.
- (b) One number applicable to both sides; where there are two numbers, the first indicated the non-drive side and second indicated total minimum required.
- (c) Minimum is greater of first number or resultant of applying ration of yard depth.
- (d) Except where adjacent to an E District, where the maximum height shall be 40 feet.
- (e) Side or rear yard may include rail track or alley, except where adjacent to an R District in which case the yard shall be not less than 50 feet including rail track, alley or street width.
- (f) No parking allowed; where parking is desired setback shall be 50 feet.

ZONING CODE WIRELESS COMMUNICATIONS 17.11-5 (7)

(7) SPECIAL REGULATIONS

A. Radio and TV towers and accessory buildings are permitted in the M-P and M Manufacturing District subject to the following additional regulations:

1. Minimum lot size – 3 acres and lot width 208 feet.
2. All state and federal height and safety regulations are required.
3. 25 foot setback from all property lines.

17.11-5 (7) WIRELESS COMMUNICATIONS FACILITIES (Cr. Ord. #1080)

- (1) PURPOSE. In response to consumer demand for wireless communications services and requirements of the Federal Communications Commission (FCC), wireless communications providers are desirous of establishing and expanding their systems as quickly and efficiently as possible which will result in more antennas and towers across the visual landscape. In order to address the proliferation of wireless communication facilities; to provide for appropriate location and network development; to serve the local community according to standards of good engineering; minimize adverse visual effects through careful design, sighting, co-location of providers and screening; and to maximize public safety, specific sites for wireless communication facilities may be granted as conditional use permits if allowed in the district the permit is applied for.
- (2) DEFINITIONS. (a) Wireless Communication Facilities. A land use facility, supporting antennas and microwave dishes that send and/or receive radio frequency signals which provide commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services. The facilities include structures, towers, and accessory buildings.
 - (b) Antenna - The array of metal rods, dipoles, parasitic elements and associated appurtenances which are attached to the antenna supporting structure and which are connected to the transmission lines or wave guides, designed for telephone, radio or television communications through the sending and/or receiving of electromagnetic waves.
 - (c) Antenna Supporting Structure - A guyed or self-supporting support tower, monopole or other permanent attachment mechanism, which supports one or more antennas.
 - (d) Guyed Tower - A tower that is supported in whole or in part of guy wires and ground anchors.

ZONING CODE WIRELESS COMMUNICATIONS 17.11-5 (7)

- (e) Monopole Tower - A self-supporting tower consisting of a single pole without metal latticework. The pole is usually painted to harmonize with the environment.
 - (f) Self-Supporting Tower - A tower which is constructed without guy wires; self-supporting towers may be constructed either of metal latticework or a single pipe or pole.
 - (g) Dish Antenna - A dish-like antenna used to link communication sites together by wireless transmission of voice or data. Also called microwave antenna or microwave dish antenna.
- (3) CONDITIONAL USE PERMIT REQUIRED. A conditional use permit shall be required from the Plan Commission for wireless communication facilities in those zoning districts in which wireless communications facilities are allowed as conditional uses. Wireless communications facilities are allowed as conditional uses in the M-P and M zoning districts.
- (4) CRITERIA AND REQUIREMENTS FOR GRANTING A CONDITIONAL USE PERMIT. The Plan Commission shall consider the following criteria and requirements in determining whether to issue a conditional use permit:
- (a) Whether the wireless communications facility requires an environmental impact statement per 40CFR6.108.

If the structure represents a major environmental action, applicant shall include a line of sight analysis containing the following information:

- 1. Locations and compensations of significant existing natural and manmade features adjacent to the proposed tower location that will provide buffering for adjacent properties and public right of way;
 - 2. Identification of the specific points from which the line of sight analysis is presented based upon the site photo or diagram.
- (b) Whether the wireless communications facility complies with pertinent FCC regulations and federal requirements concerning RF emissions.
 - (c) Whether or not municipal sites are available for a wireless communication facility.

ZONING CODE WIRELESS COMMUNICATIONS 17.11-5 (7)

- (d) The application shall contain either a written statement signed by the applicant that Federal Aviation Administration (FAA) and Wisconsin Department of Transportation Division of Aeronautics approval are not required or a copy of the FAA and Wisconsin Department of Transportation Division of Aeronautics application if such approval is required.
- (e) The design of new towers or appurtenances to be placed on buildings or to be ground mounted must meet the Structural Standards for Steel Antenna Towers and Antenna Supporting Structures – EIA Standard RS-222-C. (Adapted by reference by the State of Wisconsin – Comm 62.37). The following parameters shall be addressed by a Registered Professional Engineer:
 - 1. Tower “free fall” zone based upon tower break points; radius for falling tower appurtenances, hardware and ice; wind scatter of paint, general public safety with respect to load capacity; percentage of ultimate tower capacity reserved for future use.
 - 2. The configuration, design and size of any equipment storage buildings shall be consistent with buildings in the particular zoning district and will comply with the requisite setback requirements in the district.
- (f) The applicant shall include a statement with the application describing how the proposal is in concert with the zoning and land use requirements of the particular zoning district.
- (g) A visual impact statement shall be included with all applications along with a site photo, drawing of the proposed structure including the submission setting forth the location of the structure plotted on an official zoning map. If necessary, the site should be plotted on an aerial map of a scale of 1-inch equals 300 feet or finer showing adjacent land uses within a radius of 2500 feet of the structure. This is necessary to aid in determining the visual impact of the wireless communications facility and the appurtenant buildings upon the adjacent area including distance from residences, scenic vistas, and what if any appropriate landscaping is in place or proposed which would act as a screen such as trees, berms or buildings.
- (h) Applicant shall set forth what is the access to the facility and shall address the following:
 - 1. Whether the facility is restricted by fence or locked rooftop;
 - 2. Who are keys available to;

ZONING CODE WIRELESS COMMUNICATIONS 17.11-5 (7)

3. Whether there are anti-climbing provisions at the facility.

Applicant shall submit a horizontal plan of the facility showing the relationship of all major components of the facility including a tower, fence, building, lot lines and nearest residence and access roads.

- (i) Applicant shall include a statement describing the impact of utility services at the proposed facility.
- (j) A statement shall be included that the applicant has made adequate provision for maintaining the facility in good repair and condition. This would include painting and grass trimming.
- (k) Applicant shall submit a statement that the proposed facility is the best alternative within a radius of 1 kilometer.
- (l) Applicant shall submit the number of other users which could be accommodated on the proposed structure based upon an engineering analysis conducted by a Registered Professional Engineer familiar with the requirements of the structure. The analysis shall consider the following:
 - 1. Structural capacity;
 - 2. Antenna aperture;
 - 3. Space and equipment building;
 - 4. FCC, FAA and/or Department of Commerce limitations.
- (m) The applicant shall include a statement detailing how arcing, spurious emissions, intermodulation, distortion will be minimized by RF transmitter filtering, secure bonding of waveguide, transmissions lines and other tower and guy attachments and the use of corrosion resistant hardware.
- (n) In determining to grant a conditional use permit, the Plan Commission may impose conditions to the extent. The Plan Commission concludes such conditions are necessary to minimize any adverse effected of the proposed facility on adjoining properties.
- (o) Any wireless communication facility that is not operated for a continuous period of 90 days shall be considered abandoned and the owner of such facility shall remove the same within 90 days of receipt of notice from the City notifying the owner of abandonment.
- (p) Maximum height of any wireless communications facility shall not exceed 185 feet.

B. The M Manufacturing and Warehousing District is intended to provide for all manufacturing, warehousing and general commercial uses, including most of those requiring outdoor storage.

- (2) Permitted Uses By Right: The following uses, and no others, are permitted by right in the Commercial Districts, as indicated in the following table ("X" indicates use is permitted)

	M-P	M
1. Dwellings only in connection with bona fide agricultural operation, or as living quarters for bona fide caretakers and/or watchpersons and their families;	X	X
2. Farming or other agricultural uses;	X	X
3. Off-street parking of motor vehicles in connection with uses within the district;	X	X
4. Wholesaling and warehousing;	X	X
5. Production, fabrication, processing, servicing, testing, repair or storage of materials, equipment and goods where the undertaking involves activities:		
a. to be carried on inside or within enclosed buildings;	X	X
b. to be carried on outside enclosed buildings, except auto and/or truck salvage yards		X
6. Research establishments and laboratories;	X	X
7. Transportation terminals, including trucking and railroading and related transportation services such as overnight lodging, restaurants, vehicle fuel sales, service and wash facilities		X
8. Uses permitted by right in the B-2 District, except that all industrial or commercial operations shall be carried on inside or within enclosed buildings.		X
9. Retail and service uses requiring extensive outside storage or display, such as lumber and building supply yards, contractor equipments and materials storage but excluding motor vehicle salvage yards and landfilling operations		X

17.11-5 cont.

	M-P	M
10. Accessory uses: (Cr (f) Ord. 961)		
a. office, storage, power and water supply and other such uses normally ancillary to the permitted principal uses	X	X
b. off-street parking and loading areas	X	X
c. signs, subject to the provisions of Section 17.09 of this Ordinance	X	X
d. residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business	X	X
e. any structure or use normally accessory to the principal use permitted	X	X
f. Adult Oriented Establishments and Adult Retail Stores - Shall include, but is not limited to "adult bookstores", "adult motion picture theaters", "adult mini-motion picture establishments" or "adult cabarets" and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An "adult-oriented establishment" further includes, without being limited to, any "adult entertainment studio" or any premises that is physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term or like import and shall also include businesses whose purpose is the sale of adult sexual paraphernalia.		
Retail Business - A business offering the sale of commodities or goods in small quantities to the ultimate consumer. This does not include businesses whose primary purpose is the sale of adult sexual paraphernalia.		

	M-P	M
1. Any use listed as a conditional use in the B-2 District	X	
2. Any permitted use in this district which involves outdoor Operations or storage of materials, equipment of goods.	X	
3. Motor vehicle salvage or junk yards is		X

- (4) Parking and Loading Requirements: The parking and loading requirements applicable to the above manufacturing district are set forth in Section 17.08.
- (5) Buffers and Landscaping: Requirements relating to buffering and landscaping of certain uses and structures in the above residential commercial are set forth in Section 17.03-6 of this Ordinance.

(6) District Lot and Building Bulk Regulations

Minimum Lot			Minimum Setbacks (ft. -%lot depth)			
District	Area (SF)	Width (feet)	Front a	Side b	Rear c	Building Height
M-1	10,800	90	25	10e	10e	75d
M-P	10,800	90	25f	10e	10e	75d

- (a) Listed number shall apply to the alternate street side of a corner lot as well as the main frontage.
- (b) One number applicable to both sides; where there are two numbers, the first indicated the non-drive side and second indicated total minimum required.
- (c) Minimum is greater of first number or resultant of applying ratio of yard depth.
- (d) Except where adjacent to an E District, where the maximum height shall be 40 feet.
- (e) Side or rear yard may include rail track or alley, except where adjacent to an R District in which case the yard shall be not less than 50 feet including rail track, alley or street width.
- (f) No parking allowed; where parking is desired setback shall be 50 feet.

(7) Special Regulations

- A. Radio and TV towers and accessory buildings are permitted in the M-P and M Manufacturing District subject to the following additional regulations:

- 1. Minimum lot size 3 acres and lot width 208 feet.
- 2. All state and federal height and safety regulations are required.
- 3. 25-foot setback from all property lines.

	M-P	M
11. Dog Kennels M-P M (Amended by Ord. 1037)	X	X
12. Group Day Care Facilities (Amended by Ord. 1038)	X	X

17.11-6 M-R. MUNICIPAL RESTRICTIVE DISTRICT

That Chapter 17.11-6 is hereby created as follows (Ord. #1202):

17.11-6 M-R. MUNICIPAL RESTRICTIVE DISTRICT.

(1) Purpose. This District is to comply with the State of Wisconsin, Department of Natural Resources (DNR) requirements of §NR 110.15 (3)(d) 1 & 1.a as amended, which prevents future construction of all buildings used for residential or commercial purposes within 500 feet of a Wastewater Treatment Plant.

(2) This is an overlapping District. All property within 500 feet of the Wastewater Treatment Plant, listed within Ordinance 707, (June 4, 1985) remains zoned M-R and said property shall follow the requirements of this section and those pertaining to the zoning applicable to said property prior to the original creation of the M-R Zone. (Ordinance 706, June 4, 1985).

(3) Permitted Uses: Only existing uses prior to June 4, 1985 are permitted.

(4) Conditional Uses:

A) Property of any intended use shall be determined by the Plan Commission.

B) All changes in the use of property shall be considered a Conditional Use.

C) Before the Plan Commission may act upon a Conditional Use request, the property owner must execute a waiver acknowledging awareness and the priority of the operation of the Wastewater Treatment Facility over his/her use of said property.

D) This waiver will be permanently attached to the property record.

(5) Building Permits

A) Before a Building Permit may be issued, the requirements of Subsection 4 must be met.

17.12 NON-CONFORMING LOTS, BUILDINGS AND USES

17.12 INTENT

- (1) Previously Lawful Conditions: Within the districts established and mapped by this Ordinance or amendments thereto, there may exist lots, buildings, structures, or uses of lands or buildings, which were lawful before this Ordinance or amendments were enacted, but which do not now conform to the regulations herein. As set forth in ss62.23 (7) (h) Wis. Stats., such non-conforming conditions may be continued, but may not be extended, repaired or altered beyond the limitations set forth in said Statute and as enumerated below. It is the intent of this Ordinance to permit such non-conformities to continue in accordance with said 62.23 (7) (h) and the provisions hereunder, until the non-conformities are removed or corrected by economic forces or otherwise, except that structures which are not buildings may be required to conform if provided for in this Ordinance.
- (2) Non-Precedent Status of Non-Conformities: It is not the intent of this Ordinance to encourage the undue survival of non-conformities since it has been determined that they are incompatible with the character of the district in which they are located. In particular, existing non-conformities shall not be used as the basis for justifying deviations from district regulations on other properties.

17.12-2 CLASSIFICATION AND REGULATION

For the purpose of equitable administration of 62.23(7)(h), nonconforming conditions are hereby classified and separately regulated as follows:

- (1) Non-Conforming lots:
 - A. Lots of Record which are non-conforming (also called "substandard lots") as to the minimum numerical regulations of the district in which they are placed, may be built upon so long as the regulations relating to location and minimum sizes of buildings and uses thereon will still be met, and the required open space is not reduced by a ration more than the ratio which the lot area fails to meet the district regulation for minimum lot size.

- B. Vacant Lots in Common Ownership: Which do not meet the minimum numerical requirements as to area or width shall not be conveyed separately to others except in conformity with the applicable provisions of the Land Division Ordinance. Any such lots which fail to meet the following minimum criteria, shall be denied a zoning permit until the lots are resubdivided to conform, or more nearly conform, to the district requirements:

Area:	5,000 Sq.ft.
Average Width:	45 feet (sewered) 65 feet (unsewered)
Depth:	100 feet
Rear Yard:	15 feet
Side Yard:	5 feet (non-common wall construction)
Front Setback:	feet to building 20 feet to garage
Street Access:	10 feet of frontage width

- C. Wetland or Floodplain Lots of record shall not be issued zoning permits which would require destruction of the wetland or invasion of the floodplain unless in conformance with the terms of the N-R district or an action by the Board of Zoning Appeals granted in the spirit of that district.
- D. Buildings on Substandard Lots which buildings otherwise conform to all the locational, open space, floor area and parking regulations of the district shall not be considered nonconforming buildings for purposes of 62.23 (7) (h)

(2) Non-Conforming Use of Land:

- A. No such use shall be expanded or enlarged. Expansion or enlargement examples include greater primary floor area; longer hours of operation; more employees; more output of emissions which adversely affects surrounding land uses, such as dust, odor, noise, traffic volume, etc., as listed in Section 17.04 Performance Standards; more trucking volume per unit of time; and similar evidences.

17.12-2(2) cont.

- B. Upon petition to and approval of the Board of Appeals, such use may be changed to another use provided the Board determines that the new use would result in the same or less degree of non-conformity as the previous use provided further that if the new use is less non-conforming such new use shall thereafter determine the degree of legal non-conformity.
 - C. Where any such use is discontinued for a period of 12 consecutive or for 18 cumulative months during any three year period, any future use of the land shall conform to the regulations of the district in which it is located.
- (3) Non-Conforming Buildings: Includes buildings which contain too little or too much floor area; buildings which encroach upon floodplain or upon required setbacks and yards; buildings which have too much height.
- A. No such building shall be repaired or altered during its lifetime to an extent, including the cost of floodproofing, which exceeds 50 percent of its full market value at the time it became non-conforming. If such a building is damaged to more than 50 percent of its full market value it shall be razed unless the reconstruction would bring the building into compliance with the district regulations.
 - B. Alterations or extensions allowable with the limits of A. preceding shall not increase the degree of non-conformity, for example, making an extension farther into an inadequate yard, adding more fill to the floodplain, adding floor area to a building which already exceeds the floor to land area ratio, converting more space to primary floor area without increasing already inadequate parking space, etc.

- C. Alterations which tend to reduce the degree of non-conformity, for example enlarging buildings which are too small, reducing buildings which are too large, removing portions which encroach upon floodplain or required yard spaces, may be approved by the Board of Zoning Appeals if the Board first finds that the alteration makes a substantial reduction in the degree of non-conformity; does not prolong an overall non-conformity which would best be discouraged from survival; and as part of the alteration improves other shortcomings of the building or premises as enumerated in Section 17.05 Buildings, Site and Operational Plans. Where the Board is inclined to make such a finding involving Section 17.05, it shall condition its approval upon receipt from the Planning Commission of a favorable recommendation of the alterations as reviewed under 17.05.
- (4) Non-conforming Use of Buildings: Includes buildings which may or may not be non-conforming as defined in (3) above, but which contain uses which do not conform to the use regulations of the district in which the property is located, for example, an improper commercial use in a building designed for and located within a residence district and otherwise conforming to the district numerical regulations.
- A. No such use shall be expanded or enlarged. Expansion or enlargement of "use shall be defined as described in A. above under (2) Non-Conforming Use of Land).
 - B. Structural repairs or alterations to a building containing a non-conforming use shall not, as long as such use continues, exceed 50% of the full market value of the building, and if the building is damaged to more than 50% of said value the building shall not be restored unless the non-conforming use is removed.
 - C. Repairs or alterations allowable within the limits of B. preceding shall not increase the degree of non-conformity, for example devoting more floor space to the non-conforming use, changing the appearance & function of the building away from a conforming use or toward the non-conforming use, or other changes such as enumerated in (2)A. Non-Conforming Use of Land above.

- D. Alterations which tend to reduce the degree of non-conformity, for example reducing the floor space devoted to a non-conforming use in a mixed use building, any be approved by the Board of Zoning Appeals if they first find that the alteration makes a substantial reduction in the degree of nonconformity; does not prolong an overall non-conformity which would best be discouraged from survival; and as part of the alteration improves other shortcomings of the building or premises as enumerated in Section 17.05 Building, Site and Operational Plans. Where the Board is inclined to make such a finding involving Section 17.05, it shall condition its approval upon receipt from the Planning Commission of a favorable recommendation on the alterations as reviewed under 17.05
 - E. Upon petition to and approval of the Board of Appeals, such use may be changed to another use provided the Board determines that the new use would result in the same or less degree of non-conformity as the present use, and provided further that such new use shall thereafter determine the degree of legal nonconformity.
 - F. Where any such use is discontinued for a period of 12 consecutive or for 18 cumulative months during any 3 year period, any future use of the building shall conform to the regulations of the district in which it is located.
- (5) Non-Conforming Structures Other Than Buildings: Includes signs, fences, light poles, buried or above ground tanks, and similar facilities which do not conform to the regulations of the district in which the property is located, or which are accessory to a principal building or use which is non-conforming. Such structures shall not be repaired or altered to an extent exceeding 50% of their individual full market value, and if damaged to more than 50% of their value shall be removed or replaced with a facility that conforms to the district regulations.

- A. Notwithstanding the provisions of the preceding paragraph, and in conformance with 17.12-1(1), if the district regulations or other sections of this Ordinance so provide, a non-conforming structure which is not a building may be required to be removed or made to conform before the 50% level of repair, alterations or damage had been reached, for example a fence which blocks a vision corner, a light pole fixture which causes glare to traffic on public streets, a tank which is leaking, etc.

17.12-3 REMOVAL OF HAZARDS

Where, upon complaint to the Zoning Administrator, any non-conforming building, structure, or use, shall be found by the Board of Appeals as a matter-of-fact to be a detriment to the public health, safety or general welfare, especially as defined by one or more of the Performance Standards of Section 17.04, the hazardous aspect shall be ordered to be corrected or such aspect to be discontinued within such time as the Board may deem reasonable. Upon failure to carry out such order, the City may take such steps as are necessary to remove such hazardous aspect or discontinue such use and assess the cost thereof against the property owner.

17.12-4 CONDITIONAL USE STATUS

Subject to the procedures set forth in Section 17.06 Conditional Uses, non-conforming uses of land or of buildings, as classified herein, may petition to achieve conforming status by becoming a use permitted by conditional grant, notwithstanding the use regulations of the district in which the property is located. The Planning Commission in processing such a petition shall conclude that the existing non-conforming status is very unlikely to become conforming for the foreseeable future, that with the imposition of conditions the most deleterious aspects of the use which make it non-conforming in its circumstances can be largely ameliorated, and the deterioration of the use that may result from imposition of the 50% limit on repair or alterations imposed by ss.62.23(7) (h) over time may cause more damage to adjacent properties or the neighborhood than granting conforming conditional use status.

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17.13 BOARD OF ZONING APPEALS

17.13-1 ESTABLISHMENT AND PURPOSE

There is hereby established a Board of zoning Appeals for the City of New London as authorized by ss.62.23 (7) (e) Wis. Stats., for the purpose of hearing appeals from any person aggrieved or from any officer, department, board or commission of the City affected by a decision of the Zoning Administrator or Planning Commission, provided said appeal be taken within a reasonable time, as provided by the rules of said Board of Zoning Appeals. Said Board may also decide special exceptions, other than conditional uses, or grant special condition variances from the terms of this Ordinances.

17.13-2 MEMBERSHIP

- (1) Size, appointment, and Removal: The Board of Appeals shall consist of five members appointed by the Mayor and approved by the Common Council. Members may be removed by the Mayor for cause upon written charges and after public hearing. Cause may include excessive absenteeism.
- (2) Terms of Office shall be for staggered three-year periods, beginning May 1 of each year.
- (3) Eligibility: Members of the Board shall reside within the City.
- (4) President: The Mayor shall designate one of the members as chairman annually.
- (5) Two Alternate Members may be appointed by the Mayor for a term of three years each, designating one as 1st alternate and the other as 2nd alternate. The 1st Alternate shall act only when a regular member is absent or refuses to vote because of personal interest in a matter to be decided. The 2nd Alternate shall so act only when the 1st Alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The provisions of (1) above with regard to removal and the filling of vacancies shall apply to such Alternates.
- (6) Exofficio Members: The City Clerk and City Attorney shall be Exofficio members of the board.
- (7) The Zoning Administrator shall attend all meetings for the purpose of providing technical and secretarial assistance as requested by the Board.

- (8) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten days of receiving notice of their appointment, or before their first Board meeting.
- (9) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

17.13-3 OPERATION

- (1) Rules: The Board of Zoning Appeals shall adopt rules for the conduct of its business which rules shall be in accordance with the provisions of this Ordinance and the Wisconsin Statutes. Such rules of operation shall require approval by a majority of the Board.
- (2) Meetings shall be held at the call of the President or at such other times as determined by the Board's rules, and shall be open to the public within the provisions of the Wisconsin open meeting statutes.
- (3) Minutes of the proceedings and a record of all actions shall be kept by the Board, showing the vote or the absence or abstention of each member upon each question, the reasons for the Board's determination, and its findings of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- (4) Voting: (Am. Ord. #1168) A quorum shall be a combination of four (4) members or alternates. If a quorum is present the Board of Appeals may take action as authorized in this Chapter upon affirmative vote of a majority of members present.

17.13-4 POWERS

The Board of Zoning Appeals shall have the following powers:

- (1) Errors: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or by the Planning Commission.

- (2) Special Exceptions: To decide special exceptions to the terms of this Ordinance, other than Conditional Uses as regulated in Section 17.06 of this Ordinance.
- (3) Special Condition Variances: 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 of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this Ordinance are observed.
- (4) Substitutions of Non-Conforming Uses: To hear and grant applications for substitution of the same or more restrictive non-conforming uses for existing non-conforming uses as provided for in this Ordinance under section 17.12-2. Whenever the Board permits such a substitution, the use may not thereafter be changed without reapplication to the Board.
- (5) Permits: The Board may reverse, affirm wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that and shall have all the powers of the officer from whom the appeal is taken, and may issue, revoke, or direct the issuance or revocation of a permit.
- (6) Oaths and Testimony: The chairman of the Board, or the vice-chairman in the absence of the chairman, may administer oaths and compel the attendance of witnesses.
- (7) Staff Assistance: The Board may request assistance from other City officers, departments, commissions and boards, as well as from non-city agencies such as county, regional, state or federal entities, or as its budget allows, from private sources.

- (8) Limitations of Powers: The deciding of Special Exceptions in (2) above and the authorization of Special condition Variances i (3) above shall not have the practical effect of permitting uses that are otherwise prohibited in a district; of granting or denying a Conditional Use including the modifications of any of the conditions if granting or denying a Conditional Use including the modifications of any of the conditions if granted, which powers are granted by this Ordinance solely to the Planning Commission; or of changing the district classification of a property or of amending the textual regulations of this Ordinance. Furthermore, in exercising its powers to grant special condition variances, the Board shall take care to grant only the minimum variation necessary to relieved the practical difficulty or unnecessary hardship it finds, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

17.13-5 PROCEDURE

- (1) Appeals to the Board of Zoning Appeals shall be filed in the office of the Zoning Administrator within thirty (30) days after the date of the decision or order of the Zoning Administrator or Planning Commission which is being appealed. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was take. Such appeals and applications shall include the following:
 - A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record as found on the City tax roll or assessment records.
 - B. Plat of Survey prepared by a registered land Surveyor in the State of Wisconsin or other map drawn to scale and approved by the Zoning Administrator, showing all of the information required under this Ordinance for a Zoning Permit, such survey shall indicate that the city is where the property line lies. Where the aggrieved party filing the appeal is not the applicant for the Zoning Permit or other decision in dispute, this requirement is waived.

- C. Grounds claimed for the appeal and any other additional information required by the Zoning Administrator or Board of Zoning Appeals.
 - D. Fee Receipt from the Zoning Administrator required by Section 17.02-6 Fees.
- (2) Special Exception or Special Condition Variance Requests: Shall include items A. through D. preceding under (1) except that the appellant in the case of special condition variance request shall also be very specific under C. Grounds to set forth the facts which purport to show where literal enforcement of the terms of this Ordinance would result in practical difficulty or unnecessary hardship.
- (3) Stay of Proceedings: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals after the notice of appeal shall have been filed with that office, that by reason of facts stated in the certificate a stay would, in the Administrators opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, notice to the Zoning Administrator, and on due cause shown.

17.13-6 HEARING

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, giving notice thereof by:

- (1) Publishing one Notice in a newspaper of general circulation.
- (2) Mailed notice to parties of interest including the appellant and to owners of property within 100 feet, including those opposite and fronting on the subject lands across a right of way. Such mailed notice shall be postmarked at least 10 days before the date of hearing.

17.13-7 STANDARDS AND FINDINGS

Pursuant to ss.6.23 (7) (e) 1. Wis. Stats. wherein the creation of a Board of Zoning Appeals by ordinance may include establishing appropriate conditions, safeguards, and general or specific rules to guide said Board, the following standards, in addition to the Limitation of Powers of 17.13-4(8), are hereby imposed to provide the Board with direction consonant with this ordinance in the conduct of the Board's powers, and the Board in each case in granting a petition shall first render findings which satisfy itself that all of the following facts and conditions exist and the Board shall so indicate in its minutes:

- (1) Physical Conditions v. Convenience: That there are present actual physical conditions applying to the lot, parcel, building, structure, use or intended use on that premises which are creating the piratical difficulty or unnecessary hardship in the application of this Ordinance, as distinguished from a mere inconvenience to the owner if the strict letter of the regulations are required.
- (2) Unique vs General Conditions: That the conditions of (1) preceding are unique, exceptional, extraordinary or unusual circumstances applying only or primarily to the property under appeal and are not of such a general or recurrent nature elsewhere in the same zoning district as to suggest or establish the basis for Ordinance changes or amendments, or of having that effect if relied upon as the basis for granting an appeal.
- (3) Absence of Precedent: That in granting an appeal there will not be created a general precedent which encourages the filing of similar appeals to take advantage of the precedent without the existence of properly qualifying conditions.
- (4) Absence of Detriment: That in granting an appeal there will not be created significant detriment to the subject, adjacent, or neighborhood properties or to the general public interest. (*see* 17.14-5(2)A. for public interest criteria).
- (5) Conditions Not Created by Appellant: That the alleged conditions of (1) preceding creating the difficulty or hardship were not cause by the appellant nor by any person still having an interest in the property.

17.13-8 DECISION

- (1) Time of Decision: The Board of Appeals shall decide all appeals and applications within fifteen (15) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (2) Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.
- (3) Expiration of Permits: Permits granted by the Board shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant.

17.13-9 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Board of Appeals may present to the Court of Record a petition, duly verified, appealing such decision as provided for in Section 62.23 (7) (e) 10. Wis. Stats. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the offices of the Board. Filing shall consist of the completion of the transcription of the minutes of the meeting wherein the Board decision being appealed from was finally made, the accuracy of the transcription to be first reviewed by the Zoning Administrator.

17.14 CHANGES AND AMENDMENTS

17.14-1 INTENT

It is the intent of this Ordinance to provide stability and regularity in the zoning of the property in the City of New London, nevertheless, to best achieve the full purposes of this Ordinance it is likely that from time to time amendments will be necessary in the text or in the district map portions of this Ordinance to recognize that changing conditions or expectations call for changed plans, and changed plans call for changed regulations. As a result, owners of property subject to particular regulations under this Ordinance cannot enjoy an eternally vested right to those regulations if the public interest demands otherwise.

Among the conditions which may be expected to require zoning changes include:

- (1) Holding Districts: which constitute a form of temporary zoning, may require rezoning to other basic or overlay districts as full development becomes imminent; [see 17.10-1(2)]
- (2) Additional State Imposed Regulations: may require amendments to this Ordinance to conform to such state mandates;
- (3) City Plan Amendments or refinements may require adjustments in the boundaries of districts or in the form of text regulation in order to reflect the new knowledge added to the Plan;
- (4) County an Regional Plan Amendments or refinements may, as in (3) preceding require similar adjustments;
- (5) Property Owners Petitions in which owners may propose modifications to the zoning in which they are located in order to better do their part in carrying out the City Plan and in serving the public interest.

17.14-2 AUTHORITY

Whenever the public necessity, convenience and general welfare require, the Common Council may, by ordinance as provided for in ss.6062 and in ss.62.23(7)(d)2., Wis. Stats., amend any part of this Ordinance, including amending the textual regulations, the district regulations, or the reclassifying of property into other districts. Such amendments shall be by petition and be considered as provided for herein.

17.14-3 INITIATION

A petition for change or amendment may be made by any property owner or agent of the owner in the area to be affected by the change or amendment, by the Common Council, or by the City Planning Commission.

17.14-4 FILING OF PETITIONS

- (1) Petitions for any change to the district boundaries or amendment to the regulations shall be filed with the City Clerk together with the fee required in Section 17.02-6 and the following information where appropriate on forms supplied by the City.
- (2) Required Information for District Map Changes:
 - A. Plot Plan or map drawn to scale, or map of legal descriptions, showing the are proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of adjacent properties.
 - B. Owners Names and Addresses as listed on such records as the City Assessor's Maps or City Tax Roll, or all properties lying within one hundred (100) feet of a proposed district change.
 - C. Additional Information as required by the Common Council or Planning Commission on forms available from the Zoning Administrator.
- (3) Required Information for Text Amendment:
 - A. Proposed Text Amendments Language and if possible, a defense of the necessity for such a change.
 - B. Owners Names and Addresses as described in (2) B. preceding if it is determined by the Zoning Administrator or by said office in consultation with the City Attorney that the amendment is sufficiently site specific to consider protest petitions as provided for in ss.62.23(7)(d) 2m.a., Wis. Stats., and Section 17.14-8 herein.
 - C. Additional Information as required on forms available from the Zoning Administrator.

17.14-5 REFERRAL AND RECOMMENDATIONS

- (1) Referral to Planning Commission: The Zoning Administrator shall check the petition for completeness, conferring with the petitioner as necessary. When the petition appears complete, the Administrator shall place it upon the Planning Commission agenda, with copies to other City staff whom the Commission is likely to consult on the petition.
- (2) Planning Commission Review and Recommendations:
Upon receipt of the petition, the Commission shall conduct the necessary study and investigation in order to provide, as promptly as possible, a recommendation to the Common Council as set forth in ss.62.23(7)(d)1.b., WI. Stats, and Section 17.02-2(4)B. of this Ordinance.
 - A. Commission Public Interest Criteria: In making its recommendations the Commission shall always be guided by a finding that the change or amendment would be in the public interest, and not solely for the benefit of the applicant. The public interest shall be found by weighing the following:
 1. Compliance with the City Plan adopted by the Commission
 2. Compliance with county, regional or other such plans as adopted by the Commission.
 3. Compliance with the Intent and Purposes in View of this Ordinance as set forth in sections 17.00-5 and 17.00-6.
 - B. Informational Hearing: In developing its recommendations the Commission may hold an informational hearing, noticed as it determines in each case.

17.14-6 OFFICIAL HEARING

The Common Council shall hold a public hearing upon each proposed change or amendment, the City Clerk giving notice of the time and place of such hearing by:

- (1) Publication of a Class 2 Notice under Chapter 985 of the Wisconsin Statutes.

- (2) Mailed notice to the owners of record on City Tax Rolls or assessor maps of all lands lying within 100 feet of any part of the land involved in either a Zoning District change or an Ordinance text amendment found to have specific impact upon only a few properties.
 - A. Mailed Notice Postmark: such mailed notice shall be postmarked at least 10 days prior to the date of the hearing. The failure of such notice to reach any property owner provided such failure be unintentional, shall not invalidate any amending ordinance, or other action taken upon the matter noticed.

17.14-7 ACTION

- (1) Common Council: After such public hearing and no later than the second Common Council meeting following receipt of the Planning Commission's recommendations, the Common Council shall act to approve, modify and approve, or disapprove the proposed change or amendment.
- (2) Re-Referral to Planning Commission:
 - A. The Common Council shall not take action without having first hear the recommendations of the Planning Commission. Should the Common Council not concur in the recommendation of the Planning Commission, including an intent to approve with modifications not contained in the Commission recommendation, the Common Council shall re-refer the matter to the Commission for reconsideration before taking final action, specifying the amount of time available to the Commission for its reconsideration. When the matter so rereferred to the Planning commission returns to the Common Council, the Common Council shall assume the sole responsibility for disposition of the proposed change or amendment.
 - B. Once the Common Council has assumed the sole responsibility for the disposition for the proposed change or amendment, the following action may take place: If the Common Council acts to disapprove, the amendment is defeated. It the Common Council acts to approve, or modify and approve it is approved.

- (3) Provisional Zoning: In connection with its action to modify and approve, (or to approve if already so recommended by the Planning Commission), the Common Council may provisionally rezone the property which is the subject of the petition. Any such provisional rezoning shall become permanent provided that the conditions imposed by the Common Council have been complied within such period of time as may be designated by the Common Council, but not to exceed three(3) years.
 - A. Zoning Map Notation: For such period of time until the provisions have been met and so certified by the City Zoning Administrator, the official zoning map of the City shall show the property to be zoned "P* ____ " (*for provisional).
 - B. Waiver of Vested Interest: By accepting the provisional rezoning, the petitioner is deemed to waive any claim of vested rights in the property during the period of provisional rezoning.
 - C. Title Recording: the Common Council, in its discretion, may cause notice of the provisional rezoning, together with the provisions imposed, to be recorded in the office of the Register of Deeds.

17.14-8 PROTEST

- (1) Filing of Protest Petition and Verification: In the event a protest against a proposed change or amendment is filed under ss.62.23(7) (d) Wis. Stats., with the City Clerk at least twenty-four (24) hours prior to the time of the meeting of the Common Council at which the recommendation of the City Plan Commission is to be considered, appearing to be duly signed and acknowledged by the owners of 20% or more of the area proposed to be altered, or by abutting owners of over 20% of the total perimeter of the area proposed to be altered included within 100 feet of the parcel or parcels proposed to be rezoned, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, action on such Ordinance may be deferred until the City Clerk has had a reasonable opportunity to ascertain and report to the Common Council as to the authenticity of such ownership statements.

- (2) Extra Majority Required: If such statements are found to be true, such Ordinance shall not be adopted except by the affirmative vote of three-fourths of the members of the Common Council present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest may be disregarded.

17.14-9 EFFECTIVE DATE

The amending Ordinance transmitted to the Common Council shall become effective upon passage and publication by the Common Council.

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APPENDIX

DEFINITIONS

(SEE 17.0-4)

A way of approaching or exiting a property. Access also includes ingress, the right to enter, and egress, the right to leave.

Accessory Use of Structure: (See Section 17.03-1(2)B)

Addition:

Any construction which increases the size of a building, such as a porch, attached garage or carport, or a new room or wing. An addition is a form of alteration.

Airport:

An area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or right-of-way, including all necessary taxiway, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces. (See ss.114.013 (3) Wisconsin Statutes)

Airstrip or Landing Field:

Any land intended for the landing or take-off of aircraft.

Alley:

A special public right-of-way affording only secondary access to abutting properties typically at the rear or sides. (See also Street, Frontage)

Alterations:

A physical change in a building or an addition to it. As applied to a building or structure, means a change or rearrangement, in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

Animal Hospital, Small:

A building or premises for the medical or surgical treatment of domestic animals or pets, including dogs and cats, as contrasted with veterinary facilities for farm and other large animals such as horses and cows, and distinguished from a kennel in that no outdoor runs shall be permitted for boarded animals.

Apartment:

A suite of rooms or a room in a multiple dwelling which suite or room is arranged, intended or designed to be occupied as a residence of a single family, individual, or group of individuals. (See "Family")

Apartment, Efficiency:

A one room apartment, not counting kitchen or bath designed for occupancy by a single individual.

Apartment Hotel:

A building or that portion thereof used for or containing both individual guest rooms and dwelling units designed for more or less permanent occupancy.

Apartment House:

A building or that portion thereof containing three or more dwelling units, usually, but not necessarily, sharing a common building entrance. (See also Town House) (See Dwelling, Multiple).

Area:

Synonymous with the word "tract", which is "a piece of land capable of being described with such definiteness that its location may be established and its boundaries ascertained."

Arterial Principal:

Roadways which are designed to accommodate long trips at the highest allowable speeds within the through the community. They connect all subregions within the area and urban and rural service areas, as well as by providing connections to outstate cities. Direct land access to principal arterials is typically restricted.

Automobile Salvage or Wrecking Yard:

Any place where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, and including the commercial salvaging of any other goods, articles, or merchandise.

Automobile Service Station:

A retail place of business where gasoline, kerosene, or any 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 and possibly including facilities for greasing, oiling, washing and minor repair of vehicles on the premises, but not including automatic car washing or any body repair facilities or storage of vehicles for scrap or space parts.

Auto Laundry: (See Car Wash)

Awning:

A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Basement:

A portion of a building located partly underground, but for purposes of computing floor area ratio having half or less than its floor-to-ceiling height below the average grade of the adjoining ground. (See also Cellars.)

Base Setback Area:

The land lying between the edge of the existing street right-of-way and the Base Setback Line.

Base Setback Line:

The line from which all required setbacks are measured, which line corresponds to the established ultimate street right-of-way line as set forth in Section 17.03-4.

Bed & Breakfast Lodging: (See Tourist Home)

Billboard:

For purposes of this Ordinance, a type of sign which advertises products, services, or speech not related to the premises on which the sign is located.

Boarding House:

A building or premises where meals, or meals and lodging are offered for compensation for four or more persons, but not more than 12 persons and having no more than four sleeping rooms for this purpose in addition to any apartment occupied by the operator. An establishment where meals are served for compensation for more than four sleeping rooms shall be deemed a hotel or motel. (Also, see Rooming House)

Boathouse, Private:

Any accessory building designed for the purpose of storing boats and other water related recreational materials, and accessible from the water.

Buildable Area:

The portion of a lot remaining after required setbacks have been met, and after various restrictions such as wetland and floodways are considered. (See Section 17.03-5 and also Floor Area Ratio and Open Space).

Building:

Any structure used, designed, or intended for the roofed shelter, enclosure or protection of person, machinery, animals, or materials, and is permanently affixed to the land. (See Trailer, Mobile Home, Recreational Vehicle.)

Building, Detached:

A principal building surrounded by open space on the same lot.

Building, Principal:

The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

Building, Height of:

The vertical distance from the average building grade in front of the structure at the building line, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the highest point of the highest gable of a gambrel, hop, round, arched, or pitch roof (See Section 17.01-4)

Building Line:

(See Setbacks and Offsets, Section 17.03-4)

Bulkhead Line:

A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to ss.30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway or other provisions of this ordinance.

Business:

Any establishment, occupation, employment or enterprise wherein merchandise is manufactured, repaired, exhibited, stored, or sold or where services are offered for compensation. (See Home Occupation and Residential Business)

Camp Ground:

Any area or tract of land used to accommodate two or more camping parties, including cabins, tents, house trailers, or other camping outfits for overnight occupancy.

Camping Trailer:

Any shelter designed to provide sleeping, eating and living quarters and designed to be transported on wheels from place to place, but being less than 20 feet in length. In any such shelter which exceeds 20 feet, it shall be considered a house trailer, and if the wheels have been removed, it shall be construed as a permanent dwelling structure. (See also Recreational Vehicle)

Carport:

A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this ordinance, a carport shall be considered to be the equivalent of a garage except when computing minimum required residential floor area.

Carwash:

Any facility used for the washing of passenger car sized vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure.

Cellar:

That portion of the building having more than one-half (1/2) of the floor-to-ceiling height below the average grade of the adjoining ground, and not qualifying as floor area.

Cemetery:

Land used for the burial of the dead, and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Channel:

Those floodlands normally occupied by a stream of water under average annual high water flow conditions while confined within generally well established banks.

Channeling:

The act or action which results in an interconnection of two bodies of water, usually navigable by surface craft.

Child Care Center:

(See Day Care Center)

Church:

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

City Plan:

That document or parts thereof defined in ss.62.23(3) Wis. Stats. as The Master Plan for the physical development or conservation of the municipality as further described in (2) Functions of Said Stature, also commonly called Comprehensive Plan, or General Plan.

Clinic, Medical or Dental:

A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of such offices, but not including overnight bed-patient care.

Closed Cup Flash Point:

The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag closed cup-tester shall be authoritative for liquids having a flash point below 175 F°. The Pensky-Martens tester shall be authoritative for liquids having flash point between 175 F° and 350 F°.

Club or Lodge:

Buildings and facilities, owned or operated by a corporation, association, person or persons, for a social, educational, or recreation purpose, to which membership is required for participation and not operated primarily for profit nor to render a service which is customarily carried on as a business. Restaurant or alcoholic beverage serving services shall be secondary to the main purposes and use of the property.

Collector:

Roadways which are designed to perform the function of collecting traffic from local streets and distributing it to and from arterials.

Commercial Antenna:

Any antenna regardless of height or size erected for the purpose of providing public entertainment and information or subleased to other individuals or corporations including partnerships, associations, etc. for the same purposes.

Community Living Arrangements:

Any facility falling within the definition of section 46.03(22) of the Wisconsin Statutes.

Conditional Uses:

(See Section 17.06)

Condominium:

The ownership of single units in a multi-unit structure or of single units on a tract with more than one such unit where the land or other common areas and facilities are owned jointly.

Conservation Standards:

Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for a County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Conversion:

Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or room units.

Crown Cover:

The ratio between the amount of land shaded by the vertical projection of the branches and foliage area of standing trees to the total area of land, usually expressed as a percentage.

Day Care Center, Adult:

A facility serving ages other than children, typically the infirm elderly in the manner of a child care center.

Day Care Center:

Any facility or home where children under twelve (12) years of age who are not members of the family or the superior or custodian in charge:

- A. Meet or are scheduled to meet regularly for more than one day a week for all or part of the day but not overnight; and
- B. Meet either to be watched or cared for, while their parent or guardian is otherwise engaged, to be afford opportunities for physical, social, emotional or intellectual growth or stimulations.

These terms shall not include hospitals, nursing homes, Sunday schools, facilities under the direction of an established and accredited school system, facilities used for club or organization meeting when such club or organization regularly meets nor more than once a week, or casual babysitting. Facilities for the elderly ages are included provided A and B above are met.

Decibel:

A logarithmic unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

Density, Gross:

The quotient of the total number of dwelling units divided by the gross site area. This form of computation usually applies only in planned unit developments.

Density, Net:

The allowable number of dwelling units per net buildable site area after excluding all or portions of present and future street right-of-way, wetlands, water bodies, or floodplain.

Developer:

The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option of contract to purchase.

District, Overlay:

Overlay districts allow for superimposing certain additional requirements or uses upon a basic zoning district. (See Section 17.10-3)

Ditching:

The process of excavation for purposes of surface water drainage and removal; a shallow channel, not navigable, used for the conductance of waters.

Dog Kennel:

A facility for the keeping or boarding of more than four (4) dogs over six (6) months of age.

Domestic Servant:

A person who lives in the family of another, paying no rent for such occupancy and paying no part of the cost of utilities therefor, performing household duties and working solely within the house for the upkeep thereof and for the care and comfort and convenience of the family and occupants thereof. No person, and no member of the family of any person, who pay rent for himself or his family shall be deemed the domestic servant of the person to whom such rent is paid.

Dormitory:

A building or portion thereof used for sleeping purposes in connection with a school, college or other institution.

DNR:

The Wisconsin Department of Natural Resources..

Drain:

A surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.

Drain Tile Lane:

The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around the building foundations.

Drainage Basin:

The geographic area the general configuration of which causes surface waters to flow in a specified direction; the area, contained by a naturally defined watershed, draining all surface waters.

Drainageway:

Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines or washes in which waters flow in a definite direction or force, either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water.

Dredging:

The process of which bottom materials are removed from bodies of water for the purposes of deepening the body of water.

Driveway:

(See Access)

Drive-In:

A term used to describe an establishment designed or operated to serve a patron while seated in an automobile parked in an off-street parking space.

Dryland Access:

Means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Duplex:

A building designed and /or used exclusively for residential purposes and containing two dwelling units.

Dust fall:

The rate that particulate matter collects in an open jar for a 30-day period, expressed as tons per square mile per month. Procedures and equipment for the measurement of such shall be as standardized by the American Society for Testing and Materials.

Dwelling, Multiple:

A building or portion thereof designed for the occupied by two or more families, including apartment houses, and town houses, also called Row Houses or Town Homes.

Dwelling, Semi-Detached:

A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structure except accessory buildings.

Dwelling, Single Family Attached:

A residential structure designed to house a single family unit from lowest level to roof, with private entrance, but not necessarily occupying a private lot, and sharing common walls between adjoining units. (See Town House or Row House)

Dwelling, Single Family Detached:

A residential structure designed to house a single family on a private lot and surrounded on all sides by a private yard.

Dwelling, Two-Family:

A detached or semi-detached building used for residential occupancy by two families living independently of each other.

Dwelling, Row House or Town House:

One of a series of three or more attached dwelling unit separated from one another by continuous vertical party walls without openings from basement floor to roof.

Twenty-five percent or more of the annual gross income is earned from direct farm labor.

Earth Moving:

Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and the voiding of soils of vegetated cover so as to make the same soil susceptible to erosion.

Earth Removal:

The removal or extraction of any stone, sand, gravel, loam, topsoil, or other earth or earth product from a lot or parcel of land, except where such removal is for the purpose of grading a lot upon which a building is to erected or a roadway or parking surface to be built.

Earthborne Vibrations:

Describes a cyclic movement of the earth due to energy propagation.

Easement:

Authorization by a property owner for the use by another and for a limited purpose of any designated part of his property.

Efficiency Apartment:

(See Apartment, Efficiency).

Encroachment:

Any fill, structure, building, use or development in the floodway.

Egg Production Commercial:

A poultry confinement facility used or designed for the raising of poultry for egg production having a capacity of two hundred (200) or more hens.

Emergency Shelter:

Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, or invasion.

Equal Degree of Hydraulic Encroachment:

The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

Equal Degree of Hydrologic Encroachment:

The effect of any development on the storage capacity of a floodplain area,

particularly upstream from urban areas, is analyzed assuming an equal loss of flood storage for all property owners and subdivided lots in the storage area of a floodplain on both sides of a river or stream for a significant hydrologic reach.

Erosion:

The process by which the ground surf is worn away by action of wind or water.

Essential Services:

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, underground water storage tanks, conduits, cables, stations and hydrants, but not including buildings.

Excavation:

The act by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

Expressway:

A divided arterial street or highway with full or partial control of access and with or without grade separated intersections. A freeway allows no direct parcel access and separates the grade of all intersections.

Extension, or to Extent:

An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

Exterior Storage:

Outdoor storage of fuel, raw materials, products, equipment or motor vehicles.

Extractive Operations:

The removal of rock, slate, gravel, sand, topsoil, or other natural material from the earth by excavating, stripping, leveling or any other process.

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Family:

An individual or two or more persons related by blood, marriage, guardianship, foster care, or adoption, and including domestic servants and not to exceed one

gratuitous guest, living together as a single housekeeping unit; or a group of not more than persons not so related, maintaining a common household and using common cooking and kitchen facilities. (See also Group Home)

Farm:

An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain, etc., and their storage on the area, as well as for raising thereon the usual farm poultry and farm animals, such as horses, cattle, sheep and swine, etc. except as restricted by this Ordinance.

Federal Emergency Management Agency (FEMA) :

The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

Flood Frequency:

Means the probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring , on the average, once in a specified number of years or as a percent chance of occurring in any given year.

Floodfringe:

That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and generally associated with standing water rather than flowing water.

Flood Hazard Boundary Map:

A map prepared by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspect of the National Flood Insurance Program.

Flood Insurance Study:

A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain:

That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

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Flood Plain District:

A "flood plain district" is a zoning district designed to be mapped primarily along rivers, streams and other waterways subject to overflow or flooding in times of heavy runoff. The primary purpose of such district is to prevent property damage or

loss of life in the adjoining lowlands.

Floodplain Island:

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

Flood Profile:

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

Floodproofing:

Measures designed to prevent or reduce flood damage for those uses which cannot be removed from, or which of necessity must be erected on, floodplain ranging from structural modifications, to installation of special equipment or materials to operation and management safeguards including, but without limitation due to enumeration: Underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent water tight bulkheads, shutters, and doors; treatment of exposed timbers, elevation of flood-vulnerable utilities; using of waterproof cement; adequate fuse protection; anchoring of buoyant tanks; sealing of basement walls; installation of sump pumps; placement of automatic swingcheck valves; installation of seal-tight windows and doors, installation of wire-reinforced glass; location and elevation of valuable items; waterproofing, disconnection, elevation of valuable items; waterproofing, disconnecting, elevation, or removal of all electrical equipment, the avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; postponement of orders or rescheduling of freight shipment; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs and flood drain pips; placement of movable, watertight bulkheads; and the shoring of weak walls or other structures. Floodproofing of structures shall be extended at least to a point two, feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

Flood Protection Elevation:

An elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see Freeboard)

A17-142

Floodway:

The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Flood Storage:

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

Floor Area, Gross (For determinations in the R-3, R-4, and R-5 Residential Districts)

The sum of the gross horizontal area of all floors of a building or of such area devoted to a specific use, measured from the exterior face of exterior walls or from the center line or walls separating two buildings or uses. Gross floor area shall include areas such as the following: basement floors or the lowest story, but not cellar floors (less than one-half of the basement height is above the finished lot grade level); halls, lobbies, elevator shafts used for mechanical, electrical and plumbing equipment involved with the maintenance or operation of the building except equipment located in a cellar or basement or on the roof; penthouses; attic floors, except where the clear ceiling height is less than seven feet; interior balconies and mezzanines; enclosed porches; and floor space used for accessory uses. The floor area does not include the following: relatively open exterior balconies and other covered open space; any terrace, patio, atrium, porch or balcony which is not covered; any area for special purpose for common use of all occupants, such as recreation, library or an infirmary in a residential structure; any garage, carport or loading space; and any area in a residential structure used for major mechanical, electrical or plumbing equipment.

Flood Area, Percentage:

The gross floor area divided by the Lot Area multiplied by 100.

Floor Area (For determining off-street parking and loading requirements):

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

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

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Floor Area for Parking Demand:

(See Primary Floor Area (PFA)).

Floor Area Ratio (F.A.R.) :

The term "Floor Area Ratio" or FAR shall be used to indicate the total floor area of

buildings, exclusive of basement, allowed on a given lot, expressed as a percentage ratio of the total area of the lot, i.e. and F.A.R. of 100% allows a floor area equal to the total area of the lot, an F.A.R. of 50% allows a floor area of one-half the total area of the lot, etc. A floor area ratio of 50% could be applied to a one-story building occupying 50% of the lot or a two-story building occupying 25% of the lot.

Foot Candle:

A unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candle power.

Foster Home:

Any home licenses as such by the State Department of Health and Social Services.

Fraternity:

A body of men associated for their common interest, business, or pleasure.

Fraternity or Sorority House:

A building containing more than one (1) dwelling unit and more than two (2) rooming units or guest rooms. Such rooming units or guest rooms shall be residential purposes only.

Freeboard:

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

Freeway:

An expressway with full control of access and with fully graded separated intersections.

Frequency:

Signifies the number of oscillations per second in a sound wave and is an index of the pitch of the resulting sound.

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Frontage:

The dimension of a lot abutting a public street measured along the base setback line.

Funeral Home:

A dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.

Fur Farm:

Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in section 29.01(3) (c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding, slaughtering, or pelting purposes.

Garage, Private:

A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles for the families resident upon the premises. Carports shall be considered garages within this definition, except for computing minimum required residential floor area.

Garage, Public or Commercial:

Any garage not falling within the definition of "private garage" as herein established, and used for storage, repair, rental or servicing of motor vehicles.

Garage, Private Attached:

A garage, the roof of which is attached to the principal building.

Gasoline Service Station:

(See Automobile Service Station)

Grade:

In cases where all walls of the principal building are more than five feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

Grade, Established:

The elevation of the finished street at the centerline or curb as fixed by the Engineer or by such authority as shall be designated by law to determine such as elevation.

Grading:

Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

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Greenhouses, Residential Accessory:

Glassed enclosures used for horticulture where the enclosure covers less than 500 square feet of 5% of the lot, whichever is lesser, and the operation thereof does not exceed the definition of a Home Occupation.

Ground Floor Area:

The square foot area of a building within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages (unless allowed by section 17.10-7),

exterior stairways, and secondary stairways.

Group Home:

Any home licensed as such by the State Department of Health and Social Services.

Guest House:

A detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary guests; such quarters shall not be rented.

Guest Permanent:

A person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

Guest Room:

A room in a hotel, motel, or tourist home offered to the public for compensation in which room no provision is made for cooking and which room is used only for transient occupancy.

Halfway House - Group Home:

A residential facility for five or more adults who have been institutionalized for various reasons and released, or who have or have had physical or social disabilities which make operation in society difficult and require the protection of a group setting to facilitate the transition to a functional member of society (e.g. former convicts, alcoholics, drug addicts, mental patients, etc); shelter, supervision and residential rehabilitative services are provided and the home is licensed to operate as such by the State Department of Health and Social Services.

Height of Buildings:

How measured - (See Building, Height of, and section 17.03-4).

Heliport:

An area used or to be used for landing or takeoff of helicopters or other steep-gradient aircraft capable of hovering, and may include any or all of the area or buildings which are appropriate to accomplish these functions.

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High-Water Mark or Elevation:

The average annual high-water level of a pond, stream, lake, flowage or wetland references to an established datum plain or if where such elevation is not available, the elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic, or vegetated characteristics.

Home for the Aged/Housing for the Elderly:

A facility, however, named, which is designed, staffed and equipped for the care of

individuals who are not in need of hospital or nursing care but who are in need of assistance due to age with everyday activities of living in a protected environment.

Home Occupation:

Authorization: A home occupations is a business, profession, occupation or trade that:

- A. is conducted for gain or support by a full-time occupant of a dwelling unit; and
- B. is incidental and secondary to the use of such dwelling unit for dwelling purposes; and
- C. does not change the essential residential character of such dwelling unit.

General Limitations: Every home occupation shall comply with the use limitations applicable to the district in which it is located.

Employee Limitations:

- A. The entrepreneur of every home occupation shall be domiciled in the dwelling unit where such occupation is conducted.
- B. No more than one person that is not domiciled in the dwelling unit where a home occupation is conducted shall be employed in connection with, or otherwise participate in the operation of such occupation. This limitation shall not apply to employees who do not work at the dwelling unit devoted to such occupation.

Structural Limitations:

- A. Every home occupation shall be conducted wholly within a principal dwelling unit or permitted accessory structure.
- B. No more than a total of fifty percent (50%) of the floor area (exclusive of the garage floor area devoted to permissible parking of a vehicle, the largest of which shall be a panel-sized truck, used in connection with the home occupation of any dwelling unit or any permitted accessory structure) shall be devoted to the conduct of a home occupation.

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Home Occupation (Structural Limitations) cont.

- C. No stock in trade shall be displayed or sold on the premises except such as is produced on the premises or is incidental to a primarily service related home occupation.
- D. No routine attendance of patients, clients, subcontractors, or employees associated with any home occupation shall be allowed at the premises of the home occupation except that attendance of the maximum number of children allowable under the current Wisconsin statutory requirements may be allowed at a licensed child care nursery operated as a home occupation. "Routine attendance" means the conduct of the home occupation requires

persons to visit the premises of the home occupation as a part of the regular part of the conduct of the occupation no more than a total of eight (8) visitations per consecutive twelve (12) hour period.

- E. No mechanical or electrical equipment changes may be made to existing systems.
- F. The home occupation shall not require the receipt or delivery of merchandise, goods or equipment by other than carrier mail service, parcel delivery service, or the passenger automobile of the person conducting the home occupation.
- G. No outdoor storage shall be allowed in connection with any home occupation.
- H. No refuse in excess of the amount allowable for regular residential pickup shall be generated by any home occupation.

(See also Residential Business.)

Hospital (Recr. Ord. 894)

An institution as its primary purpose of providing general health care service for in-patients or out-patients, the medical or surgical care of the sick or injured, and related accessory uses or facilities as an integral part of the institution, including, but not limited to, laboratories, training facilities, health services care, central service facilities, staff offices, diagnostic services, therapeutic services, physician services, pharmaceutical services, dentistry, residential health care services, drug prescription services and x-ray services.

Hotel:

A building containing 20 or more individual sleeping guest rooms or suites, having each a private bathroom attached thereto, for the purpose of providing overnight lodging facilities to the general public for compensation with or without meals, excluding accommodations for employees, and in which ingress and egress to and from all rooms is made through an inside office or lobby supervised by a person in charge at all hours.

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House Trailer:

A structure designed to be a dwelling unit which can be moved from place to place on wheels. As defined in Section 66.058 Wis. Stats., as dependent unit means a structure not having its own plumbing facilities, whereas an independent unit has plumbing as well as heating and cooking facilities ready for hookup to utility connections. (See also, Mobile Homes and Camping Trailer)

Household Stable:

A structure not more than 20 feet by 20 feet used for the sheltering of not more than two horses.

Husbandry:

The cultivation or production of plants and animals (livestock) and/or the by-products thereof. (See section 17.03-7)

Illegal Use:

Any use, whether of a building or other structure, or of a tract of land, or body air or of water, in which a violation of any provision of this ordinance has been committed or shall exist.

Impact Noise:

A short-duration sound which is incapable of being accurately measured on a sound level meter.

Improvement:

Any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment including street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets, and trees.

Impulsive Noise:

A sound which is no longer than two (2) seconds in duration, followed by no less than a two-second rest.

Increase in Regional Flood Height:

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

Industrial Park:

An "industrial park" is a spacial or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations. A17-149

Integrated Center:

An "integrated center" is a grouping of compatible uses on a single zoning lot, such uses being in single ownership or under unified control.

Intense Burning:

Implies a rate of combustion of a material that burns with a high degree of activity and is consumed rapidly.

Interchange:

A grade separated intersection with one or more turning lanes for travel between intersection lanes.

Junk Yard:

A "junk yard" is an open or enclosed area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled - including, but not limited to - scrap iron and other metals, paper, rags, rubber tires, and glass. (See also Recycling Center)

Kennel, Commercial:

An establishment where dogs or other animal pets not part of the actual household on the lot on which the facility is located, are raised, bred or boarded for compensation or sale, and whether or not in special structures or runways.

Kitchen:

Any room used, intended to be used or designed to be used either wholly or partly for cooking and/or the preparation of food.

Laboratory:

A building or part of a building devoted to the testing and analysis of any product or animal (including humans) or to the development of and fabrication of preliminary or pilot models. Also includes a laboratory which provides bacteriological, biological, medical, x-rays, pathological and similar analytical or diagnostic services to doctors or dentist. No fabricating is conducted on the premises, except the custom fabrication of dentures. No manufacturing is conducted on the premises except for experimental or testing purposes.

Landfill: See "Sanitary Landfill "

Land Lane:

Section lines, half-section lines, quarter-section lines, and other property lines established by meets and bounds outside the boundaries of reported land subdivision plats.

Landscaped Area:

An area that is permanently devoted and maintained to the growing of trees, shrubbery, grass and other plant material.

AI 7-150

Landscaping:

The improvement of a lot, parcel or tract of land with grass, shrubs and/or trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar objects designed and arranged to produce an esthetically pleasing effect.

Large Developments:

Individual free-standing retail or commercial (not industrial) buildings and group developments in which the combined total of all structures within a development (regardless of diverse lotting, use of tenancy) combine to more than 60, 000 square feet.

Laundromat:

A business that provides washing, drying, and/or ironing machines for his to be used by customers on the premises to clean articles of clothing, but not including the use of volatile organic compounds (VOC's) as in "dry cleaning".

Legal Non-Conformity:

The zoning status of a structure or parcel of land which or the use of which, though legal prior to the passage of this Ordinance does not comply with one or more of the provisions of this Ordinance. (See Section 17.12)

Limited Access Highway:

A trafficway, including toll roads for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as any be determined by the public authority having jurisdiction over such trafficway.

Livability (non-Vehicular) Space Percentage:

The Livability Space divided by the Lot Area multiplied by 100. The Livability space is the open space minus the car area within the uncovered open space, minus one-half any car area in that covered open space which is eligible and credited 50 percent to open space. Car area is open space area (uncovered and covered) used for car traffic and maneuvering and for car parking. Included are the paved traffic ways and parking areas of all streets within the Lot Area.

Loading Space, Off-Street:

Space logically and conveniently located for bulk pickups and deliveries, scales to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Lodging House (including Boarding and Rooming House):

A residential building, or portion thereof - other than a motel, apartment hotel, or hotel - containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

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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" for the purposes of this Ordinance.

A lot for the purposes of this Ordinance is a contiguous parcel of land of sufficient size to meet minimum zoning requirements for use and area, and to provide required yards and other open spaces. Such lot shall have frontage on an improved public street, or on a Town approved private way, and may consist of;

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots or record.
- D. A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall and residual lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Area:

The area of a horizontal plane bounded by the front, side, and rear lot lines of a contiguous parcel, but not including any area occupied by the waters of a duly recorded lake or river, or of land designated for a public street.

Lot, Corner:

A lot situated at the junction of, and abutting on two (2) or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred thirty five degrees (135 degrees).

Lot, Depth:

The mean horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage or Through Lot:

A lot having frontage on two streets other than at the street intersection, the streets typically being along the front and rear lot lines. For purposes of yard space, both shall be treated as front yards.

Lot Interior:

A lot having frontage on only one public street.

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Lot Line:

The property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the proposed ultimate line of such public right-of-way shall be the lot line for purposes of this Ordinance.

Lot Line, Front:

That boundary of a lot which abuts and existing or dedicated public street, and in the case of a corner lot, the lot line with the shortest dimension on a public street, except that a corner lot in a nonresidential area shall be deemed to have frontage on both streets.

Lot Line, Rear:

That boundary of a lot which is opposite the front lot line. If the rear lot line is less than ten feet (10') in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten feet (10') in length within the lot, parallel to, and at the maximum

distance from the front lot line.

Lot. Line, Side:

Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record:

Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances and regulations.

Lot Width:

The maximum horizontal distance between the side lot lines of a lot measured parallel to the front lot line and at the rear of the required front yard.

Lot. Zoning:

A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a zoning permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

Luminance:

Means the brightness of an object, expressed in terms of footlamberts, determined from other premises or from the street's public right-of-way, whichever is closer to the sign.

Manufacturing:

The processing and converting of raw, unfinished, or finished materials or products, or any of these into an article or substance of different character, or for use for a different character, or for use for a different purpose; also industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

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Martha:

A place for docking or storage of pleasure boats or providing services to pleasure boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, or provision of lodging, food, beverages, and entertainment as accessory uses. A yacht club shall be considered a marina, but a hotel, motel, or similar use, where docking of boats and provision of services thereto, in incidental to other activities shall not be considered a marina, nor shall boatdocks accessory to multiple dwelling where no boat related services are rendered.

Mezzanine:

A "mezzanine" is an intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

Micron:

A unit of length, equal to one thousandth part of one millimeter (.001 millimeter).

Minor Arterial:

Local thoroughfare roadways designed to accommodate medium to short trips within urban areas at somewhat higher speeds than local collector streets. Direct land access to these roadways is typically restricted.

Mobile Home:

A structure, designed to be a dwelling unit, which is manufactured, inspected, and totally assembled in a factory and then transported to a lot or site for placement on a foundation and hookup to essential utility services for permanent habitation. Any such structure from which its wheels have been removed shall be construed to be a permanent structure for purposes of this Ordinance. (See House Trailer and Camping Trailer)

Mobile Home Lot:

A parcel of land for the placement of a single mobile home and the exclusive use of its occupants, within a mobile home park.

Mobile Home Park:

A parcel or tract of land under single ownership at the time of development which has been planned and improved for the placement of mobile homes for dwelling purposes, and not including more than 3 model units for sales of units.

Mobile Home Stand or Pad:

That part of an individual mobile home space which has been planned and improved for the placement of the mobile home and additions or attachments thereto.

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Moderate Burning:

Implies a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

Modular Home:

A structure which is partially preassembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called "prefabricated" or "double wide" units. For the purpose of this ordinance, modular homes must meet the requirements of all applicable state and local building codes.

Motel:

A building or series of buildings containing guest rooms in which lodging is offered for compensation and which may have more than five sleeping rooms or units for this purpose and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each or many of the guest rooms.

Motor Freight Terminal:

A building or area in which freight brought by motor truck is transferred and/or stored for movement in intrastate or interstate shipment by motor truck.

Motor Hotel or Motel:

(See Motel).

Motor Vehicle:

A "motor vehicle" is any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

Name Plate Sign:

A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

Navigable Stream:

See Section 144.26 (2) (d) of the Wisconsin Statutes.

NGVD - or National Geodetic Vertical Datum:

Elevations referenced to mean sea level datum, 1929 adjustment.

Night Club:

An establishment which shall include, in addition to the serving of food and entertainment, the provision for dancing and sale of malt beverages to the public.

Non-Conforming Structure:

A structure which does not conform to the Building Location, Height, Building Size or Floor Area regulations of the district in which it is located. (see Section 17.12)

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Non-Conforming Use of Structure:

A use carried on within any building which use does not conform to the Use or Residential Density Regulations of the district in which it is located.

Non-Conforming Lot:

A lot which does not conform to the Lot Size Regulations of the district in which it is located.

Non-Conforming Use of Land:

A use of any land in a way which use does not conform to the Use, Residential Density or Open Space Regulations of the district in which it is located.

Noxious Matter or Materials:

Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well being of individuals.

Nuisance:

Anything that interferes with the use or enjoyment of property, endanger personal health or safety or is offensive to the senses.

Nursery:

Shall be any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

Nursery School:

A place where three or more children are kept for the purpose of providing supplemental parental care, including day nursery, day care home for children, and kindergarten. (See Day Care Center)

Nursing Home:

An institution for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care. See also "Retirement Home" and "Home for the Aged".

Obstruction to Flow:

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

Octave Band:

A prescribed interval of sound frequencies which permits classifying sound according to its pitch.

Odor Threshold:

The lowest concentration of odorous matter in the air that will produce a response in the normal human nose. A17-156

Odorous Matter:

Any matter or material that yields an odor which is offensive in any way or any matter or material that produces a response in the normal human nose.

Official Letter of Map Amendment:

Official notification from the Federal Emergency Management Agency, (FEMA), Flood Insurance Administrations, (FIA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.

On-Site Disposal Absorption System:

Includes a state approved septic or mound system for collection of sanitary waste and eventual absorption of such waste into the surrounding soils.

Open Space Percentage:

The open space divided by the Lot Area of the site multiplied by 100. Open space is the total horizontal area of all uncovered Lot Area plus one-half of the total horizontal area of all covered open space. Uncovered open space is the Lot Area of the site, minus the building area, plus the usable roof area. Building area is the total ground area covered by enclosed building space plus the total area of all covered

open space at ground level. Building area is measured from the faces of exterior walls (or the exterior line of omitted walls) at the mean grade level of each building, garage, carport and other accessory building. Usable roof area is the total roof area of residential buildings, garages and accessory buildings which has been suitably improved as residential open space for use of occupants; roof areas used for car storage are included. Covered open space is exterior space which is open on its sides to weather, but not open above to the sky and weather; it includes: roofed porches, roofed carports, covered exterior balconies; and exterior spaces covered by portions of buildings supported on columns or cantilevers, such as porch, portico, loggia, arcade, breezeway, gallery, or pavilion which is at ground level, open at the sides (partially or wholly), and closed to the sky.

Ordinary Highwater Mark:

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

Outdoor Recreational Facilities:

Land and structures along with accessory equipment designed and utilized for leisure time activities of a predominately "outdoor" nature and/or more specific purpose than passive parkland open area, and further classified as follows:

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Outdoor Recreational Facilities cont.

- A. Public: Facilities owned and operated by a governmental agency for limited or general public use.
- B. Private Commercial: Facilities owned and operated by an individual or group for profit as a business whether or not open to general public use.
- C. Private Non-Commercial: Facilities owned and operated by a group for the exclusive use of the members of such group and their guests, and not for profit as a business.
- D. Private Residential: Facilities owned by an individual, located on the same or adjoining lot to his residence and intended solely for the use of his family and guests.

Out Lot:

An approved division of land shown on a plat which of itself may not meet the zoning requirements of a lot, but which serves some purpose such as housing a utility station, or preserves a natural resource area.

Parking Space, Off-Street:

The area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of said lot and with adequate access thereto from the public

street. For purposes of satisfying parking requirements of this Ordinance, an off-street automobile parking space shall be an area of no less than 160 square feet plus associated access which usually averages 350 sq. feet per space.

Particulate Matter:

Dust, smoke, or any other form of airborne pollution in the form of minute separate particles.

Party Wall:

A wall containing no opening which extends from the elevation from building footings to the elevation of the outer surface of the roof or above, and which separates continuous buildings but is in joint use for each building.

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 of similar structure that is located in a required yard.

Performance Standard:

A criterion established for the purposes of (1) assigning proposed industrial uses to proper districts, and (2) making judgment in the control of noise, odor, smoke, toxic matter, vibration, fires and explosive hazards, or glare generated by, or inherent in, uses of land or buildings.

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Permanent Occupancy:

The rental of housing accommodations or rooms on a month-to-month or year-to-year basis with a fixed rent for each period of occupancy.

Person:

An individual, firm proprietorship, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit.

Pets, Household:

Animals commonly found in residences as pets, such as dogs, cats, songbirds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, snakes or other animals not commonly found in residences.

Pierhead Line:

A boundary line established along any section of the shore or any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to section 30.13 of the Wisconsin Statutes. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been

obtained pursuant to section 30.12(2) of the Wisconsin Statutes.

Porch, Open:

A roof partially supported by columns or wall sections.

Planned Development: (See Section 17.07)

Primary Floor Area (P.F.A.):

The floor area of a building for purposes of determining required parking ratios, which area shall include only that portion of the total floor area devoted to customer service, sales and office space and shall not include warehouses, utility, hallways, and other accessory space except as they generate parking demand.

Private Antenna:

Antenna erected for noncommercial use.

Private club or Lodge: (See Club)

Private Sewage System:

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

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Professional Office:

The office of a doctor, dentist, minister, architect, landscape architect, professional engineer, psychologist, lawyer, author, commercial artist, musician or other similar recognized profession.

Quarry:

A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth, for building or other purposes; a stone pit.

Quarrying:

The digging out of stone or slate from an open excavation.

Railroad Right-of-Way:

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or care yards.

Reach:

A longitudinal segment of a stream generally including those floodlands where in flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

Recreation Space Percentage:

The total recreation space of countable size divided by the Lot Area multiplied by 100. The Recreation Space is that part of Livability Space which provides one or more major open spaces in a development. With the exception noted below, the smallest countable recreation area is 10,000 square feet. Small playground or sitting areas less than 10,000 square feet count as livability space but do not count as required recreation space. Where several areas are to be counted as required recreation space, each must be at least 10,000 square feet. The least dimension of a countable recreation area shall average not less than 100 feet and be not less than 50 feet at any point. The part of a recreation area having dimension less than 50 feet shall not be included as countable recreation space. All recreation area counted in the recreation space percentage shall be at least 20 feet away from any residential wall containing a window on the ground floor.

The following are acceptable modifications of the above dimension and area requirements:

1. A lesser area if the total required recreation space is less than 10,000 square feet.
2. A smaller least dimension if the shape or topography of the site prevents compliance with 100 feet least dimension.
3. A smaller least dimension if the recreation area is usable roof area.

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Recycling Center:

A collection station for most materials that can be used again by transport to processors, but where materials are received but not re-sold.

Recreations Camp:

An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational or religious purposes.

Recreational Equipment, Major:

Major recreational equipment includes boats and boat trailers, travel trailers, converted buses, motorized dwelling, race cars, dune buggies, cars licensed as pioneer or classic vehicles, pickup campers or coaches, (designed to be mounted on automotive vehicles) and the like.

Recreational Vehicle (RV):

A vehicular type unit initially designed as a temporary living quarters for recreational, camping, or travel use, which either has its own motive power or mounted on or drawn by another vehicle. The basic types of recreational vehicles are:

- (1) Travel trailers. A vehicular unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary

living quarters for recreational, camping or travel use, and a body length of no more than 35 feet and a body width of no more than 8'6" when factory equipped for the road.

- (2) Truck camper. A portable unit, 'designed to be loaded onto or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use.
- (3) Motor homes. A vehicular unit built on a self-propelled motor vehicle chassis, initially designed to provide temporary living quarters for recreational, camping or travel use.
- (4) Vans, buses, and other vehicles when equipped for camping purposes, designed to provide temporary living quarters for recreational, camping, or travel use.

Recreational Vehicle (RV) Pad:

A location on a RV lot or campground site constructed of gravel, asphalt or concrete designed to provide proper drainage for placement of an RV and where possible, having amenities such as sewer, water, and electrical connections.

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Regional Flood:

A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream at the statistical probability of one in every 100 years. (See Chapter NR 116, Wisconsin Administrative Code, section 116.03(24)).

Rendering Plant:

A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to products, such as hide, skin, grease, bones, glue and soap and for the storage of such byproducts.

Reservoir Parking:

"Reservoir parking" facilities are those off-street parking spaces or waiting lanes allocated to automobiles awaiting access to the services of a particular establishment.

Residential Business:

A home office or household occupation which is conducted principally by members of the family but may permit up to one employee not a resident on the premises, entirely within buildings of the place of residence, does not exceed one-half the area of the floor, and where the presence of the customer or client may involve his being on the premises while the service is being performed, provided that no more than two (other than those already exempt by "Household Occupation") are to be on the premises at once, that off-street parking, if required, is located and screened so as

to be compatible to the surrounding residential area, that any sign is limited to a nameplate not in excess of three square feet in area, and that a zoning permit for such a use shall not be issued until the Plan Commission has reviewed the proposed use and determined that said use will meet the above conditions.

Rest Home or Convalescent Home: (See Nursing Home).

Restaurant:

A building or premises where meals are offered for compensation and typically eaten on the premises.

Restaurant With Drive-in Service:

An establishment designed, in whole or part, to cater to or accommodate the consumption of food and/or beverage in automobiles on the premises of such establishment.

Retirement Home:

A building or institution for the accommodation of elderly person, with or without nursing or medical area; provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons for not less than 72 hours per week, such building or institution shall be classified as a nursing home. (See also "Nursing Home" and "Home for the Aged".

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Riding Stable:

A building or premises used for the rent or lease of horses or animals for riding.

Right-of-way Line:

The dividing line between a highway or private utility corridor and the abutting lots or other divisions of land.

Ringelmann Chart;

A chart described in the U.S. Bureau of Mines Information Circular 6888 or its successor, and on which are illustrated graduated shades of grey for use in estimating the light obscuring capacity of smoke.

Ringlemann Number:

The number appearing on the Ringlemann Chart ascribed by the observer to the density of the smoke emission. Where the density or light-obstructing capacity of the smoke as observed falls between two consecutive Ringlemann Numbers, the lowest Ringlemann Number shall be considered the density of the smoke observed.

Road:

Synonymous with street.

Roadside Stand:

A "roadside stand" is a structure for the display and sale of agricultural products, with no space for customers within the structure itself.

Row House:

(See Town House or Dwelling Attached.)

Sand and Gravel Pits:

(See Extractive Operations)

Sanitarium:

A health station or retreat-an institution for the recuperation and treatment of persons suffering from physical or mental disorders.

Sanitary Landfills:

Sanitary landfill is a type of land disposal operation involving the disposal of solid waste on land without creating nuisances or hazards to public health or safety by utilizing the principals of engineering to confine the solid waste to the smallest practical area, to principals of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each days operation or at such more frequent intervals as may be necessary.

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School:

A place for systematic instruction in any branch or branches of knowledge, for purposes of this Ordinance offering such services more than twenty hours per week.

Sediment:

Soils or other surf icial materials transported by winds or surface waters as a produce of erosion.

Service Station:

(See "Gasoline Station" or "Automobile Service Station" or "Truck Stop".

Setback:

The shortest horizontal distance between any structure and the base setback line.
(see Section 17.03-4)

Shorelands:

All land, water and air located within the following distances from the normal high water elevation of navigable waters as defined in Section 144.26(2) (d) of the Wisc. Stats.: 1,000 feet form a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high water mark thereof.

Shorelines:

the intersection of the and surfaces abutting lakes, ponds, streams, flowages, and wetlands with the average annual highwater elevation.

Shore Yard:

A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the high-water elevation of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high-water line.

Sign:

Any structure or part thereof including brackets, braces, and support structures, or any device attached to a structure or any other form of visual communication applied by paint, illumination, embossing or other technique to a structure for the purpose of directing, advertising, informing, warning or otherwise conveying information visually to the viewer.

Sign, Directional:

A sign intended solely for the purpose of directing patrons, customers, clients or patients to an establishment off the main traveled road and not including promotional advertising unnecessary to such direction purpose.

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Sign, Flashing:

A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving, illuminated sign shall be considered a "flashing sign". Such signs, other than necessary traffic signals and time and temperature signs, are prohibited in this Ordinance.

Sign, Illuminated:

A sign whose message is illuminated by artificial light, either by interior projection through translucent construction material or by directing the light at the sign and its supporting structure or by affixing lights of any type to the supporting structure or perimeter of a sign.

Sign, Non-Accessory:

A sign related to commercial or similar activities other than those actually engaged in on the site on which such non-accessory sign is located. (Also called Off-Premises Sign)

Silt:

Soil particles, intermediate in size between sand and clay, which are readily transported by inf lowing streams or surface waters into a body of water.

Slaughterhouse:

Any building or premise used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry and the storage, freezing and curing of meat and preparation of meat products.

Slow Burning or Incombustible:

Implies materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support combustion during an exposure for five minutes to a temperature of 1200F, shall be designated "incombustible".

Smoke:

Small gasborne particles other than water that form a visible plume in the air.

Smoke Unit:

The number obtained when the smoke density in Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it was observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

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Soil:

For purposes of this ordinance those earth materials not regulated as sand, gravel, stone or slate mining.

Solid Waste:

Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities, but does not include solids or dissolved material and waste water effluent or other common water pollutants.

Sound Level:

An operation or use is the intensity of sound, measured in decibels, produced by such operation or use.

Sound Level Meter:

An instrument standardized by the American Standards Association for measurement of intensity of sound.

Special Exception:

For purposes of this ordinance, a use other than a conditional use as outlined in 17.06 of this chapter, which is otherwise prescribed. Such use can include height, area, landscaping, noise or other requirements of this chapter where issuance of special condition variance is not permissible, but where an overriding public interest may apply.

Start Commencement:

The doing of some act upon the ground on which the building is to be erected, and

in pursuance of a design to erect, the result of which act would make known to a person viewing the premises, from observation alone, that the erection of a structure on the land had been commenced.

Steep Slope:

A slope over twelve percent (12%) grade, which is characterized by increased run-off, erosion and sediment hazards.

Storage:

Holding or safekeeping goods in a warehouse or other depository to await the happening of some future event or contingency which will call for the removal of the goods.

Storage Capacity, Flood:

The volume of space available above a given cross-section of a floodplain for the temporary storage of flood water. The storage capacity will vary with stage.

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Story:

The portion of a building included between the surface of a floor & the surface of the floor next above it or, if there be no floor above it, then the space between the floor & the ceiling next above it. A basement/cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulations.

Street:

A "street" is a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

Street, Arterial:

A public street or highway used or intended to be used primarily for fast or heavy volumes of through traffic including trucking. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways & parkways.

Street, Frontage and Reversed Frontage:

A street contiguous and parallel to a traffic artery and affording direct vehicular access to abutting property. (Also, called Frontage Road.) A road performing the same function but located at the opposite end of the lot nearest the artery is called a Reverse Frontage Road.

Stripping:

Any activity which removed the vegetated surface cover, including tree removal, clearing, rubbing & storage or removal of topsoil.

Structural Alterations:

Any change in the supporting members of a building, such as bearing walls or

partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structural Repairs:

Any repair to the supporting members of a structure, such as bearing walls, columns, beams or girders. Ordinary maintenance repairs such as interior or exterior painting, decorating, panelling, replacing doors and windows, and replacing roof tiles or shingles are not considered structural repairs.

Structure:

A combination of materials other than natural terrain or plant growth erected or constructed to form a shelter, enclosure, retainer, container, support, base, pavement, or decoration.

Structure, Accessory:

A structure or portion of a structure used for a purpose customarily incidental to the permitted principal use of the lot and located on the same lot as the principal use.

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Structure, Minor:

Any small, movable accessory erection or construction, such as birdhouses; tool houses; play equipment; arbors and walls and fences under four (4) feet in height meeting all street, sides, rear and shore yard setback requirements.

Structure, Permanent:

A structure placed on or in the ground or attached to another structure in a fixed and determined position and intended to remain in place for a period of more than nine months.

Structure, Temporary: Any structure other than a permanent structure.

Swimming Pool:

Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

Tent:

A "tent" is any temporary structure or enclosure, the roof of which and/or one-half or more of the sides, are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

Theater:

A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation of meal is service allowed.

Thoroughfare:

Roadways of higher carrying capacity than collector streets which perform the

function of accommodating medium to short trips within the sub-regional and activity centers within subregions. Such roadways are designed to carry traffic' at somewhat higher speeds than collectors, and direct land access to them is more restricted.

Tourist Home:

A building in which lodging, with or without meals is offered to transient guests for compensation and having no more than five sleeping rooms for this purpose with no cooking facilities in any such individual room or apartment. (Also called Bed & Breakfast)

Town House: (See Single Family Attached)

Toxic Matter:

Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

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Traffic Lane:

A strip of roadway intended to accommodate a single line of moving vehicles.

Trailer: (See Camping Trailer, House Trailer and Mobile Home)

Truck Stop:

The same as an Automobile Service Station but oriented primarily to trucks, especially semi-tractor trucks with trailers.

Turning Lanes:

An existing or proposed connecting lane of traffic between two arterial streets or between an arterial street and any other street or driveway. Turning lanes include grade separated interchange ramps.

Use:

The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use, Accessory:

A use subordinate to and customarily incidental to the permitted principal use of the property or buildings and located upon the same lot as the principal use.

Use, Conditional:

A "conditional use" is a use-either public or private-which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted, subject to the terms of this ordinance. (See Section 17.06)

Used Car Lot:

A lot or group of contiguous lots, used for the display and sale of used automobiles and where no repair work is done, except the necessary reconditioning of the cars to be displayed and sold on the premises.

Use, Permitted:

A public or private use which of itself conforms with the purposes and objectives of a particular district and conforms with all requirements, regulations and performance standards of such district.

Use, Principal:

The main use of land or buildings as distinguished from accessory uses. A "principal use" may be either permitted by right or permitted by conditional grant.

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Use, Temporary:

A use established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. (See also Section 17.02-3(4)).

Utilities: (See Essential Services)

Variance: (See Board of Appeals)

Vegetation:

All plant growth, including without limitation, trees, shrubs, and grasses.

Vision Setback Area:

An unoccupied triangular space, at the street or alley corner of a lot, as established by Section 17.03-4(4).

Warehouse:

A structure or part of a structure, for storing goods, wares, and merchandise, whether for the owner or for others, and whether it is a public or private warehouse.

Water Surface Profile:

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

Wetlands:

Those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which soils are indicative of wet conditions. (Also see ss.62.231 Wis. Stats.)

Width:

A dimension measured from side to side at right angles to length.

Wildlife:

All free living animals.

Woodland:

A group of trees at least one-half(1/2) acre in area and with a crown cover of fifty percent (50 percent) or greater.

Yard:

A required open space on a lot which is unoccupied and unobstructed by a structure from its lowest ground level to the sky except along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

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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 or base setback live line to a depth required in the yard regulations for the district in which such lot is located.

Yard, Rear;

A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such a lot is located.

Yard, Side:

A yard extending along the side lot line between the front and rear yards having a width as specified in the yard regulations for the district in which such lot is located.

Zone:

An area within which certain uses of land and buildings are permitted and certain other are prohibited, yards and other open spaces are required lot areas, building height limits, and other requirements are established, all of the foregoing being identical for the zone in which they apply.

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