

Chapter 94 - ZONING

FOOTNOTE(S):

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Editor's note—Ord. No. 566-12, § 1, adopted Feb. 13, 2012, repealed the former ch. 94 "Zoning", §§ 94-1—94-460, and enacted new zoning provisions as set out herein. The former ch. 94 "Zoning", derived from: Code 1994, §§ 15.01—15.16; Ord. No. 191; Ord. No. 484-98, § 1, adopted Apr. 21, 1998; Ord. No. 493-99, § 1, adopted July 12, 1999; Ord. No. 496-2000, § 1, adopted Feb. 24, 2000; Ord. No. 513-01, §§ 1—5, adopted Oct. 8, 2001; Ord. No. 521-02, §§ 1—8, adopted Nov. 11, 2002; Ord. No. 523-03, § 1, adopted May 12, 2003; Ord. No. 557-08, §§ 1—4, adopted Jan. 12, 2009; and Ord. No. 559-09, §§ 1—3, adopted Nov. 9, 2009.

Cross reference— Buildings and building regulations, ch. 14; floods, ch. 34; floodplain zoning, § 34-31 et seq.; mobile homes and mobile home parks, ch. 46; streets, sidewalks and other public places, ch. 62; subdivision and platting, ch. 66; telecommunications, ch. 74; vegetation, ch. 86; waterways, ch. 90

State Law reference— Zoning authority generally, Wis. Stats. § 62.23(7).

ARTICLE I. - PURPOSE AND INTRODUCTION

Sec. 94-1. - Title.

This chapter shall be known as, referred to, or cited as the "Zoning Ordinance, City of Kewaunee, Wisconsin."

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-2. - Interpretation and purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community. Among other purposes, such provisions are intended to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the city's comprehensive planning policies, including other land use plans which may be modified from time to time.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-3. - Scope.

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

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-4. - Compliance.

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

ARTICLE II. - DEFINITIONS

Sec. 94-5. - Construction of language.

In interpreting the various contents of the ordinance from which this chapter is derived, the following rules of construction shall apply:

- (1) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected words or provisions shall apply.
 - b. "And/or" indicates that the connected words or provisions may apply singly or in any combination.
 - c. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 - d. "Either... or" indicates that the connected words or provisions shall apply singly but not in combination.
- (2) In case of conflict between the text and a diagram or graphic, the text controls.
- (3) All references to departments, committees, commissions, boards, or other public agencies are to those of the City of Kewaunee, unless otherwise indicated.
- (4) All references to public officials are to those of the City of Kewaunee, and include designated deputies of such officials, unless otherwise indicated.
- (5) The term "building" includes the word "structure." A "building" or "structure" includes any part thereof.
- (6) The term "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (7) The term "dwelling" includes the word "residence" and the word "lot" includes the words "plat" or "parcel."
- (8) All references to "article", "divison", or "section" shall refer to this zoning ordinance unless another meaning is clear from the context of the reference.
- (9) The words "shall," "will," and "must" are always mandatory and not discretionary. The word "should" indicates that which is recommended but not required; and the word "may" is permissive.
- (10) The present tense includes the past and future tenses, and the future tense includes the past.
- (11) The singular number includes the plural, and the plural number includes the singular.
- (12) Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.

(13) Any words not herein defined shall be presumed to have their customary dictionary definitions.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-6. - Words defined.

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

Abutting means having property or lot lines in common.

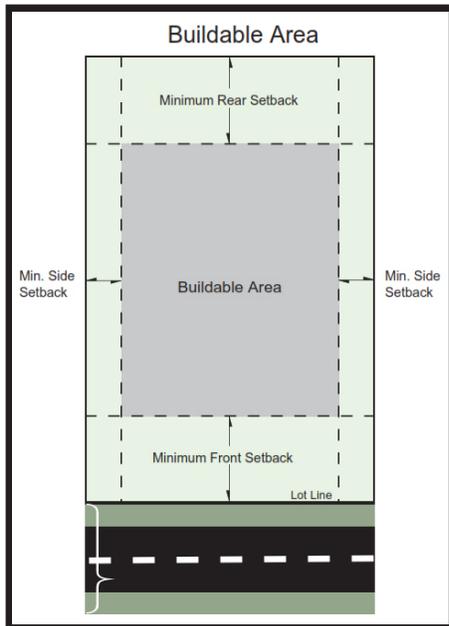
Access means a way of approaching or entering a property. The term also refers to ingress and egress.

Alley means a special public right-of-way affording only secondary access to abutting properties.

Bed and breakfast establishment means any place of lodging that provides four or fewer rooms for rent for more than ten nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

Block means a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or municipal boundary lines.

Boardinghouse means a building other than a hotel where meals or lodging and meals are furnished for compensation for three or more persons not members of a family.



Buildable area means the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a permitted building and any attached accessory structures is permitted by this ordinance.

Building means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building height means the vertical distance from the top of the building roof to the average elevation at the front property line.

District means a section of the city designated in the text of this chapter and delineated on the zoning map, in which requirements for the use of land and buildings and development standards are prescribed. Within each district, all requirements must be uniform.

District, overlay means a district that provides for the possibility of superimposing certain additional requirements upon an underlying zoning district without disturbing the requirements of the underlying district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

Dwelling means a building or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels or motels, but not a mobile home.

Dwelling, multiple-family, means a residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Dwelling, single-family, means a detached building designed for or occupied exclusively by one family. Manufactured homes within this ordinance shall be considered single-family dwellings.

Dwelling, two-family, means a detached building containing two separate dwelling (or living) units, designed for occupancy by not more than two families.

Dwelling unit means consisting of one or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

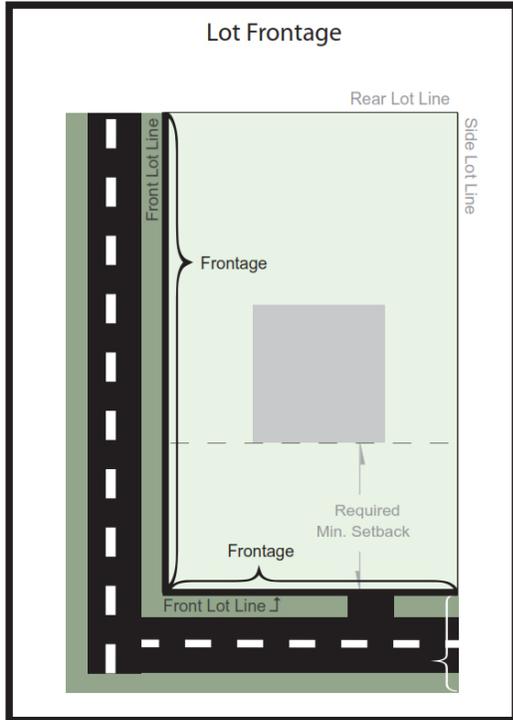
Easement means a right given by the owner of land to another party for specific limited use of that land.

Essential services means 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 sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catchbasins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Family means consisting of one or more persons each related to the other by blood, marriage, adoption, or foster children, who are living together in a single dwelling and maintaining a common household. Not more than five unrelated persons living together on the premises may constitute a family if specifically approved by the building inspector. A family includes any domestic servants, and not more than one gratuitous guest residing with said family.

Floor area means the sum of the gross horizontal areas of the several floors of the building, measured from the outer lines of the exterior walls of the building; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, unfinished basement rooms, garages, breezeways and unenclosed porches or terraces.

Frontage means the length of the lot line of any premises parallel to and along each public right-of-way it borders.



Garage, private means a structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the family resident upon the premises. The garage may be attached to or detached from the principal structure on the premises. Carports are considered garages.

Garage, public or commercial means any garage other than a private garage.

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

Home occupation means a gainful occupation conducted by members of the family within their place of residence, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that only one person other than a member of the immediate family living on the premises is employed, where the space used is incidental and subordinate to the residential use, and where the floor area does not exceed 20 percent of the total floor area. A household occupation includes such things as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods, nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios. When a home occupation and a professional office are conducted in the same residence, the total combined floor area for such uses shall not exceed 30 percent of the total floor area.

Loading area means a completely off-street space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot-related definitions:

Lot means a parcel of land on which a principal building and its accessory building are placed, together with the required yards, provided that no such parcel shall be bisected by a public street and such lot shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purpose of this chapter.

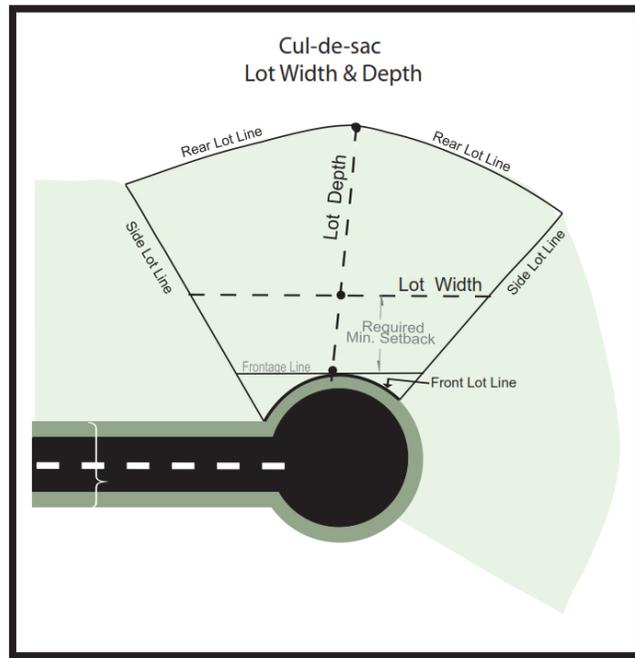
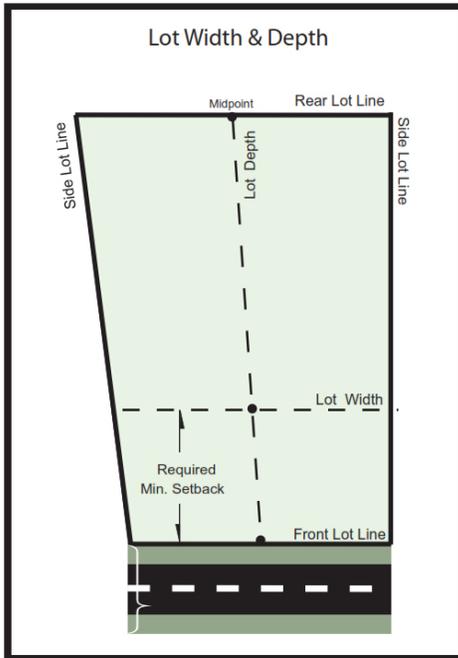
Lot coverage means the amount of land covered or permitted to be covered by a building, usually measured in terms of percentage of a lot.

Lot line means the boundary line of a lot. It may be further defined as a front, side, or rear lot line.

Lot, substandard, means a lot which does not contain sufficient area to conform to the dimensional requirements of this chapter for the district in which the lot is located. A substandard lot is also known as a nonconforming lot.

Lot depth means the mean horizontal distance between the front lot line and the rear line of a lot, measured within the lot boundaries.

Lot width means the horizontal distance between the side lot lines at the rear line of the required front yard. Minimum lot width is measured at the building setback line of a lot located on the outer radius of a curved street, such as a cul-de-sac.



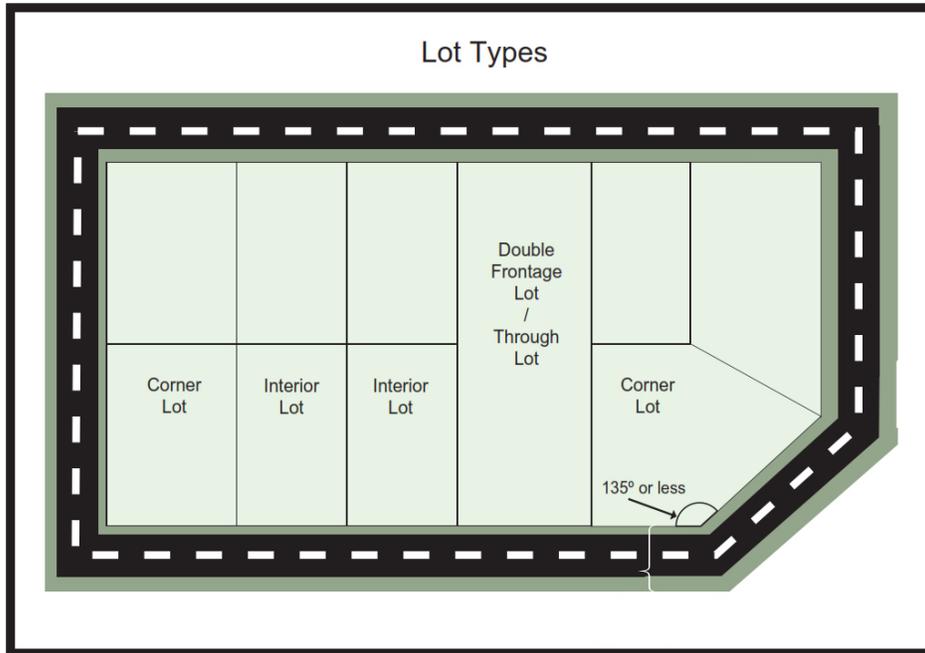
Lot-type definitions:

Lot, corner, means a lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, double frontage, means a parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this chapter, shall be deemed to have two front yards and no rear yard. A double frontage lot is also known as a through lot.

Lot, interior, means a lot bounded by a street on only one side.

Lot, through. See Lot, double frontage.



Manufactured home means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 USC §§ 5401—5426. Manufactured homes within this ordinance shall be considered single-family dwellings.

Mobile home means a structure, transportable in one or more sections built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976. No mobile home shall be used as a residence within the city unless located within a mobile home park.

Mobile home park means any park, court, camp, site, plot, parcel, or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for more than two mobile homes and shall include all buildings used or intended for use as a part of the equipment thereof whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for purposes of inspection and sale.

Motel means an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists.

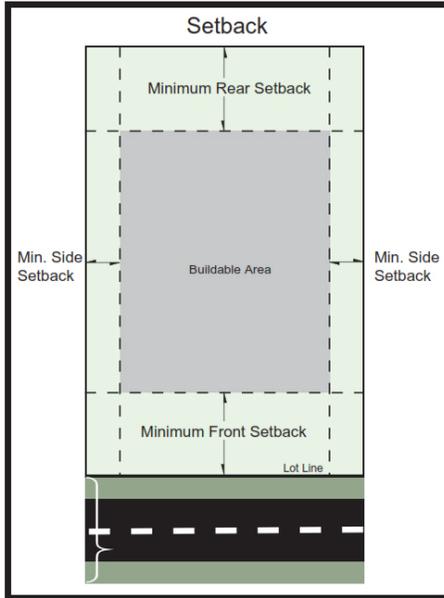
Net acre means an acre of land minus the area consumed by the public right-of-way, for example, streets, sidewalks and nonresidential uses.

Nonconforming use or structure means any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendment thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Nonconforming lot. See Lot, substandard.

Premises means a tract of land under single or joint ownership with the buildings thereon.

Professional office means the office of a doctor, practitioner, dentist, clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, real estate agent, artist, teacher, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental and subordinate to the residential use, the office shall not exceed 25 percent of the area of only one floor of the residence. When a professional office and a home occupation are conducted in the same residence, the total combined floor area for such use shall not exceed 30 percent of the total floor area.



Public right-of-way means any sidewalk, street, alley, highway or other public thoroughfare.

Setback means the minimum horizontal distance between the line of a building or structure and the lot line.

Solar collector means a device, structure or a part of a device or structure a primary purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.

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

Structural alterations means any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders or foundations.

Structure means anything constructed or erected, the use of which requires a more or less permanent location on or in the ground.

Tourist home means a building in which lodging, with or without meals, is offered to transient guests for compensation, provided there are no more than five sleeping rooms for such purpose and no cooking facilities are provided in the individual rooms or apartments.

Use-related definitions:

Use means 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, means a building or use which:

- (1) Is subordinate to and serves a principal building or principal use;
- (2) Is subordinate in area, extent or purpose to the principal building or principal use served;

- (3) Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and
- (4) Is located on the same zoning lot as the principal building or principal use.

Use, conditional, means uses of a special nature as to make impractical their predetermination as a permitted use in a district.

Use, incompatible, means a use which is unsuitable for direct association with certain other uses because it is contradictory, incongruous, or discordant.

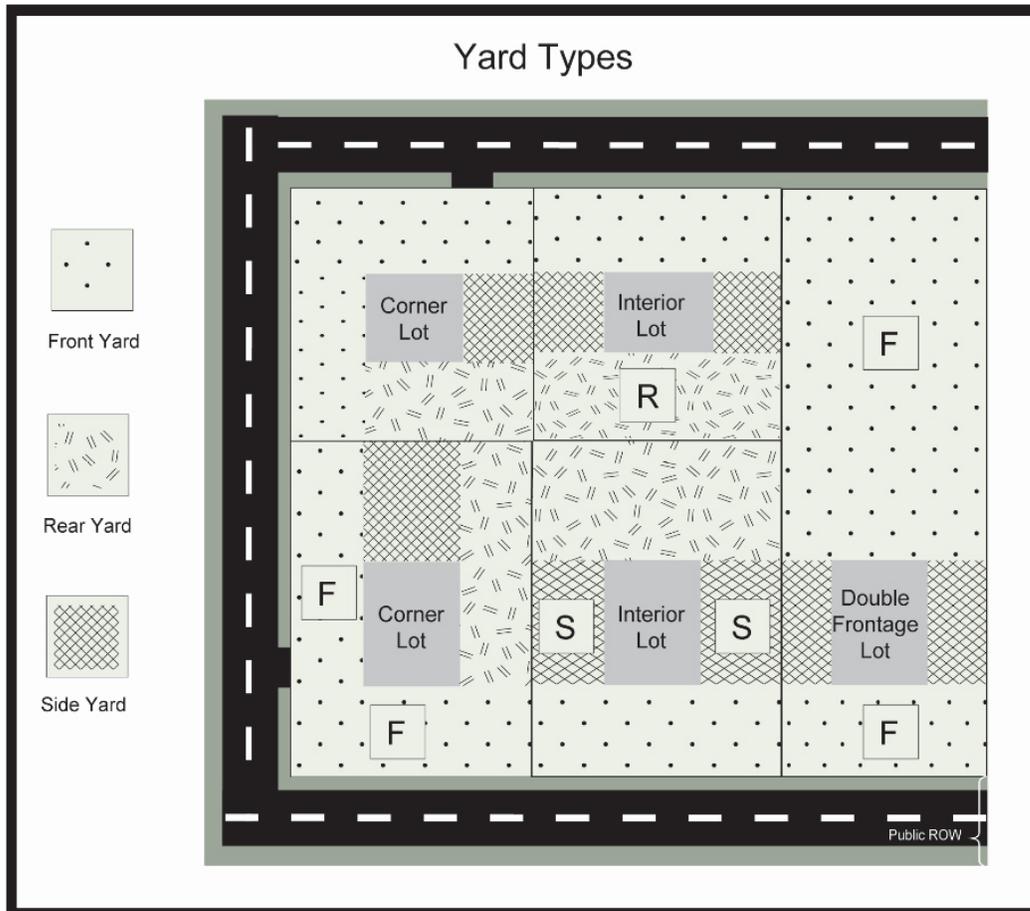
Use, permitted, means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

Use, principal, means the main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

Variance means a device which grants a property owner relief from certain provisions of this chapter when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money.

Yard-related definitions:

Yard means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.



Yard, front, means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway right-of-way

and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

Yard, rear, means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

Yard, side, means a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

(Ord. No. 566-12, § 1, 2-13-2012)

Cross reference— Definitions generally, § 1-2

ARTICLE III. - ZONING DISTRICTS

Sec. 94-7. - Districts established.

For the purpose of this article, the city is divided into the following districts:

(1) Use districts:

- R-1 Single-family residential district;
- R-2 Two-family residential district;
- R-3 Multiple-family residential district;
- R-4 Mobile home park residential district;
- B-1 Local business district;
- B-2 Community business district;
- B-3 Highway business district;
- I-1 Light industrial district;
- I-2 Heavy industrial district;
- I-3 Industrial park district;
- A-1 Agricultural district;
- C-1 Lowland conservancy district;
- P-1 Park district;
- WFD Waterfront district.

(2) Overlay district:

- NAO Natural area overlay district.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-8. - Zoning map.

- (a) Districts mapped. The boundaries of such districts are hereby designated as shown on a map entitled "Zoning Map, City of Kewaunee, Wisconsin," and made part of this article and all the notations, references, and other information shown thereon shall be as much a part of this article as if the matters and information set forth by the map were all fully described herein. A certified copy of the zoning map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the mayor and city clerk and shall be available to the public in the office of the city clerk. Changes thereafter to the districts shall be effective upon passage and publication by the city council.
- (b) Determination of boundaries. Such boundaries shall be construed to follow corporate limits; U.S. public land survey lines; lot or property lines; and centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended, unless otherwise noted on the zoning map.
- (c) Effect of vacation of streets and alleys. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-9. - Annexations.

Annexations to or consolidations with the city subsequent to the effective date of this chapter shall be placed in the A-1 agricultural district, unless the annexation ordinance temporarily places the land in another district. Within one year the plan commission shall evaluate and recommend a permanent district classification to the city council.

(Ord. No. 566-12, § 1, 2-13-2012)

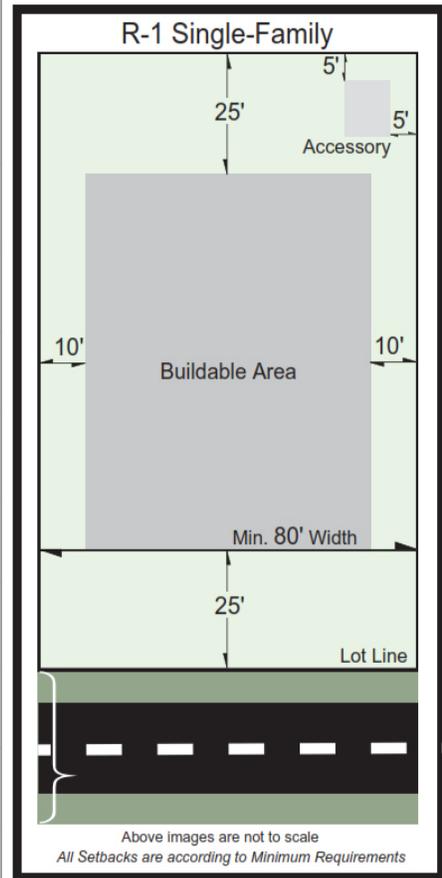
Sec. 94-10. - R-1 single-family residential district.

- (a) Purpose. The R-1 residential district is intended to provide for single-family residential development at a density not to exceed 3.6 dwelling units per net acre and served by municipal sewer and water facilities. This district is intended to provide quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.
- (b) Permitted uses.
 - (1) Single-family detached dwellings with attached garage.
- (c) Permitted accessory uses.
 - (1) Detached garage.
 - (2) Home occupation.
 - (3) Professional office.
 - (4) Uses customarily accessory and incidental to the permitted use.
- (d) Conditional uses.
 - (1) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals and cemeteries.
 - (2) Day care nursery.
 - (3) Solar collectors.
 - (4) Lots not served by public sewer.

(5) Bed and breakfast establishment.

(e) Dimensional requirements. The following standards apply within the R-1 district:

Lot Size:	
Minimum lot area	10,000 sq. ft.
Minimum lot width	80 ft.
Lot coverage	No building with its accessory buildings shall occupy in excess of 40 percent of an interior lot and 50 percent of a corner lot
Yard Setbacks:	
Minimum front	25 ft.
Minimum rear:	
Principal	25 ft.
Accessory	5 ft.
Minimum side:	
Principal	10 ft.
Accessory	5 ft.
For lots of 50 ft. or less in width, accessory structures may be located within 2 ft. on the side lot lines	
Structure:	
Maximum building height	35 ft.
Floor area	1,000 sq. ft.

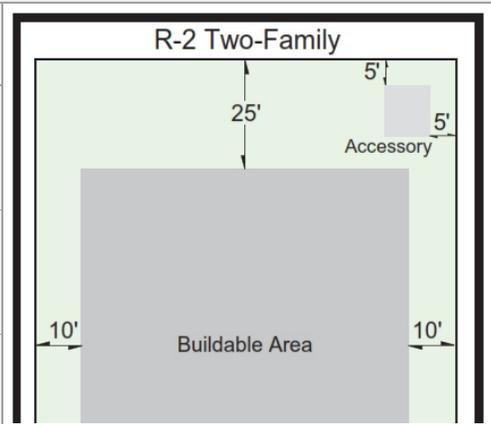


(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-11. - R-2 two-family residential district.

- (a) Purpose. The R-2 residential district is intended to provide for residential densities not to exceed 8.7 dwelling units per net acre and served by municipal sewer and water facilities. This district is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.
- (b) Permitted uses.
 - (1) Single-family dwelling.
 - (2) Two-family dwelling.
 - (3) Bed and breakfast establishment.
- (c) Permitted accessory uses.
 - (1) Detached garage.
 - (2) Home occupation.
 - (3) Professional office.
 - (4) Uses customarily accessory and incidental to the permitted use.
 - (5) Conversion of a single-family dwelling to a two-family dwelling, provided that the structure was in existence as of September 10, 1984, and provided further, that each dwelling unit shall have a minimum of 750 square feet per unit.
- (d) Conditional uses.
 - (1) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals and cemeteries.
 - (2) Day care nursery.
 - (3) Solar collectors.
 - (4) Lots not served by public sewer.
 - (5) Bed and breakfast establishment.
- (e) Dimensional requirements. Within the R-2 district, the following standards apply, however, single-family dwellings shall meet dimensional requirements of R-1 residential district:

Lot Size:	
Minimum lot area	10,000 sq. ft., not less than 5,000 sq. ft. per dwelling unit
Minimum lot width	90 ft.
Lot coverage	No building with its accessory buildings shall occupy in excess of 40 percent of an interior



	lot and 50 percent of a corner lot	
Yard Setbacks:		
Minimum front	25 ft.	
Minimum rear:		
Principal	25 ft.	
Accessory	5 ft.	
Minimum side:		
Principal	10 ft.	
Accessory	5 ft.	
Structure:		
Maximum building height	35 ft.	
Floor area	1,000 sq. ft.; minimum first floor 800 sq. ft. per dwelling unit	

- (f) Zero lot line, two-family dwellings. The side yard setbacks may be zero on one side, provided that:
- (1) The total area of the property on which the attached two-family dwelling is constructed (e.g., the area of both adjacent lots) is no less than 10,000 square feet in size and has no less than 120 feet of frontage on at least one street.
 - (2) The lot adjacent to that side yard is held under the same ownership at the time of initial construction.
 - (3) The adjoining side yard setback of the lot adjacent the zero side yard setback is also zero.
 - (4) The opposite side yard is not less than ten feet.
 - (5) When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe and maintenance, shall be guarded against by private covenants and deed restrictions, and the approving authorities shall not be held responsible for the same.

- (6) Easements shall be provided across zero lot lines where necessary for water, sewer and utility services.
- (7) There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.
- (8) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner as to provide separate systems to each dwelling unit. Common sewer and water laterals may be shared, provided that such lateral connections are separated at a point outside the structure.
- (9) Conversion of duplexes to twindominiums. Duplexes are allowed to be converted to twindominiums with the establishment of a homeowner's association with bylaws that are recorded with the appropriate county register of deeds office. A copy of the recorded document is required to be filed with the City of Kewaunee.

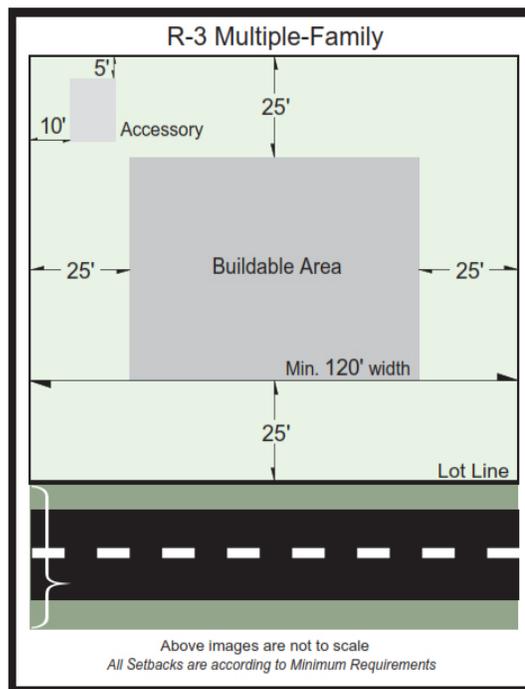
(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-12. - R-3 multiple-family residential district.

- (a) Purpose. The R-3 residential district is intended to provide well-designed multifamily residential development compatible with the city's long-term development plans, at densities not exceeding 15.0 dwelling units per acre for one-bedroom and efficiency apartments and 12.4 units per net acre for two-bedroom or larger apartments. All R-3 residential developments should be served by municipal sewer and water facilities.
- (b) Permitted uses.
 - (1) Two-family dwelling.
 - (2) Multifamily dwelling.
- (c) Permitted accessory uses.
 - (1) Detached garage.
 - (2) Home occupation.
 - (3) Professional office.
 - (4) Uses customarily accessory and incidental to the permitted use.
 - (5) Conversion of a single-family dwelling to a two-family dwelling, provided that the structure was in existence as of September 10, 1984, and provided further, that each dwelling unit shall have a minimum of 750 square feet per unit.
 - (6) Carport for multifamily dwelling.
- (d) Conditional uses.
 - (1) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals and cemeteries.
 - (2) Day care nursery.
 - (3) Solar collectors.
 - (4) Lots not served by public sewer.
 - (5) Bed and breakfast establishment.
 - (6) Single-family dwelling.

- (e) Dimensional requirements. Within the R-3 district the following dimensional requirements apply, however, single-family dwellings shall meet the dimensional requirements of the R-1 district and two-family dwellings shall meet the dimensional requirements of the R-2 district:

Lot Size:		
Minimum lot area	12,000 sq. ft., and no dwelling unit shall have a lot area of less than the following: a. One bedroom and efficiency: 2,000 sq. ft. per dwelling unit b. Two bedroom or more units, 3,500 sq. ft. per dwelling unit	
Minimum lot width	120 ft.	
Lot coverage	No building with its accessory buildings shall occupy in excess of 40 percent of an interior lot and 50 percent of a corner lot	
Yard Setbacks:		
Minimum front	25 ft.	
Minimum rear:		
Principal	25 ft.	
Accessory	5 ft.	
Minimum side:		
Principal	25 ft.	
Accessory	10 ft.	
Structure:		



Maximum building height	35 ft.	
Floor area	<p>The minimum first-floor area of a principal structure shall be 1,000 sq. ft. and no dwelling unit shall have a liveable floor area of less than the following:</p> <p>a. Efficiency apartment: 350 sq. ft. per dwelling unit</p> <p>b. One bedroom unit: 500 sq. ft. per dwelling unit</p> <p>c. Two bedroom or more units: 750 sq. ft. per dwelling unit</p>	

- (f) Zero lot line, two-family dwellings. The side yard setbacks may be zero on one side, provided that:
- (1) The total area of the property on which the attached two-family dwelling is constructed (e.g., the area of both adjacent lots) is no less than 10,000 square feet in size and has no less than 120 feet of frontage on at least one street.
 - (2) The lot adjacent to that side yard is held under the same ownership at the time of initial construction.
 - (3) The adjoining side yard setback of the lot adjacent the zero side yard setback is also zero.
 - (4) The opposite side yard is not less than ten feet.
 - (5) When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe and maintenance, shall be guarded against by private covenants and deed restrictions, and the approving authorities shall not be held responsible for the same.
 - (6) Easements shall be provided across zero lot lines where necessary for water, sewer and utility services.
 - (7) There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.
 - (8) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner as to provide separate systems to each dwelling unit. Common sewer and water laterals may be shared, provided that such lateral connections are separated at a point outside the structure.
 - (9) Conversion of duplexes to twindominiums. Duplexes are allowed to be converted to twindominiums with the establishment of a homeowner's association with bylaws that are

recorded with the appropriate county register of deeds office. A copy of the recorded document is required to be filed with the City of Kewaunee.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-13. - R-4 mobile home park residential district.

- (a) Purpose. The purpose of this district is to provide for well-planned mobile home parks that are served by public sewer and water and not exceeding a density of mobile homes of 7.9 units per net acre.
- (b) Permitted uses.
 - (1) Mobile homes in mobile home parks. Mobile home parks shall meet the requirements of chapter 46 of this Code and Wis. Admin. Code ch. Comm 26.
- (c) Permitted accessory uses.
 - (1) Detached garage.
 - (2) Home occupation.
 - (3) Professional office.
 - (4) Uses customarily accessory and incidental to the permitted use.
- (d) Conditional uses.
 - (1) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals and cemeteries.
 - (2) Day care nursery.
 - (3) Solar collectors.
 - (4) Lots not served by public sewer.
 - (5) Bed and breakfast establishment.
- (e) Dimensional requirements for mobile home parks.

Park Size:	
Minimum park area	2 acres
Minimum park width	120 ft. at the street right-of-way

- (f) Dimensional requirements for mobile homes.

Lot Size:		
Minimum site area	3,200 sq. ft.	

Minimum site width	40 ft.	
Site coverage	No mobile home shall occupy in excess of 25 percent of the site and the complete unit including accessory structures shall occupy not more than 50 percent of the site	
Yard Setbacks:	All setback and yard requirements shall be seeded and landscaped and shall not be used for off-street parking or accessory buildings. All lots shall abut a street	
Minimum front	Minimum 25 ft. to the highway right-of-way line or 10 ft. to the right-of-way line of a public street or internal private street system of the park	
Minimum rear:	10 ft.	
Minimum side:	10 ft.	
Structure:		
Maximum building height	20 ft.	
Floor area	Minimum total 720 sq. ft.	

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-14. - B-1 local business district.

- (a) Purpose. The B-1 local business district is intended to provide for individual or small groups of retail and customer service establishments. This type of district is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities, making such retail centers more comparable with the character of adjacent residential districts. It is not the intent of the city to disrupt residential districts with

commercial development or to locate businesses in the local business district that normally should be located in the central business district or highway business districts. The local business district should be consistent with the goals, objectives and policies of the city's comprehensive plan for commercial development.

(b) Permitted uses. The following uses are permitted in the B-1 district, provided that they are retail establishments selling and storing only new merchandise:

- (1) Art gallery.
- (2) Art studio.
- (3) Bank, savings and loan association, and other financial institution.
- (4) Barbershop.
- (5) Beauty shop.
- (6) Clinic.
- (7) Florist.
- (8) Funeral home.
- (9) Packaged beverage store.
- (10) Photographic studio.
- (11) Professional office.

(c) Permitted accessory uses.

- (1) Garages for the storage of vehicles used in conjunction with the operation of the business.
- (2) Off-street parking and loading area.

(d) Conditional uses.

- (1) Gas station/convenience food store/minimarket.
- (2) Residential dwelling units as an accessory use.
- (3) Boardinghouse/tourist home.
- (4) Drive-in bank.
- (5) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals and cemeteries.
- (6) Day care nursery.
- (7) Solar collectors.
- (8) Lots not served by public sewer.
- (9) Bed and breakfast establishment.

(e) Dimensional requirements. Within the B-1 district the following standards apply:

Lot Size:	
Minimum lot area	12,000 sq. ft.
Minimum lot	100 ft.

B-1 Local Business

The diagram shows a rectangular lot with a light green background. A dark grey rectangle representing a building is positioned at the bottom of the lot. A vertical double-headed arrow indicates the building's width is 30 feet. To the right of the building, a smaller grey rectangle represents an accessory structure. A vertical double-headed arrow indicates its height is 10 feet, and a horizontal double-headed arrow indicates its width is 10 feet. The entire lot is enclosed in a thick black border.

width	
Lot coverage	No building with its accessory buildings shall occupy in excess of 40 percent of an interior lot and 50 percent of a corner lot
Yard Setbacks:	
Minimum front	25 ft.
Minimum rear:	
Principal	30 ft.
Accessory	10 ft.
Minimum side:	
Principal	15 ft.
Accessory	10 ft.
Structure:	
Maximum building height	35 ft.
Floor area	Dwelling units shall meet the requirements of the R-3 district

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-15. - B-2 community business district.

- (a) Purpose. The B-2 business district is intended to provide for the orderly continuation of a traditional central business district. The business activities are of a more general nature and are characterized by on-street parking. While continuing those existing businesses at their present level of service, new businesses located in the B-2 business district shall be required to provide for off-street parking and loading where possible and feasible. Uses and development in the B-2 business district should be consistent with the provisions of the city's comprehensive plan and any other plan or improvement program that exists or may be developed.
- (b) Permitted uses.
- (1) Art gallery.
 - (2) Art studio.
 - (3) Banks, savings and loan associations, and other financial institutions.
 - (4) Barbershop.
 - (5) Beauty shop.
 - (6) Clinic.
 - (7) Florist.
 - (8) Funeral home.
 - (9) Packaged beverage store.
 - (10) Photographic studio.
 - (11) Professional office.
 - (12) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include the following:
 - Appliance store.
 - Bakery.
 - Catalog store.
 - Church.
 - Clothing repair shop.
 - Clothing store.
 - Club.
 - Confectionery.
 - Convenience food store.
 - Crockery store.
 - Delicatessen.
 - Department store.
 - Drive-in bank.
 - Drugstore.
 - Dwelling units above ground floor commercial.

Electrical supply.
Financial institution.
Fish market.
Food locker.
Fraternity.
Fruit store.
Furniture store.
Furniture upholstery shop.
Gift store.
Grocery store.
Hardware store.
Heating supply.
Hobby shop.
Hotel and motel.
Laundry and dry cleaning establishment employing not more than seven persons.
Liquor store.
Meat market.
Mini-market.
Movie theater.
Music store.
Newspaper office and pressroom.
Nightclub.
Office supply store.
Optical store.
Paint shop.
Pawnshop.
Personal service establishment.
Pet shop.
Pharmacy.
Photographic supply store.

Plumbing supply store.
Printing shop.
Radio broadcasting studio.
Restaurant.
Secondhand store.
Self-service laundry.
Service station.
Soda fountain.
Sporting goods.
Supermarket.
Tailoring.
Tavern.
Television broadcasting studio.
Trade and contractor's office.
Upholsterer's shop.
Variety store.
Vegetable store.

Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.

(c) Arts, culture and historic overlay district.

- (1) Purpose. To promote and encourage art and cultural venues and events in downtown Kewaunee; to enhance downtown's uniqueness as a destination for local residents; to promote and encourage cultural tourism; to support economic development and reinvestment.
- (2) Permitted uses. In addition to the permitted uses identified above, the following shall also be allowable uses within the B-2 community business district:

Antique shops.
Art galleries and studio spaces.
Art-related retail including frame shops, and art supply stores.
Cafe and bistros, including outdoor seating.
Certified alternative health care practitioners.
Fiber artists and crafts persons.
Interior and graphic designers.
Jewelers.

Photographer studios.

Schools, both public and private, with a focus on instruction of the arts.

Sculpture, pottery, and metal smith shops.

Sound and vision production studios.

Space for actors, musicians, writers and dance troupes, including performance, studio or class space.

Uses of a like or similar character to the above.

(d) Permitted accessory uses:

- (1) Garages for storage of vehicles used in conjunction with the operation of a business.
- (2) Off-street parking and loading uses.

(e) Conditional uses:

- (1) Commercial recreational facility.
- (2) Vehicle sales and service.
- (3) Apartment, condominium, townhouse.
- (4) Day care nursery.
- (5) Ground floor residential when associated with an arts-related use. See subsection (f) below.
- (6) Public and semipublic uses including schools, museums, libraries, parks, playgrounds, hospitals and cemeteries.

(f) Additional restrictions. Uses permitted in the B-2 business district are subject to the following conditions:

- (1) Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established. Dwelling units may be allowed on the ground floor if it is associated with a live-work project and contains all of the following:
 - a. The building street front remains retail oriented and is open on a regular and consistent basis to the general public.
 - b. The proposed live-work space is to be occupied by the operator/owner of the retail space and such space is at least 400 square feet.
 - c. That the proposed renovation is wholly or partially in keeping with the arts, culture and historic overlay district permitted uses and the retail component shall sell works primarily by the artist and regional area residents.
 - d. The proposed live-work space conforms to all state and local building and safety standards.

The general intent of this provision is to create an area where artists may live and work in the same space, and where the arts can flourish and serve to enhance the historic older downtown buildings and surrounding older neighborhoods. Such additional restrictions are allowed only as a conditional use and shall not detract, but rather enhance overall, the vibrant retail nature of the historic downtown retail center.

- (2) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be made available for retail sale on the premises where produced.

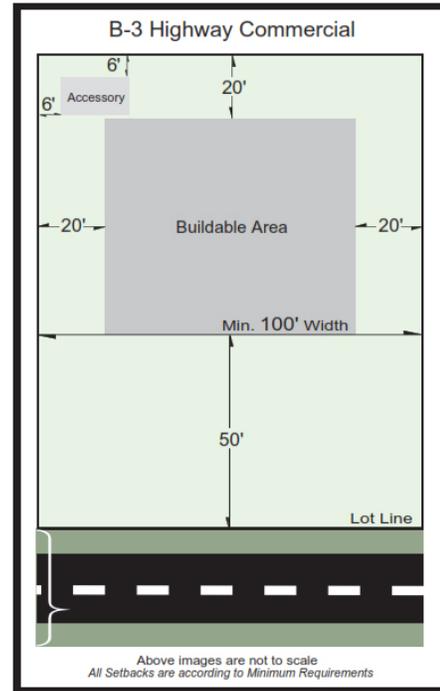
- (3) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
- (g) Development standards.
- (1) Dimensional requirements. Within the B-2 business district, there shall be no minimum required standards or setbacks in order to provide flexibility in the redevelopment of the downtown area.
 - (2) New buildings shall be subject to the off-street parking and loading requirements of article VII of this chapter, where possible and feasible.
 - (3) New construction within the B-2 business district shall incorporate design elements of the older architectural style of the community and seek to blend state of the art conservation technologies and designs into the existing storefront streetscape.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-16. - B-3 highway business district.

- (a) Purpose. The B-3 highway business district is intended to provide for the orderly establishment and development of commercial activity which requires larger than usual lot areas and where customers reach the business establishment primarily by automobile. The B-3 highway business district is intended to be located in areas adjacent to STH 29 west of Fifth Street or STH 42 north of the Kewaunee River and should be consistent with the provisions of the city's comprehensive plan. Uses in the B-3 district should be well landscaped and provide for safe ingress and egress of vehicles.
- (b) Permitted uses.
- (1) Automobile repair service and filling station.
 - (2) Bank.
 - (3) Grocery store.
 - (4) Hardware store.
 - (5) Hotels and motel.
 - (6) Restaurant.
 - (7) Vehicle sales and service.
 - (8) Wholesale, warehouse, and building material supply establishment.
- (c) Permitted accessory uses.
- (1) Accessory uses and structures customarily and clearly incidental to permissible principal use and structure.
- (d) Conditional uses.
- (1) Agriculture-related business such as feed mills, farm implement dealers and farm coops.
 - (2) Public and semipublic uses including schools, museums, libraries, parks, playgrounds, hospitals, cemeteries and crematories.
 - (3) Nursing home.
 - (4) Retirement home.
 - (5) Carwash.
- (e) Dimensional requirements. Within the B-3 district the following standards apply:

Lot Size:	
Minimum lot area	15,000 sq. ft.
Minimum lot width	100 ft.
Lot coverage	Maximum 25 percent
Yard Setbacks:	
Minimum front	50 ft.
Minimum rear:	
Principal	20 ft.
Accessory	6 ft.
Minimum side:	
Principal	20 ft.
Accessory	6 ft.
Structure:	
Maximum building height	35 ft.
Floor area	---



(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-17. - I-1 light industrial district.

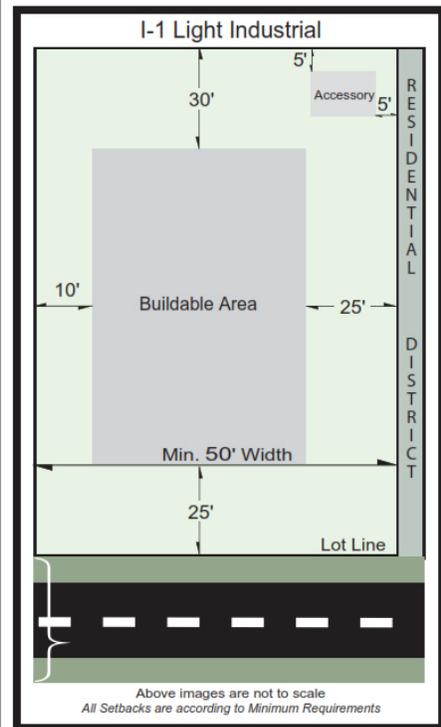
- (a) Purpose. The I-1 industrial district is intended to provide for the orderly development of light manufacturing or industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the city as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors, and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect.

- (b) Permitted uses.
 - (1) Automotive upholstery.
 - (2) Cleaning, pressing and dyeing.
 - (3) Commercial bakery.
 - (4) Commercial greenhouse.
 - (5) Distributor.
 - (6) Farm machinery sales and repair.
 - (7) Laboratory.
 - (8) Machine shop.
 - (9) Painting.
 - (10) Printing and publishing.
 - (11) Trucking firm.
 - (12) Warehousing.
 - (13) Wholesaling.
 - (14) Retail sales and service facilities when established in conjunction with a permitted manufacturing or processing facility.
- (c) Permitted accessory uses. Uses and structures customarily and clearly incidental to permissible principal uses and structures.
- (d) Conditional uses.
 - (1) Automotive body repair.
 - (2) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles and wood.
 - (3) Manufacture; fabrication; processing; packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food, except cabbage, fish and fish products, meat and meat products and pea vining; instruments; jewelry; pharmaceuticals; and toiletries.
 - (4) Manufacture and bottling of nonalcoholic beverages.
 - (5) Storage and sale of machinery and equipment.
 - (6) Storage and sale of seed, feed and fertilizer.
 - (7) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals, cemeteries and crematories.
 - (8) Commercial recreational facility.
 - (9) Outdoor storage of bulk fertilizer.
- (e) Certain incompatible uses prohibited. The following uses are considered to be incompatible with the residential, commercial and recreational characteristics of the city and surrounding area and are hereby prohibited:
 - (1) Primary metal industries: Blast furnaces, rolling mills, metal refineries, forge plant, etc.
 - (2) The manufacture, processing, storage or distribution of animals or animal byproducts, rendering plants, meat packing, gelatin, glue, soap or fertilizer manufacturing, slaughterhouses, etc. This is not meant to prohibit the manufacturing of leather products from finished leather.
 - (3) Manufacturing or processing of ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, glue, gypsum, insecticide, lampblack, offal, poison, pulp, byroxyline and radium.

- (4) Manufacture, processing, or storage of explosives, grease and radioactive materials.
- (5) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, smelters, stockyards and tanneries.
- (6) Any use which has been declared a nuisance in a court of record or which by reason of emission of odor, dust, fumes, smoke or noise, or from any other cause, is injurious, noxious or offensive to the locality.

(f) Dimensional requirements. Within the I-1 district the following standards apply:

Lot Size:	
Minimum lot area	7,500 sq. ft.
Minimum lot width	50 ft.
Lot coverage	Maximum 75 percent
Yard Setbacks:	
Minimum front	25 ft.
Minimum rear:	
Principal	30 ft.
Accessory	5 ft.
Minimum side:	
Principal	Minimum 10 ft. each except 25 ft. when abutting a residential district
Accessory	5 ft.
Structure:	
Maximum building height	45 ft.
Floor area	--



- (g) Plan commission review required. To encourage an industrial use environment that is compatible with the long-term development plans of the city, building permits for permitted uses in industrial districts shall not be issued without review and approval of the plan commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, landscape plans, and consistency with the comprehensive plan, the waterfront recreation plan, the tax incremental financing plan, and the city's central business district improvement program. A plot plan shall be submitted to the plan commission showing the above.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-18. - I-2 heavy industrial district.

- (a) Purpose. The I-2 industrial district is intended to provide for the same type of manufacturing and industrial development as in the I-1 industrial district, but in those areas where the relationship to surrounding land would create fewer problems of compatibility. The I-2 industrial district also regulates those activities generally perceived as being of a nuisance nature or considered to be hazardous to human life. Such districts should not normally abut directly upon residential districts.
- (b) Permitted uses.
 - (1) Automotive upholstery.
 - (2) Cleaning, pressing and dyeing.
 - (3) Commercial bakery.
 - (4) Commercial greenhouse.
 - (5) Distributor.
 - (6) Farm machinery sales and repair.
 - (7) Laboratory.
 - (8) Machine shop.
 - (9) Painting.
 - (10) Printing and publishing.
 - (11) Trucking firm.
 - (12) Warehousing.
 - (13) Wholesaling.
 - (14) Retail sales and service facilities when established in conjunction with a permitted manufacturing or processing facility.
- (c) Permitted accessory uses. Uses and structures customarily and clearly incidental to the permissible principal uses and structures.
- (d) Conditional uses.
 - (1) Living quarters for watchman or caretaker.
 - (2) Transshipment facility.
 - (3) Automotive body repair.
 - (4) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles and wood.

- (5) Manufacture; fabrication; processing; packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food, except cabbage, fish and fish products, meat and meat products and pea vining; instruments; jewelry; pharmaceuticals; and toiletries.
 - (6) Manufacture and bottling of nonalcoholic beverages.
 - (7) Storage and sale of machinery and equipment.
 - (8) Storage and sale of seed, feed and fertilizer.
 - (9) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals, cemeteries and crematories.
 - (10) Commercial recreational facility.
 - (11) Outdoor storage of bulk fertilizer.
 - (12) Freight yard, railroad terminal, and transshipment depot.
 - (13) Docks, wharves.
 - (14) Manufacture and processing of abrasives, acetylene, acid, alkalines, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oilcloth, paint, paper, peas, perfume, pickles, plaster of Paris, plastics, poisons, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, shoe and lamp blacking, size, starch, stove polish, textiles and varnish.
 - (15) Manufacture, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
 - (16) Manufacture and bottling of alcohol beverages.
 - (17) Bag cleaning, bleacheries, canneries, and coal storage warehouses; electric and steam generating plants; electroplating; enameling; forges and foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting, stockyards; tanneries; and weaving.
 - (18) Outside storage and manufacturing areas.
 - (19) Wrecking, junk, demolition, and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way.
 - (20) Commercial service facility.
 - (21) Public and semipublic uses, including churches, schools, libraries, parks, playgrounds, museums, utilities, hospitals, cemeteries and crematories.
 - (22) Marina, boat storage, repair and sales.
- (e) Certain incompatible uses prohibited. The following uses are considered to be incompatible with the residential, commercial and recreational characteristics of the city and the surrounding area and are hereby prohibited:
- (1) Primary metal industries: Blast furnaces, rolling mills, metal refineries, forge plant, etc.
 - (2) The manufacture, processing, storage or distribution of animals or animal byproducts, rendering plants, meat packing, gelatin, glue, soap or fertilizer manufacturing, slaughterhouses, etc. This is not meant to prohibit the manufacturing of leather products from finished leather.
 - (3) Manufacturing or processing of ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, glue, gypsum, insecticide, lampblack, offal, poison, pulp, byroxyline and radium.
 - (4) Manufacture, processing, or storage of explosives, grease, and radioactive materials.

- (5) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, smelters, stockyards and tanneries.
- (6) Any use which has been declared a nuisance in a court of record or which by reason of emission of odor, dust, fumes, smoke or noise, or from any other cause, is injurious, noxious or offensive to the locality.

(f) Dimensional requirements. Within the I-2 district the following standards apply:

Lot Size:	
Minimum lot area	15,000 sq. ft.
Minimum lot width	100 ft.
Lot coverage	No building with its accessory buildings shall occupy in excess of 90 percent of the area of the lot
Yard Setbacks:	
Minimum front	10 ft.
Minimum rear:	
Principal	30 ft.
Accessory	5 ft.
Minimum side:	
Principal	20 ft.
Accessory	5 ft.
Structure:	
Maximum building height	70 ft.
Floor area	--

I-2 Heavy Industrial

Above images are not to scale
All Setbacks are according to Minimum Requirements

- (g) Plan commission review required. To encourage an industrial use environment that is compatible with the long-term development plans of the city, building permits for permitted uses in industrial districts shall not be issued without review and approval of the plan commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans and consistency with the city's comprehensive plan, tax incremental financing plan, waterfront recreation plan, and central business district improvement program. A plot plan showing same shall be submitted to the plan commission.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-19. - I-3 industrial park district.

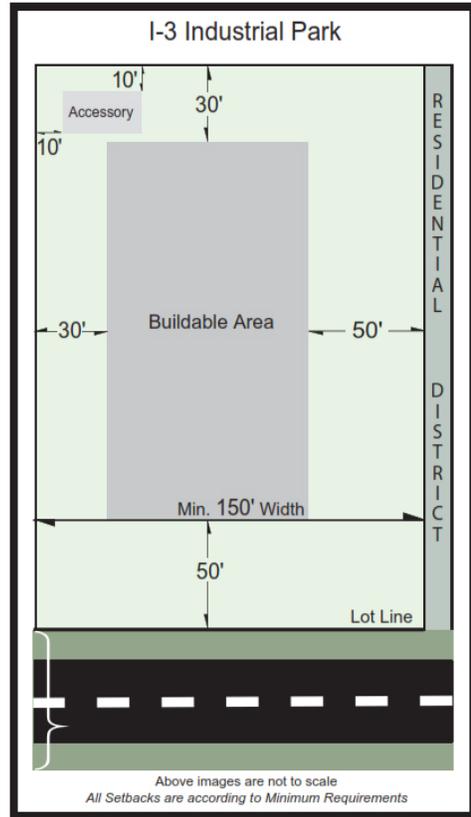
- (a) Purpose. The I-3 industrial park district is intended to provide for the orderly and attractive grouping in appropriately landscaped grounds of any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, or other similar factor, and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect. No land shall be considered for inclusion in the I-3 industrial district unless there is a minimum of ten acres under individual, corporate, or municipal ownership at the time of development. All operations and all storage of materials shall be within a completely enclosed building. Off-street parking shall be provided.
- (b) Permitted uses.
 - (1) Automotive upholstery.
 - (2) Cleaning, pressing and dyeing.
 - (3) Commercial bakery.
 - (4) Commercial greenhouse.
 - (5) Distributor.
 - (6) Farm machinery sales and repair.
 - (7) Laboratory.
 - (8) Machine shop.
 - (9) Painting.
 - (10) Printing and publishing.
 - (11) Trucking firm.
 - (12) Warehousing.
 - (13) Wholesaling.
 - (14) Retail sales and service facilities when established in conjunction with a permitted manufacturing or processing facility.
 - (15) General manufacturing.
 - (16) Assembly plant.
 - (17) Laboratory.
 - (18) Freight terminal.
 - (19) Railroad facilities.

- (20) Public utility offices and installation.
- (21) Cold storage facilities.
- (c) Permitted accessory uses.
 - (1) Uses and structures customarily and clearly incidental to permissible principal uses and structures.
 - (2) Wholesaling of merchandise.
 - (3) Enclosed storage. All storage must be within a completely enclosed building.
- (d) Conditional uses.
 - (1) Animal hospitals and laboratories using animal products.
 - (2) Alcoholic beverage manufacture and bottling.
 - (3) Bedding manufacture.
 - (4) Food product manufacture and packaging.
 - (5) Ice manufacture.
 - (6) Ink manufacture.
 - (7) Linoleum manufacture.
 - (8) Plastics manufacture.
 - (9) Rubber manufacture.
 - (10) Textiles manufacture.
 - (11) Weaving.
 - (12) Retail outlets associated with and controlled by permitted and conditional uses in the I-3 industrial park district.
 - (13) Any facilities that use water or sanitary sewer for other than normal sanitary purposes in the I-3 industrial park district.
- (e) Certain incompatible uses prohibited. The following uses are considered to be incompatible with the residential, commercial and recreational characteristics of the city and surrounding area and are hereby prohibited:
 - (1) Primary metal industries: Blast furnaces, rolling mills, foundries, metal refineries, forge plant, etc.
 - (2) The manufacture, processing or storage of explosives.
 - (3) The manufacture, processing, storage or distribution of petroleum or coal products.
 - (4) The manufacture, processing, storage or distribution of animals or animal byproducts, rendering plants, meat packing, gelatin, glue, soap or fertilizer manufacturing, slaughterhouses, etc. This is not meant to prohibit the manufacturing of leather products from finished leather.
 - (5) Manufacturing or processing of ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, glue, gypsum, insecticide, lampblack, offal, poison, pulp, byoxyline and radium.
 - (6) Manufacture, processing, or storage of explosives, grease and radioactive materials.
 - (7) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughterhouses, smelters, stockyards and tanneries.
 - (8) Acid manufacture.
 - (9) Automobile or machinery wrecking, salvaging or rebuilding.

- (10) Cement, lime, gypsum, or plaster of Paris manufacture.
- (11) Junkyards.
- (12) Any use which has been declared a nuisance in a court of record or which by reason of emission of odor, dust, fumes, smoke or noise, or from any other cause, is injurious, noxious or offensive to the locality.

(f) Dimensional requirements. Within the I-3 district the following standards apply:

Lot Size:	
Minimum lot area	40,000 sq. ft.
Minimum lot width	150 ft.
Lot coverage	No building with its accessory buildings shall occupy in excess of 60 percent of the lot area
Yard Setbacks:	
Minimum front	50 ft.
Minimum rear:	
Principal	30 ft.; 50 ft. when abutting a residential district
Accessory	10 ft.
Minimum side:	
Principal	30 ft.; 50 ft. when abutting a residential district
Accessory	10 ft.
Structure:	
Maximum building height	50 ft.



Floor area	Minimum 2,500 sq. ft. per acre purchased	
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- (g) Plan commission review required. To encourage an industrial use environment that is compatible with the long-term development plans of the city, building permits for permitted uses in industrial districts shall not be issued without review and approval of the plan commission. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, landscape plans, outdoor storage, screening for outdoor storage and compliance with industrial park rules and regulations, if any, and consistency with the city's comprehensive plan, tax incremental financing plan, waterfront recreation plan and central business district improvement program.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-20. - A-1 agriculture district.

- (a) Purpose. The A-1 agriculture district is intended to provide for the continuation of general farming and related uses in those areas of the city that are not yet committed to urban development. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban-oriented districts is required.
- (b) Permitted uses.
- (1) Beekeeping.
 - (2) Dairying.
 - (3) Floriculture (cultivation of ornamental flowering plants).
 - (4) Grazing.
 - (5) Livestock raising.
 - (6) Plant nurseries and orchards.
 - (7) Raising of grain, grass, mint and seed crops.
 - (8) Raising of tree fruit, nuts and berries.
 - (9) Sod farming.
 - (10) Vegetable raising.
 - (11) Viticulture (grape growing).
 - (12) Forest and game management.
 - (13) Nature trails and walks.
 - (14) Greenhouses.
 - (15) One single-family residence or manufactured home occupied by a person or family earning a substantial livelihood from the farm operation.
 - (16) Farm dwellings and related structures which remain after farm consolidation may be separated from the farm lot.
- (c) Permitted accessory uses.
- (1) Customary accessory buildings, including not more than one roadside stand for the sale of farm products produced on the premises.

- (2) Home occupation.
- (3) Professional office.
- (4) Attached or detached garage.
- (d) Conditional uses.
 - (1) Single-family dwellings or manufactured homes exceeding one per farm operation for occupancy by a person or family earning a substantial part of livelihood from the farm operation.
 - (2) Single-family dwellings or manufactured homes occupied by parents or children of the farm operator.
 - (3) Single-family dwellings on existing substandard lots.
 - (4) Public and semipublic uses, including churches, schools, museums, libraries, parks, playgrounds, utilities, hospitals, cemeteries and crematories.
 - (5) Commercial feedlot.
 - (6) Animal hospitals, shelters and kennels.
 - (7) Veterinarian services.
 - (8) Commercial fur farm.
 - (9) Commercial egg production.
 - (10) Land restoration.
 - (11) Ski hills.
 - (12) Hunting and fishing club.
 - (13) Recreation camp.
 - (14) Public or private campground.
 - (15) Riding stable.
 - (16) Airports, airstrips and landing fields.
- (e) Dimensional requirements. Within the A-1 district the following standards apply:

Lot Size:	
Minimum lot area	20 acres
Minimum lot width	500 ft.
Lot coverage	—
Yard Setbacks:	
Minimum front	25 ft.
Minimum rear:	

The diagram, titled "A-1 Agriculture", illustrates the layout of a lot. At the top, a light green area is labeled "All Structures 100'", with a vertical double-headed arrow indicating a 100-foot setback from the top boundary. Below this, a central grey rectangle is labeled "Buildable Area Animal Structure", with horizontal double-headed arrows indicating 100-foot setbacks from both the left and right boundaries. To the left and right of this central structure are two smaller grey rectangles, each with a horizontal double-headed arrow indicating a 15-foot setback from the left and right boundaries respectively. Below these structures, a larger grey rectangle is labeled "Buildable Area Farm Dwelling & Accessory Structures", with a vertical double-headed arrow indicating a 100-foot setback from the bottom boundary. The bottom boundary is labeled "Lot Line" and "Min. 500' Width". A horizontal double-headed arrow at the bottom left indicates a 25-foot setback from the left boundary to the start of the farm dwelling area.

Farm dwelling and accessory structures	100 ft.	
Minimum side:		
Farm dwelling and accessory structures	Minimum 15 ft. except structures for animals must be 100 ft. from lot lines	
Structure:		
Maximum building height	35 ft. for residential structures	
Floor area	Minimum 800 sq. ft. for residential structures	

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-21. - C-1 lowland conservancy district.

- (a) Purpose. The purpose of the lowland conservancy district is to maintain safe and healthful conditions, to prevent water pollution, to protect fishing spawning grounds and aquatic life, to preserve shore cover and natural beauty, and to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the city. The proper regulation of these areas will serve to maintain and improve groundwater and surface water quality, prevent flood damage, protect fish and wildlife habitat, prohibit the location of structures on soils which are generally not suitable for such use, protect natural watersheds, and protect the water-based recreation and open space resources of the city. This district recognizes that undisturbed wetlands serve as natural purifiers on surface waters and as protective buffers at the land water interface. Development in wetlands should be limited and, when development is permitted in a wetland, it should occur in a manner that minimizes the adverse impacts upon the wetlands. The establishment of this district also serves the purpose of fulfilling the requirements of Wis. Admin. Code ch. NR 117 under the authority granted by Wis. Stats. §§ 62.23, 62.231, 87.30 and 281.31.
- (b) Lands included. The lowland conservancy district shall include minimally all areas delineated as swamps, marshes, bogs and other wetlands on United States Geological Survey Quadrangle Map, Soil Conservation Services Kewaunee County Soil Survey, and the final Wisconsin Inventory "Wetlands" Map from the department of natural resources.
- (c) Permitted uses. The following uses shall be allowed, subject to the provisions of Wis. Stats. chs. 30 and 31, and the provisions of other state and federal laws, if applicable:
 - (1) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavation:
 - a. Hiking, fishing, trapping, hunting, swimming and boating.

- b. The harvesting of wild crops in a manner that is not injurious to the natural reproduction of such crops.
 - c. The practice of silviculture, including the planting, thinning and harvesting of timber.
 - d. The cultivation of agriculture crops.
- (2) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided as follows: Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected.
- (3) Uses which are allowed upon the issuance of a conditional zoning permit:
- a. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that no filling, flooding, draining, dredging, ditching, tiling, or excavation is to be done.
 - b. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, natural parks and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
 - 1. Any private recreation or wildlife habitat area is used exclusively for that purpose;
 - 2. No filling is done; and
 - 3. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - c. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
 - 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 - 2. Any filling, excavating, ditching or draining that is done is necessary for such construction or maintenance and is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
 - d. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.
 - e. Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems, only to the extent necessary to maintain the level of drainage required to continue the existing agriculture use.
- (d) Permitted accessory uses.
- (1) Structures used in or accessory to a fish hatchery.
 - (2) Nonhabitable park and recreation shelters.
 - (3) Structures used to traverse lowlands or watercourses.
- (e) Dimensional requirements. Within the C-1 district the following standards apply:

Floor area	Maximum 500 sq. ft.
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Building height	Maximum 35 ft.
Yard requirements	No building or structure shall be erected, altered or moved closer than 40 ft. to a lot line.

- (f) Rezoning of land. A wetland, or a portion thereof, in the lowland conservancy district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
- (1) Stormwater and floodwater storage capacity;
 - (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against soil erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-22. - P-1 park district.

- (a) Purpose. The P-1 park district is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the city can be met without undue disturbance of natural resources and adjacent uses.
- (b) Permitted uses.
- (1) Parks, general recreation.
 - (2) Parks, passive recreation.
 - (3) Wildlife preserve.
 - (4) Neighborhood tot lots.
 - (5) Hiking and nature trails.
 - (6) Fishing.
 - (7) Swimming.
 - (8) Beaches.
 - (9) Sledding.
 - (10) Skiing.
 - (11) Outdoor skating rink.
 - (12) Playfields and athletic fields.

- (c) Permitted accessory uses. Uses and structures customarily and clearly incidental to the permitted recreational use.
- (d) Conditional uses.
 - (1) Public and semipublic uses, including churches, schools, museums, utilities, hospitals, cemeteries and crematories.
 - (2) Archery range.
 - (3) Bathhouse.
 - (4) Golf course and country club.
 - (5) Gymnasium.
 - (6) Marina and yachting club.
 - (7) Music hall.
 - (8) Riding academy.
 - (9) Indoor skating rink.
 - (10) Sports fields.
 - (11) Stadium.
 - (12) Swimming pools.
 - (13) Zoological and botanical gardens.
 - (14) Public or private campground.
 - (15) Golf driving range.
 - (16) Hunting and fishing club.
- (e) Dimensional requirements. Within the P-1 district the following standards apply:

Lot area	Maximum, sufficient area for the principal uses and its accessory buildings and off-street parking and loading areas required by article VII of this chapter.
Building height	Maximum 35 ft.
Yard requirements	No building or structure shall be erected, altered or moved closer than 40 ft. to a lot line.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-23. - WFD waterfront district.

- (a) Purpose. The WFD waterfront district is intended to provide for the rational, well-planned, well-landscaped and orderly development of the city's waterfront. The city's waterfront is a limited and unique resource that provides recreational, commercial, industrial and residential values. Since space in the waterfront is limited, uses in the waterfront district should be restricted to those industrial, recreational, residential, or commercial uses that are marine-related or have a distinct location advantage by being in the district and to those that provide for public access or visual

access to the waterfront. Uses in the district should be consistent with the city's comprehensive plan, tax incremental financing program, waterfront recreation plan, and central business district improvement program.

- (b) Permitted uses.
 - (1) Fish, fish processing and marketing operations, which may include commercial and/or retail fish sales.
 - (2) Great Lakes transportation facilities, including ferries, recreational or tourist boats, charter boat fishing, boat repair and service and related sales, sail craft and motor craft.
 - (3) Arrangement of Great Lakes transportation: tourist ticket offices and sales, ferry ticket offices and sales.
 - (4) Public and private marinas with land-side support service.
 - (5) Wharves and piers.
 - (6) Municipal park and campground.
 - (7) Single-family residence.
 - (8) Customary accessory uses incidental to permitted single-family residential uses such as private garages, storage sheds, screen houses, gazebos, decks, patios and private recreational facilities such as swimming pools and tennis courts.
- (c) Accessory buildings and structures.
 - (1) Principal lots. Accessory buildings and structures are not permitted on principal lots until the principal structure is present or under construction.
 - (2) Outlots. Accessory buildings and structures are permitted on outlots prior to the principal structure being present subject to the conditions listed in subsection (f)(2) of this section.
- (d) Conditional uses.
 - (1) Private campgrounds and recreational vehicle park.
 - (2) Parking lot.
 - (3) Amusement and recreation establishment and services.
 - (4) Hotel and motel.
- (e) Conditional use permit. Article IV, division 2 of this chapter establishes conditional use permit procedures and requirements. In addition to the provisions of article IV, division 2 of this chapter the plan commission shall consider and base their decision on the following:
 - (1) Conditional use standards.
 - a. The proposed use must be compatible with adjacent and surrounding land uses.
 - b. The proposed use must be compatible with the city's long-term development plans for the waterfront as contained in the city's comprehensive plan, tax incremental financing program, waterfront recreation plan, and central business district improvement program.
 - c. The use must encourage and support water-related development such as commercial or recreational fishing or boating, or the use must be water-dependent.
 - d. The proposed use must preserve existing public physical or visual access from adjacent lots or public right-of-way or create such access.
 - e. The proposed use should preserve the character and integrity of the waterfront.
 - (2) Conditions to be attached to conditional use permit. The following conditions may be attached to meet the purpose and standards of the district in addition to those described in subsection 94-73(b):

- a. A site plan at a maximum scale of one inch equals 50 feet, showing site improvements, parking, landscaping, existing and proposed structures, driveway locations, highway access, drainage, landscaping.
- b. Public access to the waterfront so as to form a linear strip adjacent to the water connecting the parcels in the district.
- c. Landscaping along the waterfront.

(f) Dimensional requirements. Within the WFD district the following standards apply:

Lot Size:	
Minimum lot area	0 sq. ft.
Minimum lot width	25 ft.
Lot coverage	Maximum coverage 50 percent
Yard Setbacks:	
Minimum front	25 ft.
Minimum rear:	30 ft. as measured from the ordinary high-water mark
Minimum side:	15 ft. minimum. Design and construction of new structures shall use side yards to preserve views or vistas of the Kewaunee River and Lake Michigan
Structure:	
Maximum building height:	
For single-family dwellings	Maximum 40 ft. so as to preserve views and vistas of the Kewaunee River and Lake Michigan

The diagram illustrates the layout of a lot adjacent to a waterfront. At the top is the 'WFD Waterfront' with a wavy line representing the water. Below it is the 'High-water mark' indicated by a dashed line. A vertical dimension line shows a 30-foot setback from the high-water mark to the top of a grey 'Accessory' structure. The structure is labeled 'Accessory' and sits on a 'Buildable Area'. The buildable area has a 'Min. 25' width' and is flanked by 15-foot setbacks on both sides. Below the structure, a vertical dimension line shows a 25-foot setback from the bottom of the structure to the 'Lot Line'. At the bottom of the lot is a 'Public ROW' (Right of Way) area, shown as a dark grey strip with a dashed line and a bracket. Below the diagram, the text reads: 'Above images are not to scale' and 'All Setbacks are according to Minimum Requirements'.

For all other buildings	46 ft.	
Floor area	No minimum	

- (1) The rear yard of the property shall always face the lake or the Kewaunee River. The rear yard setback shall always be measured inland from the ordinary high-water mark. Side yards shall be perpendicular or nearly perpendicular to the rear yard. Side yards shall be utilized to maintain views or vistas of the water. Side yards shall not be used for parking or accessory buildings or other means to restrict views of the water. Front yards shall be on the opposite side of the lot from the rear side.
- (2) Structures built on outlots shall maintain setbacks of 15 feet from the side lot line; six feet from the road right-of-way; and two feet from the bulkhead line or harbor waters edge, whichever is closer to the structure. Structure height shall not exceed 12 feet, maximum square footage of any structure not to exceed 144 square feet, and the total square footage of all structures not to exceed 30 percent of the total square footage of the outlot. Structures on outlots are subject to the following conditions:
 - a. Architectural and exterior materials of any storage building must match what the principal structure on its corresponding lot is or will be.
 - b. No metal structures or pole buildings are permitted.
 - c. With the exception of docks for winter storage, no outside storage, including boats, on an outlot is permitted.
 - d. All structures must be firmly anchored to the foundation.
 - e. No fence shall be built on an outlot greater than 48 inches in height and such fence must meet all city ordinance fence requirements.
 - f. No outlot may be sold separately from its corresponding principal lot.
 - g. No structure shall be used as living or sleeping quarters, or contain kitchens, restrooms or the like.
 - h. No structure shall be used to garage cars, trucks, boats, or other automobiles.
 - i. Any violation of these outlot conditions or setback, height and use requirements shall cause any structure in violation to be removed at the expense of the property owner. If the structure is not removed by the property owner after 30 days' written notice, the structure shall be removed by the city and the cost of such removal shall be added to the real estate tax roll for the corresponding principal lot and outlot.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-24. - NAO natural area overlay district.

- (a) Purpose: This overlay district is intended to ensure that the physical elements of property development are designed and arranged to protect the natural value both on the site and in the vicinity of the site. This overlay applies to the environmental corridor features identified in the city's comprehensive plan and is illustrated on the city's zoning map.

- (b) Scope: The NAO district is an overlay district superimposed on the city's zoning districts. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and to new or expanded uses of a property located within the NAO, except for single-family building additions.
- (c) Uses: Uses within the NAO district shall be limited to those permitted in the underlying zoning district. Conditional uses in the underlying zoning district shall be subject to the conditional use review permit pursuant to article IV, division 2 of this chapter.
- (d) Standards: To the extent that it is feasible, development and site improvements shall be integrated into the existing landscape and constructed to minimize environmental and other impacts on the identified natural areas. All efforts shall be made to preserve the natural grading, vegetation, and any other unique features of the property.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-25—94-39. - Reserved.

Sec. 94-40. - Summary of area, yard and height requirements.

								Minimum Yard Requirements		
District	Minimum Lot Area (sq. ft.)	Minimum Lot Width (ft.)	Maximum Lot Coverage (percent)	Minimum Lot Area per Unit (sq. ft.)	Minimum Total Floor Area (sq. ft.)	Minimum First Floor Area (sq. ft.)	Maximum Building Height (ft.)	Front (ft.)	Rear (ft.)	Side (ft.)
R-1	10,000	80	40 interior 50 corner	10,000	1,000	1,000	35	25	25	10
R-2	10,000	90	40 interior 50 corner	5,000	1,000 per unit	800 per unit	35	25	25	15
R-3	12,000	120	40 interior 50 corner	Efficiency: 2,900 1-Bedroom	Efficiency: 350 1-Bedroom: 500	1,000	35	25	25	25

				m: 2,900 2- Bedroom: m: 3,500	2- Bedroom: 750					
R-4:										
Mobil e home size	3,200	40	25 home 50 w/ accessor y	3,200	720	720	20	25	10	10
Park size	2 acres	120								
B-1	12,000	100	40 interior 50 exterior	-	See R-3 requireme nts	1,000	35	25	30	15
B-2	No required minimum setbacks or standards in order to provide flexibility in the redevelopment of the downtown area									
B-3	15,000	100	25	-	-	-	35	50	20	20
I-1	7,500	50	-	-	-	-	45	25	30	10 25 abut/res .
I-2	15,000	100	90	-	-	-	70	10	30	20
I-3	40,000	150	60	-	-	-	50	50	30 50 abuts/re s.	30 50 abuts/re s.

A-1	20 acres	500	-	-	Residence: 800	-	Residence: 35	25	100	15 100 - where animals are kept
C-1	-	-	-	-	500 maximum	-	35	No closer than 40 ft. to a lot line		
P-1	-	-	-	-	-	-	35	No closer than 40 ft. to a lot line		
WFD	0	25	50	-	-	-	30	25	30 - from ordinary high water mark	15

(Ord. No. 566-12, § 1, 2-13-2012)

ARTICLE IV. - SUPPLEMENTAL REGULATIONS

DIVISION 1. - SUPPLEMENTAL USES

The following section contains standards relevant for each individual supplemental use and are in addition to the applicable regulations in article III of this chapter.

Sec. 94-41. - Accessory structures.

- (a) Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.
- (b) Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional offices as defined in this chapter.
- (c) Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
- (d) Accessory uses, except those within the principal residence, and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten feet to the principal structure, shall not exceed 15 feet in height, and shall not occupy more than 20 percent of the rear yard.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-42. - Antennas.

The following regulations shall apply to all terrestrial and dish antennas, with the exception of satellite antennas with a diameter of three feet or less:

- (1) All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located.
- (2) Ground-mounted satellite dish antennas shall not exceed 15 feet in height.
- (3) All freestanding terrestrial antennas shall be located not less than one foot from a lot line for each one foot of height above the surrounding grade.
- (4) Roof-mounted antennas may be mounted one foot above the roofline for each one foot from the nearest lot line.
- (5) All satellite dish antennas shall be located not less than five feet from a side or rear lot line.
- (6) All antennas, including satellite dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
- (7) All antennas, including satellite dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (8) Not more than one terrestrial and one satellite dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
- (9) Satellite dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
- (10) Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two days at any one location.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-43. - Home occupations.

- (a) The use of the residential dwelling for the home occupation shall be clearly incidental and subordinate to its residential use and shall not occupy more than 20 percent of the total floor area.
- (b) Only one person other than a member of the immediate family living on the premises may be employed to work on the premises.
- (c) No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
- (d) On-site retail sales is limited to goods produced by such occupation on the premises.
- (e) A home occupation includes such things as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods, nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios.

- (f) When a home occupation and a professional office are conducted in the same residence, the total combined floor area for such uses shall not exceed 30 percent of the total floor area.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-44. - Manufactured homes.

- (a) A manufactured home within this ordinance shall be considered a single-family dwelling. Therefore, manufactured homes are an allowed use in zoning districts where single-family dwellings are a principal use provided that:

- (1) To help ensure that the manufactured home is compatible with site-built housing, the manufactured home shall comply with the following design standards:

- a. The manufactured home is set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1), and subchapters III, IV, and V of ch. Comm 21, Wis. Admin. Code. The building inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
- b. The manufactured home shall be securely anchored to its foundations with tie-downs, having a minimum tensile strength of 2,800 pounds, and the anchors embedded in concrete to withstand the tie-down strain. The amount of tie-downs shall be guided by the manufactured home manufacturer's recommendations provided there are no less than four tie-downs.
- c. The manufactured home is installed in accordance with the manufacturer's instructions and is properly connected to utilities.
- d. The hitch and wheels must be removed.
- e. The roof must be double pitched so that there is at least a three-inch vertical rise for each 12-inch of horizontal run and covered with material that is residential in appearance, including but not limited to, approved wood, asphalt, composition or fiberglass shingles, but excluding corrugated aluminum or corrugated fiberglass. The roof shall have a minimum eight-inch roof overhang on each of the dwelling's perimeter walls such that the overhang is architecturally integrated into the design of the dwelling.
- f. The dwelling shall have exterior siding material that is residential in appearance and consist of either wood, masonry, concrete, stucco, clapboards, simulated clapboards such as conventional vinyl or metal siding, wood shingle shakes or similar material, but excluding smooth, ribbed or corrugated metal or plastic panels. The exterior siding material shall extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.

- (2) All other zoning district regulations shall apply.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-45. - Private swimming pools.

- (a) Swimming pool in this ordinance means any artificial body of water used or intended to be used for wading or swimming, having a depth at any point greater than 24 inches or with a surface area exceeding 200 square feet, constructed, installed or maintained in-ground or above ground, outside or as an accessory to a residential building or private property.
- (b) Permit. All private swimming pools shall require a building permit except those exempted in subsection (c), below. Application for permits shall be accompanied by plans, before construction

commences. Plans submitted shall include a plot plan detailing location and easements, dimensions, depths, volume of gallons, type and size of filter system and waste disposal system.

- (c) Exempt pools. Storable children's swimming or wading pools, with a maximum dimension of 15 feet and a maximum wall height of less than two feet and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this section. Spas and hot tubs with lockable tops are also exempt.
- (d) Construction and maintenance.
 - (1) Every swimming pool shall be so designed and constructed as to facilitate cleaning and shall be maintained and operated in such a manner as to be clean and sanitary at all times.
 - (2) Every swimming pool shall be designed, constructed and maintained so that it will not create a hazard to health, safety or the general welfare, and will not be detrimental to the neighborhood or to the residents thereof.
 - (3) All buildings or structures to be erected under the provisions of this section shall conform to the requirements of this Code for setbacks and area requirements for accessory structures for the zoning district of the property. Swimming pools shall not be located in the front yard, nor less than five feet from any lot line or building wall.
 - (4) Any lights illuminating such swimming pool shall be so erected as to eliminate direct rays and minimize reflected rays of light onto adjoining properties and roadways.
 - (5) Except as provided in subsections (6) and (7) below, a fence not less than four feet in height but not to exceed six feet in height shall completely surround all swimming pools. There shall be no openings, holes or gaps larger than four inches in any dimension. All gates or doors opening through such enclosure shall be kept securely closed at all times while unattended and shall be equipped with a self-closing and self-latching device capable of keeping such door or gate securely closed. Such fences shall be erected in such manner that there shall be an apron of level surface at least three feet in width surrounding all sides of the pool and conform to the side yard requirements for accessory buildings.
 - (6) A fence is not required around an above ground swimming pool where the pool wall is at least 42 inches in height above grade for the full pool perimeter, and provided that all ladders, steps or other means of access to the pool are removed and/or designed to prevent access when the pool is unattended.
 - (7) The plan commission may also waive the fencing requirement for any pool with an approved safety pool cover that also complies with any site-specific safety and/or nuisance-related conditions placed upon such approval. An "approved safety pool cover" means a power-operated safety pool cover that meets all of the most-recent performance standards of the American Society for Testing and Materials (ASTM).
 - (8) All swimming pools must be equipped with an adequate self-contained filtration and recirculating system detached from any potable water supply or waste disposal system.
 - (9) Pools shall not drain into sanitary sewers, roadside ditches or neighboring properties. Pool wastewater may be used for irrigation by surface or subsurface spreading providing no hazard, nuisance or unsanitary condition will occur in the opinion of the health officer, building inspector or the director of public works.
 - (10) All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-46—94-70. - Reserved.

DIVISION 2. - CONDITIONAL USES

Sec. 94-71. - Authorized; procedure for issuance of permit.

The plan commission may authorize the building inspector to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community. The public hearing shall be held under the conditions outlined in article VI, division 3, of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-72. - Application for permit.

Applications for conditional use permits shall be made in duplicate to the building inspector on forms furnished by the building inspector and shall include the following:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a registered land surveyor showing all of the information required under section 94-223 of this chapter for a permit and, in addition, the following: Mean and historic high-water lines on or within 40 feet of the subject premises, and existing and proposed landscaping.
- (4) Additional information as may be required by the city plan commission, city engineer, or zoning, building, plumbing or health inspectors.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-73. - Review of site and plans.

- (a) The plan commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and the proposed operation.
- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the plan commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (c) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in article VI, division 2, of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-74—94-100. - Reserved.

ARTICLE V. - SITE STANDARDS

DIVISION 1. - IN GENERAL

Sec. 94-101. - Site restrictions.

- (a) No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The building inspector, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the plan commission may affirm, modify, or withdraw the determination of unsuitability.
- (b) All lots shall abut upon a public street, and each lot shall have a minimum frontage of 30 feet.
- (c) All principal structures in single-family and two-family residential districts shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot. The plan commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the plan commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- (d) No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (e) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The front yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the front yards required in both districts.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-102. - Use restrictions.

- (a) Generally. The following restrictions and regulations shall apply:
 - (1) Permitted uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
 - (2) Accessory uses and structures. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional offices as defined in this chapter. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
 - (3) Conditional uses. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the plan commission in accordance with article IV, division 2 of this chapter.
 - (4) Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by the zoning board of appeals after the plan commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted by the zoning board of appeals.

- (5) Temporary uses. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the zoning board of appeals.
- (b) Conceptual approval. Conceptual approval of group housing, multiple-family, commercial, industrial, or mixed use projects may be granted by the plan commission. Such conceptual approval shall serve as a notice of intent to formally approve a project when detailed plans meeting the requirements of this chapter and conditions set by the plan commission are submitted in a formal building permit application. Conceptual approval shall not, however, be binding on the plan commission or the city council. The plan commission may require a public hearing conforming to the procedures set forth in section 94-281 of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-103. - Reduction or joint use of required space.

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

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-104—94-130. - Reserved.

DIVISION 2. - YARD AND HEIGHT MODIFICATIONS

Sec. 94-131. - Permitted structures and uses in required yards.

The yard requirements stipulated elsewhere in this chapter may be modified as follows:

- (1) Uncovered stairs, landings, and fire escapes may project into any yard but shall not exceed six feet, nor be closer than three feet to any lot line.
- (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two feet.
- (3) Residential fences, including hedges or row planting and walls: All fences placed on property zoned or used for residential purposes shall comply with the following provisions:
 - a. Side and rear yard setbacks. Fences in or adjacent to a residential property shall have a minimum of two-foot side and rear yard setbacks unless adjoining property owners have consented in writing to install a fence on the property line.
 - b. Side and rear yard fence height. Fences shall not exceed a height of six feet in the side and rear yards.
 - c. Front yard fences. Fences are permitted on the property line in the front yard(s), but shall not exceed a height of three feet and shall be of minimum 50 percent open type.
 - d. Materials. Barbed wire fences, electrical fences, spike or sharp picket fences, or fences constructed of any other material that shall be deemed to create a nuisance or a hazard are hereby prohibited.
- (4) Security fences are permitted in all districts except property zoned or used for residential purposes. Security fences shall not exceed ten feet in height and shall be of an open-type

similar to woven wire or wrought iron fencing. No barbed wire or electrical fences may be erected or maintained.

- (5) Accessory uses, except those within the principal residence, and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten feet to the principal structure, shall not exceed 15 feet in height, and shall not occupy more than 20 percent of the rear yard.
- (6) Off-street parking is permitted in all yards of the B-1 and B-2 business districts and I-1, I-2 and I-3 industrial districts, but shall not be closer than ten feet to any public right-of-way.
- (7) Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
- (8) Landscaping and vegetation are exempt from the yard requirements of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-132. - Additions projecting into street yard.

Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-133. - Averaging of street yards.

The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-134. - Yards on corner lots.

Structures shall provide a front yard setback as required by this chapter on the street that the structure faces. A second front yard setback shall be provided on the side of the structure abutting a public or private street. See "yard types" figure in section 94-6 of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-135. - Exceptions to height limits.

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following:

- (1) Architectural projections. Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys, are exempt from the height limitations of this chapter.
- (2) Special structures. Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, dish antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this chapter.
- (3) Essential services. Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this chapter.

- (4) Communication structures. Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line.
- (5) Agricultural structures. Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
- (6) Public or semipublic facilities. Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, and governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-136—94-160. - Reserved.

DIVISION 3. - NONCONFORMING USES, STRUCTURES AND LOTS

Sec. 94-161. - Continuation of nonconforming use.

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter, may be continued although the use does not conform with the provisions of this chapter; however:

- (1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- (2) Total lifetime structural repairs or alterations shall not exceed 50 percent of the city's equalized value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-162. - Effect of discontinuation of use.

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-163. - Restoration of damaged nonconforming use or structure.

In accordance with Wis. Stats. § 62.23(7)(hc), a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, or it must comply with the requirements of this ordinance.

- (1) The size of such nonconforming structure may be enlarged if such enlargement is made necessary for the structure to comply with applicable state and federal requirements.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-164. - Continuation of nonconforming structure.

A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-165. - Change to conforming use or structure; change to more restrictive use.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the zoning board of appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the zoning board of appeals.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-166. - Alteration of nonconforming residential structures.

Residential structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered provided they do not create a greater degree of encroachment.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-167. - Substandard lots.

- (a) A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 7,500 square feet in area, may be used as a single-family building site; provided that the use is permitted in the zoning district; provided that the lot is on record in the county register of deeds office prior to the effective date of this chapter; provided that the lot is in separate ownership from abutting lands; and provided that all requirements of the county sanitary ordinance are met.
- (b) If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purpose of this chapter and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.
- (c) Substandard lots granted permits under this section shall be required to meet the setback and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the board of appeals.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-168—94-190. - Reserved.

DIVISION 4. - PERFORMANCE STANDARDS

Sec. 94-191. - Purpose; compliance with applicable regulations.

Performance standards are established to minimize conflicts among land uses, to preserve the use and enjoyment of property, and to protect the public health, safety and welfare. These standards shall apply to all uses of land or structures and are in addition to any requirements applying to specific zoning districts. In determining compliance with the performance standards of this section, planning and zoning staff may refer any matter to such governmental agencies or other entities as deemed necessary to obtain their review and comments as to such compliance.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-192. - Air pollution.

No use or structure shall be operated or occupied as to create the emission of smoke, particulate matter, noxious gas, or other air emission in such an amount or to such degree as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance. All uses shall comply with the standards governing air emissions as regulated by the local, state, or other designated agency.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-193. - Fire and explosive hazards.

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

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-194. - 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. External lighting shall be shielded so that light rays do not adversely affect adjacent uses.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-195. - Water quality protection.

- (a) No activity shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

- (b) In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Wis. Admin. Code ch. NR 102 for all navigable waters in the city.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-196. - Noise.

No use or structure shall be operated or occupied as to create noise in such an amount or with such recurrence or at such time of day as to constitute a hazardous condition or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities or otherwise as to create a public nuisance. All uses shall comply with the standards governing noise as regulated by the local, state, or other designated agency.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-197. - Odors.

Except in the A-1 district, no operation or activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside the premises as defined in Wis. Admin. Code ch. NR 429.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-198. - Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-199. - Vibration.

- (a) No operation or activity in any district, except the I-1 and I-2 districts, shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-200—94-220. - Reserved.

ARTICLE VI. - ADMINISTRATION, APPEALS AND ENFORCEMENT

FOOTNOTE(S):

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Cross reference— Administration, ch. 2

DIVISION 1. - IN GENERAL

Sec. 94-221. - Building inspector.

The city building inspector is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duty of the building inspector shall be to interpret and administer this chapter and to issue, after on-site inspection, all permits required by this chapter. The building inspector shall further:

- (1) Maintain records of all permits issued, inspections made, work approved, and other official actions.
- (2) Inspect all structures, lands, and waters as often as necessary to assure compliance with this chapter.
- (3) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the city attorney in a manner specified by him.
- (4) Assist the city attorney in the prosecution of ordinance violations.
- (5) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Wis. Stats. § 66.0119.
- (6) Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.
- (7) Request assistance and cooperation from the city departments and the city attorney as deemed necessary.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-222. - Plan commission.

The plan commission, together with its other statutory duties prescribed in Wis. Stats. § 62.23, shall make reports and recommendations relating to the plan and development of the city to the common council, other public officials, and other interested organizations and citizens. In general, the plan commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this chapter, its functions are primarily recommendatory to the common council pursuant to guidelines set forth in this chapter as to various matters and, always, being mindful of the intent and purposes of this chapter. Recommendations shall be in writing. A recording thereof in the commission's minutes shall constitute the required written recommendation. The commission shall, in arriving at its recommendation, on occasion of its own volition, conduct public hearings. The plan commission shall have the powers to conduct and hold public hearings on all proposed amendments to this zoning ordinance as provided in Wis. Stats. § 62.23 (7)(d).

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-223. - Building permit required; issuance.

- (a) Permit required; application. No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the building inspector, unless otherwise exempted pursuant to section 94-224. Applications for building permits shall be made in duplicate to the building inspector on forms furnished by the building inspector, shall be in compliance with chapter 14, article II (i.e., the building code), of this Code and shall include the following where applicable:
- (1) Name and addresses of the applicant, owner of the site, architect, professional engineer and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations to city datum, uses, and sizes of the following: Subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed front, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
 - (4) Proposed sewage disposal plan if municipal sewer service is not available. This plan shall include a copy of the permit issued by the county health department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The building inspector shall certify that satisfactory, adequate and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.
 - (5) Proposed water supply plan if municipal water service is not available. This plan shall be in accordance with Wis. Admin. Code ch. NR 812, and shall be approved by the building inspector, who shall certify in writing that an adequate and safe supply of water will be provided.
 - (6) Additional information as may be required by the city plan commission and building inspector.
- (b) Granting or denial; expiration. A building permit shall be granted or denied in writing by the building inspector within 30 days. The permit shall expire within six months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.
- (c) Pole buildings. No building permit shall be granted for the erection, enlargement or alteration of any pole type building exceeding 200 square feet in area in any zoned as an R-1, R-2 or R-3 district.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-224. - Work not requiring building permit.

No building permit shall be required for any of the following uses:

- (1) For repairs or interior alterations to buildings having a cost or fair market value of less than \$750.00; or
- (2) For exterior improvements or additions having a cost or fair market value of less than \$500.00.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-225. - Occupancy permit.

- (a) Required. No vacant land shall be occupied or used, no building or premises shall be erected, altered or moved or create change in use, and no nonconforming use shall be maintained, renewed,

changed or extended until an occupancy permit shall have been issued by the building inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this chapter. Such permit shall be applied for at the time of occupancy of any land and/or building.

- (b) Business and industrial buildings. No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the building inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this chapter, the building code, the electrical code, the fire prevention code and the plumbing code of the city and state. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner.
- (c) Application. Application for an occupancy permit shall be made in the same manner as for a building permit pursuant to section 94-223. Every application for a building permit shall be deemed to be an application for an occupancy permit.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-226. - Fees.

All persons, firms or corporations performing work which by this chapter requires the issuance of a permit shall pay a fee for such permit to the city treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The fee for permits shall be as set from time to time by the council. All fees shall be paid to the clerk-treasurer, who shall give a receipt therefor. The building inspector shall not issue a permit without presentation of such receipt.

- (1) Building and occupancy permits.
- (2) Conditional use permit.
- (3) Amendment to ordinance (text or map).
- (4) Variance or appeal.
- (5) Sign permit.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-227. - Violations; penalty.

- (a) It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the city council, the building inspector, the plan commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this chapter.
- (b) Any person, firm, or corporation that fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10.00, nor more than \$200.00, and costs of prosecution for each violation, and in default of payments of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-228—94-250. - Reserved.

DIVISION 2. - ZONING BOARD OF APPEALS

FOOTNOTE(S):

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Cross reference— Boards, commissions and committees, § 2-111 et seq.

Sec. 94-251. - Established.

There is hereby established a zoning board of appeals for the city for the purposes of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-252. - Membership.

- (a) Regular members. The board shall consist of five members appointed by the mayor and confirmed by the city council. Members should be knowledgeable of zoning rules and procedures. One member should be a plan commissioner, registered architect, registered professional engineer, builder or real estate appraiser. The mayor shall designate one of the members chairman. The secretary shall be the city clerk. Board members shall be removable by the mayor for cause upon written charges and after public hearing.
- (b) Alternate members. The mayor shall appoint two alternate members to the board. Annually, the mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board is absent or refuses to vote because of interest. The second alternate shall act only when the first alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The provisions for removing board members shall apply to the removal of alternates.
- (c) Terms. Board members shall be appointed to three-year terms, except for those first appointed, in which case one member shall serve for one year, two members for two years and two members for three years. Alternate members shall serve staggered terms of three years.
- (d) Vacancies. Vacancies shall be filled for the unexpired terms in the same manner as appointments for a full term.
- (e) Technical assistance by building inspector. The building inspector shall attend all meetings for the purpose of providing technical assistance when requested by the board.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-253. - Organization; meetings; voting.

- (a) The zoning board of appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.
- (b) Meetings shall be held at the call of the chairman and shall be open to the public and shall be held at least quarterly each year.
- (c) Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the

board's determination, and its finding of facts. These records shall be immediately filed in the office of the board and shall be a public record.

- (d) The concurring vote of four members of the board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a utility, temporary, unclassified, or substituted use.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-254. - Powers.

- (a) Generally. The zoning board of appeals shall have the following powers:
 - (1) Errors. To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the building inspector or plan commission.
 - (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the plan commission has made a review and recommendation.
 - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the plan commission has made a review and recommendation. Whenever the board permits such a substitution, the use may not thereafter be changed without application.
 - (5) Temporary uses. To hear and grant applications for temporary uses in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and provided that the plan commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the board of zoning appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- (b) Permits. The board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
- (c) Assistance from other officers and agencies. The board may request assistance from other city officers, departments, commissions and boards.
- (d) Oaths and attendance of witnesses. The chairman may administer oaths and compel the attendance of witnesses.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-255. - Filing of appeals.

Appeals of the decision of the building inspector or the plan commission concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the city. Such appeals shall be filed with the secretary within 30 days after the date of written notice of the decision or order of the building inspector or plan commission. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- (1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.

- (2) Plat of survey prepared by a registered land surveyor showing all of the information required under section 94-223 of this chapter for a building permit.
- (3) Additional information required by the plan commission, city engineer, zoning board of appeals or building inspector.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-256. - Hearings.

The zoning board of appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in article VI, division 3, of this chapter, and shall give due notice to the parties in interest, the building inspector and the plan commission. At the hearing the appellant may appear in person, by agent or by attorney.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-257. - Required findings for granting variance.

No variance to the provisions of this chapter shall be granted by the board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings:

- (1) Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (2) Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that this chapter should be changed.
- (3) Economic hardship and self-imposed hardship not grounds for variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (4) Preservation of property rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) Absence of detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-258. - Decisions.

- (a) The zoning board of appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the board decision to the appellant or applicant, building inspector and plan commission.
- (b) Conditions may be placed upon any building permit ordered or authorized by this board.
- (c) Variances, substitutions, or use permits granted by the board shall expire within six months unless substantial work has commenced pursuant to such grant.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-259. - Court review of actions of board.

Any person or persons aggrieved by any decision of the zoning board of appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the zoning board of appeals.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-260—94-280. - Reserved.

DIVISION 3. - PUBLIC HEARINGS

Sec. 94-281. - Notice.

Notice of any public hearing which the city council, plan commission or zoning board of appeals is required to hold under the terms of this chapter shall specify the date, time and place of hearing, and the matter to be presented at the hearing. Pursuant to Wis. Stats. ch. 985, the notice shall be published as a class 2 notice.

- (1) The notice of public hearing shall be published in a newspaper of general circulation in the city at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing.
- (2) Notice of the public hearing shall be mailed to all parties-in-interest at least ten days before the hearing. Parties-in-interest shall be defined as the petitioner, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition and the owners of all lands included in the petition and all lands lying within 100 feet of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-282—94-310. - Reserved.

DIVISION 4. - CHANGES AND AMENDMENTS

Sec. 94-311. - Authorized.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the city council may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the city plan commission.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-312. - Initiation.

A change or amendment may be initiated by the city council or plan commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-313. - Petitions.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the city clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- (1) Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- (2) Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- (3) Additional information required by the plan commission or city council.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-314. - Review and recommendation by plan commission.

The plan commission shall review all proposed changes and amendments within the corporate limits, and after public hearing shall recommend that the petition be granted as requested, modified and granted, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the city council.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-315. - Hearings by plan commission.

The plan commission shall hold a public hearing upon each petition, giving public notice thereof as specified in article VI, division 3, of this chapter, listing the time, place, and the changes or amendments proposed. The plan commission shall also give at least ten days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-316. - Action by city council.

As soon as possible after such public hearing, and after careful consideration of the plan commission's recommendations, the city council shall act on the petition, either approving, modifying and approving, or disapproving of the same.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-317. - Protests.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of three-fourths of the full city council membership.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-318—94-340. - Reserved.

ARTICLE VII. - TRAFFIC, PARKING AND ACCESS

FOOTNOTE(S):

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Cross reference— Parking, stopping and standing, § 78-91 et seq.

Sec. 94-341. - Traffic visibility at intersections.

- (a) No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2½ feet and ten feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-342. - Loading area requirements.

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

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-343. - Parking requirements.

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

- (1) Changes in building or use. Whenever a building or use is changed, structurally altered, or enlarged to create a need for an increase in the number of existing parking spaces, such spaces shall be provided on the basis of the change.
- (2) Access to public street. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten feet wide for one- and two-family dwellings and a

minimum of 24 feet for all other uses. No parking area of more than two spaces shall be designed as to require any vehicle to back into a public street.

- (3) Size of parking spaces. Size of each parking space shall be not less than ten feet wide and 200 square feet in area exclusive of the space required for ingress and egress.
- (4) Location of parking spaces; off-lot parking spaces. Required off-street parking spaces shall be located on the same lot as the principal use, or, when this requirement cannot be met, such parking spaces may be located off-lot in municipal or private parking lots, provided that the parking spaces meet the requirements of this chapter and are located no more than 200 feet in residential zones and 400 feet in all other zones from the use or building that they serve, with such distance measured along lines of public access to the principal entrance(s) of the property. Such off-lot parking spaces must be held by deed, or long-term lease, the terms of such lease to be determined by the plan commission, and such deed or lease shall be filed with the county recorder of deeds. The deed or lease shall require such owner(s) or his heirs and assigns to maintain the required number of parking facilities for the duration of the use served. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.
- (5) Surfacing. All off-street parking areas and/or driveways for more than five vehicles in all districts except I-2 heavy industrial, shall be surfaced with an asphaltic or Portland cement pavement so as to provide a durable and dustless surface, shall be so graded and drained so as to dispose of all surface water accumulated within the area, and shall be so arranged and marked so as to provide for orderly and safe loading or unloading, parking, and storage of self-propelled vehicles.
- (6) Curbs or barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (7) Setbacks. Setbacks from the street right-of-way shall be provided. No vehicles shall be parked within ten feet of the street line.
- (8) Landscaping. All off-street parking areas containing five or more parking spaces shall conform to the minimum requirements of this subsection. A landscape plan shall be submitted by the applicant to the plan commission through the building inspector. The plan shall be at a minimum scale of one inch equals 100 feet. The plan shall show the quality, spacing, size and common name of all plant materials. The plan commission shall approve, conditionally approve or disapprove the plan within 60 days.
 - a. Off-street parking areas in a residential zone shall be screened from all adjoining property and public right-of-way by a hedge, wall or fence not less than five feet in height and located within a five-foot-wide setback landscaped perimeter strip located between the common property line and the off-street parking area. The landscaping of the perimeter strip shall consist of grass, groundcover or other landscaping or other landscaping material, excluding paving. Where the parking area is adjacent to a public right-of-way the landscaped strip shall be ten feet in width for that portion of the parking lot so adjacent.
 - b. Off-street parking areas in a commercial, industrial or agricultural zone shall have a five-foot-wide setback landscaped perimeter strip located between the common property line and the off-street parking area. The landscaping of the perimeter strip shall consist of grass, groundcover or other landscaping material, excluding paving. Where the parking lot is adjacent to a public right-of-way the landscaped perimeter strip shall be ten feet in width for that portion of the parking lot so adjacent.
 - c. Ten percent of the area of all off-street parking areas shall be devoted to the interior landscape in addition to the perimeter landscape.
 - d. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

- e. All landscaping shall be installed in a sound workmanship-like manner and according to accepted good planting procedures.
 - f. Because landscaping is fragile and can be damaged by vehicles, landscaped areas shall be protected by curbing, wheel stops, or other approved similar devices.
- (9) Number of off-street parking stalls required.
- a. Single-family dwellings and mobile homes. Two spaces.
 - b. Two-family dwellings. Two spaces per dwelling unit.
 - c. Multifamily dwellings. Two spaces per dwelling unit.
 - d. Group homes and community living arrangements. One space for every four occupants, plus one space per employee.
 - e. Bed and breakfast establishments. One space per guestroom or lodging room, plus parking for the occupant of the dwelling as specified under single-family dwellings of this section.
 - f. Elementary and middle schools. One space per employee.
 - g. Senior high schools. One space per employee, plus one space for every ten students in the school.
 - h. Colleges, universities and technical schools. One space per employee, plus one space for every six students.
 - i. Fraternities, sororities and dormitories. One space for every three active members or dormitory residents, plus one space for the manager.
 - j. Auditoriums, gymnasiums, stadiums and grandstands (accessory to educational institutions). One space for every eight seats.
 - k. Public libraries, art galleries and museums. One space for each 500 square feet of floor space.
 - l. Hospitals. One space for each two hospital beds, plus one space for every two employees and doctors.
 - m. Medical and dental clinics. Three spaces for every staff doctor.
 - n. Nursing homes, rest homes. One space for every four beds, plus one space for every two employees (other than staff doctors), plus one space per staff doctor.
 - o. Churches, chapels, temples and synagogues. One space for every four seats.
 - p. Bowling alleys. Five spaces per alley.
 - q. Marinas, harbors and launching ramps. One space for every boat berth or on-site storage space. In addition, if a launching ramp is available, double-length car/trailer parking spaces shall be provided as determined by the city plan commission.
 - r. Banks and financial institutions. One space for every 200 square feet of building floor area, plus one space per employee. For banks and financial institutions with drive-up windows, a minimum of six spaces shall be provided for the first drive-up window, plus four spaces for each additional window, plus one space per employee.
 - s. Barbershops, beauty salons and personal service uses. Two spaces for every operator station, plus one space per employee.
 - t. Business, governmental and professional offices. One space for every 300 square feet of building floor area for the first 8,000 square feet, plus one space for every 700 square feet of building floor area for the next 12,000 square feet, plus one space for every 1,000

square feet of building floor area in excess of 20,000 square feet, plus one space per employee.

- u. Carwash facilities. Three stacked spaces for every wash bay or lane, plus one space per employee.
 - v. Drive-in and carry-out restaurants and confectioneries. One space for every 50 square feet of building floor area devoted to patron use (excluding restrooms), plus six stacked spaces for every drive-up window, plus one space per employee.
 - w. Funeral homes and mortuaries. One space for every five seats or for every 100 square feet of floor of each chapel or parlor, whichever is greater.
 - x. Governmental buildings. One space for every two employees, plus such additional space as deemed necessary by the city plan commission.
 - y. Hotels and motels. One space per lodging room, plus one space per employee, plus additional spaces for affiliated or accessory uses as required by this chapter.
 - z. Motor vehicle fuel sales businesses. Three stacked spaces for every fueling position, plus one space per employee.
 - aa. Motor vehicle and machinery sales businesses. One space for every 400 square feet of building floor area, plus one space per employee.
 - bb. Motor vehicle repair garages. Two spaces for every service stall, plus one space per employee.
 - cc. Music, dance and business schools. One space for every five students, plus one space for every two employees.
 - dd. Nursery schools and group day care centers. One space for every eight children, plus one space per employee.
 - ee. Outdoor sales areas (automobiles, boats, trailers, building materials, nurseries, etc.). One space for every 1,000 square feet of open sales area, plus one space per employee.
 - ff. Restaurants, taverns, supper clubs, cocktail lounges and nightclubs. Parking spaces equal to 50 percent of the capacity in persons, plus one space for each three employees.
 - gg. Retail stores and shopping centers. Eight spaces for each 1,000 square feet of gross floor area in the center.
 - hh. Self-service laundries (laundromats). One space for every two self-service units.
 - ii. Theaters, indoor. One space for every two seats, based on the maximum seating capacity of the building, plus one space per employee.
 - jj. Industrial uses. One space for every 1,000 square feet of building floor area or for every two employees, whichever constitutes the greater number of spaces. Industries operating more than one shift shall provide additional spaces to accommodate personnel at times of shift change.
 - kk. Public utility, governmental and service uses. One space for every two employees, plus additional spaces for the public as determined by the city plan commission.
- (10) Determination of number of spaces for uses not listed. In the case of structures or uses not mentioned, the plan commission shall determine the number of parking spaces based upon parking requirements for similar uses, floor space, and intensity of the development.
- (11) Number of spaces for combinations of uses. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-344. - Standards for driveways.

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

- (1) Islands. Islands between driveway openings shall be provided as approved by the building inspector.
- (2) Width.
 - a. Openings for vehicular ingress and egress for residential properties shall not exceed 24 feet at the property line and 30 feet at the roadway.
 - b. Openings for vehicular ingress and egress for all nonresidential properties shall not exceed 30 feet at the property line and 36 feet at the roadway.
- (3) Separation. Vehicular entrances and exits to drive-in theaters, banks, and restaurants, motels, funeral homes, vehicular sales, service, washing, and repair stations, garages, and public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-345. - Direct access to certain streets prohibited.

- (a) Prohibited access. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
 - (2) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- (b) Access barriers. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways.
- (c) Temporary access. Temporary access to the above rights-of-way may be granted by the plan commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-346—94-370. - Reserved.

ARTICLE VIII. - SIGNS

DIVISION 1. - IN GENERAL

Sec. 94-371. - Purpose.

The purpose of this article is to create the legal framework to administer and enforce outdoor sign and awning regulations within the city. This article recognizes the need to protect the safety and welfare

of the public, and the need for well-maintained and attractive sign displays within the community and adequate business identification, advertising and communication. This article authorizes the use of signs visible from the public right-of-way, provided the signs are:

- (1) Compatible with zoning regulations.
- (2) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety.
- (3) Legible, readable and visible in the circumstances in which they are used.
- (4) Respectful of the reasonable rights of other advertisers whose messages are displayed.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-372. - Definitions.

For the purpose of this article, certain words and phrases are hereby defined:

Abandoned sign means a sign which no longer correctly directs or exhorts any person or advertises a bona fide business, lessor, owner, product, activity conducted or available.

Animated, moving, or revolving sign means any sign that uses moving components, or change of lighting or lights, either natural or artificial, to depict action or motion, or to create a special effect or scene, or to convey a message. This term does not include changing signs, which are separately defined.

Area of copy means the entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of the advertising message, announcement or decoration of a wall sign.

Area of sign means the area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas shall be totaled. Any irregular shaped sign area shall be computed using the actual sign face surface. In the case of wall signs, the area of copy will be used.

Awning means a retractable, roof-like cover, temporary in nature, which projects from the wall of a building and is intended to provide shade and shelter from the weather. An awning may have an on-premises sign as part of the fabric, which shall be considered either a projecting or wall sign.

Back-to-back means two or more signs facing in opposite directions, which are physically contiguous and share a common structure in whole or in part.

Building facade means that portion of an exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation. Parallel portions of a building facing the same direction shall be considered one building facade.

Business identification sign means any sign which promotes the name and type of business only on the premises where it is located.

Canopy and marquee mean a roof-like structure projecting from a wall and erected to provide shelter from the weather and/or architectural enhancement.

Changing sign (automatic) means a sign such as an electronic or an electric-controlled time and temperature sign, message center or reader board, where different copy changes.

Directional off-premises sign means signs which provide direction or instruction to a location not on the property upon which the sign is located.

Directional sign means a sign which provides direction or instruction, located entirely on the property to which it pertains, and which does not in any way advertise a business.

Electric sign means any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source.

Face means the panel surface of a sign that carries the advertising message.

FAP (federal aid primary) highway means that portion of a state or county highway which extends into or through the city and is designated as a FAP highway according to maps on file in the offices of the street superintendent and state department of transportation.

Flashing sign means a sign where the illumination is not kept constant in intensity at all times when in use and/or which exhibits changes in light, color, direction, animation and word/text changes. Any message that remains visible for less than four seconds shall be considered flashing. This term does not include changing signs, which are separately defined.

Frontage means the length of the property line of any premises parallel to and along each public right-of-way it borders. Such public right-of-way may be known as a frontage street. All signs, the areas of which are calculated on the basis of the dimension of a street frontage, shall be placed and oriented for primary reading from such street.

Ground sign means a sign erected on a freestanding frame, mast or pole, or more than one such mast or pole, not attached to any building; the area of double-faced ground signs shall be calculated on one face only, which shall be the largest face.

Height of sign means the vertical distance measured from the grade at the street right-of-way line where the sign is located to the highest point of such sign, including its structure.

Illuminated sign means a sign in which an artificial source of light is used in connection with the display of such sign.

Institutional sign means one sign or bulletin board per street front, setting forth or denoting the name of a public, charitable or religious institution when located on the premises of such institution, provided such sign or bulletin board shall not exceed 24 square feet in area.

Marquee. See Canopy.

Off-premises sign means a sign which advertises goods, products, facilities or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located; also called a billboard.

On-premises sign means any sign identifying or advertising a business, person, activity, goods, products or services located on-premises where the sign is installed and maintained.

Portable sign means any sign not permanently attached to the ground or a structure or designed to be transported, including, but not limited to, signs with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to an A- or T-frame sign; attached temporarily or permanently to the ground, structure or other signs; mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in the normal day-to-day operations of that business; menu and sandwich boards; searchlight stands; and hot air or gas filled balloons or umbrellas used for advertising.

Projecting sign means a sign, normally double-faced, which projects at a lateral angle of 15 degrees or more in relation to the facade of a building and may be attached to a structure, building facade, canopy or marquee. The area of projecting signs is calculated on one face only, which shall be the largest face.

Reflective sign means a sign containing a material designed to reflect light directed to it for the purpose of nighttime visibility without self-illumination.

Roof sign means a sign erected upon a roof or above a parapet wall of a building and which is wholly or partially supported by the building.

Sandwich sign means a moveable or portable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape

of an A, used to promote goods or services provided by the business occupying the site for which the sign serves. Also known as a sidewalk sign or menu sign.

Shopping center means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit and with a minimum lot size of 40,000 square feet.

Sign means any identification, description, illustration or device, illuminated or nonilluminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including permanently installed or situated merchandise; or any emblem, painting, banner, placard or temporary sign designed to advertise, identify or convey information with the exception of window displays, pennants and flags. For the purpose of removal, signs shall also include all sign structures and restoration to original condition.

Sign structure means any structure or material which supports, has supported or is capable of supporting or helping maintain a sign in stationary position, including decorative covers.

Swinging sign means a sign suspended from an arm, mast or spar, with no other side of the sign permanently fastened to an adjacent wall or upright pole.

V-type sign means two signs in the shape of the letter "V" when viewed from above, with their faces oriented in different directions, physically contiguous and sharing a common structure, in whole or in part, and located not more than 15 feet apart at their widest points. A V-type sign constitutes one sign.

Wall sign means a sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building and which projects not more than 18 inches from the building and does not extend above the building roofline.

Window sign means a sign installed inside a window for purposes of viewing from outside the premises.

(Ord. No. 566-12, § 1, 2-13-2012)

Cross reference— Definitions generally, § 1-2

DIVISION 2. - ADMINISTRATION AND ENFORCEMENT

Sec. 94-373. - Duties of building inspector.

The city building inspector shall enforce the provisions of this article. The building inspector shall examine all applications for permits for the erection of signs, issue permits and denials, authorize the continued use of signs which conform to the requirements of this Code, record and file all applications for permits with any accompanying plans and documents, make inspections of signs in the city and make such reports as the city may require.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-374. - Permit required; issuance.

- (a) Permit required; exceptions; expiration. Except as otherwise provided in this article, no person shall erect, construct, enlarge or structurally modify any sign or awning in the city or cause the same to be done without first obtaining a permit for each such sign or awning from the building inspector as required by this article. Permits shall not be required for a change of copy on any sign or for the repainting, cleaning and other normal maintenance or repair of signs, sign structures or awnings.

Permits shall become null and void if installation is not completed within one year from the date issued.

- (b) Application. Application for a permit shall be filed with the building inspector upon forms provided by the inspector and shall contain or have attached thereto the following information:
 - (1) The name, address and telephone number of the owner, the property owner where a sign is or will be located and the contractor.
 - (2) Clear and legible drawings with a general description and nominal dimensions of the proposed sign or awning, the construction size and dimensions, and kind of materials to be used in such structure. The site plan shall show, in a general manner, the buildings on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs, canopies and awnings on the premises where the proposed sign or awning is to be located.
 - (3) If required by the building inspector, calculations showing that the structure and design meet the requirements of this article for wind pressure load, and such other information as the inspector may require to show full compliance with this article and all applicable ordinances or regulations.
 - (4) Signature of the applicant.
- (c) Fee. Applications for permit shall be filed with the building inspector together with a permit fee for each sign or awning. The fee for a permit, exclusive of any other required permit, shall be \$3.00.
- (d) Issuance or denial. The building inspector shall issue a permit for the erection, structural alteration, enlargement or relocation of a sign or awning within the city when the permit application is properly made, all appropriate fees have been paid and the sign or awning complies with the appropriate ordinances of the city. If the permit is denied by the building inspector, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-375. - Appeals.

Appeals from the decision of the building inspector may be made to the zoning board of appeals under article VI, division 2, of this chapter.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-376. - Indemnification of city.

All persons engaged in the business of installing or maintaining signs which involves, in whole or in part, the erection, alteration, relocation or maintenance of a sign or other sign work in, over or immediately adjacent to a public right-of-way or public property so that a portion of the public right-of-way or property is used or encroached upon by the sign contractor, shall agree to hold harmless and indemnify the city, its officers, agents and employees from any and all claims resulting from the erection, alteration, relocation, maintenance of any sign or any sign work insofar as this article has not specifically directed the placement of the sign.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-377. - Removal of unlawful signs; additional remedies.

- (a) No person shall fail to comply with the provisions of this article.

- (b) Any sign or awning erected, altered, moved or structurally modified without a permit or altered with a permit but in violation of the provisions of this article shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the building inspector. If the violation is failure to obtain a permit, a permit shall be obtained at double the permit fee. If the owner does not remove the sign or bring the sign into compliance, the building inspector may order removal, the expenses of which will be assessed to the tax roll of the property on which the noncomplying sign is located.

This section shall not preclude the city from maintaining any appropriate action to prevent or remove a violation of this article.

(Ord. No. 566-12, § 1, 2-13-2012)

DIVISION 3. - STANDARDS

Sec. 94-378. - General design standards.

- (a) These general requirements shall apply in all zoning districts, however where additional requirements are detailed in this division, the more restrictive shall apply.
- (b) Any ground sign or projecting sign within 25 feet of a street intersection or 15 feet of a driveway, measured from the point of intersection with a right-of-way, or within 15 feet of the right-of-way, shall maintain a minimum of ten feet between the bottom of the sign and the grade at the right-of-way line or such sign shall be not more than three feet in height.
- (c) All other projecting signs and canopies shall maintain a minimum vertical distance between the bottom of the sign and the grade at the right-of-way line of eight feet.
- (d) Projecting signs may extend not further than six feet from the building to which they are attached.
- (e) No sign or sign structure shall be located in the right-of-way. No sign or sign structure shall extend into the public right-of-way, except in the B-1 district, where no sign or sign structure shall extend closer than two feet from the vertical plane of the street curb, or if no curb exists, no more than six feet beyond the vertical plane of the official map right-of-way line.
- (f) Floodlighted signs. The light source of reflection illuminated signs must be positioned so that no more than 25 percent of its light intensity is visible from a public right-of-way by vehicular traffic. Reflection illuminated signs whose light source is visible from residential property are prohibited.
- (g) A roof sign may not extend more than ten feet above the highest point of the roof on which it is installed, or the height limit for ground signs, whichever is less.
- (h) The gross area of permanent window signs shall not exceed 25 percent of the gross window area of any given building fascia.
- (i) Any sign location accessible to vehicles shall have a minimum vertical clearance of 16 feet.
- (j) No sign facing a residential district shall be closer than 25 feet to that district line.
- (k) No advertising device of any type shall be in any way attached to any utility, sign or other municipal poles or structures located in the public right-of-way.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-379. - Nonconforming signs.

- (a) After enactment of this article, the building inspector shall, as soon as practical, survey the city for signs which do not conform to the requirements of this article. Upon determination that a sign is nonconforming, the building inspector shall use reasonable efforts to so notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 - (1) The reason for the sign's nonconformity.
 - (2) The procedure for appeal of the status of a sign.
- (b) Any sign located within the city limits on the date of adoption of this article, or located in an area annexed to the city hereafter, which does not conform with the provisions of this article is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
 - (1) The sign was covered by a sign permit or variance immediately prior to the date of adoption of this article, if one was required under applicable law.
 - (2) If no permit was required under applicable law for the sign in question and the sign was in all respects in compliance with applicable law immediately prior to the date of adoption of this article.
- (c) Any sign that has lost its legal nonconforming sign status shall be deemed to be a nonconforming use or structure and the provisions of article V, division 3 of this chapter shall apply.
- (d) Nothing in this section shall relieve the owner of the property in which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-380. - Prohibited signs.

The following signs shall be prohibited within the city:

- (1) Abandoned signs.
- (2) Flashing signs.
- (3) Parking of advertising vehicles is prohibited. No person shall park any vehicle on a public right-of-way or public property, or on private properties so as to be seen 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 activity located on the same or nearby property or any other premises, for more than 30 days annually. This section shall not prohibit "For Sale" signs on vehicles for sale provided the vehicle is not parked on a public right-of-way.
- (4) Roof signs.
- (5) Swinging signs.
- (6) Unclassified signs. The following signs are prohibited:
 - a. Signs which bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
 - b. Signs which are an imitation of or resemble in shape, size, copy or color an official traffic sign or signal.
- (7) Signs that are a threat to health, safety or public welfare.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-381. - Signs not requiring permit.

Signs not requiring a permit are as follows:

- (1) Construction signs. One construction sign per construction site in a residential district not to exceed six square feet, and two construction signs per construction site in all other districts not to exceed 100 square feet in area; each shall be confined to the site of construction and shall be removed 30 days after completion of construction or prior to occupancy, whenever is sooner.
- (2) Directional and instructional nonelectric signs which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight square feet each in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying restrooms, telephones, parking areas, entrances and exits.
- (3) Nonilluminated emblems or insignia of any nation or political subdivision, or profit or nonprofit organization, not to exceed 32 square feet.
- (4) Government signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his duty.
- (5) House numbers and nameplates. House numbers and nameplates not exceeding two square feet in area for each residential dwelling unit or commercial or industrial building.
- (6) Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this article.
- (7) Memorial signs and plaques. Memorial signs or tablets, names of buildings and date of erection, which are cut into masonry surfaces or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area.
- (8) No trespassing or no dumping signs. No trespassing and no dumping signs not to exceed 1½ square feet in area per sign.
- (9) Public notices. Official notices posted by public officers or employers in the performance of their duties.
- (10) Public signs. Signs required as specifically authorized for a public purpose by any law, statute or ordinance.
- (11) Political and campaign signs. Political and campaign signs on behalf of candidates for public office or measures on election ballots, provided that such signs are subject to the following regulations:
 - a. Such signs may be erected not earlier than 45 days prior to the primary election and shall be removed within five days following the general election.
 - b. Each sign, except billboards, shall not exceed eight square feet in residential zoning districts and 16 square feet in all other districts.
- (12) Real estate signs. One real estate sales sign on any lot or parcel, provided such sign is located entirely within the property to which the sign applies and is not directly illuminated.
 - a. In residential districts, such signs shall not exceed six square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
 - b. In all other districts such signs shall not exceed 32 square feet in area and shall be removed within 30 days after the sale, rental or lease has been accomplished.
- (13) Temporary window signs. In business, commercial and industrial districts the inside surface of any ground floor window may be used for attachment of temporary signs not to exceed a period of 30 days, nor a total display time of more than six months in a calendar year. The total area of both temporary and permanent window signs shall not exceed 50 percent of the gross window area of any building fascia (refer to subsection 94-378(h)). However, coverage on an individual

window, door window or other window needed to be clear for pedestrian safety shall not exceed 50 percent of the individual window surface.

- (14) On-premises symbols or insignia. Religious symbols, commemorative plaques of recognized historic agencies or identification emblems of religious orders or historic agencies not to exceed 32 square feet.
- (15) On-premises temporary signs. Temporary signs not exceeding four square feet in area pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided such signs are posted not more than 45 days before such event and removed within five days after the event.
- (16) Vehicular signs. Truck, bus, trailer or other vehicle, while operating in the normal course of business, which is not primarily the display of signs.
- (17) Neighborhood identification signs. In any zone, a sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or subdivision identification provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name, not to exceed 32 square feet.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-382. - Construction specifications.

- (a) All signs shall comply with the provisions of the city building code and the National Electrical Code, 2011 edition, as amended, and the additional construction standards in this section.
- (b) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (c) Electric service to ground signs shall be concealed wherever possible.
- (d) All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
 - (1) For solid signs, 30 pounds per square foot on the largest face of the sign and structure.
 - (2) For skeleton signs, 30 pounds per square foot of total face cover of the letters and other sign surfaces or ten pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- (e) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- (f) Supports and braces shall be an integral part of the sign design and shall be hidden from public view to the extent technically feasible.
- (g) All signs shall be marked with the manufacturer's name in a size which is easily visible from the ground. All electric signs shall also include, for incandescent lamp signs, the input amperes at full load and the input voltage.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-383. - Installation standards and contractor requirements.

- (a) Generally. All signs shall be installed and maintained in a workman-like manner using equipment which is adequate and safe for the task. The city council recognizes that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the building inspector may deny a sign permit if the sign contractor does not have or does not

arrange for use of adequate equipment. The building inspector may also cite the sign contractor for a violation of this article if he fails to use proper equipment in the maintenance of signs.

- (b) Electric signs. This article recognizes that electric signs are controlled under the special equipment provisions of the National Electrical Code (article 600) and the city electrical code. It also recognizes that electric sign contractors have developed a specialized trade of high voltage discharge electric sign installation and maintenance to properly install and service high voltage electric signs. Electric sign contractors and their employees are herein authorized to perform the following specific tasks:
 - (1) Install exterior electric signs, ballasts or high voltage transformers to sockets or outline lighting tubes, and may connect the signs to primary branch circuits, if such circuits already exist outside of the building.
 - (2) Install interior electric signs, but may not connect such signs to the primary branch circuit.
 - (3) Maintain and replace any electric component within the sign, on its surface or between the sign and building for exterior signs only. An electric sign contractor or its employees shall not perform work on electric signs in contradiction to the National Electrical Code or the city electrical code.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-384. - Maintenance requirements; abandoned signs.

- (a) Maintenance and repair.
 - (1) Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, except when a weathered or natural surface is intended, repainting, cleaning and other acts required for the maintenance of such sign.
 - (2) The building inspector shall require compliance with all standards of this article. If the sign is not maintained to comply with safety standards in this article, the building inspector shall require its removal in accordance with this article.
- (b) Abandoned signs.
 - (1) Except as otherwise provided in this article, all signs and sign messages shall be removed by the owner or lessee of the premises upon which an on-premises sign is located when the business it advertised is no longer conducted there. If the owner or lessee fails to remove the sign, the building inspector shall give the owner 60 days written notice to remove the sign and, upon the owner's or lessee's failure to comply, may remove such sign, any costs for which shall be charged to the owner of the property, assessed as a special assessment against the property, or the building inspector may take any other appropriate legal action necessary to attain compliance.
 - (2) Upon receipt of a written request from the owner of record of the real property involved, his heirs or agent, the building inspector may grant, after review and approval by the plan commission, a written ten-month extension of time within which on-premises signs meeting all of the following conditions are to be removed:
 - a. Such signs conform to the provisions of this article.
 - b. Permits have been issued for such signs.
 - c. Such signs are in good physical repair.
 - d. Such signs are located upon vacant premises within or upon which a use can be reestablished in accordance with this Code, similar to the former use.
 - e. Such signs are so constructed as to readily permit their reuse by means of replacing message copy or lettered faces.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-385. - Special signs.

- (a) Subdivision development signs. The building inspector may issue a special permit for a temporary sign in any zone in connection with the marketing of lots or structures in a subdivision, subject to the following restrictions:
 - (1) Such permit may be issued for a period of not more than one year and may be renewed for additional periods of up to one year and upon written application at least 30 days prior to its expiration.
 - (2) "Signs" as used in this section refers to all types of signs except those excepted or prohibited by this section.
 - (3) The sign shall be located on the property being developed and comply with all applicable building setback requirements.
 - (4) The sign may not exceed 80 square feet.
 - (5) One sign is allowed for each major street adjacent to the subdivision.
- (b) Banners and other promotional devices.
 - (1) Generally. Banners, pennants, searchlights or balloons shall not be used on a permanent basis. They may be permitted as a special promotion in a commercial or industrial zone for a total period not to exceed 30 days per calendar year and will be allowed in residential zones in conjunction with an open house or model home demonstration conducted by a real estate broker for up to ten days.
 - (2) Over-the-street banners. Unlighted special event banners not exceeding 150 square feet in area are permissible over a street carriageway by special permit from the building inspector after presentation of proof of insurance along with installation specifications.
- (c) Murals. The building inspector, upon completion of a review by the plan commission, may issue a special permit for the display of a mural. The special permit may not be used until the following conditions have been complied with:
 - (1) Only one outside wall, facade or surface of a building may be used for a mural.
 - (2) A wall, facade or surface that is used for a mural may not be used for any purpose relating to signage.
 - (3) The permit application shall be accompanied by a finished drawing prepared to scale of the outside wall, facade or surface the applicant proposes to use for such mural and of the mural the applicant proposes to place on such outside wall, facade or surface. The mural shall be colored on the drawing with the colors the applicant proposes to use for the mural and shall be of sufficient detail to allow for a visualization of the actual appearance of the mural. The permit application shall include a statement as to the type of lighting, if any, that will be used to illuminate the mural during hours of darkness.
 - (4) The owner of record of the building or structure on which the proposed mural is to be placed shall, in writing, consent to the placing of the mural on the property and shall agree to restore the wall, facade or surface upon which the mural is placed to its prior existing condition if and at such time the mural is not maintained by the applicant. The permit shall include a statement detailing the applicant's plans for the maintenance of the mural.
 - (5) The building or structure shall be located within the boundaries of the central business district, as determined by and shown in the central business district improvement program for the city.
- (d) Shopping centers. All shopping centers in the B-2 and B-3 districts shall be subject to the following signage requirements:

- (1) Signs not requiring a permit.
- (2) Signs for permitted, conditional and nonconforming uses:
 - a. Tenants. Wall and window signs shall be permitted if placed on a shared wall in lieu of individual wall signs. The total area of all signs may not exceed six square feet per lineal foot of building frontage per tenant.
 - b. Shopping center. Wall and ground signs shall be permitted for identification of the shopping center. The total area of all signs shall not exceed one square foot per lineal foot of lot frontage up to a maximum of 200 square feet.
 - c. Height restrictions. Ground signs may not exceed the maximum height allowed in the zoning district in which the shopping center is located.
 - d. Setbacks. All ground signs shall be completely outside of the right-of-way.
- (e) Portable signs. Portable signs (other than sandwich signs) shall be permitted for advertising purposes in the B-2 community business district, the B-3 highway business district and the WFD waterfront district provided that:
 - (1) The sign will not be located in any public right-of-way.
 - (2) The portable sign will not be located closer than ten feet to an adjacent property.
 - (3) The portable sign shall not exceed 32 square feet.
 - (4) The sign shall have no more than two sides, it shall be neat in appearance, constructed of finished all-weather materials, and well maintained.
 - (5) The portable sign may be illuminated during business hours only and shall have no flashing lights.
 - (6) The portable sign will not cause a hazard to vehicular or pedestrian traffic.
 - (7) The permit required in section 94-374 shall be required for portable signs.
 - (8) No more than one sign per property shall be permitted.
 - (9) The portable sign shall be used only to promote goods or services provided by the business occupying the site for which the sign serves.
- (f) Sandwich signs. Sandwich signs shall be allowed in the B-1 local business district, B-2 community business district, B-3 highway business district and WFD waterfront district. Such signs shall be permitted within the sidewalk/grass strip of a public right-of-way only if property conditions do not allow a sandwich sign to be located on private property in front of the business for which the sign serves. Such signs shall require a permit (no fee) from the building inspector and are subject to the following:
 - (1) One sign per property is allowed, for display during business hours. For a corner lot, one sign per street frontage is allowed, not to exceed a maximum of two signs per property. Signs shall be stored within the interior of the building at the close of business each day.
 - (2) The sign/supporting structure's overall dimensions shall not exceed 30 inches wide by 42 inches high. Height shall be measured from the sidewalk to the top of the structure when the sign is in place.
 - (3) No supplemental sign, notice, flag, balloon or other decoration shall be attached to the sandwich sign.
 - (4) In the B-2 community business district, the sign may be placed on the sidewalk fronting the place of business directly adjacent to the property line or building facade or between the sidewalk and curb fronting the place of business and shall be located no further than 20 feet from the main entrance to the business it advertises.

- (5) No sandwich sign shall be placed within ten linear feet of another sandwich sign, measured from the base of each sign.
 - (6) The sign must be weighted so that it is stable and windproof.
 - (7) A five-foot clearance shall be provided to allow unobstructed use of the sidewalk. The sign shall not hinder the ability of persons to exit/enter vehicles parked along the curb and/or hinder exit/entry to a building. The sign shall not obstruct drivers' sight lines at intersections.
 - (8) No sign shall have moving parts or illumination.
 - (9) The sign shall have no more than two sides, it shall be neat in appearance, constructed of finished all-weather materials, and well maintained.
 - (10) The sign must be freestanding and shall not be affixed, chained, secured, tethered or otherwise secured to traffic devices or poles, utility equipment, street trees, street furniture, fire hydrants, street lights or any other public fixture.
 - (11) Sandwich signs shall not be placed in such a way as to interfere with snow plowing of the streets. The area around the sandwich sign shall be free of snow and ice and shall be placed on the ground at all times. Sandwich signs shall not be placed on snow banks. Businesses that utilize sandwich signs will hold the city harmless from damage to the signs due to snow removal.
 - (12) As part of the application for a sandwich sign permit, the permittee shall agree to indemnify and hold harmless the city, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of a sign permitted under this section subsection 94-385(f).
- (g) Animated, moving or revolving signs. All animated, moving, or revolving signs are subject to the following requirements:
- (1) Animated, moving or revolving signs are permitted to contain individual letters and graphics only. Individual graphics may display the illusion of motion such as snowflakes falling, clouds moving or flags waving; however, full or multiple-object animation such as video is prohibited.
 - (2) Animated, moving or revolving signs must revolve around a vertical axis at speeds less than seven revolutions per minute. Any signs that revolve faster than seven revolutions per minute are prohibited.
 - (3) Any individual letters, graphic scrolling, or otherwise displayed on an animated, moving or revolving sign shall remain illuminated and visible for a minimum of four seconds. Any message that remains visible for less than four seconds shall be considered to be flashing and is prohibited.
 - (4) A three-second blank screen between images on an animated sign shall be required.
 - (5) The message area of an animated, moving or revolving sign may be illuminated by incandescent lamps, LED (light-emitting diodes) or magnetic discs. Bare-bulb fluorescent, running, blinking, flashing or other bare-bulb signs are prohibited.
 - (6) Regardless of the light source used to illuminate the sign, the light shall not be unduly bright. To ensure illumination will not be unduly bright, the sign shall have an automatic phased proportional dimmer which shall be used to reduce nighttime brightness levels compared to daytime brightness levels.
 - (7) All animated, moving or revolving signs may also be subjected to additional state, county or federal regulations when located near a roadway. The applicant is solely responsible for obtaining all other required permits.
 - (8) All animated, moving or revolving signs shall be stationary between the hours of 11:00 p.m. and 6:00 a.m.

- (9) No animated, moving or revolving signs shall be located within 25 feet of a residential district.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-386. - Signs permitted in specific districts.

Signs permitted in specific zoning districts are as follows:

- (1) Signs permitted in residential districts (R-1, R-2, R-3 and R-4). Signs not requiring a permit and on-premises home occupation use and professional office use signs.
 - a. Permitted signs. One nonilluminated wall sign per dwelling unit. The sign and illuminating device shall be located entirely within a foot of the wall facing the front yard.
 - b. Area restrictions. Signs shall not exceed two square feet per dwelling unit.
- (2) Signs permitted in lowland conservancy district (C-1).
 - a. Signs not requiring a permit.
- (3) Signs permitted in park district (P-1).
 - a. On-premises signs not requiring a permit.
 - b. On-premises business identification signs for permitted, conditional and nonconforming uses. Requirements of the local business district (B-1) shall apply.
- (4) Signs permitted in agricultural district (A-1).
 - a. Signs not requiring a permit.
 - b. On-premises business identification signs for permitted, conditional and nonconforming uses.
 1. Permitted signs. One wall sign per frontage road and one ground sign per frontage road if all buildings are set back at least 25 feet from the right-of-way line.
 2. Area restrictions. Total area of all signs shall not exceed one square foot per lineal foot of building facade, with ground signs limited to 24 square feet per sign.
 3. Height restrictions. Ground signs shall not exceed a height of 15 feet.
 4. Setbacks. All ground signs shall be at least 25 feet from side and rear lot lines and completely outside of the public right-of-way.
 - c. Agricultural signs pertaining to the products of the agricultural premises not to exceed 32 square feet in area for any one farm. Height of this respective sign shall not exceed eight feet. Two such signs shall be permitted per farm. The sign shall be limited to the name of the premises, the producer and the product being sold or produced.
- (5) Signs permitted in local business district (B-1). Signs not requiring a permit and on-premises signs for permitted, conditional and nonconforming uses.
 - a. Permitted signs. Wall signs, two window signs, one projecting sign or one ground sign.
 - b. Area restrictions. Projecting and ground signs shall not exceed 100 square feet per sign and total area of all signs shall not exceed two square feet per lineal foot of lot frontage to a maximum of 300 square feet. Wall signs may not project more than six inches from the attached surface. Window signs shall not occupy more than 25 percent of the window surface.
 - c. Height restrictions. Ground signs and projecting signs may not exceed 15 feet in height. Wall signs may not extend above the roofline.
 - d. Spacing. Projecting signs may be spaced no closer than 25 feet apart.

- e. Setbacks. Ground signs shall be set back at least ten feet from side lot lines and at least 25 feet from rear lot lines and completely outside the public right-of-way. No sign shall project into the public right-of-way.
- (6) Signs permitted in community business district (B-2). Signs not requiring a permit and on-premises signs for permitted, conditional and nonconforming uses.
- a. Permitted signs. Awnings, wall, window, marquee, canopy, ground and projecting and portable signs.
 - b. Area restrictions. The total area of all on-premises signs may not exceed six square feet per lineal foot of lot frontage excluding directional signs up to a maximum of 300 square feet.
 - c. Height restrictions. Ground and projecting signs may not exceed 30 feet in height.
 - d. Spacing. Projecting signs may be spaced no closer than 25 feet apart.
 - e. Setbacks. Ground signs shall be set back at least ten feet from side lot lines and at least 25 feet from rear lot lines and completely outside the public right-of-way. No sign shall project into the public right-of-way.
- (7) Signs permitted in highway business district (B-3).
- a. Signs not requiring a permit.
 - b. On-premises business identification signs for permitted, conditional and nonconforming uses.
 - 1. Permitted signs. Awnings, wall, window, marquee, canopy, ground and projecting and portable signs.
 - 2. Area restrictions. The total area of all on-premises signs shall not exceed two square feet per lineal foot of lot frontage, excluding directional signs up to a maximum of 400 square feet.
 - 3. Height restrictions. Ground and projecting signs shall not exceed 35 feet in height.
 - 4. Spacing. Ground and projecting signs shall be spaced no closer than 50 feet apart.
 - 5. Setbacks. Ground signs shall be at least 40 feet from side and rear lot lines and completely outside of the public right-of-way.
- (8) Signs permitted in light industrial and heavy industrial district (I-2).
- a. Signs not requiring a permit.
 - b. On-premises business identification signs for permitted, conditional and nonconforming uses.
 - 1. Permitted signs. Wall, window, marquee, canopy, ground and projecting signs.
 - 2. Area restrictions. The total area of all on-premises signs shall not exceed two square feet per lineal foot of lot frontage excluding directional signs up to a maximum of 600 square feet.
 - 3. Height restriction. Ground and projecting signs may not exceed 35 feet in height.
 - 4. Spacing. Ground and projecting signs may be spaced no closer than 50 feet apart.
 - 5. Setbacks. Ground signs shall be at least 30 feet from side and rear lot lines and completely outside of the public right-of-way.
- (9) Signs permitted in industrial park district (I-3). Signs not requiring a permit and on-premises signs for permitted, conditional and nonconforming uses.
- a. Permitted signs. On-premises wall and ground signs.

- b. Area restrictions. The total area of all on-premises signs may not exceed two square feet per lineal foot of lot frontage excluding directional signs up to a maximum of 600 square feet.
- c. Height restrictions. Ground signs may not exceed 35 feet in height.
- d. Setbacks. Ground signs shall be at least 25 feet from side and rear lot lines and completely outside of the public right-of-way.

(10) Signs permitted in waterfront district (WFD).

- a. Signs not requiring a permit.
- b. Signs for permitted, conditional and nonconforming uses.
 - 1. Permitted signs. Awnings, wall, window, marquee, canopy, ground, projecting and portable signs.
 - 2. Area restrictions. The total area of all on-premises signs may not exceed six square feet per lineal foot of lot frontage excluding directional signs up to a maximum of 300 square feet.
 - 3. Height restrictions. Ground and projecting signs may not exceed 30 feet in height.
 - 4. Spacing. Projecting signs may be spaced no closer than 25 feet apart.
 - 5. Setbacks. Ground signs shall be set back at least ten feet from side lot lines and at least 25 feet from rear lot lines and completely outside the public right-of-way. No sign shall project into the public right-of-way.
- c. To encourage a waterfront environment that is compatible with the waterfront character of the city, no sign permit shall be issued without the review and approval of the plan commission.

(Ord. No. 566-12, § 1, 2-13-2012)

Secs. 94-387—94-410. - Reserved.

ARTICLE IX. - HISTORIC PRESERVATION

FOOTNOTE(S):

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Cross reference— Buildings and building regulations, ch. 14

Sec. 94-411. - Statutory authority.

This article is enacted pursuant to state mandate as more particularly appearing in Wis. Stats. § 62.23(7)(em).

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-412. - Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity. The purpose of this article is to:

- (1) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- (2) Safeguard the city's historic or cultural heritage, as embodied and reflected in its historic structures, sites and districts;
- (3) Stabilize and improve property values, and enhance the visual and aesthetic character of the city; and
- (4) Protect and enhance the city's attraction for residents, tourists and visitors, and serve as a support and stimulus to the city's businesses and industries.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-413. - Definitions.

Pertinent definitions are as follows:

Certificate of appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction, or demolition, in whole or in part, of any historic structure, historic site or any improvement in a historic district.

Commission means the historic preservation commission of the city, as created by this article.

Council means the City Council of the City of Kewaunee.

Historic district means an area designated by the council, on recommendation of the commission, that contains two or more historic structures, improvements or sites, the boundaries which are depicted on a map and available to the public in the office of the city clerk.

Historic site means any parcel of land of historic significance due to its value in tracing the history or pre-history of man or upon which a historic event has occurred, and which has been designated as a historic site under the provisions of this article; or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure means any building, structure, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.

Improvement means any improvement which has a special character or special historic interest or value as a part of the development, heritage or cultural characteristics of the city, state or nation, and which has been designated as a historic structure pursuant to the provisions of this article.

(Ord. No. 566-12, § 1, 2-13-2012)

Cross reference— Definitions generally, § 1-2

Sec. 94-414. - Penalty.

Any person or persons violating any provision of this article shall be subject to the uniform penalty provisions of this Code, or any other legal remedy available according to law. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the building inspector or a police officer.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-415. - Historic preservation commission.

- (a) Established; membership. A historic preservation commission is hereby created consisting of seven members. Preference for membership should be given as follows, if such members are available within the community and willing to serve:
 - (1) One registered architect, design professional, or civil engineer.
 - (2) One historian, known in the community to have interest in local history.
 - (3) One licensed real estate broker.
 - (4) One alderman.
 - (5) Three citizen members representing different districts of the city with an interest in historic preservation.
- (b) Appointment of members. Members shall be appointed/elected at a council organizational meeting(s) as follows:
 - (1) The architect, design professional, or engineer shall be appointed by the mayor to serve a three-year term, subject to confirmation of the council.
 - (2) The historian shall be appointed by the mayor to serve a three-year term, subject to confirmation of the council.
 - (3) The real estate broker shall be appointed by the mayor, subject to confirmation of the council, and it is proposed that such members serve one-year terms only to allow representation to be rotated among brokers in the community.
 - (4) The alderman shall be appointed by the council for one year.
 - (5) One citizen member shall be appointed by the mayor from residents of the Marquette Historic District for a three-year term.
 - (6) The remaining two citizen members at large shall be appointed by the mayor from different and separate aldermanic districts, one for a two-year term and one for one year.
 - (7) Additional citizen members shall be appointed for one year when a representative of the specified professions or a person of specified characteristics is not available to serve.
 - (8) In addition, the commission is encouraged to call upon members of the community whose professions or experience would make them a valuable resource. It is understood that such citizens would serve voluntarily and without compensation.
 - (9) In case of a vacancy, the mayor shall appoint a successor to fill the unexpired term, subject to confirmation of the council.
- (c) Compensation of members. Members of this commission shall not be compensated for services, but may be reimbursed for individual expenses incurred for commission activity, as the council may direct. Any such reimbursement would be from city funds.
- (d) Officers. The commission shall elect one member as chairman and one member as secretary.
- (e) Meetings. Meetings of the commission shall be held as the commission may establish to best serve its purposes. Time and place of meetings, as well as the manner of calling special meetings, shall be specified in the rules of procedure adopted by the commission.
- (f) Rules of procedure. Four members shall constitute a quorum. The chairman, or acting chairman, shall be entitled to a vote and shall be considered in determining a quorum. When a quorum is present, action shall be by majority of those voting. The commission shall adopt rules of procedure for governing the conduct of its meetings.

- (g) Powers and duties. The commission shall be charged with carrying out the intent and purpose of this article and the duties and responsibilities set forth herein.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-416. - Qualifications for designation as historic structure, site or district.

For purposes of this article, a historic structure, a historic site, or a historic district designation may be placed on any natural or improved site, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological, or cultural significance to the city, providing such structures, sites or districts have the following qualifications:

- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;
- (2) Are identified with historic persons or with important events in national, state or local history;
- (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, or method of construction or of indigenous materials or craftsmanship, or are representative of the notable work of a master builder, designer, or architect who influenced the age; or
- (4) Have yielded, or may be likely to yield, important information about pre-history or history.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-417. - Powers of commission and council; regulation of construction; certificate of appropriateness; plaques and markers.

- (a) Designation powers. Any and all designations of "historic," whether applied to structures, sites or districts, shall be based on the criteria set forth in this article and any amendments subsequently made to it.
 - (1) Powers of commission. The commission shall have the power, pursuant to this article, to recommend to the council the designation of historic structures and/or sites, and to recommend designation of historic districts within the city.
 - (2) Powers of council. Designation of historic structures and/or sites, and approvals and designations of historic districts and historic preservation plans therefor, require action by the council in accordance with the procedures set forth in this article.
- (b) Preservation guidelines. The commission shall adopt specific operating guidelines for historic structure, site, and district designation as well as guidelines for preservation, restoration, enhancement of significant character of designated historic places, structures and sites.
- (c) Regulation of construction, reconstruction, alteration, or demolition; certificate of appropriateness.
 - (1) Certificate of appropriateness required. No owner or person in charge of a historic structure, historic site, or historic structure within a historic district shall reconstruct/alter or demolish all or any part of the exterior of such property, or construct any improvement upon such designated property, or cause or permit any such work to be performed by others upon such property, or demolish such property, unless a certificate of appropriateness has been granted by the commission pursuant to application therefor. Also, unless such certificate has been granted by the commission, the building inspector shall not issue a permit for any such work.
 - (2) Grounds for denial of certificate of appropriateness. The commission shall not recommend a certificate of appropriateness whenever any of the following conditions are found to exist:

- a. In the case of the proposed construction of a new improvement upon a historic site, or within a historic district: The exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within such district.
 - b. In the case of any property located in a historic district: The proposed construction, reconstruction, exterior alteration, or demolition does not conform to the purpose and intent of this article and to the objectives and design criteria of the historic preservation plan for said district.
 - c. In the case of the demolition of the whole or part thereof is proposed: The building or structure is of such architectural or historical significance that the proposed demolition would be detrimental to the public interest and contrary to the general wishes of the people of the city and state.
 - d. In the case of a request for the demolition of a deteriorated building or structure: Any economic hardship or difficulty claimed by the owner that has been self-created or is the result of failure to maintain the property in good repair.
 - e. In the case of a request for demolition of a public building or structure previously designated as historic or located within a historic district: A letter of intent must be filed with the appropriate state agency.
 - f. In the case of a designated historic structure or site the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which said work is to be done.
- (3) Recommendation of certificate by commission. A certificate of appropriateness shall be recommended whenever the proposed changes are consistent with the character and features of the property or district. The commission shall make its decision within 45 days of the filing of the application.
 - (4) Issuance of building permits. Upon receipt of a certificate of appropriateness, the applicant shall present the certificate to the proper authority for issuing a building permit. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work.
 - (5) Exemption for ordinary maintenance and repairs. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involved does not require a building permit. Such maintenance and repairs would require replacement of elements of a structure with pieces which do not visually alter the exterior appearance of the structure or site.
 - (6) Duty of owner and occupant to maintain structures and sites. A "historic" designation of any structure or site pursuant to this article, or the very location of any structure or site within an officially designated historic district, carries with it the added responsibility upon the owner and/or occupant of good husbandry regarding repair and maintenance of the structure or site. Failure to properly repair or maintain the same shall constitute a violation and be subject to penalties as stipulated in section 94-414
- (d) Appeals of denial of certificate of appropriateness. Should the commission decline to issue a certificate of appropriateness due to failure of the proposal to conform to commission operating guidelines as defined in this article, the applicant may appeal such decision after 180 days to the council. After review, the council will either reverse the decision of the commission and have the commission issue a certificate of appropriateness, or the council will issue a statement listing the reasons for denial. At any point in this proceeding, the applicant may request the commission's advice and assistance in modifying the proposal to conform to the commission's guidelines, thus permitting the commission to issue the certificate of appropriateness.
 - (e) Plaques and markers. At such time as a historic structure, site or district has been properly designated, the commission, with the cooperation of the property owner, may cause to be prepared

and erected on such property, at city expense, a suitable plaque or marker declaring the property as a historic structure, site or district.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-418. - Procedure for designation of historic structures, sites and districts.

Designations of structures and/or sites or of historic districts require consideration by the commission and council; final designation is issued by the authority of the council. Their respective participation in the procedures are as follows:

(1) Recommendation by plan commission.

a. Historic structures and historic sites.

1. Application/nomination. Upon application for "historic" designation of a particular structure and/or site, by the owner or other applicant, the commission shall consider the request and gather all available information pertaining to the qualifications of such structure or site for "historic" designation.
2. Recommendation. If, in the opinion of a majority of the commission voting, the structure and/or site appears to meet the criteria appearing in this article, it shall adopt a resolution recommending to the council the approval of a "historic" designation therefor. If, however, a majority of the commission voting finds that the nominated structure and/or site fails to meet "historic" criteria, the commission may decline to send the matter to the council. The commission shall notify the applicant(s) of such decision within 30 days of such a vote. If the applicant desires that the application be referred to the council over the objections of the commission, the applicant may advance estimated publication fees to the city administrator, who will submit the application, together with a report (or copy of the commission's minutes) which sets forth the commission's reason(s) for not recommending approval.

b. Historic districts.

1. Initiation. For preservation purposes, geographical area(s) containing two or more structures and/or sites considered to meet, or previously found by the commission to meet, "historic" designation may be selected by the commission for ultimate recommendation to the city council for historic district designation. Motivation for such designation may come by way of application by the property owner(s) of proposed or previously designated historic structures or sites, by other interested citizen(s), or upon the initiative of the commission itself.
2. Consideration and recommendation; historic preservation plan.
 - i. Before recommending entire districts to the council for "historic" designation, a minimum of two structures and/or sites within such contemplated district should have already been designated as "historic."
 - ii. Prior to its recommendation to the council of a proposed historic district, the commission shall cause to be prepared a historic preservation plan for the designated area which shall include a cultural and architectural analysis supporting the historic significance of the area, specific guidelines for its preservation and development, and a statement of preservation objectives for the historic district. The party(ies) proposing "historic" designation for a district shall bear the cost of preparing such a plan.

(2) By common council.

- a. Notice of hearing. The city administrator, upon receipt of favorable recommendation from the commission for designation of historic structure and/or site, or for designation of historic

district, shall cause a notice to be published as a class 2 notice under Wis. Stats. ch. 985, of the date, time, place and purpose of public hearing before the council on the proposed historic structure and/or site designation or historic district designation and plan. At least ten days prior to such hearing, owner(s) of all such proposed structures and/or sites, or owners of properties situated within 200 feet of such proposed district, shall be notified by mail of such hearing. Such notices will state that any objections to such designation shall be filed in writing with the city administrator at least 24 hours before the hearing.

b. Conduct of hearing; determination.

1. The council shall conduct a public hearing on the proposed "historic" designation. A representative of the commission shall first make a brief presentation and explanation of the commission's recommendation. The city administrator shall report as to the receipt and time of filing of any written objection(s) and by whom made. The council shall hear all persons desiring to be heard.
2. The council may take action immediately following the public hearing, or it may defer action for no more than 30 days to conduct any further investigation as it deems warranted, including determining the validity of written objection(s). No more than 30 days after the close of the public hearing, the council shall consider for adoption a resolution designating the historic structure and/or site, or historic district. A vote for either adoption or rejection shall require a consensus of at least five members rather than a simple majority. The city administrator shall immediately notify the applicant(s) by mail of the council's decision.
 - i. If adopted, the designation becomes effective immediately.
 - ii. If rejected, the proposal is eligible for resubmission after 180 days.

- (3) Rescission of designation. The procedures for rescission of previous "historic" designations for structures, sites or districts shall be similar to those outlined herein for obtaining such designation.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-419. - Interim control of construction pending decision on application.

No building permit shall be issued by the building inspector for alteration, construction, demolition or removal of a nominated historic structure, or site, or any property or structure within a nominated historic district, from the date of the meeting of the commission at which an application for "historic" designation is first presented until the final disposition by the commission or the council, as the case may be, unless the permit involves public health, welfare or safety. In such an event it can be authorized by formal resolution of the council.

(Ord. No. 566-12, § 1, 2-13-2012)

Sec. 94-420. - Conformance with regulation.

Every person in charge of a historic structure, site or improvement in a historic district shall maintain same, or cause or permit it to be maintained in a condition consistent with the provision and intent of article IX of this chapter. The council may appoint the building inspector or any other individual or group of individuals to enforce article IX of this chapter. Historic structures may be inspected periodically to ensure the provisions and intent of article IX of this chapter are met. This inspection may include entry upon the property and improvement, with the permission of the owner, to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement.

(Ord. No. 566-12, § 1, 2-13-2012)