

Table of Contents

Chapter 106 ZONING	8
ARTICLE I. IN GENERAL	8
Sec. 106-1. Definitions	8
Sec. 106-2. Noncompliance penalties	13
Sec. 106-3. Authority	13
Sec. 106-4. Purpose	14
Sec. 106-5. Applicability	14
Secs. 106-6—106-40. Reserved	16
ARTICLE II. ADMINISTRATION AND ENFORCEMENT	16
DIVISION 1. GENERALLY	16
Sec. 106-41. Annexations	16
Sec. 106-42. Amendments	16
Secs. 106-43—106-60. Reserved	17
DIVISION 2. ZONING ADMINISTRATOR	17
Sec. 106-61. Administration and penalties	17
Sec. 106-62. Powers and duties	17
Sec. 106-63. Authority	17
Secs. 106-64—106-81. Reserved	18
DIVISION 3. ZONING BOARD OF APPEALS	18
Sec. 106-82. Establishment	18
Sec. 106-83. Membership	18
Sec. 106-84. Procedure	18
Sec. 106-85. Powers	19
Sec. 106-86. Appeals from actions of airport commission	19
Sec. 106-87. Appeals and applications	19
Sec. 106-88. Hearing	19
Sec. 106-89. Findings	20
Sec. 106-90. Decision	20
Sec. 106-91. Review by court of record	20
Secs. 106-92—106-110. Reserved	20
DIVISION 4. PERMITS AND FEES	20
Sec. 106-111. Building and zoning permit required	20
Sec. 106-112. Procedure for Obtaining Zoning Permit	21

PART II - MUNICIPAL CODE
Chapter 106 ZONING

Sec. 106-113. Zoning compliance.	21
Sec. 106-114. Reserved.....	21
Sec. 106-115. Nonconforming use.....	21
Sec. 106-116. Conditional use permits.	22
Secs. 106-117—106-150. Reserved.	22
ARTICLE III. CONFORMING USES	22
DIVISION 1. GENERALLY	22
Sec. 106-151. Number of uses on a lot.....	22
Sec. 106-152. Accessory uses and structures.	22
Secs. 106-153—106-170. Reserved.	22
DIVISION 2. CONDITIONAL USES	23
Sec. 106-171. Procedures for grants of.	23
Secs. 106-172—106-190. Reserved.	23
DIVISION 3. NONCONFORMING USES	23
Sec. 106-191. Continuance allowed; conditions.....	23
Secs. 106-192—106-220. Reserved.	24
ARTICLE IV. OFF-STREET PARKING.....	24
Sec. 106-221. Number required.	24
Sec. 106-222—106-260. Reserved.....	25
ARTICLE V. PERFORMANCE STANDARDS.....	25
Sec. 106-261. Purpose.	25
Sec. 106-262. Compliance.....	25
Sec. 106-263. Visibility triangles for properties adjoining State or U.S. Highways.....	25
Sec. 106-264. Air pollution.....	25
Sec. 106-265. Vibration.....	26
Sec. 106-266. Exterior storage.....	26
Sec. 106-267. Impervious surface requirements.	26
Sec. 106-268. Fire and explosion.	26
Sec. 106-269. Radioactivity or electric disturbance.....	27
Sec. 106-270. Waste material.	27
Sec. 106-271. Hazardous materials.....	27
Sec. 106-272. Requirements.	27
Sec. 106-273. Drainage.....	28
Sec. 106-274. Fencing.	28
Sec. 106-275. Screening between incompatible uses.	28

PART II - MUNICIPAL CODE
Chapter 106 ZONING

Sec. 106-276. Shoreland regulations for shoreland properties annexed after 1982.....	29
Secs. 106-277—106-310. Reserved.....	29
ARTICLE VI. ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS.....	29
DIVISION 1. GENERALLY	29
Sec. 106-311. Zoning districts.....	29
Sec. 106-312. Zoning map established.....	29
Sec. 106-313. District boundaries, determination of.....	30
DIVISION 2. SINGLE-FAMILY RESIDENCE DISTRICT	30
Sec. 106-331. Characteristics of the district.....	30
Sec. 106-332. Uses permitted by right.....	30
Sec. 106-333. Uses permitted by conditional grant.....	30
Sec. 106-334. Site requirements.....	30
Sec. 106-335. Prohibited uses.....	30
Secs. 106-336—106-360. Reserved.....	31
DIVISION 3. SINGLE- AND TWO-FAMILY RESIDENCE DISTRICT.....	31
Sec. 106-361. Characteristics of the district.....	31
Sec. 106-362. Uses permitted by right.....	31
Sec. 106-363. Uses permitted by conditional grant.....	31
Sec. 106-364. Site requirements.....	31
Sec. 106-365. Prohibited uses.....	31
Secs. 106-366—106-390. Reserved.....	31
DIVISION 4. MULTIPLE-FAMILY RESIDENCE DISTRICT	32
Sec. 106-391. Characteristics of District.....	32
Sec. 106-392. Uses permitted by right.....	32
Sec. 106-393. Uses permitted by conditional grant.....	32
Sec. 106-394. Site requirements.....	32
Sec. 106-395. Prohibited uses.....	32
Secs. 106-396—106-410. Reserved.....	32
DIVISION 5. OFFICE/RESIDENCE DISTRICT	33
Sec. 106-411. Purpose.....	33
Sec. 106-412. Reserved.....	33
Sec. 106-413. Uses permitted by right.....	33
Sec. 106-414. Uses permitted by conditional grant.....	34
Sec. 106-415. Site requirements.....	34
Sec. 106-416. Prohibited uses.....	34

PART II - MUNICIPAL CODE
Chapter 106 ZONING

Secs. 106-417—106-440. Reserved.	34
DIVISION 6. DOWNTOWN COMMERCIAL DISTRICT	34
Sec. 106-441. Intent.....	34
Sec. 106-442. Uses permitted by right.....	34
Sec. 106-443. Uses permitted by conditional grant.....	36
Sec. 106-444. Site requirements.....	36
Sec. 106-445. Prohibited uses.....	37
Sec. 106-446—106-470. Reserved.....	37
DIVISION 7. HIGHWAY COMMERCIAL DISTRICT	37
Sec. 106-471. Intent.....	37
Sec. 106-472. Uses permitted by right.....	37
Sec. 106-473. Uses permitted by conditional grant.....	38
Sec. 106-474. Site requirements.....	38
Secs. 106-475—106-500. Reserved.	38
DIVISION 8. INDUSTRIAL DISTRICT	38
Sec. 106-501. Characteristics of the district.	38
Sec. 106-502. Permitted uses.	38
Sec. 106-503. Uses by conditional grant.....	39
Sec. 106-504. Site requirements.....	39
Secs. 106-505—106-520. Reserved.	39
DIVISION 9. PARK AND RECREATION DISTRICT	39
Sec. 106-521. Purpose.	39
Sec. 106-522. Uses permitted by right.....	40
Sec. 106-523. Uses permitted by conditional grant.....	40
Sec. 106-524. Site requirements.....	40
Secs. 106-525—106-530. Reserved.	40
DIVISION 10. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT	40
Sec. 106-531. Intent.....	40
Sec. 106-532. Review and application procedure.	41
Sec. 106-533. Design standards.	42
Sec. 106-534. Designation of the PUD district.	43
Sec. 106-535. Changes in approved plan.	43
Secs. 106-536—106-540. Reserved.	43
DIVISION 11. GOVERNMENT USE (GU) DISTRICT	43
Sec. 106-541. Intent.....	43

PART II - MUNICIPAL CODE
Chapter 106 ZONING

Sec. 106-542. Permitted principal uses and structures.	43
Sec. 106-543. Uses permitted by conditional grant.....	44
Sec. 106-544. Permitted accessory uses and structures.....	44
Sec. 106-545. Standards.	44
DIVISION 12. TELECOMMUNICATIONS AND WIND ENERGY SYSTEMS	45
Sec. 106-546. Wireless communication district.....	45
Secs. 106-547—106-550. Reserved.	45
Sec. 106-551. Conditional use permit required—Wind energy systems.....	45
Sec. 106-552. Permit procedure—Wind energy systems.	46
Sec. 106-553. Specific requirements regarding wind energy systems.	47
Secs. 106-554—106-560. Reserved.	47
ARTICLE VII. BULK REGULATIONS	47
Sec. 106-561. Schedule of regulations.....	47
Secs. 106-562—106-590. Reserved.	50
ARTICLE VIII. AIRPORT ZONING	50
Sec. 106-590. Purpose and intent.....	50
Sec. 106-591. Definitions.	50
Sec. 106-592. Zones.	50
Sec. 106-593. Height limitation zones.	51
Sec. 106-594. Use restrictions.	51
Sec. 106-595. Nonconforming uses.....	51
Sec. 106-596. Administration.	51
Sec. 106-597. Permits.	51
Sec. 106-598. Hazard marking and lighting.	52
Sec. 106-599. Appeals.....	52
Sec. 106-600. Penalties.....	52
Secs. 106-601—106-630. Reserved.	53
ARTICLE IX. SIGNS.....	53
DIVISION 1. GENERALLY	53
Sec. 106-631. Definitions.	53
Sec. 106-632. Findings.	54
Sec. 106-633. Statement of goals.	54
Secs. 106-634—106-650. Reserved.	54
DIVISION 2. ADMINISTRATION AND REGULATION.....	55
Sec. 106-651. General Sign Standards.	55

PART II - MUNICIPAL CODE
Chapter 106 ZONING

Sec. 106-652. Right of appeal.	55
Sec. 106-653. Permits and fees.....	55
Sec. 106-654. Inspection, removal and safety.	56
Sec. 106-655. Additional regulations of signs.....	56
Secs. 106-656—106-680. Reserved.	56
DIVISION 3. GENERAL STANDARDS	56
Sec. 106-681. Categories of signs.	56
Sec. 106-682. On-premises signs.	57
Sec. 106-683. Off-premises signs.....	57
Sec. 106-684. Directional signs.	57
Sec. 106-685. Official signs.	57
Sec. 106-686. Temporary signs.	57
Sec. 106-687. Nonconforming signs.	57
Sec. 106-688. Illumination.	57
Sec. 106-689. Direct illumination allowed.	58
Sec. 106-690. Awnings/marquees.	58
Sec. 106-691. Electronic message unit signs.....	58
Secs. 106-692—106-710. Reserved.	58
DIVISION 4. REGULATIONS BY DISTRICT.....	58
Sec. 106-711. Single-family residence district.	58
Sec. 106-712. Single- and two-family residence district.....	59
Sec. 106-713. Multiple-family residence district.	59
Sec. 106-714. Office/residence districts.	59
Sec. 106-715. Downtown commercial districts.	60
Sec. 106-716. Highway commercial districts.	60
Sec. 106-717. Industrial district.	61
Sec. 106-718. Park and recreation district.....	61
Secs. 106-719—106-740. Reserved.	61
DIVISION 5. TEMPORARY SIGNS.....	61
Sec. 106-741. Restricted.	61
Secs. 106-742—106-760. Reserved.	62
DIVISION 6. PROHIBITED SIGNS AND DEVICES	62
Sec. 106-761. Regulated.	62
Sec. 106-762—106-779. Reserved.....	63
ARTICLE X. SHORELAND/WETLAND ZONING.....	63

PART II - MUNICIPAL CODE
Chapter 106 ZONING

Sec. 106-780. Penalties.....63
Sec 106-781. Additional shoreland/wetland provisions.....63
Secs. 106-782—106-790. Reserved.....63

Chapter 106 ZONING¹

ARTICLE I. IN GENERAL

Sec. 106-1. Definitions.

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used or defined in one tense or form will include other tenses and definitive forms. If not otherwise defined in this section or other provisions of this Code, words used in this chapter will have their ordinary and accepted meaning.

Adult arcade means any place to which the public is permitted or invited wherein, for any form of consideration, electronically, electrically, or mechanically-controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store means any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals, or other printed matter; or photographs, slides, films, motion pictures, videos of any kind (including but not limited to DVDs, Blu-ray discs, or by way of streaming), or other visual representations; which are distinguished or characterized by their emphasis on the exhibition, display, depiction, or description of specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for the sexual stimulation of the human genitals, anus, or female breast or for the sadomasochistic use or abuse of the user or others.

Nothing in this definition shall be construed to include devices primary intended for protection against sexually transmitted diseases or for preventing pregnancy. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the materials or devices described in paragraphs (1) or (2) above and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials or devices. The materials covered by paragraph (1) above shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given an "R" or "NC-1 7" rating by the Motion Picture Association of America.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

¹Editor's note(s)—Ordinance No. 568 , adopted Jan. 12, 2021, repealed Ch. 106 in its entirety and enacted a new Ch. 106 to read as set out herein. Former Ch. 106 pertained to similar subject matter. Historical notations have been retained for reference purposes.

Cross reference(s)—Any zoning ordinances and amendments saved from repeal, § 1-10(16); buildings and building regulations, ch. 18; zoning administration approval for adult entertainment, § 22-40; community development, ch. 30; streets, sidewalks and other public places, ch. 78; vegetation, ch. 94; waterways, ch. 102.

-
- (1) Persons who appear in a state of nudity or semi-nudity; or
 - (2) Live performances which are distinguished or characterized by their emphasis on the exhibition or display of specified anatomical areas or specified sexual activities; or
 - (3) Films, motion pictures, videos, slides, photographs, or other visual representations which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given an "R" or "NC-17" rating by the Motion Picture Association of America.

Adult entertainment business means an adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult novelty store, adult theater, adult video store, or escort agency. May also be referred to as a sexually oriented business.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, videos, slides, photographs, or other visual representations are regularly shown which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given "R" or "NC-17" rating by the Motion Picture Association of America.

Adult theater means a theater, concert, hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by their emphasis on the exhibition or display of specified anatomical areas or specified sexual activities. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given "R" or "NC-17" rating by the Motion Picture Association of America.

Agricultural and gardening means operations that raise plants on-site and outdoors. This definition includes nurseries and Christmas tree operations. Raising plants for consumption by livestock is considered agricultural if such plants are consumed by livestock located off-site.

Airport means any area of land or water designed and set aside for the landing and takeoff of aircraft, including necessary facilities for the housing and maintenance of aircraft.

Alter or alteration means any change other than routine maintenance of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof other than routine maintenance or exterior walls.

Buffer area means a landscaped area intended to separate and partially obstruct the view of two adjacent lands or properties from one another. (See also "Screening.")

Building means any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by party walls, each divided part will be deemed a separate unit.

Building accessory, means a structure which is subordinate to and serves a principal structure or a principal use; is located on the same lot as the principal structure or use served; and is subordinate in area, extent and purpose to the principal structure or use served.

Building height means the vertical distance from the average established street grade in front of the lot or the average finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height of the highest gable of a gambrel, hip or pitch roof.

Building line means the line parallel to the street line that passes through the point of the principal building nearest the front lot line.

Building permit means a permit that is issued to ensure that the structure is constructed to an appropriate standard (Wisconsin State Building Codes) and is safe for the intended use.

Building, principal, means a structure where the principal use of the lot on which it is located is conducted.

Business use means for use in the process of keeping the business operating.

Commercial use means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Community living arrangement means facilities meeting the requirements of Wis. Stats. § 48.60 for child welfare agencies; group homes for children under Wis. Stats. § 48.02(7); and community-based residential facilities under Wis. Stats. § 50.01. Facilities not included are day care centers, nursing homes, hospitals, prisons or jails.

Conservation areas means environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in cases of overriding public interest.

Distinguished or characterized by means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by their emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of specified sexual activities or specified anatomical areas.

Dwelling unit means a building or portion of a building used exclusively for residential purposes, not including hotels, boardinghouses and lodging houses but including manufactured housing.

Escort means a person who, for any form of consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other form of consideration.

Establishment means and includes any of the following:

- (1) The opening or commencement of any sexually oriented/adult entertainment business as a new business; or the conversion of an existing business, whether or not a sexually oriented/adult entertainment business, to any sexually oriented/adult entertainment business; or
- (2) The addition of any sexually oriented/adult entertainment business to any other;
- (3) Existing Sexually oriented/adult entertainment business; or
- (4) The relocation of any sexually oriented/adult entertainment business.

Fence means any partition, structure or gate erected as a dividing marker, barrier or enclosure around a land area. Hedges or similar living vegetation are not considered fencing.

Floodplain or flood prone area means any land area susceptible to being inundated by water from any source.

Home occupation means an accessory use of a dwelling unit for gainful employment which is clearly incidental and subordinate to the use of the dwelling unit as a residence, is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling or the yard, and is located in a residential district. The occupants will transact no business on the premises that would generate additional traffic or parking problems for the neighborhood.

Home use means for use in the process of keeping the household suitable for human habitation.

Impervious surface means any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface will include but is not limited to graveled driveways and parking areas.

Junkyard means any premises on which there is an accumulation, whether one or more or in whole or in part, of scrap metal; old, dilapidated or rundown vehicles in a general state of disrepair; paper; rags; glass; salvage lumber; or other scrap, waste or debris materials stored or customarily stored for salvage, sale or future use by the owner or occupant.

Land use plan means a composite of the city land use document; all accompanying maps, charts and explanation material adopted by the council; and all amendments to the plan.

Livestock means all animals kept or raised for use or profit.

Lot means a platted parcel of land intended to be separately owned, developed and otherwise used as a unit.

Lot line means a line dividing one lot from another lot or from a street or alley.

Manufactured housing means a factory-built, single-family structure that is manufactured under the authority of 42 USC 5401 of the National Manufactured Home Construction and Safety Standards Act, when placed on-site:

- (1) Is set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1) and Ch. Comm. 27, of Wis. Admin. Code ILHR 21, or is set on a comparable enclosed foundation system approved by zoning administrator.
- (2) Is installed in accordance with manufacturer's instructions.

Michigan roof means a roof constructed over an existing roof with only air space and supporting materials between the two roofs.

Mobile home means a transportable, factory-built home, designed to be used as year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. (See also "Manufactured housing.")

Nonconforming lot means a lot which lawfully existed prior to the adoption of the ordinance from which this chapter is derived, or any revision or amendment of this chapter, but which fails by reason of such adoption, revision or amendment to conform to the provision of this code.

Nonconforming use means a lawful use of land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

Nude, nudity, or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the areola, or the showing of the covered male genitals in a discernibly turgid state.

Open space means land which is required by this chapter to remain as open space; is intended to provide light and air; and is designed for either environmental, scenic or recreational purposes. Open space may include but is not limited to lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space will not be deemed to include impervious surfaces (i.e., driveways, parking lots or other surfaces intended for vehicular travel).

Park means any public or private land available for recreational, educational or cultural use.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises means the real property upon which the sexually oriented/adult entertainment business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented/adult

entertainment business, the grounds, the private walkways, and the parking lots adjacent thereto under the ownership, control, or supervision of the owner or operator of the business.

Principal use means the main use and chief purpose of a lot or structure.

Recycling collection point means an accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable resources.

Recycling plant means a facility that is not a junkyard and in which receivable resources, such as newspapers, magazines, books and other paper products, are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

Regularly features or regularly shows means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented/adult entertainment business.

Routine maintenance means action taken to repair, improve and upgrade a building or structure without increasing the footprint beyond the thickness of new materials and includes, but is not limited to, the following: replacement or installation of windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles and other roofing; replacing or repairing walls or floors of a foundation; internal improvements within the building envelope; installing a vented or "Michigan" roof and/or increasing the pitch of a roof, provided the living space is not increased and the height of the building or structure does not exceed building height and setback requirements.

Setback means the required minimum horizontal distance between the building line and the related front, side or rear property line.

Semi-nude, semi-nudity, or a state of semi-nudity means the showing of the human male or female genitals, pubic area, vulva, or anus with not more than a complete opaque covering or the showing of the female breast with not more than a complete opaque covering of the nipple or areola.

Sewered means a structure which is connected to and served by a sewer system as defined and regulated by Wis. Admin. Code Ch. NR 110.

Sexually oriented business means an adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult novelty store, adult theater, adult video store, or escort agency. May also be referred to as an adult entertainment business.

Shipping container means a large, strong container, usually made of metal, used to store and/or transport goods; a container designed to be moved from one mode of transport to another without unloading and reloading. Not used for habitation - human or animals.

Sign means a structure or device designed or intended to convey information to the public in written or pictorial form.

Specified anatomical areas means:

- (1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
- (2) Less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast.

Specified sexual activities means any of the following:

- (1) The fondling or other erotic touching of another person's genitals, pubic region, buttocks, anus, or female breasts; or
- (2) Sex acts, including but not limited to intercourse, oral copulation, masturbation, or sodomy.

Structure means the same as building.

-
- (1) Primary means a structure or combination of structures of chief importance or function on a site.
 - (2) Accessory means a structure of secondary importance or function on a site.

Structural alteration means an alteration to a building or structure which is not included in the definition of routine maintenance.

Unit means a single housekeeping unit doing their cooking on the premises as distinguished from a boardinghouse/rooming house or hotel. Fraternities, sororities and clubs are not considered a family under this chapter.

Unsewered means a structure or parcel where the domestic sewage is treated by means of a private sewer system as defined by Wis. Stats. Ch. 145. Private sewer systems include but are not limited to septic tanks, soil absorption fields and holding tanks.

Use means the purpose or activity for which land or any building on the land is designed, arranged or intended for which it is occupied or maintainable.

Use accessory means a subordinate use on the same lot which is clearly incidental and customary in connection with the principal or conditional use.

Use conditional means a use of a special nature so as to make impractical the predetermination as a principal use in a district. Such uses require permits as specified in section 106-171.

Use principal means the main use of land or building as distinguished from a subordinate or conditional use for the zoning district.

Yard means the space between lot lines and building.

Zoning permit means a permit to regulate setbacks, types of uses, height, parking requirements, design and uses as they relate to the various zoning regulations and comprehensive plan.

(Code 1972, § 17.04; Ord. No. 477, 2-10-2009; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021; Ord. No. 571, 4-13-2021; Ord. No. 572, 7-13-2021)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 106-2. Noncompliance penalties.

- (a) *Violation*. No person will construct or use any structure, land or water in violation of this chapter.
- (b) *Penalty*. Any person who will violate any provision of this chapter or any order, rule or regulation made under this chapter will be subject to a penalty as provided in section 1-11.
- (c) *Enforcement by injunction*. The council, damaged by a violation, may institute appropriate proceedings to enjoin such violation.
- (d) *Nuisances*. Any building or structure erected, structurally altered to be placed on a lot or any use carried on in violation of this chapter is a nuisance; and the council may apply to a court of competent jurisdiction to restrain or abate such nuisance.

(Code 1972, § 17.47; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-3. Authority.

The authority of the council to regulate development with a zoning ordinance is done pursuant to a grant of power in Wis. Stats. § 62.23.

(Code 1972, § 17.01; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-4. Purpose.

- (a) This chapter is adopted for the following purposes:
- (1) To promote the public health, safety, morals, comfort, convenience, prosperity and general welfare of the city.
 - (2) To lessen congestion in the streets.
 - (3) To zone all properties with a view to conserve the value of buildings and encourage the most appropriate use of land throughout the city.
 - (4) To encourage reasonable flexibility of development design through appropriate innovation.
 - (5) To isolate or control the location of unavoidable nuisance-producing uses.
 - (6) To foster a more rational pattern of relationship between residential, business, commercial and industrial uses for the mutual benefit of all.
 - (7) To provide adequate light, air and open spaces.
 - (8) To prevent the overcrowding of land.
 - (9) To avoid undue concentration of population.
 - (10) To facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.
 - (11) To protect existing uses from harmful encroachment by incompatible uses.
 - (12) To provide for the elimination and encouragement of the elimination of those uses of land, buildings and structures which are contrary to the intent and purposes of this chapter or which are adversely affecting the character, development and taxable value of property in each district.
 - (13) To provide for preservation and restoration of historically significant buildings and neighborhoods.
 - (14) To define the powers and duties of the administrative officers and bodies as provided in this chapter.
- (b) The standards and requirements contained in this chapter and the district mapping reflected on the city zoning map are intended to further the implementation of the objectives of the city land use plan as well as to protect all desirable existing structures and uses.

(Code 1972, § 17.02; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-5. Applicability.

- (a) *Interpretation.*
- (1) In their interpretation and application, the provisions of this chapter will be liberally construed in favor of the city as minimum requirements adopted for the purposes stated.
 - (2) Where the conditions imposed by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or regulations of any kind, the regulations which are more restrictive or which impose higher standards or requirements will govern.
 - (3) This chapter is not intended to abrogate any easement, covenant or other private agreement; but where the regulations of this chapter are more restrictive or impose higher standards or requirements than such easement, covenants or other private agreements, the requirements of this chapter will govern.

(b) *Scope of regulations.*

- (1) All structures erected after the adoption of the ordinance from which this chapter is derived, all uses of land or buildings established after the adoption of the ordinance from which this chapter is derived, all structural alterations or relocation of existing buildings occurring after the adoption of the ordinance from which this chapter is derived, and all enlargements of or additions to existing uses occurring after the adoption of the ordinance from which this chapter is derived will be subject to all regulations of this chapter which are applicable to the zoning districts in which such buildings, use or land will be located.
- (2) Any building, structure or use of land, building or structure that was nonconforming prior to the effective date of the ordinance from which this chapter is derived and all regulations of this chapter will be considered lawful and conforming. Any building, structure or use of land, building or structure which is in conflict with the requirements of this chapter will be nonconforming to the extent of the conflict and will be subject to the provisions of nonconforming buildings, structures and uses.
- (3) However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of the ordinance from which this chapter is derived and provided construction is begun within 90 days of such effective date and diligently prosecuted to completion, the building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued and further may, upon completion, be occupied under a zoning compliance certificate by the use for which originally designed, subject thereafter to the provisions of nonconforming buildings, structures and uses.

(c) *Severability.* It is declared to be the intention of the council that the several provisions of this chapter are severable in accordance with the following:

- (1) If any court of competent jurisdiction will adjudge any provision of this chapter to be invalid, such judgment will not affect any other provision of this chapter not specifically included in the judgment.
- (2) If any court of competent jurisdiction will adjudge invalid the application of any provision of this chapter to a particular property, building or structure, such judgment will not affect the application of such provision to any other property, building or structure not specifically included in the judgment.

(d) *Prohibitions.*

- (1) No person will use, develop or maintain any parcel of land, building or structure or any part of any of the foregoing within the city except as specifically allowed by a valid conditional use permit or by applicable section of this chapter. No person will use, develop or maintain any parcel of land, building or structure or any part of any of the foregoing within the city except as specifically allowed pursuant to the applicable zoning regulations and other such regulations which apply to such land, building or structure, including but not limited to limitations on the number of buildings on any lot or parcel of land, vision clearance, other obstructions, use lists, height limitations, setback requirements, off-street parking, off-street loading and accessory buildings, structures and uses.
- (2) Except as specifically allowed pursuant to the provisions of this chapter, no person will use, develop, maintain, sell, transfer or convey any parcel of land or part as, or has been agreed to be used as, or was set aside as a fulfillment of any regulation or requirements of this chapter or of any other ordinance of the city, including but not limited to green area, off-street parking, and off-street loading, when such use, development, maintenance, sale, transfer or conveyance does or would result in noncompliance with any such regulation or requirement.
- (3) No building, occupancy or conditional use permit will be issued to any person when the proposed use or development would violate any of the provisions of this chapter. This prohibition includes any violation resulting from a change of use of land, building or structure previously used to fulfill a condition or requirement of this chapter or any other ordinance of the city.

-
- (4) There are many parts of this chapter which specify certain activities that may be accomplished in the future in order to comply fully with all requirements and regulations imposed by this chapter for particular uses. Examples of such future activities are construction of required off-street parking spaces and the planting and maintenance of green areas. If any use or development is commenced and some activity or activities are specified as requirements for such use or development, these positive steps must be completed within any applicable time limit or within a reasonable time if no time limit is imposed or within 60 days of the mailing of written notice by the city that such requirements must be fulfilled. Such written notice may specify a longer period of time for compliance. No person will fail to take such required action specified in this subsection.

(Code 1972, § 17.03; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-6—106-40. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT²

DIVISION 1. GENERALLY

Sec. 106-41. Annexations.

Any area annexed to the city will be zoned through the annexation ordinance adopted by the common council.

(Code 1972, § 17.48; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-42. Amendments.

- (a) *Authority.* Whenever public necessity, convenience, general welfare or good zoning practice requires, the council may by ordinance change the district boundaries or amend, change or supplement the regulations or classifications established by this chapter or amendments to this chapter.
- (b) *Initiation.* A change or amendment may be initiated by the council, plan commission, or a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (c) *Petitions.* For any change to the property zoning designation, the petitioner will submit a request for a change on a form to be supplied by the zoning administrator, which form will be submitted to the zoning administrator. The fee for each request is \$125.00 except for other governmental bodies, non-profit entities that are determined to provide community wide benefit and those initiated by the city.
- (d) *Recommendations.* The plan commission will review the requested zoning and study all amendments and changes and may make a recommendation to the common council. Requested zoning changes will be acted upon within 60 days of the request beginning on the date and time of the first agenda appearance. If the planning commission does not make a recommendation to the council within 60 days, the request moves on to the council without recommendation.
- (e) *Hearing.* The Planning commission will hold a class 2 public hearing per Wis. Stats. ch. 985 and may give notice to the parties in interest including properties within 300 feet of the petitioning property.
- (f) *Council's action.* Following such hearing and after reviewing the plan commission's recommendation, the council may take appropriate action with regard to the requested zoning change.

²Cross reference(s)—Administration, Ch. 2.

-
- (g) *Protest.* In the event of a protest against such district change or amendment to the regulations of this chapter signed and acknowledged by the owners of 20 percent or more either 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 frontages of such opposite land, such amendments or changes will not become effective except by the favorable vote of three-fourths of the council membership.

(Code 1972, § 17.47; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-43—106-60. Reserved.

DIVISION 2. ZONING ADMINISTRATOR³

Sec. 106-61. Administration and penalties.

- (a) *Enforcement.* The zoning administrator is authorized and directed to enforce all of the provisions of this chapter.
- (b) *Interpretation.* Where there is any ambiguity or dispute concerning the interpretation of this chapter, the decision of the zoning administrator will prevail, subject to appeal as provided in this article.

(Code 1972, § 17.19; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-62. Powers and duties.

The zoning administrator will enforce the provisions of this chapter. In carrying out this duty the administrator will:

- (1) Issue the necessary zoning permits and conditional use certificates in compliance with this chapter.
- (2) Keep a permanent record of all permits and certificates numbered in the order of issuance in a record book kept for this purpose.
- (3) Notify in writing any person who will be in violation of any provision of this chapter, indicating the nature of the violation and the action necessary to correct such violation.
- (4) Carry out such additional responsibilities as are set forth by ordinance or by order of the mayor or council.

(Code 1972, § 17.45(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-63. Authority.

- (a) In the enforcement of this chapter, the zoning administrator may:
- (1) Report all violations of this chapter or any other provision of this Code that the administrator is charged with enforcing to the council.

³Cross reference(s)—Officers and employees, § 2-101 et seq.; zoning administrator for shoreland-wetland zoning, § 70-61 et seq.

-
- (2) Recommend to the common council to revoke a zoning permit. The common council may revoke a conditional use permit after hearing on the matter with all parties being invited to provide their reasons as to why the conditional use permit should not be revoked.

(Code 1972, § 17.45(2); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-64—106-81. Reserved.

DIVISION 3. ZONING BOARD OF APPEALS⁴

Sec. 106-82. Establishment.

The zoning board of appeals for the city is to hear appeals and applications and for special exception to Chapter 14, Chapter 70, Chapter 83 and Chapter 106.

(Code 1972, § 17.46(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-83. Membership.

- (a) The zoning board of appeals will consist of five uncompensated members appointed by the mayor, subject to confirmation of the council with two additional alternate members who fill in the absence or refusal to participate of a regular member as a full voting member. All members will be residents of the city.
- (b) Terms will be for staggered three-year periods.
- (c) The chairperson will be designated by the mayor.
- (d) Two alternate members will be appointed by the mayor, subject to confirmation of the council.
- (e) The secretary will be elected by the zoning board of appeals.
- (f) The zoning administrator will attend all meetings.
- (g) Official oaths will be taken by all members in accordance with Wis. Stats. § 19.01 within ten days of receiving notice of their appointment.
- (h) Vacancies will be filled for the unexpired term in the same manner as appointments for the full term.

(Code 1972, § 17.46(2); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-84. Procedure.

- (a) The zoning board of appeals will organize and adopt rules for its own governance in accordance with the provisions of this chapter.
- (b) Meetings will be held at the call of the chairperson, and all meetings will be open to the public.
- (c) Minutes will be kept showing the vote of each member upon each question and will be a public record. The grounds for every determination will be stated in the record.
- (d) If a quorum is present, the board of appeals may take action under this subsection by a majority vote of the members present (Wis. Stat. 62.23 (7)(e)3m).

⁴Cross reference(s)—Boards and commissions, § 2-171 et seq.

(Code 1972, § 17.46(3); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-85. Powers.

The zoning board of appeals will have the following powers:

- (1) *Errors.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning administrator or the plan commission.
- (2) *Variances.* To hear and decide appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter will be observed and the public safety, welfare and justice secured.
- (3) *Permits.* To reverse, affirm, wholly or partly, and modify the requirements appealed from and issue or direct the issuance of a permit.
- (4) *Assistance.* To request assistance from other city offices, departments, commissions and boards.
- (5) *Oaths.* To administer oaths and compel the attendance of witnesses, through its chairperson.

(Code 1972, § 17.46(4); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-86. Appeals from actions of airport commission.

- (a) *Aggrieved person.* Any person aggrieved or affected by any decision or action of the airport commission made in the administration of Chapter 14 may appeal such decision or action to the zoning board of appeals.
- (b) *Procedure.* Any appeal taken pursuant to this subsection will be in conformity with the procedure established by Wis. Stats. § 62.23(7)(e).

(Code 1972, § 17.40(9)(b), (c); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-87. Appeals and applications.

- (a) Appeals and applications may be made by any officer, department, commission, board of the city or any person aggrieved. They will be filed with the clerk within 30 days after a decision and will specify the grounds for the appeal.
- (b) The fee for each appeal and application will be \$125.00, payable to the clerk; and the receipt will be attached.
- (c) An appeal stays all legal proceedings in furtherance of the action, except by the certification of the officer or a restraining order by the zoning board of appeals or the court of record.

(Code 1972, § 17.46(5); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-88. Hearing.

The zoning board of appeals will fix a reasonable time and place for the hearing, give a class 1 public notice of the hearing per Wis. Stat. Chap. 985 and may give notice to the parties in interest, including the city attorney, plan commission, mayor and common council. At the hearing, the appellant may appear in person, by agent or attorney.

(Code 1972, § 17.46(6); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-89. Findings.

- (a) No area variance to the provisions of this chapter will be granted by the zoning board of appeals unless the board finds that all the following facts and conditions exist and so indicate in the minutes of their proceedings:
 - (1) Special condition creates an unnecessary hardship. Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
 - (2) Property has a special condition. Property limitations that may prevent the property owner from substantially enjoying their property rights if they constructed to existing code requirements or the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and vicinity.
 - (3) Proposed variance will not be contrary to the public interest. That the variance will not create a substantial detriment to adjacent property and will not materially impair the purpose of this chapter or the public interest.
- (b) No use variance to the provisions of this chapter will be granted by the zoning board of appeals unless the board finds that no reasonable use can be made of the property.

(Code 1972, § 17.46(7); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-90. Decision.

The zoning board of appeals will decide all appeals within 30 days after the final hearing and will transmit a signed copy of the board's decision to the appellant or applicant, zoning administrator, plan commission, council and city attorney.

(Code 1972, § 17.46(8); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-91. Review by court of record.

Any person or persons, jointly or severally aggrieved by any decision of the zoning board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after filing of the decision in the office of the board of appeals, may commence an action seeking the remedy available by writ of certiorari.

(Code 1972, § 17.46(9); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-92—106-110. Reserved.

DIVISION 4. PERMITS AND FEES

Sec. 106-111. Building and zoning permit required.

- (a) A building permit for commercial, industrial and multifamily housing construction or reconstruction of four or more units will be issued by the State of Wisconsin building inspector per the State of Wisconsin building codes.

-
- (b) Residential construction or reconstruction does not require a building permit if the primary structure was constructed prior to June 1, 1980 per Wisconsin Administrative Code Chapter SPS 320. This also applies to all exemptions outlined in SPS 320.05 Exemptions including siding, roof repairs and window treatment.
 - (c) For new residential construction of the primary structure after June 1, 1980 a building permit is required by the city building inspector.
 - (d) Zoning permits are required for construction that would impact the setbacks, types of use and fencing. Permit fees will be established by the Eagle River Common Council for projects that exceed \$2,000.00. Permit fees are waived for projects that cost less than \$2,000.00, government related projects or projects deemed in the public interest.
 - (e) The building inspector will be responsible for erosion control enforcement on all construction sites within the City of Eagle River.

(Code 1972, § 17.10(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Cross reference(s)—Buildings and building regulations, Ch. 18.

Sec. 106-112. Procedure for Obtaining Zoning Permit.

- (a) *Determination of compliance.* The zoning administrator will determine whether the proposed use is a use permitted by right in the district in which the property is located; and if the building or structure complies with the site requirements for the district in which the building or structure is to be located. If the zoning administrator finds that the structure is not in compliance with the original zoning permit, the zoning administrator will notify the city attorney and take appropriate action to bring the violation into compliance with the zoning code. If the proposed use requires a conditional use permit, the zoning administrator will refer the application to the plan commission and common council.
- (b) *Hazardous materials.* The zoning administrator will send the council a copy of the building permit application if hazardous materials are to be used or stored as part of the land use.
- (c) *Expiration of permit.* Zoning permits are valid for two years from the date of issue. If the project is not complete the property owner must apply for an extension.
- (d) *Permit compliance.* If the holder of the permit fails to comply with the provisions of this chapter or Chapter 18, the City of Eagle River may pursue appropriate corrective action to bring the property into compliance.
- (e) *Permanent record to be kept.* The zoning administrator will keep a permanent record of all zoning permits issued.

(Code 1972, § 17.11; Ord. No. 368, § 3, 12-14-1999; Ord. No. 399, 4-11-2003; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-113. Zoning compliance.

The property owner is fully responsible for complying with the City of Eagle River Zoning and all applicable building codes. The City of Eagle River may pursue appropriate action to bring the property into compliance if it is determined that the construction project is not in compliance with the zoning and construction codes.

(Code 1972, § 17.10(2); Ord. No. 368, §§ 1, 2, 12-14-1999; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-114. Reserved.

Sec. 106-115. Nonconforming use.

Properties that constitute a legal nonconforming use are allowed to continue that use, including routine maintenance, until an event may require coming into compliance with the current code of ordinances. For area zoning requirements, as long as the property owner is bringing the property closer to compliance, the property owner does not need to obtain a variance. This will be determined by the zoning administrator. The property owner may appeal the decision to the board of appeals. If at any time the use of a building, structure or land does not conform to the provisions of this chapter, but such use constitutes a legal nonconforming use, the owner may apply to the zoning administrator for a nonconforming use certificate.

(Code 1972, § 17.10(3); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-116. Conditional use permits.

- (a) *Application.* Any use listed as a conditional use in this chapter will be permitted only after a Class I public hearing per Wis. Stats. ch. 985 before the planning commission and final decision by the common council.
- (b) *Conditions.* Upon consideration of the permit application and the standards applicable to the conditional uses designated in this chapter, the zoning administrator will schedule a public hearing before the planning commission for consideration and recommendation to the common council. The common council will make the final determination with regard to the conditional use permit.

(Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-117—106-150. Reserved.

ARTICLE III. CONFORMING USES

DIVISION 1. GENERALLY

Sec. 106-151. Number of uses on a lot.

Not more than one building for residential use will be located on a lot in the single- and two-family districts.

(Code 1972, § 17.14; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-152. Accessory uses and structures.

- (a) Accessory uses will be compatible with the principal use and will not be established prior to the establishment of the principal use.
- (b) No detached accessory building will be located within:
 - (1) The required front yard setback; or
 - (2) Five feet of any property line.
- (c) On a corner lot, no accessory building will encroach into the side yard setback area adjacent to the street.
- (d) No accessory building will exceed 22 feet in height in residential districts. For commercial and industrial districts, the height cannot exceed the maximum height designation for the principal structure.

(Code 1972, § 17.16; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-153—106-170. Reserved.

DIVISION 2. CONDITIONAL USES

Sec. 106-171. Procedures for grants of.

- (a) *Permit.* The council, upon recommendation of the plan commission, may direct the zoning administrator to issue a conditional use permit as designated in each zoning classification.
- (b) *Hearing.* A public hearing on each application requiring a conditional use permit will be held before the plan commission, and notice of such hearing will be published as a class 1 notice under Wis. Stats. Ch. 985; and, in addition, written notice will be given to the neighboring property owners. Failure to give such notice will not invalidate a conditional use permit. There will be a conditional use hearing fee as established by the City Council (for government entities or government projects or tax-exempt entities in the public interest the fee is waived).
- (c) *Standards.* No conditional use will be granted by the council or recommended by the plan commission unless the use:
 - (1) Addresses expected harmful project impacts.
 - (2) Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected.
 - (3) Will not cause substantial injury to the value of other property in the neighborhood in which it is located.
- (d) *Conditions.* The council may prescribe conditions upon the grant of a conditional use permit as will be necessary to meet the standards prescribed in subsection (c) of this section, including landscaping, type of construction, planting screens, operational control, approved fences, lighting, hours of operation, improved traffic circulation, increased yards, loading and unloading, off-street parking, buffer strips, traffic visibility, and other performance standards.
- (e) *Termination of conditional use.* The grant of a conditional use permit does not entitle the grantee to continue such use, and such conditional use may be terminated upon a determination by the council that the person holding the conditional use permit has failed to comply with the terms of the permit. A conditional use permit may be terminated only after written notice is given to the person holding the permit, a hearing is held and a recommendation has been made by the plan commission.

(Code 1972, § 17.15; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-172—106-190. Reserved.

DIVISION 3. NONCONFORMING USES

Sec. 106-191. Continuance allowed; conditions.

The lawful use of a building, structure or property which existed at the time the ordinance from which this chapter is derived or applicable amendments to this chapter took effect and is not in conformity with the provisions of this chapter, including routine maintenance of such a building, structure or use, may be continued, subject to the following conditions:

-
- (1) If any structure or use nonconforming to this chapter is discontinued for 24 consecutive months, any further use of the structure or premises will conform to this chapter, with the exception of those structures or properties in probate, foreclosure or other form of litigation or on the market.
 - (2) If the nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced.
 - (3) As long as no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or a more restrictive classification. There will be no structural alterations, additions or major repairs made to a nonconforming structure until a zoning permit has been issued.
 - (4) If any structure nonconforming to this chapter is totally destroyed or damaged by any means, restoration may be made in the same location, provided there is no further encroachment into the setback that made the structure nonconforming. If the nonconforming structure is moved or altered by the property owner the restoration can be placed in the approximate same location as long as the restoration is bringing the nonconformity into substantial compliance with the City Code.
 - (5) A nonconforming structure may be expanded, provided the expansion is constructed to meet all other minimum requirements of this chapter.
 - (6) Where an expansion of a nonconforming structure is proposed which may encroach into the minimum setback, the granting of a variance by the zoning board of appeals will be required. As long as the expansion of the nonconforming structure proposed is not resulting in an expansion of the encroachment, then the expansion may proceed.
 - (7) If the additions, alterations or repair of a building or structure with a nonconforming use or a nonconforming building or structure is prohibited, the property owner may still make the proposed alterations, additions or repairs if:
 - a. A nonconforming use or structure is permanently changed to a conforming use.
 - b. The property owner appeals the determination of the zoning administrator under Wis. Stats. § 62.23(7) to the zoning board of appeals or to the circuit court and the zoning board of appeals or the circuit court finds in the property owner's favor.
 - c. The property owner successfully petitions to have the property rezoned and/or by amendment to this chapter in accordance with Wis. Stats. § 62.23(7).

(Code 1972, § 17.22; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-192—106-220. Reserved.

ARTICLE IV. OFF-STREET PARKING⁵

Sec. 106-221. Number required.

As part of the site plan review, the city administrator will recommend parking requirements for the project. This decision may be reviewed, upon request, to the planning commission or the parking committee for recommendation to the common council who will make the final determination. In all zoning classifications, the parking area with five or more parking stalls will have a dust proof surface and, if adjoining a residential zoning classification, must have appropriate screening.

⁵Cross reference(s)—Traffic and vehicles, Ch. 86.

(Code 1972, § 17.17(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-222—106-260. Reserved.

ARTICLE V. PERFORMANCE STANDARDS

Sec. 106-261. Purpose.

Performance standards are used to restrict or require the controlled use of activities to prevent the creation of nuisances and to promote the general welfare of the public.

(Code 1972, § 17.20 (intro. ¶)); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-262. Compliance.

No structure, land or water will be used after the adoption of the ordinance from which this chapter is derived except in compliance with the performance standards of this article. This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside the lot.

(Code 1972, § 17.20(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-263. Visibility triangles for properties adjoining State or U.S. Highways.

This section applies only to properties adjoining State or US Highways. At the intersections of streets where the intersecting streets are both at grade, visibility triangles are established for each property by drawing two 30-foot lines from back of curb or pavement edge if curb does not exist away from the start of the corner nearest to the intersection behind the curb and then drawing the connecting hypotenuse connecting the ends of the two drawn lines. Signs, fences, natural vegetation and other obstructions are restricted to no taller than 30 inches in height within this visibility Triangle or signs that are on poles leaving 85 percent open from 30 inches to a minimum of eight feet are also allowed. In addition, signage, fencing or natural vegetation or any other obstruction must not exceed 30 inches in height in the first 100 feet along the highway from the property corner nearest the intersection for 15 feet from the back of curb; signs that are on poles leaving 85 percent open from 30 inches to a minimum of eight feet are also allowed.

For alleyways, the visibility triangle is established using 15-foot lines on the property lines away from the start of the corner nearest to the intersection then drawing the connecting hypotenuse connecting the ends of the two drawn lines with all the same limitations, including the 100-foot strip, outlined in the preceding paragraph.

This section does not apply to signalized intersections.

(Code 1972, § 17.20(2); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-264. Air pollution.

- (a) No activity will emit any fly ash, dust, fumes, vapors, mists or gases which can cause any damage to health, animals, vegetation or other forms of property or which can cause any excessive soiling at any point.
- (b) No person will conduct or participate in any activity which violates any provision of Chapter NR 429 of the Wisconsin Administrative Code or which violate code section 38-11.

(Code 1972, § 17.20(3); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-265. Vibration.

- (a) No operation or activity will 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 an average 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 will be exempt from the standard set for the in subsection (a) of this section

(Code 1972, § 17.20(4); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-266. Exterior storage.

- (a) In all R-1 and R-2 districts, all materials and equipment will be stored within a building or be fully screened from adjoining properties, with the exception of non-motorized and motorized recreational equipment, construction materials, landscaping materials and related equipment under current on-site use, laundry drying equipment and drying laundry and off-street parking are allowed.
- (b) In all R-1 and R-2 districts, inoperative or unlicensed motor vehicles will be stored within a building or be fully screened from adjoining properties.

(Code 1972, § 17.20(5); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-267. Impervious surface requirements.

- (a) Existing impervious surfaces may be maintained, replaced and improved. Impervious surfaces are those that do not absorb rain and include all buildings, roads, sidewalks, patios, parking areas and any area paved in concrete or asphalt.
- (b) Impervious surface ratios are calculated as follows:
(Acres/Square Feet of Impervious Surface) Divided by (Gross Acres/Square Feet of site)
- (c) In the Downtown Commercial District up to 100 percent of the site may be an impervious surface. In other commercial or industrial districts, no greater than 80 percent of the lot will include impervious surfaces. In residential districts and the OR district, no greater than 65 percent of the lot will include impervious surfaces. The council may exempt city parking lots from this requirement.
- (d) Installations of ramps and facilities for the handicapped are exempt from the impervious surface requirements.

(Code 1972, § 17.20(6); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-268. Fire and explosion.

Any use involving materials which could detonate by decomposition will be located not less than 800 feet from any residential office/residence zoning district and requires a conditional use permit; except that this standard will not apply to the storage or usage of liquefied petroleum (LP), natural gas or fuel oil for normal residential or business purposes which is restricted to a 1,000-gallon maximum. All activities and storage of flammable and explosive materials at any point will be provided with adequate safety and firefighting devices in accordance with all fire prevention codes of the state.

(Code 1972, § 17.20(7); Ord. No. 477, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Cross reference(s)—Fire prevention and protection, Ch. 38.

Sec. 106-269. Radioactivity or electric disturbance.

No activities will be permitted which emit dangerous radioactivity outside of the premises on which the activity exists or which emit an electrical disturbance adversely affecting the operation of other premises. All electromagnetic radiation must conform to the regulations of the Federal Communications Commission.

(Code 1972, § 17.20(8); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-270. Waste material.

- (a) No use will discharge across the boundaries of the subject property or through percolation into the subsoil toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury or damage to the property.
- (b) No use will discharge at any point into any public or private sewage disposal system or stream or into the ground any liquid or solid materials, except in accordance with the regulations of the department of natural resources and the state department of public health.
- (c) At all recycling drop-off sites, resource recovery, resource reduction or related facilities that collect recyclable waste products, blowing papers and loose trash will be prohibited.

(Code 1972, § 17.20(9); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Cross reference(s)—Solid waste, Ch. 74.

Sec. 106-271. Hazardous materials.

Hazardous materials can be stored, maintained or used within the city limits only if they are permissible items, storages or usages by statute. In such an event, a written description of such materials, including place stored, the use intended and the amount of material stored, will be submitted to the clerk and maintained current at all times. The requirements of this section apply to all land uses and activities involving any one or more of the following:

- (1) Microorganism cultures, subject to Wis. Stats. § 94.65.
- (2) Pesticides, subject to Wis. Stats. § 94.67(25).
- (3) Biological products, subject to Wis. Stats. § 95.39.
- (4) Hazardous substances, subject to Wis. Stats. § 100.37(1)(c).
- (5) Toxic substances, subject to Wis. Stats. § 101.58(2)(j).
- (6) Infectious agents, subject to Wis. Stats. § 101.58(2)(f).
- (7) Any material for which the state requires notification of a local fire department.
- (8) Any other uses, activities or materials which are subject to county, state or federal hazardous or related material regulations.

(Code 1972, § 17.20(10); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-272. Requirements.

All land uses involving hazardous materials will submit a written description of such materials and the operations involving such materials conducted on this property as part of site plan submittal.

(Code 1972, § 17.20(11); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-273. Drainage.

No land will be developed and no use will be permitted that results in water runoff which causes property damage or nuisance and/or erosion on adjacent properties.

(Code 1972, § 17.20(12); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-274. Fencing.

Hedges or similar living vegetation are not considered fencing but are subject to Visibility Triangle regulations in section 106- 263. Fencing, landscape walls and decorative posts equal to or exceeding 30 inches in height for all land use activities will meet the following requirements:

- (1) In residential districts, materials for constructing fencing, landscape walls and decorative posts, include wood, stone, brick, wrought iron, chain link and wire mesh.
- (2) In nonresidential districts, the materials listed in subsection (1) of this section are the allowed fence materials. In nonresidential districts barbed wire fencing is permitted on security fences at heights equal to or greater than five and one-half feet (66 inches).
- (3) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting, protection of excavation and construction sites, and the protection of seasonal plants and during grading and construction, is permitted.
- (4) No fence, landscape wall or decorative post will be located closer than two feet to the front yard property line. Fences may be located on any property line abutting a side or rear yard. Fences on rear yards adjacent to an alleyway need to be ten feet from the alleyway pavement.
- (5) The maximum height for any fence, landscape wall or decorative post will be no greater than three and one-half feet within a required front setback of any residential property, or along any City street. When located along the non-street side or rear yard of a residential property, no fence, landscape wall or decorative post will exceed six feet. Barbed wire fencing is not permitted when adjoining a residential property.
- (6) All fences, landscape walls or decorative posts will be erected as to locate visible supports and other structural components toward the subject property. All will be maintained in a structurally sound and attractive manner.

(Code 1972, § 17.20(13); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-275. Screening between incompatible uses.

- (a) *Intent.* Buffer yards are intended to provide visual barriers that block out the glare of lights, signs and other visual nuisances, such as incompatible uses. Streets or alleys will meet these screening requirements when abutting commercial or industrial uses.
- (b) *Residential use abutting commercial or industrial use.* Commercial uses must be effectively screened from residential uses. Permanent screening will be provided and maintained along a buffer strip along any boundary of common commercial/residential use by the commercial user. Such screens of natural vegetation must be three feet in height when planted and increase in reach from zero feet to five feet in height within the first four years and five feet in depth and be so maintained.

-
- (c) *Commercial use abutting industrial use.* A buffer area composed of trees and shrubs must effectively screen commercial uses from industrial uses. Permanent screening will be provided and maintained by the industrial user along a buffer strip along any bordering commercial or industrial use. Such screens of natural vegetation must be three feet in height when planted and increase in reach from zero feet to five feet in height within the first four years and five feet in depth and be so maintained.
- (d) *Lighting.* All exterior lighting must be shielded or designed to prevent light trespass beyond the property lines or substantial sky glow.

(Code 1972, § 17.21; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-276. Shoreland regulations for shoreland properties annexed after 1982.

Shoreland properties annexed after 1982 will follow the shoreland regulations defined in Wis. Stats. § 62.233 Zoning of Annexed or Incorporated Shorelands.

(Ord. No. 518, 1-14-2014; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-277—106-310. Reserved.

ARTICLE VI. ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS

DIVISION 1. GENERALLY

Sec. 106-311. Zoning districts.

The city is divided into the following zoning districts:

- (1) Single-family residence district.
- (2) Single- and two-family residence district.
- (3) Multiple-family residence district.
- (4) Office/residence district.
- (5) Downtown commercial district.
- (6) Highway commercial district.
- (7) Industrial district.
- (8) Park and recreation district.
- (9) Planned Unit Development (PUD).
- (10) Government use (GU).
- (11) Wireless communications district.

(Code 1972, § 17.25; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-312. Zoning map established.

The zoning map, published as part of the ordinance from which this chapter is derived, is adopted by reference and will be kept in the office of and kept current by the zoning administrator. The boundaries of the zoning districts will be shown on such map; and such map, together with all notations, references and other

information shown, will be as much a part of this chapter as if the map and such matters were described in this chapter.

(Code 1972, § 17.26; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-313. District boundaries, determination of.

- (a) Unless otherwise specifically indicated or dimensioned on the map, the district boundaries will follow lot lines; section ¼ or 1/16 section lines; or the centerlines of streets, highways, railways or alleys.
- (b) If any street or alley is vacated, the land will take the zoning classification of the land to which such property attaches.

(Code 1972, § 17.27; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-314—106-330. Reserved.

DIVISION 2. SINGLE-FAMILY RESIDENCE DISTRICT

Sec. 106-331. Characteristics of the district.

The single-family residence district is a district which has the lowest density developments of single-family dwellings and accessory buildings clustered in neighborhoods.

(Code 1972, § 17.28(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-332. Uses permitted by right.

Uses permitted by right in the single-family residence district are as follows:

- (1) Single-family dwellings and accessory buildings.
- (2) Parks.

(Code 1972, § 17.28(2); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-333. Uses permitted by conditional grant.

Uses permitted by conditional grant in the single-family residence district are as follows:

- (1) Churches, private clubs, fraternities and lodges except those whose chief activity is a service customarily carried on as a business.
- (2) Home occupations that require signage or designated retail area.

(Code 1972, § 17.28(3); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-334. Site requirements.

For site requirements in the single-family residence district, see section 106-561.

(Code 1972, § 17.28(4); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-335. Prohibited uses.

-
- (a) Single Family zoned residences cannot be rented out for less than seven consecutive days at a time with the exception of property where the owner is residing on site.
 - (b) Shipping containers are not allowed.
- (Ord. No. 558 , 2-8-2018; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021; Ord. No. 571 , 4-13-2021)

Secs. 106-336—106-360. Reserved.

DIVISION 3. SINGLE- AND TWO-FAMILY RESIDENCE DISTRICT

Sec. 106-361. Characteristics of the district.

The single- and two-family residence district is characterized by medium-density dwelling units clustered in neighborhoods.

(Code 1972, § 17.29(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-362. Uses permitted by right.

Uses permitted by right in the single- and two-family residence district are as follows:

- (1) Single-family dwellings and accessory buildings.
- (2) Two-family dwellings and accessory buildings.
- (3) Parks.

(Code 1972, § 17.29(2); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-363. Uses permitted by conditional grant.

Uses permitted by conditional grant in the single- and multiple-family residence district are as follows:

- (1) Churches, private clubs, fraternities and lodges except those whose chief activity is a service customarily carried on as a business.
- (2) Home occupations that require signage or designated retail area.
- (3) Family day care, including elderly and child care.

(Code 1972, § 17.29(3); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-364. Site requirements.

For site requirements in the single- and two-family residence district, see section 106-561.

(Code 1972, § 17.29(4); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-365. Prohibited uses.

- (a) Shipping containers are not allowed.

(Ord. No. 571 , 4-13-2021)

Secs. 106-366—106-390. Reserved.

DIVISION 4. MULTIPLE-FAMILY RESIDENCE DISTRICT

Sec. 106-391. Characteristics of District.

The multiple-family residence district is characterized by high-density dwelling units.
(Code 1972, § 17.30(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-392. Uses permitted by right.

Uses permitted by right in the multiple-family residence district are as follows:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Parks.

(Code 1972, § 17.30(2); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-393. Uses permitted by conditional grant.

Uses permitted by conditional grant in the multiple-family residence district are as follows:

- (1) Uses permitted by conditional grant in the single-family residence district.
- (2) Boardinghouses and lodging houses.
- (3) Hospitals and clinics.
- (4) Philanthropic and charitable institutions.
- (5) Family day care, including elderly and child care.
- (6) Multiple-family housing in excess of two units.

(Code 1972, § 17.30(3); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-394. Site requirements.

For site requirements in the multiple-family residence district, see section 106-561.
(Code 1972, § 17.30(4); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-395. Prohibited uses.

(a) Shipping containers are not allowed.
(Ord. No. 571 , 4-13-2021)

Secs. 106-396—106-410. Reserved.

DIVISION 5. OFFICE/RESIDENCE DISTRICT⁶

Sec. 106-411. Purpose.

The office/residence district is designed primarily to accommodate residences, particularly moderate-density apartments in a compatible setting with office buildings, civic and governmental structures, and educational and institutional structures. Such uses would maintain the basic residential character of the district and of adjoining residential districts with regard to building appearance and yard requirements.

(Code 1972, § 17.31(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-412. Reserved.

Sec. 106-413. Uses permitted by right.

Uses permitted by right in the OR district, including any combination of the following:

- (1) Single-family and two-family dwellings.
- (2) Offices, business, professional and public.
- (3) Libraries.
- (4) Art galleries, museums and cultural institutions.
- (5) Clubs and lodges, private, religious or fraternal.
- (6) Medical and dental clinics.
- (7) Educational and institutional uses, public and philanthropic.
- (8) Funeral homes.
- (9) Fire stations.
- (10) Churches.
- (11) Group care and family care facilities, nursery schools.
- (12) Parks, playgrounds and open spaces.
- (13) Nursing homes, rest homes for the elderly and convalescing.
- (14) Rooming houses, boardinghouses or lodging houses.
- (15) Hospitals.
- (16) Community facilities, such as public community centers, public recreation facilities, public and private elementary and secondary schools.

(Code 1972, § 17.31(3); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

⁶Cross reference(s)—Businesses, Ch. 22.

Sec. 106-414. Uses permitted by conditional grant.

The following may be allowed by conditional grant in the office/residence district:

- (1) Multiple-family dwellings (three units or greater).
- (2) Mixed use developments not qualifying as being permitted by right.

(Code 1972, § 17.31(4); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-415. Site requirements.

For site requirements in the OR district, see section 106-561.

(Code 1972, § 17.31(5); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-416. Prohibited uses.

- (a) Shipping containers are not allowed.

(Ord. No. 571 , 4-13-2021)

Secs. 106-417—106-440. Reserved.

DIVISION 6. DOWNTOWN COMMERCIAL DISTRICT⁷

Sec. 106-441. Intent.

The downtown commercial district constitutes the downtown commercial core area of the city. The history of this district is such that it developed containing a wide variety of property uses. Owners and occupants of property in this district should be prepared to accept inconveniences associated with mixing potentially noncompatible property uses. This district is intended to accommodate all retail, service, recreation and specialty shops that are characteristic of the typical downtown commercial area. Limited residential will be allowed.

(Code 1972, § 17.32(1); Ord. No. 352, § 1, 1-12-1999; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-442. Uses permitted by right.

Uses permitted by right in the downtown commercial district are as follows:

- (1) Offices, business, professional and public.
- (2) Art galleries.
- (3) Clubs and lodges, private, religious or fraternal.
- (4) Fire stations.
- (5) Antique shops.
- (6) Appliance stores.

⁷Cross reference(s)—Businesses, Ch. 22.

-
- (7) Arcade establishments.
 - (8) Banks and financial institutions having no drive-in facilities.
 - (9) Barbershop.
 - (10) Beauty shop.
 - (11) Bookstores or magazine stores.
 - (12) Camera and photographic equipment stores.
 - (13) Candy, confectionery and ice cream stores.
 - (14) Card, curio and gift shops.
 - (15) Carpet and rug stores.
 - (16) China and glassware stores.
 - (17) Clothing and accessory stores.
 - (18) Department stores.
 - (19) Drugstores and retail medical supplies and services.
 - (20) Florists shops.
 - (21) Food stores, bakeries, grocery stores, delicatessens.
 - (22) Furniture and home furnishings stores.
 - (23) Hardware stores.
 - (24) Jewelry stores, including repair.
 - (25) Leather goods and luggage stores.
 - (26) Liquor stores.
 - (27) Office supply stores.
 - (28) Paint and wallpaper stores.
 - (29) Pet shops.
 - (30) Printers and printing shops.
 - (31) Restaurants, not including drive-in types.
 - (32) Secondhand stores and rummage shops.
 - (33) Shoe stores.
 - (34) Shoe and clothing repair shops.
 - (35) Sporting goods stores.
 - (36) Stereo and music video stores.
 - (37) Taxidermy shops.
 - (38) Theaters.
 - (39) Tobacco shops.
 - (40) Toy stores.

-
- (41) Upholstery repair.
 - (42) Variety stores.
 - (43) Taverns, cocktail lounges, distilleries, wineries or brew pubs.
 - (44) Funeral homes.
 - (45) Existing residential dwellings.
 - (46) Tattoo/Piercing Parlor
 - (47) Miniature golf.
 - (48) Medical and dental clinics.
 - (49) Dwelling unit(s) in the same existing structure as a commercial unit except that a dwelling unit will not be allowed with respect to the street frontage of the business on the ground floor.
 - (50) Dwelling unit in a building initially constructed to be occupied as a home; it will be rebuttably presumed that a building was initially constructed to be occupied as a home if the building has substantially the exterior appearance of having been constructed as a home except on Wall Street from Bridge Street to Silver Lake Road.

(Code 1972, § 17.32(2); Ord. No. 341, § 1, 3-11-1998; Ord. No. 352, § 2, 1-12-1999; Ord. No. 411, 8-11-2004; Ord. No. 414, 11-10-2004; Ord. No. 419A, 3-9-2005; Ord. No. 472, 10-14-2008; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-443. Uses permitted by conditional grant.

Uses permitted by conditional grant in the downtown commercial district are as follows:

- (1) Drive-in banks and other financial institutions.
- (2) Drive-in restaurants.
- (3) Hotels.
- (4) Motels.
- (5) Commercial structures designed for more than one occupant, such as strip malls and mini-malls.
- (6) Parking lot.
- (7) Dwelling unit other than as listed above in uses permitted by right; or Mixed-Use Development.
- (8) Community facilities such as public and private community centers, public and private recreation facilities.
- (9) Group care and family care facilities, nursery schools.
- (10) Drive-through pharmacies.

(Code 1972, § 17.32(3); Ord. No. 352, § 3, 1-12-1999; Ord. No. 407, 2-5-2004; Ord. No. 460, § 1, 3-11-2008; Ord. No. 461, § 1, 3-11-2008; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-444. Site requirements.

For site requirements in the downtown commercial district, see section 106-561.

(Code 1972, § 17.32(4); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-445. Prohibited uses.

- (a) Shipping containers are not allowed.
(Ord. No. 571 , 4-13-2021)

Sec. 106-446—106-470. Reserved.

DIVISION 7. HIGHWAY COMMERCIAL DISTRICT⁸

Sec. 106-471. Intent.

The highway commercial district is intended to accommodate those motorist-oriented commercial activities which may be incompatible with uses in the downtown commercial district and whose services are community- or region-wide. Limited Residential is allowed.

(Code 1972, § 17.33(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-472. Uses permitted by right.

Uses permitted by right in the highway commercial district are as follows:

- (1) Permitted uses by right in the downtown commercial district.
- (2) Entertainment establishments, not including active participation by the public utilizing the facilities.
- (3) Animal hospital or kennel services, providing all kennels are within completely enclosed buildings.
- (4) Automobile rental.
- (5) Automobile repair, but not body shops.
- (6) Automobile and equipment sales, new and used.
- (7) Boat storage, sales and repair.
- (8) Hotels.
- (9) Greenhouses with retail sales on premises.
- (10) Lumberyards.
- (11) Machinery, vehicle and equipment sales and repair.
- (12) Monument and cemetery accessories.
- (13) Motels.
- (14) Recreational vehicle sales.
- (15) Trailer sales and repair.
- (16) Medical and dental clinics.
- (17) Educational and Institutional uses—Privately owned.

⁸Cross reference(s)—Businesses, Ch. 22.

(18) Group care and family care facilities, nursery schools—Privately owned.

(Code 1972, § 17.33(2); Ord. No. 341, § 2, 3-11-1998; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-473. Uses permitted by conditional grant.

Uses permitted by conditional grant in the highway commercial district are as follows:

- (1) Drive-in establishments:
 - a. Restaurants.
 - b. Banks and financial institutions.
 - c. Car washes.
- (2) Body shops.
- (3) Welding shops.
- (4) Commercial structures designed for more than one occupant, such as strip malls and mini-malls.
- (5) Entertainment establishments involving the active participation of the public utilizing the facilities.
- (6) Gasoline service stations and convenience centers.
- (7) Parking lot.
- (8) Storage buildings not used for habitation—human or animals.
- (9) External waste oil recovery systems.
- (10) One single shipping container, painted a single color all advertising removed, subject to existing accessory structure set-backs.

(Code 1972, § 17.33(3); Ord. No. 352, § 3, 1-12-1999; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021; Ord. No. 571, 4-13-2021)

Sec. 106-474. Site requirements.

For site requirements in the highway commercial district, see section 106-561.

(Code 1972, § 17.33(4); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Secs. 106-475—106-500. Reserved.

DIVISION 8. INDUSTRIAL DISTRICT

Sec. 106-501. Characteristics of the district.

The industrial district is characterized by the manufacturing, warehousing, fabricating, packing, packaging, assembly, repairs, terminals, departments, storage and similar uses which do not include residential uses or short-term residential use (i.e. hotel, motel, campground, RV park, etc.) or dwelling unit of any kind. No liquor licenses of any class will be issued by the city to businesses located in the industrial district.

(Ord. No. 485, 7-14-2009; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021; Ord. No. 572, 7-13-2021)

Sec. 106-502. Permitted uses.

-
- (a) Printing, publishing and engraving.
 - (b) Airport uses including air freight, cargo, aviation schools, aerial survey companies, aviation research and testing and, airport hangers (using no more than 20 percent of the hanger area for office or manufacturing use) and airport restaurants (see Chapter 14, Aviation), car rental and auto storage.
 - (c) Taxi, bus terminals and enclosed related repair facilities.
 - (d) Any use permitted by right in a park and recreation district, highway commercial district or downtown commercial district except for residential use or short-term housing (i.e. hotel, campground, etc.).
 - (e) Assembly and packaging of goods, materials and products without radioactive components.
 - (f) Storage buildings not used for habitation—Human or animals.

(Ord. No. 485, 7-14-2009; Ord. No. 520 , 2-11-2014; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021; Ord. No. 572 , 7-13-2021)

Sec. 106-503. Uses by conditional grant.

- (a) Manufacture from fur, glass, leather, paper, plastics, textiles, metal, chemicals, wood, stone and radioactive components.
- (b) Saw, grist mill, pallet or wood pellet manufacture.
- (c) Septic disposal, garbage, rubbish or recycling handling.
- (d) Research, laboratory and testing facilities.
- (e) Wholesale, warehousing, storage and distribution.
- (f) Electroplating.
- (g) Trucking terminals.
- (h) Fuel storage for airport, taxi, bus, truck and municipal use.
- (i) External waste oil recovery systems.
- (j) One single shipping container, painted a single color all advertising removed, subject to existing accessory structure set-backs.
- (k) Adult Entertainment/Sexually Oriented Business.

(Ord. No. 485, 7-14-2009; Ord. No. 550 , 5-16-2017; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021; Ord. No. 571 , 4-13-2021; Ord. No. 572 , 7-13-2021)

Sec. 106-504. Site requirements.

For site requirements in the industrial district, see section 106-561.

(Ord. No. 485, 7-14-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-505—106-520. Reserved.

DIVISION 9. PARK AND RECREATION DISTRICT

Sec. 106-521. Purpose.

The park and recreation district is designed to preserve and perpetuate in an open state certain areas, such as rivers and drainageways, wetlands and marshes, parks, floodplains and greenbelts, and natural habitats (prairie) for plants and animal life, which because of their unique physical features are deemed desirable and functional as natural and beneficial to the city.

(Code 1972, § 17.35(1); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-522. Uses permitted by right.

- (a) Public recreation facilities.
- (b) Sewage lift stations and water pumping.
- (c) Floodplains, greenbelts and waterways.
- (d) Forestry.
- (e) Parks and playgrounds.

(Code 1972, § 17.35(2); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-523. Uses permitted by conditional grant.

- (a) Agriculture uses.
- (b) Campgrounds and facilities.
- (c) Public utility and public service facilities, such as electric substations, gas regulator stations, radio and television towers, telephone exchanges, microwave relay towers, telephone transmission buildings, water reservoirs, fire stations, public safety training facilities, dams and electric generating facilities.
- (d) Outdoor recreational premises, clubs and grounds for golf, hunting, swimming, tennis, boating, horse riding, skiing and other sports. Accessory clubhouses and maintenance buildings will be located not less than 100 feet from any lot in a residence district.
- (e) Warehousing and storage.
- (f) One single shipping container, painted a single color with all advertising removed, subject to existing accessory structure set-backs.

(Code 1972, § 17.35(3); Ord. No. 540 , 11-10-2015; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021; Ord. No. 571 , 4-13-2021)

Sec. 106-524. Site requirements.

For site requirements in the park and recreation district, see section 106-561.

(Code 1972, § 17.35(4); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-525—106-530. Reserved.

DIVISION 10. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

Sec. 106-531. Intent.

It is the intent of the City of Eagle River that a planned development be encouraged for those areas of the community now under developed, in need of re-development or adaptive re-use and in those areas which, in time, would be annexed to the city. More specifically, it is the intent to:

- (1) Promote and permit flexibility that will encourage a more creative and imaginative approach in development and result in a more efficient, aesthetic, desirable and economical use of land, while maintaining intensity of use consistent with Eagle Rivers' community development vision.
- (2) Provide minimal effect upon adjacent properties and existing development. To this end, the plan commission may make appropriate requirements.
- (3) Promote development that can be conveniently, efficiently and economically served by existing municipal utilities and services or by their logical extension.
- (4) Promote flexibility in design, placement of buildings and use of open space, pedestrian and vehicular circulation facilities and off-street parking areas in a manner that will best utilize the potential of sites characterized by special features of geography, geology, topography, size and shape.
- (5) Provide, where it is shown to be in the public interest, for the preservations of historical features and such natural features as streams, drainage ways, floodplains, ponds/lakes topography, rock outcroppings, unique areas of vegetation, stands of trees and other similar natural assets.
- (6) Provide for more adequate recreational facilities and other public and common facilities than would otherwise be provided under conventional land development.
- (7) Provide for the enhancement of natural setting[s] through careful and sensitive placement of man-made facilities and plant materials.

(Ord. No. 475, 2-10-2009; Ord. No. 497, 8-10-2010; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-532. Review and application procedure.

The review and processing of any proposed PUD will be as follows:

- (1) *Pre-application conference.* Prior to any application for PUD plan approval, contact will be made with the administrator for a pre-application conference. The conference should occur prior to any extensive financial expenditure on the part of the developer. The purpose of the meeting is to inform appropriate staff of the proposed development and to inform the developer about various codes, applicability of the proposed development, timing and procedure, and any other pertinent information appropriate to the proposal. To this end, the developer must outline the proposal in schematic and/or written form for discussion purposes. Areas of consideration include, but are not limited to:
 - a. General discussion of project, building types, timing of development;
 - b. Proposed land uses and density ranges;
 - c. Conformance to Eagle Rivers' long-term goals and vision;
 - d. Utility and street arrangements and patterns; and
 - e. Proposed open space and recreational facilities and review of natural amenities to be preserved such as hill forms, wetlands, wooded areas and water courses. Subsequent to the meeting the developer will be furnished, as appropriate, any comments regarding the meeting, including recommendations to assist the developer in processing the proposed plan. No oral, written or schematically illustrated statements made during the course of the conference will be held as legally binding.

(2) *Application for PUD plan approval.* After the pre-application conference, application for PUD plan approval may be made to the plan commission for review and recommendation. Such recommendations will be forwarded to the common council within 60 days. Upon written request and approval by the common council, an additional 60 days may be granted for a recommendation. The application will include the following written and visual materials:

- a. A site development containing the following:
 1. Legal description of the total site being developed along with the name(s) of the owner(s) and seal of the registered land surveyor making the plat;
 2. A topographical survey of the site at an interval of not more than five feet, unless characteristics of the sited indicate a greater or shorter interval appears appropriate;
 3. Dimensions and bearings of external property boundaries;
 4. The location of all existing structures, easements, utilities, proposed utilities and public dedications, either contained upon or adjacent to the site;
 5. The existing and proposed public and/or private street and sidewalk system;
 6. A landscape and lighting plan delineating the proposed treatment of the site; and
 7. Representative floor plans and exterior elevations of proposed structures and buildings.

(Ord. No. 475, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-533. Design standards.

Even though PUD's purpose is to permit flexibility of design, certain standards must be applied to insure compatibility of the project with the intent of this chapter. These standards are:

- (1) *Permitted uses.* Normal permitted uses are those of a residential character including single-family (detached or attached), two-family and/or multiple-family dwellings, churches and the usual accessory buildings, such as garages, storage space, maintenance structures and buildings for recreational purposes. Commercial uses, limited to those specifically approved by the common council, are permitted, provided that such uses are primarily for the service and convenience of the residents of the development. Such commercial uses are encouraged to be located within residential buildings. However, if such uses are proposed to be contained with a separate freestanding structure they must be designed to reflect the residential character of the development.
- (2) *Harmony with surrounding uses.* The uses and designed PUD will be harmonious with the character and surrounding area in terms of density, intensity of use, size and heights of buildings, architecture and other impacts.
- (3) *Tract.* The minimum size tract for a PUD is one acre.
- (4) *Parking.* All off-street parking will be determined by the planning commission and common council based on the need of the intended development and to maintain the surrounding neighborhood.
- (5) *Open space.* The desirability is closely tied to the integration of open space with the total development. The intent statement of this section sets forth the overall objective desired for PUDs. Therefore, no quantitative standards are stated in this section. Quality standards acknowledge the separate and multiple functions of open space: active recreation, passive recreation and preservation of natural site amenities. In designing the PUD, consideration will be given to such functions.

(Ord. No. 475, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-534. Designation of the PUD district.

If the common council approves the PUD plan upon planning commission recommendation, then the land may be designated as a PUD district in accordance with the rezoning procedures described in this code. Thereafter, building permits may be issued in accordance with the approved PUD plan.

(Ord. No. 475, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-535. Changes in approved plan.

Changes of a minor nature may be approved by the administrator with the concurrence of the mayor. However, any proposed change of major consequence may only be authorized by the common council upon recommendation by the plan commission. Major changes will include:

- (1) Non-conformance to the original approved overall project intent;
- (2) Any increase in density, numbers, types and/or nature of dwelling units;
- (3) Any change in maximum height or change in location of the structures or buildings. If any proposed change is questionable, whether it is of major or minor consequence, such determination will be made by the common council. A PUD plan runs with the land and is binding on any and all interested parties from and after the time a PUD is approved.

(Ord. No. 475, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Editor's note(s)—Ord. No. 475, adopted Feb. 10, 2009, set out provisions intended for use as § 106-544. For purposes of classification, and at the editor's discretion, these provisions have been included as § 106-535.

Secs. 106-536—106-540. Reserved.

DIVISION 11. GOVERNMENT USE (GU) DISTRICT

Sec. 106-541. Intent.

This district is intended to apply to those lands where federal, state, local governmental and quasi-governmental activities are conducted and where governments or quasi-governmental units hold title to such lands. Any lawful governmental activity is permissible in this district. It is generally intended to use this district for "community facilities" and "public facilities."

(Ord. No. 476, 2-10-2009)

Sec. 106-542. Permitted principal uses and structures.

- (a) Parks, parkways, golf courses, playgrounds and the like.
- (b) Preserves, arboretums and the like.
- (c) Museums, libraries, cultural and historic structures.
- (d) Government administrative buildings.
- (e) Public navigation and flood control facilities and installations.
- (f) Public cemeteries.
- (g) Water supply facilities and installations.

-
- (h) Public parking facilities.
 - (i) Public works and maintenance facilities.
 - (j) Public protection buildings.
 - (k) Public docks and piers.
 - (l) Parks and playgrounds.
 - (m) Greenbelts and waterways.
 - (n) Forestry.
 - (o) Public recreation facilities.
- (Ord. No. 476, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-543. Uses permitted by conditional grant.

- (a) Solid waste transfer stations.
 - (b) Public utility and public service facilities, such as electric substations, gas regulator stations, radio and television towers, telephone exchanges, microwave relay towers, telephone transmission buildings, water reservoirs, dams and electric generating facilities.
 - (c) Wastewater treatment facilities.
 - (d) Public/private schools, colleges and universities.
 - (e) Agriculture uses.
 - (f) Campgrounds and facilities.
 - (g) One single shipping container, painted a single color all advertising removed, subject to existing accessory structure set-backs.
- (Ord. No. 476, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021; Ord. No. 571 , 4-13-2021)

Sec. 106-544. Permitted accessory uses and structures.

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted and permissible uses and structures (no height limitation for security fencing).

(Ord. No. 476, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-545. Standards.

- (a) There are no minimum lot area, setback or lot width requirements and no lot coverage or height limitations (FAA compliance required). A site plan will be submitted and the plan commission/common council may apply reasonable requirements concerning lot coverage, height, parking, landscaping and any other relevant requirements.
 - (b) When adjacent to residential use or district, more stringent landscaping requirements may apply including campus lighting review.
 - (c) All signage (on and off premise) will be reviewed as part of the site plan approval process.
- (Ord. No. 476, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

DIVISION 12. TELECOMMUNICATIONS AND WIND ENERGY SYSTEMS

Sec. 106-546. Wireless communication district.

- (a) *District created.* The city council of the City of Eagle River does hereby create a wireless communications district to provide an area from the City of Eagle River for the placement and maintenance of wireless communication facilities and in addition, those municipal uses which if deemed appropriate by the city council of the City of Eagle River may also be placed in this district.
- (b) *Uses permitted by conditional grant.* Uses permitted by a conditional grant in the wireless communications district will be as follows:
 - (1) Wireless communications facilities which are privately or publicly owned.
 - (2) Public utility and public service facilities such as electric substations, radio and television towers, telephone exchanges, microwave relay towers, and telephone transmission buildings.
 - (3) Sewage lift stations, located above and/or below ground and storage facilities for the various departments of the City of Eagle River and those other municipal uses as deemed appropriate by the city council of the City of Eagle River.

(Ord. No. 387, 2-12-02; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Cross reference(s)—Zoning districts, § 106-311 et seq.

Secs. 106-547—106-550. Reserved.

Sec. 106-551. Conditional use permit required—Wind energy systems.

- (a) *Approval required.* No owner will, within the City of Eagle River, build, construct, use or place any kind of wind energy system without holding the appropriate conditional use permit for said system. Wind energy systems are allowed in industrial and highway commercial zones only.
- (b) *Separate permit required for each system.* A separate conditional use permit will be required for each system. Said permit will be applicable solely to the systems, structures, use and property described in the permit.
- (c) *Basis of approval.* The plan commission and common council will base its determination on general considerations as to the effect of such grant on the health, general welfare, safety and economic prosperity of the City of Eagle River and, specifically, of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carry out the intent of the Zoning Code.
- (d) *Fees.* The common council will, by resolution, establish fees for the processing and issuance of wind energy conditional use permits under this article.
- (e) *Definitions.* "Wind energy systems" will mean "windmills" which are used to produce electrical or mechanical power.

(Ord. No. 474, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-552. Permit procedure—Wind energy systems.

- (a) *Application.* The permit application for a wind energy system will be made to the zoning administrator on forms provided by the City of Eagle River. The application will include the following information:
- (1) The name and address of the applicant.
 - (2) The address of the property on which the system will be located.
 - (3) Applications for the erection of a wind energy conversion system will be accompanied by a plat or survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat or survey will show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises will accompany the application. The attachment will further indicate the level of noise to be generated by the system and provide assurances as to the safety features of the system. Energy easements will accompany the application.
 - (4) An accurate and complete written description of the use for which [the] conditional grant is being requested, including pertinent statistics and operational characteristics.
 - (5) Plans and other drawings showing proposed development of the site and buildings, including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc., if applicable.
 - (6) Any other information which the zoning administrator may deem to be necessary to the proper review of the application.
 - (7) The zoning administrator will review the application and, if the application is complete and contains all required information, will refer it to the planning commission.
- (b) *Hearing.* Upon referral of the application, the plan commission will schedule a public hearing thereof as soon as practical and the plan commission will notice said hearing as per section 106-171.
- (c) *Determination.* Following the public hearing and necessary study and investigation, the plan commission will recommend to the common council. The common council will grant or deny the conditional use permit in a timely manner. The common council may impose any conditions or exemptions necessary to minimize any burden on the persons affected by granting the conditional use permit.
- (d) *Termination.* When a conditional use does not continue in conformity with the conditions of the original approval, or where a change in the character of the surrounding area or of the use itself cause it to be no longer compatible with the surrounding areas, or the use is discontinued, or for similar cause based upon consideration for the public welfare, the special grant may be terminated by the action of the common council following a public hearing thereon. Within 30 days of the common council action the property owner must remove the wind energy system from the property.
- (e) *Changes.* Subsequent change or addition to the approved plans or use will first be submitted for approval to the common council and if, in the opinion of the council, such change or addition constitutes a substantial alteration, a public hearing before the common council will be required and notice thereof be given.
- (f) *Approval does not waive permit requirements.* The approval of a permit under this article will not be construed to waive the requirement to obtain electrical, building, plumbing permits prior to installation of any system or any other required permit.

(Ord. No. 474, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-553. Specific requirements regarding wind energy systems.

- (a) *Additional standards.* Wind energy conversion systems which are used to produce electrical power, will also satisfy the requirements of this section in addition to those found elsewhere in this article.
- (b) *Application.* Applications for the erection of a wind energy conversion system will be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one premise, the plat of survey will show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises will accompany the applications.
- (c) *Construction.* Wind energy conversion systems will be constructed and anchored in such a manner to withstand wind pressure of not less than 40 pounds per square foot in area as a free-standing structure only (no guy wires). For systems anchored to existing structures, a structural engineering analysis is required verifying support strength of the building and wind energy system (helix wind type system).
- (d) *Noise.* The maximum level of noise permitted to be generated by a wind energy conversion system will be 50 decibels, as measured on a dB(A) scale, measured at the lot line.
- (e) *Electromagnetic interference.* Wind energy conversion system generators and alternators will be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system will promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (f) *Location and height.* Wind energy conversion systems that are freestanding structures, they will be located in the rear yard only and will meet all setback and yard requirements for the district in which they are located and, in addition, will be located not closer to a property boundary than a distance equal to their height. Those attached to existing structures, the common council and planning commission will consider aesthetics, function and structural integrity of the system (helix wind type systems). Wind energy conversion systems are exempt from the height requirements of this chapter; however, all such systems will comply with Federal Aviation Administration (FAA) regulations.
- (g) *Utility company notification.* The appropriate electric power company will be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company will accompany and be part of the application for a conditional use permit.

(Ord. No. 474, 2-10-2009; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-554—106-560. Reserved.

ARTICLE VII. BULK REGULATIONS

Sec. 106-561. Schedule of regulations.

- (a) *Notes.* These footnotes apply to the following schedule:
 - (1) Where the principal buildings on the lots adjacent to the proposed principal building have a different setback, the zoning administrator may approve the location of the building on the lot so as to conform as far as practicable with the existing setbacks. For corner lots the Zoning administrator may use the primary front setback of the principal building on the adjacent lot.
 - (2) A setback of 20 feet is established on both sides of Wall Street from Second Street to the city limits.

-
- (3) A setback of 20 feet for business and residential uses is established on the north side of STH 70 and STH 17 in the following areas: On all lots abutting on the north side of STH 70 and STH 17, from Railroad Street to Bridge Street.
 - (4) Garage and accessory buildings will have a minimum setback of ten feet from the alleyway.
 - (5) Direct exterior lighting requires that lumens at the property line are -0- lumens and cannot directly interfere with the neighbor's property.
 - (6) Camping is not allowed in any of the zoning districts except as a conditional use in the park and recreation district.
 - (7) Community and other living arrangements as described in Wis. Stats. 62.23 (7)(i) will be governed by the terms of that statute.
 - (8) Temporary storage for 30 days or more a permit is required.
 - (9) The electric, water, sewer or gas meters are not allowed unless permitted by the zoning department on any property in the city.

(b) Zoning schedule.

District	Minimum Lot Requirements		Setbacks				Maximum Building Height
	Area in Square Feet	Lot Width	Front (1)(2)(3)	Corner Street Side	Each Side	Rear (4)	Feet
Single-family Width = (Minimum building 20 feet)	7,200	60	20	15	7	10	30
Single- and two-family	1 and 2 units = 7,200	60	20	15	7	10	30
Accessory Structure	n/a	n/a	District Front Setback	15	5	5 (10 Alley)	22
Multiple-family	2 units = 7,200; 3 units = 8,200	60	20	15	7	10	30
	4 or more units = 9,200 minimum for first 4 units, 1,000/unit for the balance	70	20	15	7	10	40
Office/residential Residential uses	1 & 2 units = 7,200	60	20	15	7	10	30
Downtown commercial	0	0	0	0	0	0	50
Highway commercial	0	0	20	15	7	10	50
Industrial	0	0	20	20	20	10	50
Industrial Adjoining a residence district	0	0	20	25	25	25	50

(Code 1972, § 17.36; Ord. No. 425, 4-20-2005; Ord. No. 488, 7-14-2009; Ord. No. 504, 1-11-2011; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Editor's note(s)—Ord. No. 488, adopted July 14, 2009, set out provisions intended for use as subsection 106-561(a)(7). Because said subsection already exists, and at the editor's discretion, these provisions have been included as subsection 106-561(a)(8).

Secs. 106-562—106-590. Reserved.

ARTICLE VIII. AIRPORT ZONING⁹

Sec. 106-590. Purpose and intent.

It is the purpose of this section to regulate the use of property and restrict the height of structures and objects of natural growth in the vicinity of the Eagle River Union Airport to promote the public health, safety, convenience, and general welfare. This section is intended to protect the people living in the vicinity of the airport, the aircraft taking off from and landing at the airport, the future uses of said airport, and the public and private investment in the airport.

(Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-591. Definitions.

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

Airport means the Eagle River Union Airport located in Sections 20, 21, 28, 29 and 30, Town 40, Range 10, Vilas County, Wisconsin.

Airport hazard means any structure which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

Board of appeals means the board of appeals established by section 106-82.

Nonconforming use means any structure or tree or use of land which does not conform to a regulation prescribed in this chapter or an amendment to this chapter as of the effective date of such regulation.

Person means any individual, firm, partnership, corporation, company, association, joint stock association or body politic, including any trustee, receiver, assignee or other similar representative.

Runway means a level portion of an airport having a surface specially developed and maintained for the landing and takeoff of aircraft.

Structure means any object constructed or installed by man, whether temporary or permanent.

Trees means any object of natural growth, except shrubs, bushes or plants, which do not grow to a height of more than 20 feet.

(Code 1972, § 17.40(1), (8); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 106-592. Zones.

All zones established by this article are as shown on the map dated January 22, 2009 entitled "Height Limitation Zoning Map, Eagle River Union Airport, Vilas County, Wisconsin," which is adopted by reference in this section as if fully set forth.

⁹Cross reference(s)—Aviation, Ch. 14; airport, § 14-31 et seq.

(Code 1972, § 17.40(2); Ord. No. 468, 8-12-2008; Ord. No. 469, § 1, 8-12-2008; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-593. Height limitation zones.

Except as otherwise provided in this article, no structure may be constructed, altered, located or permitted to remain after such construction, alteration or location at a height in excess of the height limit indicated on the map referred to in section 106-592 and without consultation with the airport manager.

(Code 1972, § 17.40(3); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-594. Use restrictions.

Activities. Notwithstanding the provisions of section 106-593, no use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the airport and aircraft; make it difficult for pilots to distinguish between airport lights and others; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport; or otherwise endanger the landing, taking off or maneuvering of aircraft.

(Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-595. Nonconforming uses.

- (a) *Not retroactive.* The regulations prescribed in sections 106-592 and 106-593 may not be construed to require the removal, lowering or other change or alteration of any nonconforming use or otherwise interfere with the continuance of any nonconforming use, except as otherwise provided in section 106-597
- (b) *Changes.* Nothing contained in this section may require any change in the construction, alteration or intended use of any structure if the construction or alteration of such was begun prior to the effective date of the ordinance from which this article is derived and if such is diligently prosecuted.
- (c) *Removal.* This article will not interfere with the removal of a nonconforming use by purchase or by the use of eminent domain.

(Code 1972, § 17.40(5); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-596. Administration.

The city will administer and enforce the regulations prescribed in this article. Applications for permits and variances may be made to the airport commission and its recommendation will be made to the zoning administrator upon a form furnished by the administrator. Applications may be granted or denied within 30 days of the date of the filing of the applications by the airport commission, unless Federal Aviation Administration approval is requested. Applications for action by the board of appeals may be transmitted by the airport commission to the board for hearing and decision.

(Code 1972, § 17.40(6); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Cross reference(s)—Administration, Ch. 2.

Sec. 106-597. Permits.

- (a) *Future uses.*

-
- (1) No structure may, after the adoption of the ordinance from which this article is derived, be constructed, erected or installed or be permitted to remain in any zone created by section 106-592 until the owner or his agent has applied in writing for a permit and obtained such permit from the airport commission.
 - (2) Such permit will be posted in a prominent place on the premises prior to and during the period of construction, erection, installation or establishment.
 - (3) An application for such permit will indicate the use for which the permit is desired and may describe and locate the use with sufficient particularity to permit the airport commission to determine whether such use would conform to the regulations prescribed in this article. If the application is approved, the airport commission will issue the permit.
 - (4) The applicant will make an application to the zoning administrator for any required building permits, zoning compliance certificates or conditional use permits.
- (b) *Existing uses.* Before any nonconforming structure may be replaced, altered or rebuilt, a permit will be applied for and secured in the manner prescribed by subsection (a) of this section authorizing such change, replacement or repair. A permit will not be denied if the structure will not become a greater hazard to air navigation than it was on the effective date of the ordinance from which this article is derived or when the application for a permit was made.

(Code 1972, § 17.40(7); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-598. Hazard marking and lighting.

Any permit or variance granted under sections 106-597 or 106-599 may, if such action is deemed advisable by the zoning administrator to effectuate the purpose of this ordinance and if such is reasonable in the circumstances, be so conditioned as to require the owner of the structure or trees in question to permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

(Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-599. Appeals.

- (a) *Aggrieved persons.* Any person aggrieved or affected by any decision or action of the airport commission made in the administration of this article may appeal such decision or action to the board of appeals.
- (b) *Procedure.* Any appeal taken pursuant to this section may be in conformity with the procedure established by Wis. Stats. § 2.23(7)(e).

(Code 1972, § 17.40(9)(b), (c); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-600. Penalties.

Any person violating any of the provisions of this ordinance may, upon conviction, forfeit not less than \$10.00 nor more than \$200.00 for such offense, together with the costs of prosecution, and in default of payment of such forfeitures and costs of prosecution, may be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist may constitute a separate offense.

(Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-601—106-630. Reserved.

ARTICLE IX. SIGNS¹⁰
DIVISION 1. GENERALLY

Sec. 106-631. Definitions.

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

Abandoned sign means any on- or off-premises sign in an obvious state of neglect or one which advertises a business no longer in operation for which the owner is unknown.

Awning/marquee means any fixed or collapsible frame structure or device of any kind otherwise known as a marquee or an awning erected or placed over any sidewalk and attached to a building or structure for the purpose of providing shelter from wind, sun, rain or any other element of weather or upon which advertising is shown, painted or displayed.

Billboard means any sign with a surface area of 150 square feet or more, supported by posts set into the ground, which is used to display printed or painted advertising matter.

Direct illumination means illumination by light sources which are a part of the sign.

Direction sign means signs containing information about public places owned or operated by federal, state or local governments, publicly or privately owned, educational, historic or cultural sites and areas of natural scenic beauty deemed to be in the interest of the traveling public.

Freestanding ground sign means standing alone on its own foundation free of architectural or supporting frame or attachment.

Identity sign means any sign which carries only the name of the firm, the major enterprise or the principal product offered for sale on the premises or a combination of these.

Indirect illumination means illumination which is derived from light sources which are not part of the sign.

Official signs mean signs or notices of a noncommercial nature and in the public interest, erected by or on the order of a public official in the performance of his public duty. Safety signs, memorial plaques or signs marking historical sites may be considered official signs.

Off-premises sign means a sign which directs attention to a business, product, service or entertainment not conducted, sold or offered upon the property where such sign is located.

On-premises sign means a sign which directs attention to the name of the building or the name of the building management firm or to a business, principal product, service or entertainment conducted, sold or offered upon the property where such sign is located.

Projecting sign means a sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Roof sign means a sign located on or above the roof of any building.

¹⁰Cross reference(s)—Buildings and building regulations, Ch. 18; advertising prohibited activity for adult entertainment, § 22-105; streets, sidewalks and other public places, ch. 78.

Roofline means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette; and, where a building has several roof levels, this roof or parapet will be the one belonging to that portion of the building on whose wall or roof the sign is located.

Service club and religious signs means signs or notices relating to meeting of nonprofit service clubs, charitable associations or religious services.

Sign or graphic means any letters, pictorial representation, symbol, flag, emblem or illuminated devices, displayed in any manner whatsoever, which directs the attention of persons off the premises on which the sign is displayed to any object, subject, place or business. However, this will not include any official flag, emblem or insignia of a government, school or religious group when displayed for official purposes.

Sign, mall means a directory listing a number of similar identity signs, directional signs or both, located in one central location and viewed by pedestrian traffic.

Temporary sign means a banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and not intended to be permanent.

Unused sign means any on- or off-premises sign in an obvious state of neglect but for which the owner is known.

Wall-flat sign means one affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limit of any building and which projects from that surface less than six inches at all points. (Code 1972, § 17.19(3); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 106-632. Findings.

Signs are an important part of the city. They serve as a visual form of communication between places of business and the public. Unattractive, garish signs and ones that detract from the city's scenic and historic values threaten harm to its character. This unique character includes several identifiable elements: peacefulness, an unhurried feeling, Northwood's atmosphere, natural scenic beauty, quaintness and charm. It is the intent and design of this article to provide guidelines for the construction, placement and maintenance of signs so that these values are preserved.

(Code 1972, § 17.19(1); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-633. Statement of goals.

The goals of this article are to:

- (1) Protect the aesthetic character of the city.
- (2) Contribute to the order, unity and beauty of this character through controls in visual communication.
- (3) Make visual communication among places of business and the public easy and pleasant.
- (4) Promote traffic safety by eliminating distracting graphics.
- (5) Provide graphics that give the traveling public direct, pertinent information without clutter.
- (6) Provide restrictions at each zoning level.

(Code 1972, § 17.19(2); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Secs. 106-634—106-650. Reserved.

DIVISION 2. ADMINISTRATION AND REGULATION¹¹

Sec. 106-651. General Sign Standards.

No sign will, after the effective date of the ordinance from which this article is derived, be located, erected, moved, constructed, extended, converted or structurally altered without being in conformity with the provisions of this article and a permit from the building inspector.

(Code 1972, § 17.19(5); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-652. Right of appeal.

Any person aggrieved by any decision or order of the zoning administrator relating to signs may appeal to the board of appeals by filing with the zoning administrator and with the board a written notice of appeal specifying the grounds. The zoning administrator will immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken. The board will fix a reasonable time, not to exceed 30 days, for the hearing of appeals and give public notice to the parties in interest and will decide the case within an additional 30 days unless just cause is shown why it should take more time.

(Code 1972, § 17.19(11)(d); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-653. Permits and fees.

(a) *Applications.* A sign permit application will contain:

- (1) The location of the sign structure;
- (2) Name and address of the sign owner and of the sign erector;
- (3) Drawings showing the design, size and location of the sign; and
- (4) Such other pertinent information as the zoning administrator may require to ensure compliance with the ordinances of the city.

(b) *Fees.* Fees for sign permits will be set by the council.

(c) *Permit exceptions.* The following operations will not be considered as creating a sign and therefore will not require a sign permit:

- (1) The changing of the advertising copy or message of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.
- (2) Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.
- (3) Temporary signs.
- (4) Signs erected by the public works department and the state highway department.

¹¹Cross reference(s)—Administration, Ch. 2.

-
- (5) Single- and two-family dwellings.

(Code 1972, § 17.19(7); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-654. Inspection, removal and safety.

- (a) *Inspections.* Signs for which a permit is required may be inspected periodically by the zoning administrator for compliance with this article and other ordinances of the city.
- (b) *Maintenance.* All signs and their components will be kept in good repair and in safe, neat, clean and attractive condition. Compliance will be made within 30 days.
- (c) *Removal of sign.* The zoning administrator may order the removal of any sign erected in violation of this article with a ten-day written notice. The zoning administrator may remove a sign immediately and without notice if the condition of the sign is such as to present an immediate threat to the safety of the public or is on public property without council approval.
- (d) *Abandoned signs.* Signs should be removed by the owner or lessee of the business when the business which it advertises is no longer conducted. If the owner or lessee fails to remove it, the zoning administrator will give the owner a 30-day written notice to remove it. The city will pursue appropriate corrective action if the property owner fails to comply with this section.

(Code 1972, § 17.19(8); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-655. Additional regulations of signs.

Additional regulations of signs are set forth for each zoned area to coincide with this article.

(Code 1972, § 17.19(9); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-656—106-680. Reserved.

DIVISION 3. GENERAL STANDARDS

Sec. 106-681. Categories of signs.

Signs within the city will be categorized into eight basic types:

- (1) On-premises signs.
- (2) Off-premises signs.
- (3) Directional signs.
- (4) Official signs.
- (5) Service club-religious signs.
- (6) Temporary signs.
- (7) Nonconforming signs.
- (8) Awnings/marquees.
- (9) Electronic message unit signs.

(Code 1972, § 17.19(5)(a); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-682. On-premises signs.

On-premises signs will be located on the property where the advertised activity is conducted. Size restrictions for these signs are listed according to the zone in which they are located. Signs displayed behind the window or door of the building or structure are exempt from this code.

(Code 1972, § 17.19(5)(b); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-683. Off-premises signs.

Off-premise signs are allowed by a conditional grant. Sizes are controlled by each zoning classification.

(Code 1972, § 17.19(5)(c); Ord. No. 459, 3-11-2008; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-684. Directional signs.

Directional signs are excluded from control.

(Code 1972, § 17.19(5)(d); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-685. Official signs.

Official signs are excluded from control, except that such signs may not exceed 16 square feet in area.

(Code 1972, § 17.19(5)(e); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-686. Temporary signs.

Temporary signs do not require a permit.

(Code 1972, § 17.19(5)(f); Ord. No. 462, § 1, 4-8-2008; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-687. Nonconforming signs.

Nonconforming signs are signs already existing on August 25, 1993, but which do not conform to the requirements listed in this article.

- (1) No structural repairs or alterations of nonconforming signs will be allowed unless a sign conforming to this article results.
- (2) Any nonconforming sign that is either abandoned or unused for one-year should be removed.

(Code 1972, § 17.19(5)(g); Ord. No. 362, § 1, 8-10-1999; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-688. Illumination.

Indirect lighting of signs is allowed.

- (1) The light source will be exterior to the sign and shielded so it will not cast a direct beam toward vehicular or pedestrian traffic on any street or sidewalk.
- (2) Any sign which is so placed that the bottom of the sign is at least ten feet above the ground will be illuminated in such a manner so as to minimize light spillover from the sign itself.

(3) No moving, flashing, flashing neon, strobe or colored lights will be used to illuminate any sign.
(Code 1972, § 17.19(5)(i); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-689. Direct illumination allowed.

No sign with direct illumination may cause illumination upon an adjoining property nor cause illumination to be directed onto a street which would interfere with the operation of vehicular traffic.
(Code 1972, § 17.19(5)(j); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-690. Awnings/marquees.

- (a) New awnings or marquees and existing awnings or marquees requiring repairs or alterations will be required to be moved back two feet from the curb and will require a revocable occupancy permit if they extend into the city right-of-way.
- (b) When new awnings or marquees are installed or when the sidewalk below the awning or marquee is repaired or replaced the City may require special conditions regarding public safety and storm water management.

(Code 1972, § 17.19(5)(k); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-691. Electronic message unit signs.

- (a) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
- (b) Segmented messages must be displayed for not less than six seconds.
- (c) The time required to change a message will be one second or less.

(Ord. No. 467, 8-12-2008; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-692—106-710. Reserved.

DIVISION 4. REGULATIONS BY DISTRICT

Sec. 106-711. Single-family residence district.

- (a) For single-family homes:
 - (1) One permanent sign per dwelling not to exceed two square feet in area with a two-foot setback from the property line or a city sidewalk.
 - (2) Indirect illumination only.
- (b) For churches, community living, public utility structures, agricultural and gardening, home occupations, schools and service clubs, excluding parks:
 - (1) One permanent sign for each unit on the subject premises, not to exceed 20 square feet in area per sign.
 - (2) One directional or traffic control sign per entrance not to exceed two square feet in area and not to exceed three feet in height at the top of such sign; with a two-foot setback from any city sidewalk and the property line.

-
- (3) Indirect illumination only.
 - (4) Park regulations will be addressed separately.

(Code 1972, § 17.19(10)(a); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-712. Single- and two-family residence district.

- (a) For single- and two-family dwellings:
 - (1) One permanent sign per family unit not to exceed two square feet with a two-foot setback from the property line or a city sidewalk.
 - (2) Indirect illumination only.
- (b) For family day care, elderly and child care:
 - (1) One permanent sign not to exceed 20 square feet with a two-foot setback from the property line or a city sidewalk.
 - (2) Indirect illumination only.
- (c) For churches, public buildings, community living, schools, service clubs, public utility structures, home occupations, same as in single-family.

(Code 1972, § 17.19(10)(b); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-713. Multiple-family residence district.

- (a) For single-family, two-family, family care, churches, schools, community living, service clubs, public utility, agricultural and gardening uses, as set forth previously in the single- and two-family residential districts.
- (b) For multiple-family dwelling units:
 - (1) One sign per building advertising the name of the complex not to exceed 20 square feet in area with a two-foot setback from the property line or a city sidewalk.
 - (2) Indirect illumination only.
 - (3) One directional or traffic sign per entrance or exit not to exceed two square feet in area and not to exceed three feet in height at the top of the sign.
- (c) For boardinghouses and lodging houses, philanthropic and charitable institutions, private clubs, fraternities and lodges, art galleries, museums, libraries and cultural institutions:
 - (1) One sign advertising the name of the complex not to exceed 20 square feet in area with a two-foot setback from the property line or a city sidewalk.
 - (2) One directional or traffic control sign not to exceed two square feet area and not to exceed three feet in height at the top of the sign per entrance.
 - (3) Indirect illumination only.

(Code 1972, § 17.19(10)(c); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-714. Office/residence districts.

- (a) For single- and two-family dwellings, libraries, art galleries, museums, cultural institutions, clubs and lodges, churches, family care and hospitals, as previously set forth in the multiple-family residence district.

-
- (b) For uses permitted by right or conditional use in Office/residence districts:
 - (1) One sign per complex advertising the name of the business or use, not to exceed 32 square feet in area with a two-foot setback from the property line or a sidewalk.
 - (2) One directional or traffic control sign per entrance or exit not to exceed two square feet and not to exceed three feet in height at the top of the sign.
 - (3) Indirect illumination only.

(Code 1972, § 17.19(10)(d); Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-715. Downtown commercial districts.

- (a) Direct or indirect lighting is allowed.
- (b) Protruding signs will be a minimum of eight feet above the ground.
- (c) No signs will be allowed on any sidewalk.
- (d) Signs placed on any roof will not be flashing and will not extend beyond a maximum height of ten feet above the roof.
- (e) One freestanding sign per street frontage with a maximum size of 40 square feet, a maximum height of 30 feet, with the exception of directional signs.
- (f) Wall-flat signs will not exceed 40 square feet or seven percent of the wall surface area, whichever is less.
- (g) All signs which overhang city property will have minimum liability insurance as set by the council explicitly covering the sign. Proof of insurance will be placed on file annually with the clerk.
- (h) No sign with lighting will illuminate an area occupied as a single-family residence.
- (i) No sign will be between three feet and ten feet from the ground at an intersection and within 25 feet of an intersection.
- (j) Electronic message unit signs require a conditional use permit for installation on the exterior of or protruding from the building or on the roof or free standing and must comply with all other signage requirements established by this section.

(Code 1972, § 17.19(10)(e); Ord. No. 495, 4-13-2010; Ord. No. 508, 9-13-2011; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec. 106-716. Highway commercial districts.

- (a) No part of a sign will overhang a property line.
- (b) No sign which is within 25 feet of an intersection of a street will obstruct the vision at the intersection.
- (c) Signs placed on any roof will not be flashing and will not extend beyond a maximum height of ten feet above the roof.
- (d) No sign will move, flash or make noise, with the exception of a time or temperature sign.
- (e) Freestanding signs will not exceed a maximum height of 30 feet or a total size of 500 square feet.
- (f) Only one freestanding sign per frontage will be allowed, with the exception of directional signs.
- (g) Wall and flat signs will not exceed 500 square feet.

(Code 1972, § 17.19(10)(f); Ord. No. 405, § 1, 11-11-2003; Ord. No. 420, 3-9-2005; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Cross reference(s)—Businesses, Ch. 22.

Sec. 106-717. Industrial district.

- (a) *Generally.* In industrial districts, sign uses permitted in the highway commercial districts are permitted with the exception of the Tamarack Business Park.
- (b) *Tamarack Business Park.* Tamarack Business Park properties will comply with the following regulations:
 - (1) *Free standing signs.* One illuminated free-standing sign no more than eight feet in height including the base with a maximum total area of 40 square feet will be allowed per the real estate owned by the owner. Freestanding signs will be located perpendicular and adjacent to Commerce Loop only.
 - (2) *Wall signs.* Wall signs totaling a maximum of 500 square feet or six percent of the square footage of the wall upon which the sign is to be placed, whichever is less will be allowed per the legally described real estate. Illumination of the wall signs may be allowed and wall signs will only be located upon a wall of the building facing Commerce Loop.
 - (3) *Directional or traffic control sign.* One direction or traffic control sign with a maximum area size of six square feet will be allowed per entrance and exit with a height not to exceed four feet. Illumination may be allowed.

(Code 1972, § 17.19(10)(g); Ord. No. 421, § 1, 3-9-2005; Ord. No. 513, 9-11-2012; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Cross reference(s)—Businesses, Ch. 22.

Sec. 106-718. Park and recreation district.

All signs in park and recreation districts will have a conditional use permit, be subject to approval by the plan commission, and conform to the aesthetics of the surrounding property.

(Code 1972, § 17.19(10)(h); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Cross reference(s)—Parks and recreation, Ch. 62.

Secs. 106-719—106-740. Reserved.

DIVISION 5. TEMPORARY SIGNS

Sec. 106-741. Restricted.

The following temporary signs will be permitted anywhere within the city and will not require a permit. No other portable signs will be used.

- (1) *Construction signs* which identify the architects, engineers, contractors and other individuals or firms involved with the construction, including any advertisement of any product and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period. The signs will be confined to the site of the construction and will be removed within 14 days at the end of construction. Construction signs will not exceed 32 square feet in area.

-
- (2) *Real estate signs* advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of eight square feet. Such signs will be removed within 14 days of the sale, rental or lease of the premises or portions advertised.
 - (3) *Political campaign signs* announcing candidates seeking public office and other pertinent data are allowed. The sign(s) will be removed within 72 hours of the date of the election for which the sign was posted by property owners/residents or by granted permission.
 - (4) *Street banners* and other portable signs advertising a public entertainment or nonprofit organizational event if specially approved by the council and only for locations designated by the council, during and for ten days before and three days after the event. Proof of liability insurance in the amount set by the council will be provided to the clerk prior to the construction of the street banner.
 - (5) *Show window signs* in a window display of merchandise when incorporated with such a display. They need not be related in content to the display.
 - (6) *Garage, flea market and rummage sale signs*, removed on a nightly basis.
 - (7) *Banners, posters and advertising displays constructed of cloth, canvas, plastic sheets, cardboard and other like materials*, and which are not permanently affixed to a structure or the ground will only be displayed upon the premises at which promoted items are sold or distributed and/or site of promoted event, unless specifically exempted by action of the city council. Emergency permit approval may be authorized upon concurrence of mayor, police chief and either city clerk or city administrator.

(Code 1972, § 17.19(6); Ord. No. 413, 9-10-2004; Ord. No. 422, 3-9-2005); Ord. No. 458, 4-8-2008; Ord. No. 499, 9-9-2010; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Secs. 106-742—106-760. Reserved.

DIVISION 6. PROHIBITED SIGNS AND DEVICES

Sec. 106-761. Regulated.

- (a) Signs will not resemble, imitate or approximate the shape, form or color of traffic or railroad signs, signals or devices or use such words as "stop," "look," "danger," "go slow," "caution" or "warning." Signs will not obstruct or interfere with the effectiveness of traffic or railroad signs, signals or devices. No sign will be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape; and no sign will be placed so as to obstruct or interfere with traffic visibility.
- (b) Permanent signs affixed to or painted upon rocks, trees, utility poles or other such structures are prohibited.
- (c) No advertising signs will be designed and erected so as to be intentionally seen or read from any water area unless authorized by a conditional permit.
- (d) No signs on glass doors over one square foot are permitted.
- (e) No sign or advertisement of any sort will be affixed to any municipal property of the city without written permission from the city council.

(Code 1972, § 17.19(4); Ord. No. 362, § 2, 8-10-1999; Ord. No. 466, 10-14-2008; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Editor's note(s)—Ord. No. 466, adopted October 14, 2008, deleted subsection (a) of section 106-761. To preserve the style of this Code, and at the editor's discretion, former subsections (b)—(f) have been renumbered as subsections (a)—(e).

Sec. 106-762—106-779. Reserved.

ARTICLE X. SHORELAND/WETLAND ZONING¹²

Sec. 106-780. Penalties.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of the ordinance from which this chapter is derived in violation of the provisions of this chapter by any person, including building contractors or their agents, will be deemed a violation. Any person who violates or refuses to comply with any of the provisions of this chapter will be subject to section 1-11, together with the taxable costs of such action. Each day of continued violation will constitute a separate offense. Every violation of this chapter is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action pursuant to Wis. Stats. § 87.30(2). Property owners cannot fill in or alter a wetland nor construct any structure within a wetland without a permit from the Wisconsin DNR. Property owners are encouraged to perform a wetland delineation prior to requesting a permit to construct a structure near the wetland. Property owners are not allowed to construct a structure past the high-water mark of the shoreline nor are they allowed to construct a structure within the identified flood plain as identified in the flood plain flood maps. The city will not be held responsible for issuing a zoning permit that violate these provisions - the property owner is fully responsible for determining the wetland, the high-water mark and flood plain and the city retains the right to not issue a zoning permit if the city believes that the property owner will violate these provisions.

(Code 1972, § 19.18; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Sec 106-781. Additional shoreland/wetland provisions.

The shoreland-wetland provisions of this chapter authorized by Wis. Stats. § 62.231 will not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland-wetland provisions or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to Wis. Stats. § 62.23(7)(h), which limits total lifetime structural repairs and alterations to 50 percent of current fair market value.

(Code 1972, § 19.08; Ord. No. 567 , 1-12-2021; Ord. No. 568 , 1-12-2021)

Secs. 106-782—106-790. Reserved.

¹²Editor's note(s)—Ordinance No. 568 , adopted Jan. 12, 2021, repealed Art. X in its entirety to read as set out herein. Former Art. X, §§ 106-801—106-807 pertained to groundwater protection overlay district and derived from Ord. No. 559 , § 1, adopted Nov. 13, 2018.