

CHAPTER 400

ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

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## **CHAPTER 400**

### **ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER**

#### **GENERAL PROVISIONS AND REGULATIONS**

##### **400.01 TITLE.**

Chapters 400 through 411 of the Code of Ordinances shall be known, cited and referred to as the **RICHLAND CENTER CITY ZONING ORDINANCE** except as referred to herein, where it shall be known as “this Zoning Ordinance.”

##### **400.02 INTENT AND PURPOSES.**

(1) The provisions of the Richland Center City Zoning Ordinance shall be held to the minimum requirements adopted to promote the health, morals, comfort, prosperity and general welfare of the City of Richland Center, Wisconsin. It is not intended by this Zoning Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations or permits previously adopted or issued pursuant to laws; provided, however, that where this Zoning Ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this Zoning Ordinance shall govern.

(2) This Zoning Ordinance is adopted for the purpose of:

- (a) Dividing the City into zones and districts, and restricting and regulating therein the location, construction, reconstruction, alteration, and use of structures and land.
- (b) Promoting orderly development of residential, business, industrial, recreational, and public areas.
- (c) Providing adequate light, air, and convenience of access to property.
- (d) Limiting congestion in the public rights-of-way.
- (e) Preventing overcrowding of land and undue concentration of structures by regulating the use of land and buildings and the bulk of buildings in relation to the land and buildings surrounding them.
- (f) Providing for the compatibility of different land uses and the most appropriate use of land throughout the City.

##### **400.03 DEFINITIONS.**

For the purpose of this Zoning Ordinance, certain words and terms are defined as follows:

**(1) WORDS AND PHRASES IN GENERAL.**

- (a) Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number, and the masculine gender includes the feminine and neuter genders.
- (b) The word “shall” is mandatory and not discretionary.
- (c) The word “City” or “city” shall mean the City of Richland Center.
- (d) The words “Council,” “City Council” and “Common Council” shall be interchangeable, and shall refer to the Common Council of the City of Richland Center.
- (e) The words “Planning Commission” and “Plan Commission” shall refer to the Planning Commission of the City of Richland Center, which is the same as the City Plan commission for said City created pursuant to sec. 62.23(1) Wis. Stats.
- (f) The words “Zoning Administrator” shall mean the person duly hired or appointed by the City of Richland Center to perform the duties of the zoning administrator for said City under this Zoning Ordinance.
- (g) The words “Building Inspector” shall mean the person duly hired or appointed by the City of Richland Center to perform the duties of building inspector for said City under this Zoning Ordinance and under any other provision of the Wis. Statutes, Wis. Administrative Code or City Ordinance.
- (h) Whenever a word or term defined hereinafter appears in the text of this Zoning Ordinance, its meaning shall be construed as set forth in such definition thereof.
- (i) All definitions contained in Chapter 489 Regulating Signs in the City of Richland Center are hereby incorporated by reference in this Zoning Ordinance.
- (j) Any words not herein specifically defined shall be construed as defined in the building codes of the City of Richland Center or in the Wisconsin Statutes or the Wisconsin Administrative Code.
- (k) The abbreviation “Wis. Stats.” shall mean the Wisconsin Statutes, as the same are from time to time amended.

- (1) The abbreviation “Wis. Adm. Code” shall mean the Wisconsin Administrative Code, as the same may be from time to time amended.
- (2) **ABUTTING:** Making contact with or separated only by public thoroughfare, railroad, public utility right-of-way, or navigable waters.
- (3) **ACCESSORY USE, BUILDING OR STRUCTURE:** A non-residential use, building or structure, subordinate to and serving the principal use, building or structure on the same lot and customarily incidental thereto.
- (4) **ADDITION:** New construction performed on a building which increases the outside dimensions of the building.
- (5) **AIRPORT OR HELIPORT:** Any land, water, or structure which is used or intended for use for the landing and take-off of aircraft and any appurtenant land or structure used or intended for use for port buildings or other port structures or right-of-ways.
- (6) **ALLEY:** A public right-of-way which affords a secondary means of access to abutting property.
- (7) **ALTERATION:** A substantial change or modification other than an addition or repair to a building or to systems involved within a building.
- (8) **ANIMAL UNIT:** A means of quantifying animals, poultry and other domesticated or owned creatures. Each of the following constitutes one animal unit:
  - (a) One (1) bull, cow, steer, heifer or calf.
  - (b) One (1) horse, colt, donkey, mule or burro.
  - (c) One (1) sheep or lamb.
  - (d) One (1) goat or kid.
  - (e) One (1) mink or other fur bearing animal.
  - (f) Three (3) chickens, turkeys, ducks or other fowl, including chicks.
  - (g) Three (3) rabbits.
  - (h) One (1) of any other type or species of owned animal, excluding household pets such as dogs or cats not owned or raised for sale.
- (9) **ATTIC:** A space under the roof and above the ceiling of the topmost part of a dwelling.
- (10) **AUTOMOBILE REDUCTION YARD:** A lot or yard where two (2) or more unlicensed motor vehicles, or the remains thereof, are kept for the purpose of dismantling, wrecking, crushing, repairing, rebuilding, sale of parts, sale as scrap, storage or abandonment.

(11) **AUTOMOBILE REPAIR – MAJOR:** General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including body work, frame work, welding and major painting service.

(12) **AUTOMOBILE REPAIR – MINOR:** The replacement of any part or repair of any part which does not require the removal of the engines, head or pan, engine, transmission or differential; incidental body and fender work, minor painting and upholstering service when said service above stated is applied to passenger automobiles and trucks not in excess of three-quarter (3/4) ton rating.

(13) **BALCONY:** A landing or porch projecting from the wall of a building.

(14) **BASEMENT:** That portion of a building below the first floor or ground-floor of a building with its entire floor below the grade of the surrounding ground.

(15) **BED AND BREAKFAST ESTABLISHMENT:**

- (a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients;
- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
- (c) Is the owner's personal residence;
- (d) Is occupied by the owner at the time of rental;
- (e) Was originally built and occupied as a single-family residence; or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and
- (f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure. [Reference: 50.50(1) Wis. Stats.] Note: The Uniform Dwelling Code applies to the third floor of any bed and breakfast establishment such 3<sup>rd</sup> floor is used for anything other than storage [101.05(2) Wis. Stats.]

(16) **BOARDING HOUSE:** A building other than a hotel or motel where, for compensation and by prearrangement for definite periods, lodgings are furnished for three (3) or more persons but not to exceed eight (8) persons who reside on the premises on a permanent or long-term basis.

(17) **BUILDING:** Any structure having a roof which may provide shelter or enclosure of persons, animals or chattels, and when said structure is divided by party walls without openings, each portion of such building so separated shall be deemed a separate building.

**(18) BUILDING HEIGHT:** The vertical distance from: (a) the average elevation of the adjoining ground level or (b) the established grade, whichever is lower, to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof.

**(19) BUILDING LINE:** The building line shall be defined as the front yard set-back line, as contained in this Zoning Ordinance.

**(20) CARPORT:** A structure attached to and/or made a part of the main structure or any other structure and which is open to the weather on at least two sides, intended for the use of sheltering motor driven vehicles. A carport structure shall be subject to the restrictions and requirements of the minimum open space requirements of this Zoning Ordinance.

**(21) CEILING HEIGHT:** The clear vertical distance from the finished floor to the finished ceiling.

**(22) CHIMNEY:** One or more vertical or nearly vertical passageways or flues for the purpose of conveying flue gases to the atmosphere.

**(23) COMMISSION:** The City of Richland Center Planning Commission.

**(24) COMMUNITY LIVING ARRANGEMENT:** Any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health & Social Services:

- (a) Child Welfare agencies under sec. 48.60 Wis. Stats.
- (b) Group homes for children under sec. 48.02 (7) Wis. Stats.
- (c) Community based residential facilities under sec. 50.01 Wis. Stats. but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. [Reference sec. 46.03 (22) Wis. Stats.] Note: Subject to Uniform Dwelling Code. [ILHR 20 thru 25, Wis. Adm. Code.]

**(25) COMPLETE BATH AND TOILET FACILITIES:** A flush toilet attached to the public sewer system; a lavatory; a bath or shower and a kitchen sink, all of which are fully functional and supplied from outside with a continuous supply of water.

**(26) CONDITIONAL USES:** Those occupations, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning district, which for their respective conduct, exercise or use in such designated use districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modifications or regulations in such use district for the promotion or preservation of the general public welfare, health, convenience or safety. There shall be three classes of Conditional Uses, as follows:

- (a) Specific Conditional Use: A use specific to one location, and to one individual, partnership, or business, for an occupation, vocation, skill, art business, profession or use specifically designated in each zoning district, for which its respective conduct, exercise or use. A Specific Conditional Use Permit is granted to the specific location by the City Council after completion of all studies, reviews and public hearings on the application thereof, which are required by this Zoning Ordinance. A Specific Conditional Use may be appropriate on some sites within a District, but not appropriate on other sites. A Specific Conditional Use Permit shall be deemed to run with the Land.
- (b) Planned Unit Development: A large scale development, consisting of more than one lot or parcel, which permits alternative standards for development, as defined in Section 400.04(21) of the Ordinances of the City of Richland Center. It is individually granted to the owner or developer by the City Council after completion of all studies, review, and public hearings on the application therefore, which are required by this Zoning Ordinance. A Planned Unite Development shall be deemed to run with the land.
- (c) Temporary Conditional Use: A Temporary Conditional Use is a discretionary, temporary use of the land, with special conditions and time limits on that use, and is specific to the individual receiving it. It is individually granted to the owner of a specific property by the City Council after completion of all studies, review and public hearings on the application therefore, which are required by this Zoning Ordinance. A Temporary Conditional Use Permit, when issued, is personal to the permittee, for the site identified, and the permit shall not be deemed to run with the land. Any transfer of ownership of a lot for which a Temporary Conditional Use Permit has been issued, whether legal or equitable, shall automatically terminate and void any previously issued Temporary Conditional Use Permit affecting the parcel. All Conditional Use Permits existing at the time of passage of this amendment shall be Temporary Conditional Uses, provided, however, that Conditional Use Permits existing at the time of passage of this amendment shall remain in effect for the period of time for which they were granted. Ordinance 2004-10.

**(27) CONDITIONAL USE PERMIT:** A discretionary permit allowing a specified use of a lot or parcel of land, which may be specially and individually granted to the owner of a specific property by the City Council after completion of all studies, reviews and public hearings on the application therefore which are required by this Zoning Ordinance. Ordinance 2004-10.

**(28) CONDOMINIUM:** Property subject to a condominium declaration established under Chapter 703 Wis. Stats. as regulated by said Chapter 703.

**(29) CURB GRADE:** The established elevation of the curb in front of the building measured at the center of such front. Where no curb grade has been established the City may establish such curb level or its equivalent for the purpose of this Zoning Ordinance.

(30) **CURB LEVEL:** Synonymous with “Curb Grade”.

(31) **DAY CARE CENTER:** A use where for compensation care and supervision are provided for four (4) or more children under the age of seven (7) years for less than 24 hours a day, and which is required by sec. 48.65 Wis. Stats. to be licensed by the Wisconsin Department of Health & Social Services.

(32) **DAY CARE HOME, FAMILY:** A dwelling which is licensed as a day care center, where care and supervision are provided for not more than eight (8) children. [Reference: sec. 66.304 Wis. Stats.]

(33) **DECK:** An unenclosed exterior structure, attached or adjacent to the exterior wall of a building, which has a floor but no roof.

(34) **DISTRICT:** Areas of land for which regulations concerning the used and buildings are uniform.

(35) **DWELLING:** A building or one or more portions thereof occupied or intended to be occupied for residence purposes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.

(36) **DWELLING-ATTACHED:** A dwelling, which is joined to another dwelling at one or more sides by a party wall or walls.

(37) **DWELLING-DETACHED:** A single dwelling unit not attached to another dwelling or structure.

(38) **DWELLING-TOWNHOUSE:** A building housing multiple single family dwelling units having only one or more than one wall in common with another single family dwelling unit, oriented so that all exits open directly to the outside. Also, means a dwelling unit in such a building where the context so requires.

(39) **DWELLING UNIT:** A structure, or that part of a structure, which is intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(39a) **DUPLEX DWELLING:** A structure which contains two (2) dwelling units. A “Duplex Dwelling” includes a manufactured home which contains two (2) dwelling units. Ordinance 1993-15.

**(40) EFFICIENCY UNIT:** A dwelling unit wherein the cooking area, living area and sleeping area are all located in one room, whether or not such room is divided by partial dividers such as counters or screens.

**(41) EROSION CONTROL PLAN:** A plan for the implementation of erosion control procedures to a specific lot or development.

**(42) EROSION CONTROL PROCEDURE:** A practice or a combination of practices implemented to prevent or reduce erosion and the resulting deposition of soil, sediment or rock fragments into waters of the state, public sewers or off the owner's land. These procedures include, but are not limited to, silt or filter fences, straw or hay bales, tarps or riprap, berms, sediment basins or vegetative strips.

**(43) ESSENTIAL SERVICES:** Underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sanitary sewers, storm sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants or other similar equipment and accessories in conjunction therewith; but not including buildings.

**(44) ESSENTIAL SERVICE STRUCTURE:** A building, structure or enclosure which is a part of a system for the providing of essential services, such as a substation, pump station, pumphouse or similar use, and including towers utilized in providing such services.

**(44a) FACTORY OUTLET STORE:** A store which is owned and operated by an entity whose primary operation on the premises is the manufacturing, production, or assembly of goods or products and which sells to the public products of the type actually manufactured, produced, processed or assembled on the premises.

**(45) FAMILY:** An individual, or two or more persons each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household and using common cooking and kitchen facilities.

**(46) FARM:** A parcel of land having an area of 3 acres or more which is under agricultural cultivation or any combination of parcels aggregating 10 acres or more of unimproved lands which may or may not be occupied by a farmstead and outbuildings as the major improvements.

**(47) FENCE:** A fence is defined for the purpose of this Zoning Ordinance as any partition, structure, wall or gate erected as a dividing marker, barrier or enclosure and located along a lot boundary or within a lot or parcel.

**(48) FIRST FLOOR:** The first floor level above any ground-floor or basement or, in the absence of a ground-floor or basement, means the lowest floor level in the building. [ILHR 20.07 (34k)]

**(49) FLOOR AREA – GROSS:** The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, closets, basements and attached accessory buildings, excepting that area primarily devoted to unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking of vehicles, loading docks or loading space.

**(50) FLOOR AREA OF A ROOM OR OF A DWELLING UNIT:** The gross horizontal area of the room or dwelling unit which lies under a ceiling with a height of seven feet (7') or higher above the floor.

**(51) FLOOR AREA RATIO:** The numerical value obtained through dividing the gross floor area of all buildings on a lot by the area of the lot on which such building or buildings are located.

**(52) FRONTAGE:** That portion of a lot abutting on the right-of-way line of a street, whether one side of a street between two (2) intersecting streets or between an intersecting street and the dead-end of a street.

**(53) GARAGE – PRIVATE:** A detached or attached accessory building or a carport, which is used primarily for storing passenger vehicles, trailers, or one (1) truck of a rated capacity not in excess of 7,000 pounds gross weight.

**(54) GARAGE – PUBLIC:** Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

**(55) GARAGE – STORAGE:** Any building or premises used for the storage only of more than two motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, repair parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding one (1) ton capacity shall be stored in any storage garage in any residential district.

**(56) GARAGE SALE:** Any display of used goods and/or salesman's samples and sale of said goods on a property ordinarily used as a residence. The person conducting the sale shall be resident on the site.

**(57) GENERAL FLOOR PLANS:** A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

**(58) GROUND FLOOR:** That level of a building, below the first floor, located on a site with a sloping or multilevel grade and which has a portion of its floor line at grade.

**(59) HIGH DENSITY FARMING OPERATION:** Any farm operation (including the leasing of pasture or operation of a feedlot) involving or utilizing an animal unit density in excess of one (1) animal unit per acre of contiguous tillable or open pasture land.

**(60) HOME OCCUPATION:** Any gainful occupation carried on in a residential zoning district which meets all of the following requirements:

- (a) The occupation is engaged in only by persons residing in their dwelling.
- (b) The occupation is conducted entirely within the principal structure.
- (c) Evidence of the occupation is not visible from the street.
- (d) No signs other than those permitted in the applicable residential district are displayed.
- (e) No stock in trade is stored on the premises.
- (f) Over-the-counter retail sales are not involved.
- (g) Entrance to the home occupation is gained from within the structure.

**(61) HORTICULTURE:** The production and storage of fruits, vegetables, grains, ornamental trees or other crops but not including the keeping, raising or production of livestock.

**(62) HOTEL:** A building containing five (5) or more guest rooms in which lodging is provided with or without meals for compensation and which is open to transient or permanent guests or both, and where no provision is made for cooking in any guest room, and in which principal access to and from all rooms is made through an inside lobby or office supervised by a person in charge.

**(63) HOTEL-APARTMENT:** A hotel providing one or more dwellings where cooking facilities are present.

**(64) IMPROVEMENT:** Means and includes all construction necessary or pertinent to the preparation or conditioning of a building lot, site or parcel for occupancy by a permitted use under the provisions of this Zoning Ordinance or by a conditional use if a conditional use permit therefor has been issued and shall include but not be limited to buildings, parking areas, loading areas, trackage, fences, lawns and landscaping.

**(65) JUNK YARD:** An area where used, waste, discarded or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, abandoned, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber products, bottles and lumber. Storage of such materials in conjunction with a permitted manufacturing process when within an enclosed area or building or as otherwise permitted by this Zoning Ordinance shall not be included in this definition.

**(66) LABORATORY:** A place devoted to experimental study such as testing and analyzing and that is incidental to the manufacturing of the product or products of a permitted use. The actual manufacturing of product or products is not permitted within a laboratory as herein defined.

**(67) LAND RECLAMATION:** Depositing six hundred (600) cubic yards or more of material so as to elevate the grade.

**(68) LIMITED ACCESS HIGHWAY:** A public highway or street designed for through traffic and to, from or over which the owners of abutting property or persons having an interest in abutting property or other persons have no right or easement, or only a limited right of easement, of access, crossing, light, air, or view by reason of the fact that their property abuts upon such highway or street, or for any other reason.

**(69) LIVESTOCK:** Any animals, or poultry or other fowl, except dogs, cats, and birds owned by the resident of the premises and kept as pets but not for commercial sale except incidental to their character as pets.

**(70) LOADING BERTH:** An unobstructed area provided and maintained for the temporary parking of trucks and other motor vehicles for the purpose of loading and unloading goods, wares, materials, and merchandise.

**(71) LOT:** A parcel of land occupied or intended to be occupied by a principal structure and optional accessory building(s) or accessory uses, which parcel is of sufficient size to meet the minimum requirements of this Zoning Ordinance for use coverage and area and to provide such yards and other open spaces as are required, whether the land is used or intended for occupancy or for any other use, regardless of whether such parcel is a platted lot or is described by metes and bounds.

**(72) LOT AREA:** The area of a lot in horizontal plane bounded by the lot lines, but not including any area occupied by the waters of a duly recorded lake or river or area which has been dedicated as public thoroughfare or road.

**(73) LOT AREA PER UNIT:** The number of square feet of lot are required per dwelling unit.

**(74) LOT-CORNER:** A lot situated at the junction of, and abutting on two (2) or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed one hundred and thirty-two (132) degrees.

**(75) LOT DEPTH:** The mean horizontal distance between the front lot line and the rear line of a lot.

(76) **LOT LINE:** A lot line is a property line bounding a lot except that where any portion of a lot extends into a public right-of-way or a proposed public right-of-way, the nearest line of such public right-of-way shall be deemed the lot line for purposes of applying this Zoning Ordinance.

(77) **LOT LINE-FRONT:** That boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be presumed to be the shortest dimension on a public street. If the dimensions of a vacant corner lot are within 25% of being equal, the lot owner may select and designate in writing which street line shall be the front lot line, which designation shall be filed in the Office of the Building Inspector and shall thereafter permanently designate the front lot line of the lot.

(78) **LOT LINE - REAR:** That lot line opposite the front lot line. If the rear lot line is less than ten (10) feet in length, or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, connecting the side lot lines and parallel to the front lot line.

(79) **LOT LINE - SIDE:** Any boundary of a lot other than the front lot line or the rear lot line.

(80) **LOT OF RECORD:** Part of a city plat, subdivision or land division, the plat or a certified survey map of which has been recorded in the office of the Richland County Register of Deeds; or a parcel of land, the conveyance of which as a separate parcel was recorded in the office of said Register of Deeds, prior to June 14, 1990.

(81) **LOT - THROUGH:** A lot which has a pair of opposite lot lines abutting two (2) substantially parallel streets, and which is not a corner lot.

(82) **LOT WIDTH:** The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(83) **MANUFACTURED DWELLING:** A structure which is a manufactured building as defined in sec. 101.71 (6) Wis. Stats. containing one or more dwelling units, but not including a manufactured home. Ordinance 1993-15.

(84) **MANUFACTURED HOME:** A structure certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 which, when placed on a site:

- (a) Is set on an enclosed foundation in accordance with sec. 70.043 (1) Wis. Stats., which meets the standards set forth in subchapters III, IV and V of chap. ILHR 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be

submitted in order to ascertain that a proposed comparable enclosed foundation system provides proper support for the structure.

(b) Is installed in accordance with the manufacturer's instructions.

(c) Is properly connected to utilities.

Ordinance 1993-15.

**(85) MINING:** The extraction of sand, gravel, or other material from the land in the amount of six hundred (600) cubic yards or more and removal from the site.

**(86) MOBILE HOME:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 45 feet. "Mobile Home" includes the structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 but which is not set on an enclosed foundation in the manner described in subpar. (84) (a) shall be deemed to be a mobile home under this Zoning Ordinance. Ordinance 1993-15.

**(87) MOTEL, MOTOR HOTEL OR MOTOR COURT:** A building or group of buildings other than a hotel used primarily as a temporary residence for motorists, tourists or travelers, where no meals are furnished to lodgers and typified by each unit being accessible directly to the outside via its own exterior door. This definition includes tourist cabins.

**(88) MOTOR FREIGHT TERMINAL:** A building or area in which freight brought by motor truck, or rail, is assembled and/or stored for routing in intrastate or interstate shipment by motor truck.

**(89) MOTOR FUEL STATION:** A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries of fuel are made directly into motor vehicles.

**(90) MOTOR FUEL STATION CONVENIENCE STORE:** Any store operated in conjunction with a motor fuel station or truck stop for the purpose of offering for sale goods not essential to the motoring public.

**(90a) MOTORHOME:** A self-propelled vehicle which can be readily adapted to or does provide facilities for a person or person to eat or sleep or both therein, and which is mounted on wheels or has provision for wheels.

**(90b) MULTI-FAMILY RESIDENCE:** A structure which contains more than two dwelling units.

**(91) NON-CONFORMING STRUCTURE:** Any structure which is existing upon the effective date of this Zoning Ordinance which would not conform to the applicable regulations if the structure were to be erected under the provisions of this Zoning Ordinance.

**(92) NON-CONFORMING USE:** Use of land, buildings or structures existing on the effective date of this Zoning Ordinance which does not comply with all the regulations of this Zoning Ordinance or any amendments hereto governing the zoning district in which such use is located.

**(93) NOXIOUS MATTER OR MATERIALS:** Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

**(94) OPEN SALES LOT:** Land devoted to the display of goods for sale, rent, lease, advertising, or trade where such goods are not enclosed within a building.

**(95) OUTDOOR AMUSEMENT FACILITY:** A privately owned use at which members of the public are invited to participate in amusement activities or to utilize amusement facilities which are entirely or substantially carried on outside as contrasted with activities carried on within a building. Examples of such outdoor amusement facilities are amusement parks, miniature golf courses, go-kart tracks and water slides. A public park or playground owned by the City, township, county or state government or an athletic facility owned or operated by a school district shall not be deemed to be an outdoor amusement facility under this definition. An activity which would otherwise constitute an outdoor amusement facility but which is temporary only and is established for not more than five (5) days per calendar year shall not be deemed an outdoor amusement facility under this definition.

**(96) PARKING SPACE:** A suitably surfaced or permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one mid-size automobile.

**(97) PARTY WALL:** A wall which divides two independent structures.

**(98) TRAILER CAMPER:** A vehicle designed to be towed as a single unit upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length of 45 feet or less, which is not equipped with complete year round living facilities and which is dependent upon sources to which it is not permanently connected for disposal of sewage, supply of fresh water and electricity. Ordinance 1993-15.

**(99) PERSON:** Male or female natural persons, and also bodies politic, business and non-profit corporations, partnerships of all types, cooperatives and all other forms of unincorporated associations.

**(100) PILASTER:** A projection of masonry or a filled cell area of masonry for the purpose of bearing concentrated loads or to stiffen the wall against lateral forces.

**(101) PLANNED UNIT DEVELOPMENT:** The development and use of an area or parcel of land, typically larger than the minimum lot size applicable to the zoning district in which it lies, upon which parcel of land there exists or will exist more than one principal use structure, and which development and use is pursuant to and in strict conformity with a master site plan for the area, submitted and approved prior to the commencement of any construction or use of lands in the development. A planned unit development is distinguished from a plat under chap. 236 Wis. Stats. by the fact that a plat is required to show basically lot, block and plat boundary lines, shorelines, streets and highways and other areas dedicated to the public while the site plan for a planned unit development shows in addition the location and use of principal structures, accessory uses and structures, utility services, and other matters required by this Zoning Ordinance.

**(102) PLANNING COMMISSION:** Within this Zoning Ordinance the term Planning Commission shall refer to the Planning Commission of the City of Richland Center.

**(103) PORCH:** An unenclosed exterior structure or appendage to a building, at or near grade, which is attached to or adjacent to one or more exterior walls of a building and which has a floor and a roof.

**(104) PRINCIPAL USE:** The primary use of a lot or parcel of land or of a building or structure, to which any other uses are accessory or subordinate. A principal use may be either permitted or conditional.

**(105) PROFESSIONAL OFFICE:** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

**(106) PROPERTY LINE GRADE:** The elevation of the property line in front of a building measured at the center of such building. Where no property line grade has been established, the mean elevation of the finished lot grade at the property line shall be considered the “existing” property line grade.

**(107) PUBLIC AIRPORT:** Any airport which complies with the definition contained in Section 114.002 (18m) Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.

**(108) PUBLIC HEARING:** Whenever the term “Public Hearing” is used in this Zoning Ordinance, unless otherwise specifically redefined, it shall mean a hearing before a governmental official, board or entity which is open to members of the public and the news media and which is held pursuant to a prior public notice given as required by law for the specific type of hearing.

**(109) PUBLIC UTILITY SERVICES:** The providing of electric power, gas, telephone, sanitary sewer, water and storm water drainage.

**(110) PUBLICATION:** Notice placed in the official city newspaper stating time, location and date of a meeting and a description of the topic, or other information required by law to be disseminated to the public.

**(111) PUMP SETBACK:** The distance from the street right-of-way line to the center line of the motor fuel station pump island measured as a perpendicular distance from the right-of-way.

**(112) REPAIR:** The act or process of restoring to original soundness, including but not limited to: redecorating, refinishing, non-structural repairs, maintenance repairs, or the replacement of existing fixtures, systems or equipment.

**(113) ROADWIDE STAND:** A portable or temporary structure which is not permanently fixed to the ground and which is readily removable in its entirety, which may be covered or uncovered but not wholly enclosed and which is used solely for the sale of farm products raised on the premises. No building for any such roadside stand shall be more than 400 square feet in area and there shall be not more than one roadside stand on any one premises.

**(113a) SELF STORAGE WAREHOUSE OR MINI WAREHOUSE:** A building or premises in which storage units or space is rented to the public. Ordinance 2000-15

**(114) SETBACK:** The distance from the point of a building, structure or other improvement nearest a public street or highway to the closest point on the right-of-way of such street or highway, regardless of whether the street or highway is paved, curbed or otherwise improved out to such nearest point on the right-of-way.

**(115) SIGN:** Any device whatsoever designed to or which in fact does inform or attract the attention of persons not on the premises on which the sign is located. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be considered as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area. Isolated letters comprising a sign on the outside of a building or structure shall include each separate letter only as a part of the total area of the sign.

**(116) SINGLE FAMILY DWELLING:** A structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining one common household, to the exclusion of all other persons. “Single Family Dwelling’ includes a manufactured home which contains one dwelling unit. Ordinance 1993-15.

**(117) STREET:** A public right-of-way not less than sixty (60) feet in width (unless platted by the City having a lesser width) which affords a primary means of access to abutting property, and shall also include an avenue, highway or road excepting a half right-of-way where the intent is to acquire the other half. A street includes the full width of the right-of-way regardless of whether the street is paved, curbed or otherwise improved to the such nearest point on the right-of-way.

**(118) STREET LINE:** The line between a lot, tract, or parcel of land and a contiguous street.

**(119) STORY:** That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered an additional story for each 14 feet or fraction thereof. A basement or cellar having one-half (1/2) or more of its height above grade shall be deemed a story.

**(120) STRUCTURE:** Anything constructed or erected on or connected to the ground, including but not limited to buildings, fences, utility buildings on skids, antennas and signal receiving dishes.

**(121) STRUCTURAL ALTERATIONS:** Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

**(122) TEMPORARY STRUCTURE:** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

**(123) THOROUGHFARE:** Any street designated as a Town Road, County Highway, County State Aid Highway, or any State Trunk or Interstate Highway, as determined by the records of the Wisconsin Department of Transportation.

**(124) TOURIST CAMP OR TRAILER CAMP:** A tract or parcel of land, with or without buildings or other equipment, on which one (1) or more camp cabins or tents are located, or where temporary accommodations are provided for two (2) or more motor homes, campers, automobile trailers or house cars, which is open to the public either without charge or for a fee.

**(125) TOWNHOUSE:** See Dwelling – Townhouse.

**(126) TRAILER COACH:** Any type of structure or vehicle having less than 600 square feet which can be readily adapted to or does provide facilities for a person or person to eat or sleep or both therein, and which is mounted on wheels or has provision for wheels.

**(127) TRUCK STOP:** A motor fuel station devoted principally to the needs of over-the-road tractor/trailer units and trucks and which provides eating and/or sleeping facilities and is located within five hundred (500) feet of the right-of-way of a designated state trunk highway, a Federally aided inter-state highway or on a major city thoroughfare, city collector street, highway service road or highway.

**(128) USE:** The purpose or activity for which a lot or parcel of land or any building thereon is designated, arranged, or intended, or for which it is occupied, utilized, or maintained, and shall include the performance of such activity as defined by the performance standards of this Zoning Ordinance.

**(129) USE-ACCESSORY:** See Accessory Use, Building or Structure.

**(130) USE-CONDITIONAL:** Those occupants, vocations, skills, arts, businesses, professions, or uses specifically designated in each zoning District, which for their respective conduct, exercise or performance in such designated Districts may require reasonable but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, conditions, modification, or regulations in such District for the promotion or preservation of the general public health, welfare, convenience, or safety therein and which, therefore, may be permitted in such use district only by a Conditional Use Permit.

**(131) USE-PERMITTED:** A use which may be lawfully established in a particular zoning District or Districts, provided it conforms with all requirements, regulations, and performance standards (if any) applicable to such Districts.

**(132) USE-PRINCIPAL:** The primary use of a lot or parcel of land or of a building or structure, to which any other uses are accessory or subordinate. A principal use may be either permitted or conditional.

**(133) VARIANCE:** A variance is an authorization for the construction of or maintenance of a building or structure or for the establishment of a use of a lot in a manner, which is otherwise prohibited by the terms of this Zoning Ordinance. A variance creates a

vested right to a use, which runs with the land and is transferable with the lot. A variance can be granted only upon a showing of unnecessary hardship (but not a hardship which is self-inflicted by the applicant) or practical difficulties of such magnitude that without the variance the landowner will be deprived of the beneficial use of the lot and a virtual confiscation of the property will result.

**(134) VENDING MACHINE:** Any coin operated device which dispenses a product or service without an attendant.

**(134a) WAREHOUSE, WHOLESALE OR STORAGE:** A building in which goods, merchandise or equipment are stored for eventual distribution.

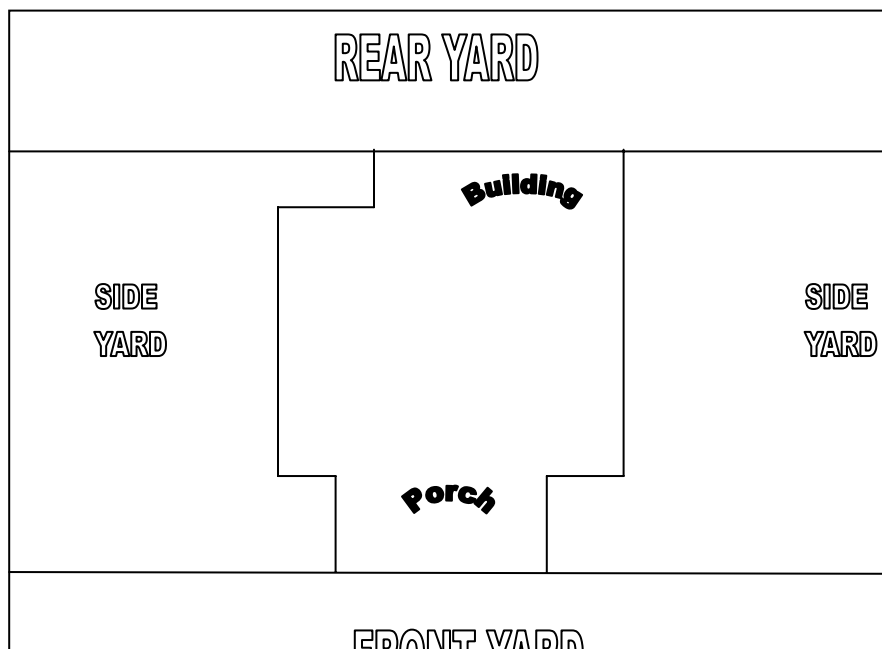
**(135) YARD:** A required open space on a lot which is unoccupied and unobstructed by a building from its lowest ground level to the sky except as expressly permitted in this Zoning Ordinance. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning District in which such lot is located.

**(136) YARD-FRONT:** That yard extending along the full width of the front lot line between the side lot lines and extending from the abutting front street right-of-way line to a line parallel to such street right-of-way line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to the street right-of-way line.

**(137) YARD-REAR:** A yard extending along the full width of the rear lot line between the side lot lines and extending from said rear lot line to a line parallel to such rear lot line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to such rear lot line.

**(138) YARD-SIDE:** A yard extending along the side lot line between the front and rear yards as established above and extending from said side lot line to a line parallel to such nearest side lot line, which parallel line is established where said parallel line touches that point of any building on the lot which is nearest to such nearest side lot line.

**(139) ILLUSTRATION OF DEFINITIONS PERTAINING TO YARDS:**



**(140) ZONING ADMINISTRATOR:** The person appointed by the City Council to act in the capacity described in this Zoning Ordinance. The Zoning Administrator may also serve as the Building Inspector, or the City Council may appoint a separate person to act in each capacity.

**(141) ZONING DISTRICT:** An area or areas subject to this Zoning Ordinance and determined pursuant hereto, for which the regulations and requirements governing use, lot size and size of buildings and premises are uniformly consistent with other areas classified in the same District, notwithstanding that any lot or parcel in such District may have been granted a conditional use permit or a variance.

#### **400.04 GENERAL PROVISIONS.**

**(1) APPLICATION OF ZONING ORDINANCE.**

- (a) In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare.
- (b) Where the conditions imposed by any provision of this Zoning Ordinance are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, statute, resolution, or regulation of any kind, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail.
- (c) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose nor in any manner which is not in conformity with the provisions of this Zoning Ordinance.

**(2) SEVERABILITY.** It is hereby declared to be the intention of the Common Council that the several provisions of this Zoning Ordinance are severable in accordance with the following:

- (a) If any court of competent jurisdiction shall adjudge any provision of this Zoning Ordinance to be invalid, such judgment shall not affect any other provisions of this Zoning Ordinance not specifically included in said judgment.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Zoning Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

**(3) NON-CONFORMING USES AND STRUCTURES.**

- (a) Any structure or use lawfully in existence upon June 14, 1990, may be continued at the size and in a manner of operation existing upon such date except as hereinafter specified.

- (b) When any lawful non-conforming use of a structure or land in any district is discontinued for a period of six (6) months or is changed to a conforming use, any future use of said structure or land shall be in conformity with the provisions of this Zoning Ordinance.
- (c) Whenever a lawful non-conforming structure shall have been damaged by fire, flood, explosion, earthquake, war, riot or act of God, it may be reconstructed and used as before if it be reconstructed within twelve (12) months after such calamity, unless the damage to the building or structure is fifty (50) percent of its fair market value as estimated by the Building Inspector and approved by the City Council, in which case the reconstruction shall be for a permitted use in the zoning district in which the structure is located or a use otherwise permitted in accordance with the provisions of this Zoning Ordinance, except that where a structure is damaged more than fifty (50) percent of its fair market value, the owner may within six (6) months apply for a special permit for approval to reconstruct a non-conforming structure for the use which existed prior to the damage. The City Council may grant such permit providing the structure complies with other Ordinance requirements.
- (d) Any lawful non-conforming use of land not involving a structure, and any lawful non-conforming use involving a structure with an equalized assessed valuation upon June 14, 1990, of One Thousand (\$1,000.00) Dollars or less and advertising signs (billboards) as defined in this Zoning Ordinance regardless of their valuation may be continued for a period of thirty-six (36) months after June 14, 1990, whereupon such non-conforming use shall cease. The above regulation shall apply to signs and billboards which, if not brought into conformity, shall be removed from the site.
- (e) When a structure has been declared unsafe by the Building Inspector, and said structure has been actually used as a lawful non-conforming use immediately prior to such declaration by the Building Inspector, such structure may be placed in safe condition and may continue in the existing use, except that when an order for demolition of a structure due to unsafe condition has been duly issued, this provision shall not be construed to overrule such order.
- (f) Any structure which will become non-conforming under this Zoning Ordinance, but for which a building permit has been lawfully granted prior to June 14, 1990, or prior to the effective date of an amendment to this Zoning Ordinance which has the effect of making the structure non-conforming, may be completed in accordance with the approved plans, provided that construction of the structure is started within sixty (60) days of such amendment to this Zoning Ordinance and continues to completion within one (1) year after such effective date. Such structure shall thereafter be deemed a legally existing non-conforming structure.
- (g) A lawful non-conforming use of a structure or parcel of land may be changed to a similar non-conforming use or to a more restrictive non-conforming use. Once a structure or parcel of land has been placed in a more restrictive non-conforming use, it shall not thereafter return to a less restrictive non-conforming use. The

order of restrictive uses, from most to least restrictive, is single family residential; two family residential; three or four family residential; permitted commercial; conditional use commercial; permitted industrial; conditional use industrial.

- (h) Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations, which do not extend or intensify the non-conforming use.
- (i) Alterations may be made to a building containing lawful non-conforming residential units when such alterations will improve the livability of such residential units, provided that such alterations will not increase the number of dwelling units or bulk of the building except that a private garage may be added if non previously existed and if such garage is in conformity with all other provisions of this Zoning Ordinance.

**(4) SUBSTANDARD LOTS WITH EXISTING STRUCTURES IN R DISTRICTS.**

- (a) Where there existed on June 14, 1990, a lot of record in an “R” Residential District, which lot on that date already contained an existing structure, and which lot which does not meet the requirements of this Zoning Ordinance as to lot area or lot width, the existing structure on such lot may be utilized for single-family detached dwelling purposes provided the measurements of such lot area and lot width are within seventy percent (70%) of the requirements of this Zoning Ordinance. However, such a substandard lot of record shall not be more intensively developed unless it is combined with one (1) or more abutting lots or portions thereof under common ownership so as to create a lot meeting the requirements of this Zoning Ordinance.
- (b) For purposes of this paragraph, the phrase “more intensively developed” means the addition to the lot of any building, building addition or other structure on the lot which increases the total square footage of the lot covered by a structure or structures, including by way of illustration garages, carports, storage buildings, porches and decks. However, the addition of one (1) detached accessory building with floor size of not more than eighty (80) square feet on the lot shall not be deemed more intensive development and may be permitted on a substandard lot.
- (c) Except in the case of planned unit developments as provided for hereinafter, not more than one (1) principal building shall be located on a lot in any district without a conditional use permit.

**(5) ACCESSORY BUILDINGS: LIMITATIONS.**

- (a) No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory, except a temporary construction structure or a structure for which a conditional use permit has been issued. In no event shall a temporary construction structure or

conditionally permitted structure be allowed to exist for more than 1 year prior to completion of construction of the principal building.

- (b) No accessory building shall exceed the height of the principal building. In no case shall any such accessory building exceed fifteen (15) feet in height in an “R” District.
- (c) In all “R” Districts no accessory building shall exceed seven hundred sixty-eight (768) square feet of floor area except by conditional use permit.
- (d) No portion of any detached garage or other accessory building shall be located nearer the front lot line than the principal building on that lot.
- (e) No accessory building or structure, unless an integral part of the principal building, shall be erected, altered or moved to within five (5) feet of the principal building on the lot.
- (f) No accessory building or structure, unless an integral part of the principal building, shall be erected, altered or moved to within three (3) feet of any lot line.
- (g) No accessory building or structure, unless an integral part of the principal building, shall be erected, altered or moved to within ten (10) feet of any building on an adjoining lot. Any variance from said required 10 foot distance from a building on an adjoining lot shall include as a condition of the variance that all walls or portions of walls allowed by the variance that all walls or portions of walls allowed by the variance to be within said 10 feet and the ceiling of the building shall be of unpierced construction (i.e. no doors or windows) and shall be lined with a double layer of x rated sheet rock to constitute a fire wall.
- (h) Subparagraphs (e), (f) and (g) shall not be deemed to supersede any greater required distances applicable to accessory buildings in specific zoning districts.
- (i) All accessory buildings on through lots located in “R” Districts shall require a conditional use permit.
- (j) No cellar, basement, tent, trailer, or accessory building shall at any time be used as an occupied dwelling.

**(6) REQUIRED YARDS AND OPEN SPACES.**

- (a) No yard or other open space shall be reduced in area or dimension so as to make such yard or other open space less than the minimum required by this Zoning Ordinance, and if the existing yard or other open space as existed at the time of the enactment of this Zoning Ordinance is less than the minimum required, it shall not be further reduced.
- (b) No required yard or other open space allocated to a building or dwelling use shall be used to satisfy yard requirements, other open space requirements, or minimum lot area requirements of any other building or dwelling use.
- (c) Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts, which abut the district boundary line.

- (d) The following shall not be considered to be encroachments on yard and setback requirements, but they shall nevertheless constitute illegal encroachments within a traffic visibility triangle:
1. In any yard:
    - (a) Off-street open parking spaces;
    - (b) Open terraces;
    - (c) Sidewalks;
    - (d) Flag poles;
    - (e) Unenclosed steps leading from ground level to the floor of a building closest to ground level;
    - (f) Single posts, located not less than four feet (4') from any similar post;
    - (g) Yard lights;
    - (h) Flues and chimneys;
    - (i) Belt courses;
    - (j) Leaders, pilasters or lintels;
    - (k) Ornamental architectural features covering less than fifteen (15) square feet of ground area;
    - (l) Cornices, eaves troughs, or gutters;
    - (m) Awnings or open canopies attached directly to a building;
    - (n) Open (unenclosed) fire escapes;
    - (o) Decorative fences not exceeding eight feet (8') in length in any one direction and not exceeding sixteen feet (16') in total length. Such decorative fences shall not have more than two (2) rails and shall not be less than eighty-five percent (85%) open.
  2. In Front Yards:
    - (a) Service station pump islands;
    - (b) Fences not more than thirty (30) inches high and not less than thirty percent (30%) open. Any fence in a front yard more than thirty (30) inches high and/or less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being legally used as a farm or in conjunction with a farm for agricultural purposes.
  3. In Side Yards of Lots Other Than Corner Lots:
    - (a) Driveways and private, parking spaces for passenger cars;
    - (b) Retaining walls forty-two (42) inches high or less;
    - (c) Decorative walls thirty-two (32) inches high or less;
    - (d) Hedges six feet (6') or less in height if such hedge is located more than 20 feet from the nearest point of the right-of-way of any public street;

- (e) Hedges thirty inches (30") or less in height if the hedge is located within 20 feet from the nearest point of the right-of-way of any public street;
- (f) Fences six feet (6') or less in height and not less than thirty percent (30%) open where such fence is located more than 20 feet from the nearest point of the right-of-way of any public street;
- (g) Fences thirty inches (30") or less in height and not less than thirty percent (30%) open where such fence is located within 20 feet of the nearest point of the right-of-way of any public street;
- (h) Any fence in a side yard less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being legally used as a farm or in conjunction with a farm for agricultural purposes.

4. In Side Yards of Corner Lots:

- (a) Driveways, private parking spaces and carports for passenger cars;
- (b) Retaining walls forty-two (42) inches high or less;
- (c) Decorative walls thirty-two (32) inches high or less;
- (d) Hedges six feet (6') or less in height if such hedge is located more than 20 feet from the nearest point of the right-of-way of any public street;
- (e) Hedges thirty inches (30") or less in height if the hedge is located within 20 feet from the nearest point of the right-of-way of any public street;
- (f) Fences six feet (6') or less in height and not less than thirty percent (30%) open such fence is located more than 20 feet from the nearest point of the right-of-way of any public street;
- (g) Fences thirty inches (30") or less in height and not less than thirty percent (30%) open where such fence is located within 20 feet of the nearest point of the right-of-way of any public street;
- (h) Any fence in a side yard less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being legally used as a farm or in conjunction with a farm for agricultural purposes.

5. In Rear Yards of Lots Other than Corner Lots;

- (a) Recreational equipment;
- (b) Clotheslines;
- (c) Open arbors and trellises;
- (d) Balconies;
- (e) Breezeways;
- (f) Open decks, the floor of which is not more than three feet (3') above the average level of the surrounding ground;

- (g) Patios, the floor of which is at or not more than one foot (1') above the level of the surrounding ground;
- (h) Outdoor eating facilities, such as barbecues and picnic tables;
- (i) Permitted accessory buildings or uses;
- (j) Retaining walls forty-two (42) inches high or less;
- (k) Decorative walls thirty-two (32) inches high or less;
- (l) Fences six feet (6') or less in height and not less than thirty percent (30%) open. Any fence in a rear yard less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being legally used as a farm or in conjunction with a farm for agricultural purposes.

6. In Rear Yards of Corner Lots;

- (a) Recreational equipment;
- (b) Clotheslines, if located 20 feet or more from the nearest point on the right-of-way of any public street;
- (c) Open arbors and trellises;
- (d) Balconies, if located 20 feet or more from the nearest point on the right-of-way of any public street;
- (e) Breezeways, if located 20 feet or more from the nearest point on the right-of-way of any public street;
- (f) Open decks, the floor of which is not more than three feet (3') above the average level of the surrounding ground, if located 20 feet or more from the nearest point on the right-of-way of any public street;
- (g) Patios, the floor of which is at or not more than one foot (1') above the level of the surrounding ground;
- (h) Outdoor eating facilities, such as barbecues and picnic tables;
- (i) Permitted accessory buildings or uses; if located 20 feet or more from the nearest point on the right-of-way of any public street;
- (j) Retaining walls forty-two (42) inches high or less;
- (k) Decorative walls thirty-two (32) inches high or less;
- (l) Hedges six feet (6') or less in height if such hedge is located more than 20 feet from the nearest point of the right-of-way of any public street;
- (m) Hedges thirty inches (30") or less in height if the hedge is located within 20 feet from the nearest point of the right-of-way of any public street;
- (n) Fences six feet (6') or less in height and not less than thirty percent (30%) open such fence is located more than 20 feet from the nearest point of the right-of-way of any public street;
- (o) Fences thirty inches (30") or less in height and not less than thirty percent (30%) open where such fence is located within 20 feet of the nearest point of the right-of-way of any public street;

- (p) Any fence in a rear yard less than thirty percent (30%) open shall require a conditional use permit. No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being legally used as a farm or in conjunction with a farm for agricultural purposes.

**(7) TRAFFIC VISIBILITY TRIANGLE.**

- (a) No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

- (b) In addition, no plantings or decorative fence shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.
- (c) In the case of any lot or subdivision in a zoning district which provides for a larger traffic visibility triangle, the provision requiring the larger triangle shall be deemed controlling.
- (d) In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

**(8) ESSENTIAL SERVICES (PUBLIC UTILITY USES).**

Essential services shall be permitted as authorized and regulated by Wisconsin Statutes and Wisconsin Administrative Code, and by ordinances of the City of Richland Center, it being the intention that essential services are exempt from the application of this Zoning Ordinance. This Chapter shall, however, apply to essential service structures.

**(9) ANNEXATION OF TERRITORY.** Territory contiguous to the City of Richland Center may be annexed to the City as follows:

- (a) **DIRECT ANNEXATION.** A petition for direct annexation may be filed with the City Clerk if signed by a number of qualified electors residing in such territory equal to at least the majority of votes cast for governor in the last gubernatorial election and either:
1. The owners of one-half of the real property in assessed value within such territory or,
  2. If no electors reside in such territory, the owners of one-half of the land in area within such territory or the owners of one-half of the real property in assessed value within such territory.
- (b) A petition for direct annexation shall state the purpose of the petition and shall contain a clear and concise description of the exterior boundary of the land proposed to be annexed, divided and mapped by government lot, recorded private claim, quarter-quarter section, section, township, range and county; and by metes and bounds commencing with a monument at a section or quarter section corner of the quarter section and not at the center of the section, or at the end of a boundary line of a recorded private claim or federal reservation in which the land is located; or if the land is located in a recorded subdivision or recorded addition thereto, then by number or other description of the lot, block or subdivision thereof, which has previously been tied to a corner marked and established by the U.S. public land survey. In addition, the petition shall have submitted therewith either a plat which meets the requirements of sec. 236.10, Wis. Stats. or a certified survey map which meets the requirements of sec. 236.34, Wis. Stats. Any parcel of land which is intended to be divided into more than four (4) lots shall be platted; if four (4) or fewer lots are intended a certified survey map may be used instead of a plat.
- (c) Such required plat or certified survey map shall show all of the following:
1. All exterior boundaries of the territory to be annexed.
  2. The geographic relationship of the territory to the municipalities involved.
  3. All other legal requirements applicable to such a certified survey map or plat.
- (d) In addition, such plat of certified survey map shall demonstrate provisions deemed adequate by the City in its sole discretion for all of the following:

1. Access to existing facilities and/or installation of projected facilities related to the furnishing of City services to the lands depicted on the plat, including but not limited to utilities.
  2. Access to adequate public highways to serve the lands depicted on the plat or other lands in the vicinity, whether or not such lands are presently in the City.
  3. Placement and development of interior streets, sidewalks and other public works upon the platted lands.
  4. Drainage and disposal of rainwater and waters generated by snowmelt.
  5. Such provisions shall be based upon and shall make provision for needs projected to exist when the lands have been fully developed.
- (e) ANNEXATION BY REFERENDUM. As an alternative to direct annexation, a petition for annexation by referendum as described in sec. 66.021 Wis. Stats. may be submitted. A petition for annexation by referendum shall meet all of the requirements of (b) above, in addition to all other matters required by law.
- (f) Annexed territory shall be placed in the R-1 Zoning District until such time as detailed study determining its proper use district is undertaken, unless the annexation ordinance specifically places the annexed territory in a different zoning district.
- (g) Other provisions of this sub-section (9) to the contrary notwithstanding, Certified Survey Maps of territory proposed to be annexed need not be prepared with respect to parcels which are transportation corridors which will not be subject to real estate taxation and which can be sufficiently described by metes and bounds, by reference to other legal descriptions of record, or by some other reasonably specific method acceptable to the City. Ordinance 1994-15.

**(10) FARMING OPERATIONS.**

All farms whereon farming operations were being carried on June 14, 1990, will be permitted to continue the same or similar farming operations as a prior non-conforming use subject to the following conditions:

- (a) Any change in the current agricultural use, other than a change of crops, requires a conditional use permit.

- (b) Limited sales of products produced may be conducted on the premises from a roadside stand but such stand shall not exceed twelve (12) feet in height or four hundred (400) square feet in floor area, and no portion of any such stand shall be located or erected nearer than fifty (50) feet from any street line. the owner of any roadside stand may be required to apply for and receive a conditional use permit if the City Council considers such stand to be a hazard to the public health, safety or general welfare.
- (c) There shall be no high-density farming operations carried on within the City of Richland Center.

**(11) LAND RECLAMATION.**

Under this Zoning Ordinance, land reclamation is the reclaiming of land by depositing of material so as to elevate the grade. Any lot or parcel upon which six hundred (600) cubic yards or more of fill is to be deposited shall constitute land reclamation. Land reclamation shall be permitted only by conditional use permit in all districts. The conditional use permit shall include as a condition thereof the submission of a finished grade plan, demonstrating that the land reclamation will not adversely affect the adjacent land, and as conditions thereof may regulate the type of fill permitted, program for rodent control, plan for fire control and general maintenance of the site, controls of vehicular ingress and egress. Prior to the issuance of a permit, the permittee shall submit an erosion control plan, which shall include control of material disbursed from wind or hauling of material to or from the site.

**(12) MINING.**

The extraction of sand, gravel, or other material from the land in the aggregate amount of six hundred (600) cubic yards or more and removal thereof from the site without processing constitutes mining. In all districts the conduct of mining shall be permitted only upon issuance of a conditional use permit. Such permit shall include, as a condition thereof, a plan for a finished grade which will not adversely affect the surrounding land or the development of the site on which the mining is being conducted, and the route of trucks moving to and from the site. Prior to the issuance of a permit, the permittee shall submit and erosion control plan, which shall include control of material disbursed from wind or hauling of material to or from the site.

**(13) SOIL PROCESSING.**

The operation of processing sand, gravel, or other material mined from the land constitutes soil processing. In all districts, soil processing shall be permitted only upon issuance of a conditional use permit. Such conditional use permit shall require a site plan of the parcel where the processing is to be done, showing the location of the plant, disposal of water, route of trucks moving to and from the site in removing processed material from the site, and such permit shall be granted for a specific period. Prior to the issuance of a permit, the permittee shall submit

an erosion control plan, which shall include control of material disburshed from wind or hauling of material to or from the site.

**(14) RELOCATED STRUCTURES.**

Before any existing house or other structure is moved onto a vacant lot, a conditional use permit must be secured. The Planning Commission shall report to the City Council whether the structure proposed to be so moved will be compatible with other development in the area. If the City Council concurs with the decision of the Planning Commission that the structure would depreciate the area into which it is to be moved, the City Council may withhold issuance of a permit for such relocation. The Building Inspector shall submit a report concerning structural soundness of the structure and any improvements that should be made if the building is relocated. The applicant shall submit photographs taken from two (2) or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with adjacent lots and structures. The foregoing requirements do not apply to construction sheds or other temporary structures to be located on a lot for an aggregate period of eight (8) months or less. Any site-built portion of a structure moved onto a lot shall comply with all applicable building codes and ordinances.

**(15) EFFECT OF STREET VACATION ON DISTRICT BOUNDARIES.**

Whenever any street, alley, easement or public way is vacated by official action, the designation of the zoning district(s) abutting the centerline of the said vacated area shall not be affected by such proceedings.

**(16) PLATTING.**

All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land planning. Any lot or lots having an area of two and one-half (2 ½) acres or less, created by any means for purposes of erecting a structure, must be approved by the City Council. The plan for such subdivision shall be reviewed by the Planning Commission, which shall submit a report to the City Council. The City Council shall make the ultimate determination whether to approve the plat.

**(17) DWELLING UNITS; WHERE PROHIBITED.**

No cellar, basement of an unfinished home, garage, tent, trailer, or accessory building shall at any time be used as a dwelling unit except mobile homes located in an approved mobile home park.

**(18) STREET FRONTAGE REQUIRED.**

No lot shall be created which contains any building used as a dwelling unless it abuts at least twenty feet (20) on a public street. No lot having less than twenty (20) feet abutting on a public street shall have any building to be used as a dwelling erected or installed upon it, except that lots located in Assessor's Plat of East Haseltine may be created which abut a platted public alley. Ordinance 1998-7

**(19) REZONING.**

Rezoning for any commercial or industrial use shall not be permitted except in the following circumstances:

- (a) The rezoned property is an extension of an existing Commercial or Industrial District.
- (b) The rezoned property is designed to be a part of a larger, integrated and planned business or industrial development area as designated on the City's Guide Plan.
- (c) The City Council finds other compelling reasons for such rezoning, not inconsistent with the overall plan of development of the City.

**(20) INTERPRETATION OF THE ZONING ORDINANCE.**

In any case where there is doubt as to the meaning of this Zoning Ordinance as applied to any proposed use, the Building Inspector shall submit the application for a building permit or proposal for open land use to the Planning Commission who shall make a report to the City Council; the City Council shall determine if a building permit shall be issued or if the open land use may be permitted.

**(21) PLANNED UNIT DEVELOPMENTS.**

Planned unit developments are conditional uses under this Zoning Ordinance in each of the described zoning districts, provided all uses to be carried on in such developments are permitted uses in the zoning district where the development is located. A conditional use permit for a planned unit development may waive certain requirements of this Zoning Ordinance as related to the development, including the limitation of only one principal structure on a lot and individual lot size requirements, providing that:

- (a) The outside boundaries of the planned unit development shall be shown on a plat prepared, approved and recorded pursuant to chap. 236 Wis. Stats. or on certified survey map prepared and recorded pursuant to sec. 236.34 Wis. Stats.
- (b) A complete site plan shall be submitted showing the location, outside dimensions and uses of all structures, driveways, sidewalks, traffic ways, parking facilities, publicly dedicated areas, landscaping, screening, sources of water, sewerage disposal facilities and other planned features for the entirety of the planned unit development.
- (c) A planned unit development shall be consistent with the overall development plan for the City zone as shown by the zoning districts shown on the City Zoning Map.

- (d) A planned unit development shall be consistent with the purposes of this Zoning Ordinance.
- (e) A planned unit development shall be provided with adequate community facilities, including but not limited to a water supply and a sewer system sufficient for the uses set forth on the site plan, and it shall in all respects conform to all subdivision regulations of the City and provisions of this Zoning Ordinance except for such specified requirements as may be waived in regard to the development.
- (f) No building permit for any component of a planned unit development shall be issued without the prior issuance of a conditional use permit for the development. A conditional use permit for a planned unit development may be granted by the City Council after reviewed by and a favorable recommendation from the Planning Commission. Prior to making a recommendation or the taking of action by the City Council, additional data may be requested to supplement the site plan if deemed necessary to an evaluation of the proposed development. Such conditional use permit shall specify thereon any provisions of this Zoning Ordinance, which have been waived as to the particular planned unit development.
- (g) Approval of a conditional use permit for a planned unit development shall not constitute acceptance by the City Council of a dedication of any street, alley, park or other portion of the development shown on the site plan.

**(22) PERMITTED USES.**

Except as specifically provided, no building or premises may be devoted to uses other than those indicated as permitted uses according to provisions of this Zoning Ordinance.

**(23) FENCES.**

Fences may be erected only as permitted under (6). No barbed wire shall be used in any fence within the City, unless such fence is a boundary fence abutting a parcel of land being used as a farm or in conjunction with a farm for agricultural purposes.

**(24) SIGNS.**

Signs may be erected only as permitted under the provisions of this Zoning Ordinance and then only if also permitted under the provisions of Chapter 489 Regulating Signs in the City of Richland Center.

**(25) BULK STORAGE (LIQUID).**

- (a) All uses associated with the bulk storage of oil, gasoline, liquid fertilizer, chemicals, and similar liquids shall require a conditional use permit in order that the City Council may have assurance that fire, explosive, or water contamination

hazards are not present that would be detrimental to the public health, safety and general welfare.

- (b) All existing, above ground liquid storage tanks having a capacity in excess of two hundred and seventy (270) gallons shall secure a conditional use permit within twelve (12) months following enactment of this Zoning Ordinance; the City Council may require the development of diking around said tanks, suitably sealed, to hold a leakage capacity equal to one hundred and fifteen percent (115%) of the tank capacity. Any existing storage tank that, in the opinion of the City Council, constitutes a hazard to the public safety shall discontinue operations within five (5) years following enactment of this Zoning Ordinance.

**(26) MOTELS.**

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

**(27) COMMUNITY LIVING ARRANGEMENTS.**

- (a) The provisions of sex. 62.23 (7)(I) Wis. Stats. are hereby adopted and incorporated by reference herein.
- (b) The City Council hereby elects not to adopt a lesser minimum distance between community living arrangements than that imposed by said section 62.23 (7) (I) Wis. Stats. Any person may apply for a conditional use permit allowing a community living arrangement to be closer than the statutory minimum distance from any other such community living arrangement.
- (c) Community living arrangements duly licensed by the Wisconsin Dept. of Health and Social Services may be established in the several zoning districts as follows:
  1. Community living arrangements having capacity for 8 or fewer persons being served by the program may be located in an “R-A”, “R-1”, “R-2”, “R-3/4” or “R-5” District, as permitted by and subject to all requirements of sec. 62.23 (7) (I) 3 Wis. Stats.;
  2. Community living arrangements having capacity for 9 to 15 persons being served by the program may be located in an “R-5” District, as permitted by and subject to all requirements of sec. 62.23 (7)(I) 4 Wis. Stats.;
  3. Community living arrangements having capacity for 16 or more persons being served by the program may be located require a conditional use permit as permitted by an subject to all requirements of sec. 62.23 (7)(I) 3, 4 or 5, Wis. Stats.

- (d) When the aggregate capacity of community living arrangements in the City of Richland Center of in any aldermanic district of said City reaches the totals set forth in sex. 62.23 (7)(I) 2 Wis. Stats., no further such facilities shall be established unless pursuant to a variance or a conditional use permit, application for which shall be made as for any other such variance or permit.

**(28) BED AND BREAKFAST ESTABLISHMENTS.**

Every Bed and Breakfast Establishment shall be operated and maintained in conformity with the provisions of the Wisconsin Statutes, including but not limited to Chapter 50, Wis. Stats., and in conformity with as all rules and standards duly promulgated by the Department of Health and Social Services and/or by any other branch or agency of the State of Wisconsin which are applicable to such Bed and Breakfast Establishments. Any amendments, additions or deletions to such statutes or rules hereinafter adopted shall, from the effective date of such adoption, be deemed incorporated herein by reference and applicable to such establishments within the City. [Note: Third floors used for anything other than storage are subject to the Uniform Dwelling Code.]

**(29) REQUIREMENTS FOR SINGLE FAMILY DWELLINGS AND DUPLEX DWELLINGS.**

No single family dwelling or duplex dwelling shall be erected or installed in any zoning district within the City of Richland Center other than in an MHP District unless it meets all of the following criteria:

- (a) The structure shall be set on a full basement or other permanent enclosed foundation in accordance with sec. 70.043 (1) Wis. Stats., which meets the standards set forth in subchapters III, IV and V of chap ILHR 21, Wis. Adm. Code, or set on a comparable enclosed foundation system approved by the Building Inspector. The structure shall not rest upon a metal frame where the foundation meets the sills or floor joists. The Building Inspector may require a plan certified by a registered architect or registered professional engineer to be submitted in order to ascertain that a proposed comparable enclosed foundation system provides proper support for the structure.
- (b) The structure shall have a minimum floor space of at least 1,152 square feet and a minimum width of 24 feet.
- (c) The structure shall have a core area of living space at least 24 feet by 24 feet in size.
- (d) All on-site construction shall be in compliance with all of the following:
  - 1. Chapter ILHR 21, Wis. Admin. Code, the Uniform Dwelling Code.

2. Chapters ILHR 81 through 84, Wis. Admin. Code, the Plumbing Code.
  3. Chapter ILHR 16, Wis. Admin. Code, the Electrical Code.
- (e) The structure shall have a pitched roof with a minimum slope of 3:1 and eaves extending outward at a minimum of 16 inches beyond the nearest vertical wall.
  - (f) The structure shall be roofed with asphalt shingles or comparable roofing, not including metal roofing.
  - (g) The Zoning Board of Appeals may not grant any variance from the requirements of (a) through (d). The Zoning Board of Appeals may grant a variance from the requirements of (e) and (f) only if the Board of Appeals specifically finds that such variance will not have an adverse aesthetic or pecuniary impact on the surrounding neighborhood and/or the value of nearby properties. Ordinance 1993-15.

#### **400.05 ADMINISTRATION AND ENFORCEMENT.**

- (1) AMENDMENTS TO THE ZONING ORDINANCE.**
  - (a) In accordance with the provisions of Wisconsin Statutes, the City Council may, from time to time, adopt amendments to this Zoning Ordinance. All proposed amendments to this Zoning Ordinance shall be referred to the Planning Commission prior to adoption for its recommendation and report. If the proposed amendment originates with the Planning Commission, the Commission may proceed to make its recommendation and report to the City Council.
  - (b) After the Planning Commission has prepared its recommendation, a public hearing on the amendment(s) shall be held. The public hearing may be held either before the Planning Commission or the Common Council. Notice of the public hearing shall be given as follows:
    1. Written notice of the hearing shall be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendments at least ten (10) days prior to the hearing.
    2. A class 2 notice under chap. 985 Wis. Stats. shall be published in the official City newspaper during the three (3) weeks prior to such hearing, with the last insertion to be at least seven (7) days prior to the date of the hearing.
  - (c) If the Planning Commission has held a public hearing, the Commission's report shall contain or have appended thereto a list of the persons who appeared at the

public hearing and a brief synopsis of each person” testimony or statement made at the public hearing.

- (d) After the public hearing has been held, the City Council may proceed to adopt the amendment(s).

**(2) ZONING ADMINISTRATOR – POWERS AND DUTIES.**

The Zoning Administrator shall administer this Zoning Ordinance and in addition thereto and in furtherance of said authority, he/she shall:

- (a) Determine that all building permits comply with the terms of this Zoning Ordinance.
- (b) Conduct inspections of buildings and use of land to determine compliance with the terms of this Zoning Ordinance.
- (c) Maintain permanent and current records of all matters pertaining to the provisions and administration of this Zoning Ordinance including, but not limited to, all amps, amendments, and conditional uses, variances, appeals and applications therefore.
- (d) Receive and forward all applications for re-zonings, appeals, variances, conditional use permits or other matters arising under this Zoning Ordinance to the designated official bodies.
- (e) Assist the Planning Commission and the City Council in regard to matters arising under this Zoning Ordinance, by making such investigation of matters pertaining to this Zoning Ordinance as they may request and reporting the findings thereof and recommendations thereupon to the requesting body.
- (f) Request institution in the name of the City of Richland Center of any appropriate actions or proceedings against violators of this Zoning Ordinance as provided by law.

**(3) BOARD OF ZONING APPEALS.**

- (a) CREATION OF BOARD OF ZONING APPEALS. There is hereby created, pursuant to sec. 62.23(7)(e) Wis. Stats., a Board of Zoning Appeals for the City of Richland Center.

1. The Board of Zoning Appeals shall consist of five (5) members appointed by the Mayor, subject to confirmation by the City Council, for terms of three years. The Mayor shall designate one of the members as chairperson. In addition, the Mayor may appoint one or two persons as alternate members of the

Board of Zoning Appeals. If there is more than one alternate, the Mayor shall designate one member as first alternate and the other as second alternate. Such alternate members shall not vote unless one of the regular members of the Board is absent from a meeting or refuses to vote because of interest in the matter under consideration, in which case the first alternate member shall have a vote. If two members are absent or refuse to vote because of interest, both alternate members shall have votes.

2. The Mayor may remove any member from the Board of Zoning Appeals for cause upon written charges and after a public hearing.

(b) **POWERS OF BOARD OF ZONING APPEALS.** The Board of Zoning Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Administrator or another administrative body or official in the enforcement of this Zoning Ordinance.

2. To hear and decide special exceptions to the terms of this Zoning Ordinance upon which the Board is required to pass by the terms of this Zoning Ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of this Zoning Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare observed, and substantial justice done.

4. In appropriate cases, and subject to appropriate safeguards in harmony with the general purpose and intent of this Zoning Ordinance, the Board of Zoning Appeals may permit a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

5. In exercising its powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the official from whom the appeal is taken, and may issue or direct the issuance of a permit.

(c) **MEETINGS OF THE BOARD OF ZONING APPEALS.**

1. The Board of Zoning Appeals shall meet at such times as called by its chairman, and at such other times as the Board may determine.

2. All meetings of the Board of Zoning Appeals shall be open to the public, including all hearing of appeals.

**(4) PROCEDURE ON APPEALS TO THE BOARD OF ZONING APPEALS.**

(a) Any person aggrieved or any officer, department, board or bureau of the City of Richland Center affected by any decision of the Zoning Administrator or any other officer of body charged with the administration of any part of this Zoning Ordinance may take an appeal to the Board of zoning Appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official or body in the enforcement of this Zoning Ordinance or of sec. 62.23 (7) Wis. Stats.

(b) Such appeal shall be taken within thirty (30) days after the filing of the decisions appealed from, by filing with the Zoning Administrator a written notice of appeal specifying the grounds upon which the appeal is based and by tendering therewith any fee imposed by this Zoning Ordinance or by resolution of the City Council for an appeal or for a direct application to the Board of Zoning Appeals. A notice of appeal or application filed without tender of the fee shall not constitute a completed filing, and shall not toll any applicable time for appeal. Where the City Council or any officer, board or commission of the City is the appellant or applicant, no such fee shall be required. A decision of a body charged with the administration of any provision of this Zoning Ordinance made at an open meeting of such body shall be deemed filed for purposes of computing the time for appeal upon delivery of the minutes of said meeting to the Zoning Administrator for filing.

(c) No appeal of an adverse decision shall be referred to or considered by the Board of zoning Appeals unless the aforesaid written notice of appeal has been timely filed with the Zoning Administrator. The Zoning Administrator is hereby appointed the agent of the Board of Zoning Appeals for the purpose of receiving any notice of appeal required to be filed with the Board.

(d) Upon a completed filing of a notice of appeal, the officer or body from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the record upon which the action appealed from was taken.

(e) The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and shall give public notice thereof, as well

as due notice to the parties in interest, and shall decide the matter within a reasonable time. In addition to giving said required public notice of any meeting of the Board of Zoning Appeals, the Chairman of the Board of Zoning Appeals shall transmit or cause to be transmitted to the Mayor and to each Alderman a notice of every meeting of the Board of Zoning Appeals which sets forth all agenda items, not less than 72 hours prior to such meeting, either by personal delivery or by first class mail.

- (f) Upon the hearing any party may appear in person or by agent or attorney.
- (g) The Board shall keep minutes of all meetings and hearings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. All such minutes shall be immediately filed with the Zoning Administrator, and shall be a public record.
- (h) The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary for any of the following:
  - 1. To reverse any order, requirement, decision or determination of the Zoning Administrator or any other City administrative official.
  - 2. To decide in favor of the applicant on any matter upon which the Board is required to pass under this Zoning Ordinance.
  - 3. To grant any variance under this Zoning Ordinance.
- (i) The grounds of every determination of the Board of Zoning Appeals shall be stated on the record, and entered in the Board's minutes.
- (j) Decisions of the Board of Zoning Appeals may be reviewed by means of certiorari in the circumstances permitted by sec. 62.23 (7)(e) 10 Wis. Stats.
- (5) BUILDING PERMITS.**
  - (a) **BUILDING PERMIT REQUIRED.** No person shall erect, alter, remodel, demolish, wreck or move any building, structure, sign or part thereof without first securing a building permit therefore.
    - 1. No building permit shall be required for construction of an accessory building smaller than 120 square feet. Ordinance 1997-11
  - (b) **BUILDING PERMIT APPLICATION.** Application for a building permit shall be made in the following manner:

1. The applicant or agent of the applicant shall fill out completely and file with the City Building Inspector an Application for Building Permit shall set forth either the name of the plat and number(s) of the lot(s) or the number of the certified survey map and the number of the lot(s) describing the lands for which the activity to which the permit applies is sought.
2. The applicant or agent of the applicant shall pay over to the Building Inspector the prescribed fee for the requested building permit.
3. No building permit shall be issued unless, prior to issuance of the building permit, either a plat which meets the requirements of sec. 236.10, Wis. Stats., or a certified survey map which meets the requirements of sec. 236.34, Wis. Stats., depicting the lands upon which the proposed structure or the activity for which the building permit is requested, has been submitted to and approved by the City Council. If the parcel of land is intended or appears by its size to be likely to be divided into more than four (4) lots, it shall be platted; if four (4) or fewer lots are intended a certified survey map may be submitted instead of a plat. The City Council shall have the right to deny approval of any such plat or certified survey map and to withhold all building permits on the subject lands if the Council determines that the plat or certified survey map and to withhold all building permits on the subject lands if the Council determines that the plat or certified survey map does not meet the requirements of all statutes applicable thereto or that the proposed layout of the lands does not make adequate provision for all of the following:
  - a. Access to existing facilities and/or installation of projected facilities related to the furnishing of City services to the lands depicted on the plat, including but not limited to utilities.
  - b. Access to adequate public highways to serve the lands depicted on the plat or other lands in the vicinity, whether or not such lands are presently in the City.
  - c. Placement and development of interior streets, sidewalks and other public works upon the platted lands.
  - d. Drainage and disposal of rain waters and waters generated by snowmelt.
  - e. Such provisions shall be based upon and shall make provision for needs projected to exist when the lands have been fully developed.
  - f. Upon approval of such plat or certified survey map, the applicant shall demonstrate to the satisfaction of the City that it has been properly executed and filed with the Richland County Register of Deeds.
4. The applicant or agent of the applicant shall in addition file with the Building Inspector any relevant data required by the City which the Building

Inspector deems necessary to an evaluation of the merits of the application. A request by regular mail to the applicant or his agent at the address shown on the application shall constitute a demand for any such data.

5. An Application for a Building Permit shall not be deemed a completed application until the application form has been filed, the fee paid and any additional requested data have been filed, and neither the Building Inspector nor the City Council are required to take any action on any application deemed incomplete.

(c) **PROCEDURE UPON RECEIPT OF BUILDING PERMIT APPLICATION.**

1. A completed application for Building Permit shall be referred to the Building Inspector. The Building Inspector shall refer to the City Council for action any application relating to:

- a. New construction or additions to residential buildings of three units or more;
- b. New construction or additions to Community Living arrangements, commercial or industrial buildings;
- c. Signs.

The Building Inspector shall take action on all other applications on his own, without referral to the City Council. Ordinance 1997-10.

2. The City Council and Building Inspector shall have the following options in considering an Application for a Building Permit:

- a. Approval of the application.
- b. Approval of the application, conditional upon satisfactory fulfillment of specified additional requirements such as plan approval by the Dept. of Industry, Labor, & Human Relations or similar required actions.
- c. Denial of the application.

Ordinance 1997-10.

(d) **TIME PERIODS AND LIMITATIONS RELATING TO BUILDING PERMITS.**  
The following time periods shall apply to all building permits:

1. An applicant for a building permit which has been unconditionally approved, shall within thirty (30) days after such approval, pay to the City the full fee for the building permit. Upon such approval and payment, the Building Inspector shall issue the building permit. In the event of failure by the applicant

to pay all fees within said 30 days, the building permit shall be deemed denied, notwithstanding the prior approval, and any permit fee previously paid is non-refundable. Thereafter, a new application and payment of a new fee shall be required. Ordinance 1997-10.

2. An applicant for a building permit which has been conditionally approved shall, within one hundred and twenty (120) days after such approval, submit satisfactory evidence to the Building Inspector that all conditions of the approval have been fulfilled and shall pay to the City the full fee for the building permit. In the event of failure by the applicant to satisfy all conditions of the approval and/or to pay all fees within said 120 days, the building permit shall be deemed denied, notwithstanding the prior approval, and any permit fee previously paid is non-refundable. Ordinance 1997-10.

3. An applicant for a building permit, which has been issued, shall, within four (4) months after the date of issuance, make a substantial commencement of the permitted construction or other permitted activity. In the event of failure to commence the construction or other permitted activity. In the event of failure to commence the construction or other permitted activity within said time, the building permit shall expire absolutely, and application for a new building permit shall be required prior to any commencement of the construction or other permitted activity.

4. An applicant for a building permit which has been issued shall, within twelve (12) months from the date of issuance of the permit, complete the permitted construction or other permitted activity, except that where the cost of the construction of other activity as set forth in the Application for the Building Permit equals or exceeds \$400,000.00, the City Council may extend such time for completion.

**(6) REZONING.**

The procedure for changing zoning district boundaries (rezoning) shall be as follows:

- (a) The Planning Commission, City Council or the titleholder of a property sought to be rezoned may initiate a rezoning.
- (b) Property Owners wishing to initiate a rezoning of property shall fill out completely and file with the Zoning Administrator an Application for Rezoning form, which form shall be furnished by the City. Such Property Owner shall pay over to the Zoning Administrator the prescribed fee for the requested rezoning. All Applications for Rezoning changing zoning district boundaries which are initiated by the petition of an owner or owners of property shall be accompanied by a legible scale map or plat showing the lands proposed to be changed and all

lands within two hundred (200) feet of the boundaries of the property proposed for rezoning, together with the names and addresses of the owners of such neighboring lands as the same appear on the tax records of the Treasurer of the City of Richland Center and/or the Treasurer of Richland County.

- (c) An Application for Rezoning initiated by a property owner shall, upon filing, be forthwith transmitted by the Zoning Administrator to the Planning Commission, for investigation and recommendation. The Zoning Administrator or the Planning Commission may at any time after filing of the application request any additional relevant data, which he, she or they deem necessary to an evaluation of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a proper demand for any such data.
- (d) Within sixty (60) days after the date of receipt of the petition from the Zoning Administrator, the Planning Commission shall make a written report to the City Council stating its findings and recommendation in regard to the application. In the event that additional data has been requested pursuant to (c) and the applicant has failed to submit such data, the Planning Commission may simply recommend denial of the application upon grounds of failure to submit the requested data.
- (e) The City Council shall hold a hearing within thirty (30) days after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within sixty (60) days after receipt of the application, then the City Council shall hold a public hearing within thirty (30) days after the expiration of the said sixty (60) day period. Failure to receive a report from the Planning Commission as herein provided shall not invalidate the proceedings or actions of the City Council. The City Council shall give not less than ten (10) days nor more than thirty (30) days notice of the time and place or such hearing by publication of a class 2 notice under chap. 985 Wis. Stats. in the official City newspaper, and such notice shall contain a description of the land and the proposed change in zoning.
- (f) At least ten (10) days before the hearing the City Council shall order the Clerk to mail an identical notice to the applicant and to each of the property owners within two hundred (200) feet of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice provided it is unintentional, or failure of the property owners to receive the notice shall not invalidate the proceedings. The applicant shall be given the right to be heard at the hearing, and to be represented by attorney at his/her expense if he/she so desires. At the time of hearing the City Council may take final action upon the application or it may continue the hearing from time-to-time for further investigation and hearing. The City Council may also request further information and report from the Planning Commission, the Zoning Administrator or the applicant.

- (g) The City Council shall not rezone any land or area in any zoning district or make any other proposed amendment to this Zoning Ordinance without having first referred it to the Planning Commission for their consideration and recommendation. If no recommendation is received within 60 days after such referral, the City Council may proceed to hold hearings and either grant or deny the application for such rezoning.
- (h) Where the proposed rezoning originates with the Planning Commission, the Commission may initiate the procedure by transmitting its report and recommendation directly to the City Council for a hearing pursuant to pars. (e) and (f), without the need for referral back to the Commission by the City Council.
- (i) The City Council may propose a rezoning on its own motion, in which case the matter shall be transmitted to the Planning Commission for a report and recommendation, which shall then be transmitted back to the Council for hearing pursuant to pars. (e) and (f).
- (j) Rezoning applications may be denied by motion of the City Council and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest of the physical development of the City of Richland Center. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

**(7) CONDITIONAL USE PERMITS.**

The procedure for issuance of conditional use permits is as follows:

- (a) Persons applying for a conditional use permit shall fill out completely and file with the Zoning Administrator an Application for Conditional Use Permit form, which form shall be furnished by the City. The Conditional Use Permit form shall be signed by the land owner and by any person seeking the conditional use permit, if that person is not the same as the land owner. The applicant shall pay over to the Zoning Administrator the prescribed fee for the requested permit. (History Ord. 1998-5)
- (b) The Zoning Administrator shall refer the application to the Planning Commission. The Commission shall consider the application at its next regular meeting, which will allow for the seven (7) day notice provided herein. The City Clerk shall mail notice of the application and the meeting at which it will be considered to the applicant and to each property owner located within 200 feet from the outside boundaries of the land in the application. Failure to mail the notice, providing it

is unintentional, or failure of the property owner to receive it shall not invalidate the proceedings. The Planning Commission may request from the applicant any additional data which it deems necessary to an evaluation of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a valid demand for any such data. Alternatively, the Planning Commission may make such request verbally to the applicant at any meeting where the applicant is present, which also constitutes a valid request. (History Ord. 1997-13)

- (c) The Planning Commission may, in its discretion, hold a public hearing on any application for a conditional use permit. If the Planning Commission determines to hold such a public hearing, it shall give notice thereof by publishing a Class 1 notice under chap. 985 Wis. Stats. in the official City newspaper. If the Planning Commission has held such a public hearing, the Commission's report shall contain or have appended thereto a list of the persons who appeared at the public hearing and a brief synopsis of each person's testimony or statement made at the public hearing.
- (d) The report of the Planning Commission shall be placed on the agenda of the City Council at its next regular meeting following referral from the Planning commission, but no more than ninety (90) days after the application has been submitted by the applicant.
- (e) The City Council must take action on the application within sixty (60) days after receiving the report of the Plan Commission. The council may deny or defer indefinitely consideration of any application when the applicant has been duly requested by the Planning Commission or by the Council to furnish additional data and has failed to do so. The City Council may, in its discretion, hold a public hearing on any application for a conditional use permit. If the Council determines to hold such a public hearing, it shall give notice thereof by publishing a Class 1 notice under chap. 985 Wis. Stats. in the official City newspaper.
- (f) In granting a conditional use permit, the City Council may impose such conditions or limitations as it considers necessary to protect the public health, safety and welfare, and any such conditions or limitations may include a time limit for the conditional use to exist or for the operation or activity permitted by the permit to be carried on.
- (g) A conditional use permit shall become void one (1) year after it was granted unless within the year the permitted use is actually commenced, or within such extension of the period as the City Council within the year may provide.

- (h) When any conditional use is discontinued for a period of six (6) months, or is changed to a permitted use, any future use of said location shall be in conformity with the provisions of this Zoning Ordinance.
- (i) A request for a conditional use permit shall be permitted to be approved, approved with conditions, or denied. Each requests for a conditional use approval shall consider the following criteria:
  - 1. The request is consistent with applicable provisions of the comprehensive plan.
  - 2. The request is compatible with the existing or allowable uses of adjacent properties.
  - 3. The request can demonstrate adequate public facilities, including roads, drainage, potable water, sanitary sewer, and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
  - 4. The request can demonstrate adequate provisions for maintenance of the use granted by the conditional use permit and associated structures approved under said permit.
  - 5. The request has minimized, to the degree possible, adverse effects on the natural environment.
  - 6. The request will not create undue traffic congestion.
  - 7. The request will not adversely affect the public health, safety and welfare.
  - 8. The request conforms to all applicable provision of this code. (History Ord. 2002-2)
- (j) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards (setbacks) or parking requirements may be required by the Common Council upon its finding that these are necessary to fulfill the purpose and intent of this Section. (History Ord. 2002-2)
- (k) Once a Conditional Use Permit is issued, the Permittee shall conform to all conditions and limitations imposed by the City Council. In the event the

Permittee fails to comply, the City shall have the following recourse, in addition to that granted under Section 400.05(10):

1. The City may give the Permittee written notice, which shall be mailed by regular mail, and personally served, whenever reasonably practical. Said Notice shall state the Permittee has failed to meet certain conditions and limitations of the Conditional Use Permit, and shall enumerate those not complied with. Said Notice shall further advise that, if the deficiencies are not corrected within Thirty (30) days of the date of the Notice, the Conditional Use Permit may be revoked by the City Council. Said Notice shall further advise that, if the deficiencies are not corrected within Thirty (30) days of the date of the notice, a forfeiture may be imposed daily. Said Notice shall further advise that, if the deficiencies are not corrected within Thirty (30) days of the date of the notice, the City may bring legal action to prevent the Permittee from continuing the use of the property.
2. Upon the expiration of the Thirty (30) day period, the City Council may revoke the Conditional Use Permit.
3. Upon the expiration of the Thirty (30) day period, the City Council may impose a forfeiture upon the Permittee, of no less than \$10.00 per day, nor more than \$200.00 per day, the exact daily amount to be determined by the City Council. The City Council may, at its option, adjust the amount of the daily forfeiture, from time to time. The imposition of a forfeiture shall not be deemed a wavier of any other available remedies.
4. Upon the expiration of the Thirty (30) day period, the City Council may refer the matter to the City Attorney, to bring action for a Restraining Order or an Injunction, ordering the Permittee to discontinue the nonconforming use of the property, and the City shall have the right to demand reimbursement for its Court Costs, the costs bringing the action, and its attorneys fees from the Permittee.

Ordinance 2004-10

**(8) VARIANCES.**

- (a) In specific cases the Board of Zoning Appeals may grant a variance (which is the same as a special exception) from the terms of this Zoning Ordinance which is not contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this Zoning Ordinance will result in practical difficulty or unnecessary hardship (but not a hardship that is self-imposed by the landowner), so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done. The hardship or difficulty must have to do with the characteristics of the land and not of the property

owners. A variance may be granted as part of a determination of an appeal of an adverse decision of the Zoning Administrator, or upon direct application therefor. A direct application for a variance shall be deemed substantially equivalent to an appeal of an adverse decision.

- (b) A person desiring to apply directly for a variance shall fill out a form provided by the Zoning Administrator, and submit the completed form to the Zoning Administrator together with the fee for the application established by the City Council. An application not accompanied by the fee shall not constitute a completed application, and need not be referred to the Board of Zoning Appeals.
- (c) A completed application shall be referred by the Zoning Administrator to the Board of Zoning Appeals.
- (d) The Board of Zoning Appeals shall fix a reasonable time for hearing the application for variance and shall give public notice thereof. It shall also give written notice by mail or by personal service to the appellant or applicant, to the Zoning Administrator and to any other interested person, and shall decide the same within a reasonable time. In addition to giving said required public notice of any meeting of the Board of Zoning Appeals, the Chairman of the Board of Zoning Appeals shall transmit or cause to be transmitted to the Mayor and to each Alderman a notice of every meeting of the Board of Zoning Appeals which sets forth all agenda items, not less than 72 hours prior to such meeting, either by personal delivery or by first class mail.
- (e) All hearings on applications for variance by the Board of Zoning Appeals shall be open to the public. Upon the hearing any party may appear in person or by agent or attorney. The Board shall keep minutes of all meetings and hearings, showing the vote of each member upon each question or, if a member is absent or fails to vote, indicating such fact. All such minutes shall be immediately filed with the Zoning Administrator, and shall be a public record.
- (f) The concurring vote of four (4) members of the Board of Zoning Appeals shall be necessary to grant any variance under this Zoning Ordinance.
- (g) All procedural requirements and provisions of sub. (4) which are not specifically inconsistent with the terms of this subsection shall apply to the procedure for hearing a direct application for variance.
- (h) A variance, when granted, creates a vested right which runs with the land and is transferable to successors in title of the landowner to whom the variance is granted.

**(9) FEES.**

(a) Fees to be paid for each application are as follows:

1. Appeal of an adverse decision to the Zoning Board of Appeals: \$50.00
2. Direct application to the Zoning Board of Appeals for a variance: \$50.00
3. Application for rezoning (amendment of the zoning map): \$50.00
4. Application for conditional use permit: \$15.00.

(b) Fees shall be payable at the time applications are filed with the Zoning Administrator and are not refundable unless the application is withdrawn prior to referral to the Planning Commission. An application not accompanied by the appropriate fee shall not be deemed filed, and need not be considered until the fee has been paid. There shall be no fee in the case of any application filed by the City Council or by the Planning Commission. The City Council may modify the amount of any fee from time to time by resolution, and fees set by any such resolution shall have the effect of superseding the amount of any fee set forth herein.

**(10) ENFORCEMENT AND PENALTIES.**

(a) **ENFORCEMENT.** The Zoning Ordinance shall be administered by the Zoning Administrator and Planning Commission, and shall be enforced by the Common Council acting through the City Attorney.

(b) **FORFEITURE.** Any person, partnership, corporation, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this Zoning Ordinance shall forfeit to the City of Richland Center not less than \$100.00 nor more than \$400.00, together with the costs of prosecution and any applicable penalty assessment, and in the event such forfeiture, costs and assessment are not paid, such person, any partner of such partnership, or any officer or director of any corporation or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

(c) **OTHER REMEDIES.** In addition to the imposition of a forfeiture, the City may in appropriate circumstances proceed against any violation of this Chapter by means of injunction or other remedy available to it. Such proceeding shall not be

deemed waived by the imposition of a forfeiture for the same violation, nor shall the imposition of a forfeiture be deemed a waiver of any other available remedies.

- (d) **CONDITIONS IN VIOLATION OF PRIOR ZONING ORDINANCES NOT VALIDATED BY CHANGE IN ORDINANCE.** Any condition, use or other act or omission which constituted a violation of any prior zoning ordinance of the City of Richland Center, and which condition, use, act or omission which was never validated or made permissible by any intervening zoning ordinance and which also constitutes a violation of this Zoning Ordinance or any amendment hereto, shall be deemed a violation of this zoning ordinance, and may be prosecuted as such. It is the intention of the City Council that the enactment of this zoning ordinance shall not be deemed to grandfather a violation unless some intervening ordinance has specifically permitted the activity.

**(11) CERTIFICAT OF OCCUPANCY.**

- (a) **APPLICATION.** No structure hereafter erected or moved, or that portion of an existing structure hereafter erected or moved shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector stating that the structure complies with all of the provisions of this Zoning Ordinance. No parcel of land unoccupied by a building or structure shall be utilized for a use until a certificate of occupancy has been issued by the Building Inspector stating that the proposed use of the land complies with all of the provisions of this Zoning Ordinance.
- (b) **REQUEST FOR CERTIFICATE.** Said certificate shall be applied for coincident with the application for a building permit, and shall be issued within ten (10) days after the Building Inspector shall have found the building or structure satisfactory. Said application for the certificate shall be accompanied by any fee set by the Common Council to defray the cost of processing.
- (c) **WAIVER.** The Building Inspector may waive the foregoing requirement of a certificate of occupancy if he/she determines to do so.

**400.06 DISTRICT PROVISIONS.**

**(1) DISTRICTS.**

For the purposes of this Zoning Ordinance, the City of Richland Center is hereby divided into the following zoning districts:

- (a) Residential Districts, also known as “R” Districts:
  - 1. “R-A” Residential-Agricultural District

2. “R-1” Single-Family residential District
3. “R-2” One and Two Family Residential District
4. “R-3/4” Three and Four Family Residential District
5. “R-5” Five or More Family Residential District
6. “R-O” Residential Office District
7. “MHP” Mobile Home Park Residential District

(b) Commercial Districts, also know as “C” Districts:

1. “C-G” General Business District
2. “C-DT” Central [Downtown] Business District

(c) Industrial Districts, also know as “I” Districts:

1. “IND” General Industry District
2. “IP” Industrial Park Industry District

**(2) ZONING DISTRICT MAP.**

The boundaries of the districts as established by this Zoning Ordinance are shown on the map accompanying and made part of this Zoning Ordinance which is designated as the “Zoning District Map”, dated 2/16/88 Revised 6/8/89 which is properly approved and filed with the City Clerk. The district boundary lines on said map are intended to follow street right-of-way lines, street centerlines, or lot lines unless such boundary line is otherwise indicated on the map. In the case of unsubdivided property or in any case where street or lot lines are not used as boundaries, the district boundary line shall be determined by use of dimensions or the scale appearing on the map.

**(3) SPECIFIC DISTRICT REGULATIONS.**

Specific regulations pertaining to each of the several zoning districts are set forth in Chpaters 401 through 411 of the Code of Ordinances.

**400.07 PERFORMANCE STANDARDS.**

The performance standards established in this section are designed to encourage a high standard of development by providing assurance that neighboring land uses will be compatible.

The performance standards are also designed to prevent and eliminate those conditions that cause urban blight. All future development shall be required to meet these standards. The standards shall also apply to existing development where so stated.

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

**(1) EXTERIOR STORAGE IN RESIDENTIAL DISTRICTS.**

All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties or from any public street, except for the following:

- (a) Laundry being dried.
- (b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.
- (c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers and trailers, less than twenty (20) feet in length, if store in the rear yard and more than five (5) feet from any property line.
- (d) Construction and landscaping materials and equipment currently being used on the premises for improvements to the premises, which may be stored for a period of not more than forty-five (45) days, while work is actually in progress.
- (e) Off-street parking of an aggregate of not more than three (3) passenger automobiles and pick-up trucks owned by residents of the premises, all of which shall be in condition to be legally operated upon the highways of the state and shall display current registration.
- (f) Heating wood intended for use on the premises, but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

**(2) OFF-STREET LOADING IN ALL DISTRICTS.**

In connection with any structure which is to be erected or substantially altered, and the use of which requires the receipt or distribution of materials or merchandise by or from trucks, vans or similar vehicles, there shall be provided and utilized off-street loading space for such trucks, vans or other vehicles.

**(3) TRAFFIC CONTROL IN ALL DISTRICTS.**

The traffic generated by any use shall be channelized and controlled in a manner that will avoid:

- (a) Congestion on the public streets.
- (b) Traffic hazards, and
- (c) Excessive traffic through residential areas, particularly truck traffic. Internal traffic shall be so regulated as to ensure its safe and orderly flow. Traffic into and out of business and industrial areas shall in all cases be forward moving with no backing into streets. No access drive or curb cut shall be located within ten (10) feet of any two intersecting street right-of-way lines and shall not encroach on the full radius of corner curbing.

**(4) LANDSCAPING IN CERTAIN DISTRICTS.**

In all districts except "C-DT", all developed uses shall provide a landscaped yard along all streets. This yard shall be kept clear of all structures and storage. Except for areas which are used as driveways, the yard shall extend along the entire frontage of the lot, and along both streets in the case of a corner lot. Such yard shall have a depth of at least fifteen (15) feet. Such yard shall be at or above the level of the grade of any adjacent sidewalk, and shall be covered with grass, trees, shrubs or similar landscape features.

**(5) MAINTENANCE OF IMPROVEMENTS IN ALL DISTRICTS.**

In all Districts, all structures, and all required landscaping and fences, including trees, bushes and similar landscaping features, shall be maintained so as not to be unsightly or present harmful health or safety conditions.

**(6) REFUSE IN ALL DISTRICTS.**

All waste material, debris, refuse, scrap, trash, garbage or unused construction materials on the premises for more than forty-five (45) days shall be kept in an enclosed building or properly contained entirely within a closed container designed for such purposes.

**(7) DRAINAGE IN ALL DISTRICTS.**

No land shall be privately developed and no private use shall be permitted which results in water run-off causing flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, street gutter or other public facility.

**(8) EXPLOSIVE IN ALL DISTRICTS.**

No activities involving the storage, utilization or manufacture of materials or products capable of rapid decomposition by detonation, including but not limited to TNT, dynamite and similar nitrates and other substances commonly used as explosives or as projectile propellants,

shall be permitted except such as are specifically licensed by the Common council or for which the Common Council shall have granted a Conditional Use Permit allowing such activities, except that it shall be permissible to keep or store not more than fifteen (15) pounds of nitrocellulose-based smokeless rifle or shotgun propellant powder in its original factory container or not more than two (2) pounds of black powder in its original factory container for shooting or reloading firearms cartridges without a conditional use permit.

**(9) RADIATION AND ELECTRICAL EMISSIONS IN ALL DISTRICTS.**

No activities shall be permitted that emit measurable radioactivity beyond enclosed structures. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.

**(10) GRASS AND WEEDS IN ALL DISTRICTS.**

The owner of vacant land shall be responsible for keeping such land free of refuse and noxious weeds. The owner of all lands, vacant or improved, shall keep all grasses growing on such lands mowed to a height less than eight inches (8") above ground level.

**(11) TRIMMING OF TREES OVER STREETS AND SIDEWALKS IN ALL DISTRICTS.**

The owner of any real estate which abuts any street or sidewalk, and upon which real estate there are standing trees, shall cause all lines and branches of such trees to be kept cut or trimmed off to a height of not less than thirteen (13) feet directly above the surface of such street or to a height of not less than eight (8) feet directly above the surface of such sidewalk. Said duty of the owner applies also to trees located upon any boulevard strip (the strip of land within the street right-of-way but outside the curblin e or paved roadway of the street) abutting such owner's real estate.

**(12) TRASH OR SIMILAR BURNING IN ALL DISTRICTS.**

No burning of trash, cardboard, waste paper, wood scraps or other refuse, either within or outside an incinerator, shall be carried on in any District at a location which is within three hundred feet (300') of any building or structure which is being occupied as a residence.

**(13) PERFORMANCE STANDARDS IN INDUSTRIAL DISTRICTS.**

Within any "IND" Industrial District, no structure or premises shall fail to comply with the following performance standards:

- (a) **VIBRATION.** No use in any Industrial District shall produce, cause or generate any vibration discernible beyond the property line of the property upon which the use is being carried out to the human sense of feeling for three minutes or more duration in any one hour and any vibration producing an acceleration of more than 0.1 grains or resulting in any combination of amplitudes and frequencies

beyond the “safe” range of Table 7, United States Bureau of Mines Bulletin No. 442, “Seismic Effects of Quarry Blasting,” on any structure.

- (b) SCREENING. Any industrial use on a lot abutting an “R” District shall provide and maintain a wall fence or planting not less than seven feet (7’) high so as to screen and reduce the noise and dust between the two uses and to inhibit eye level vision between the residential and industrial areas.
- (c) GLARE AND HEAT. Any industrial use or operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.
- (d) NOISE. No use shall be carried on in any manner which produces noise perceptible at any lot line of the lot on which the use is conducted at a level which at any time exceeds fifty (50) decibels, measured at any point on or outside the lot line.
- (e) INDUSTRIAL WASTE MATERIAL. Industrial waste material shall not be washed or allowed to run off into the public streets, into any public storm sewer system, nor into the sanitary sewer system without first having received approval from the City Council. If said approval is not granted, a method of disposal shall be devised which will not require additional land for continued operation and will not cause a detrimental effect to the adjacent land. Should the industrial waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view, and a maximum amount of accumulation determined along with a satisfactory method of disposal. Any violation of applicable Wisconsin Statute or duly promulgated administrative rule of the Wisconsin Department of Natural Resources in regard to the storage or disposal of industrial waste material shall also constitute a violation of this Zoning Ordinance.

#### **400.08 OFF-STREET PARKING AND LOADING.**

##### **(1) SURFACING AND DRAINAGE OF PARKING AREAS.**

Off-street parking and loading areas shall be improved with a concrete or asphalt surface. The parking areas shall be improved with a concrete or asphalt surface within 12 months of the completion of a building on the premises. A one time extension of an additional six months, may be granted upon written application to the Building Inspector. Said extension must be applied for within the initial 12 month from completion of a building. The parking areas shall be so graded and drained as to dispose of all surface water accumulation within the area in accord with the overall drainage plan for the industrial park.

##### **(2) LOCATION.**

All accessory off-street parking facilities required herein shall be located as follows:

- (a) Spaces accessory to one and two family dwellings shall be on the same lot as the principal use served.
- (b) Spaces accessory to multiple family dwellings shall be on the same lot as the principal use served or within four hundred (400) feet of the main entrance to the principal building served.
- (c) Spaces accessory to uses located in a business or industrial district shall be within eight hundred (800) feet of a main entrance to the principal building served.
- (d) There shall be no off-street parking space within three (3) feet of any right-of-way.
- (e) No off-street open parking area containing more than four (4) parking spaces shall be located closer than fifteen (15) feet from an adjacent lot zoned for residential purposes.

**(3) ACCESS.**

All off-street parking spaces shall have access off driveways and not directly off the public street.

**(4) DETERMINATION OF AREAS.**

The design of off-street parking areas shall conform to the standards as set forth in the publication, Parking Guide for Cities, US Department of Commerce, Bureau of Public Roads, most recent edition.

**(5) TRUCK PARKING IN RESIDENTIAL AREAS.**

No motor vehicle over two and one-half (2 ½) ton rated capacity, or bearing a commercial licensed trailer, shall be parked or stored in a platted residential district except when loading, unloading, or rendering a service.

**(6) OTHER PARKING IN RESIDENTIAL AREAS.**

Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes. Except for short-term parking (six hours or less), the number of vehicles parking on or in front of a residential lot shall not exceed double the amount of persons residing on the premises and having automobile driver's licenses.

**(7) DIRECTIONAL SIGNS IN PARKING AREAS.**

Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to other signs permitted by this Zoning Ordinance, and by any other ordinance regulating signs.

**(8) LIGHTING.**

Lighting used to illuminate off-street parking areas shall have no direct source of light visible from a street or adjacent land.

**(9) REDUCTION OF PARKING AREAS.**

Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

**(10) PARKING IN THE CENTRAL BUSINESS DISTRICT.**

Uses located within the Central Business district are exempt from all off-street parking and loading requirements.

**(11) OFF-STREET PARKING.**

The following minimum parking spaces shall be provided:

- (a) Single Family Dwellings: One space per lot.
- (b) Multiple Dwelling Unit Structures: One and one-half (1 ½) spaces per dwelling unit.
- (c) Motel, Motor Hotel, Motor Court or Hotel: At least one (1) parking space for each guest room provided in the design of the building plus one for each employee.
- (d) School – High School through College: At least one (1) parking space for each seven (7) students based on design capacity plus one (1) for each three (3) classrooms.
- (e) Churches, Auditoriums, Mortuaries, or Funeral Parlors: At least one (1) parking space for each three and one-half (3 ½) seats based on the design capacity of the main assembly hall.
- (f) Theater or Athletic Field: At least one (1) parking space for each six (6) seats of design capacity.
- (g) Community Center, Post Office, U.M.C.A., Y.W.C.A., Health Spa, Physical Culture Studio, Pool Halls, Libraries, Private Clubs, Lodges, Museums: Ten (10) spaces plus one (1) for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet of floor area in the principal structure.
- (h) Hospital: At least one (1) parking space for each three (3) hospital beds.

- (i) Golf Courses, Country Clubs, Tennis Clubs, Public Swimming Pools: Twenty (20) spaces plus one (1) for each three hundred (300) square feet in excess of one thousand (1,000) square feet of floor space in the principal structure.
- (j) Day Nurseries: Two (2) plus one (1) for each five hundred (500) square feet in excess of one thousand (1,000) square feet of floor space in the principal structure.
- (k) Office Buildings and Professional Offices having less than 6,000 square feet of floor area: One (1) parking space for each one hundred and fifty (150) square feet of floor area.
- (l) Office Buildings and Professional Offices having 6,000 square feet or more of floor area, Banks, Savings Institutions: At least one (1) parking space for each two hundred (200) square feet of floor area.
- (m) Drive-In Establishments: At least one (1) parking space for each fifteen (15) square feet of floor area in the building.
- (n) Bowling Alley: At least eight (8) parking spaces for each alley.
- (o) Motor Fuel Stations and Motor Station convenience Stores: A minimum of four (4) outside parking plus three (3) additional outside parking spaces for each enclosed service stall shall be provided. One (1) additional outside parking space shall be provided for each one hundred and fifty (150) square feet of floor space devoted to retail sales in a motor fuel station convenience store.
- (p) Retail Sales and Service Establishments: At least one (1) off-street parking space for each one hundred (100) square feet of net floor area.
- (q) Restaurants, Cafes, Bars, Taverns, Night Clubs: At least one (1) for each eighty (80) square feet of public floor area.
- (r) Furniture Store, Appliance Store, Warehouse under 15,000 square feet of floor area, Auto Sales, Grain Houses, Kennels and Studios: At least one (1) parking

space for each five hundred (500) square feet in excess of the first five hundred (500) square feet of floor area in the principal structure.

- (s) Auto Repair – Major, Bus Terminals, Taxi Terminals, Boat and Marine Sales, Bottling Companies, Shop for Trade employing six (6) people or less, Garden Supply Stores, Building material Sales: At least eight (8) off-street parking spaces, plus one (1) additional space for each eight hundred (800) square feet of floor area over one thousand (1,000) square feet.
- (t) Public Auction House, Golf Driving Range, Miniature Golf, Outdoor Amusement Facility and Similar Uses: At least fifteen (15) off-street parking spaces, plus one (1) additional space for each three hundred (300) square feet of floor area over two thousand (2,000) square feet.
- (u) Skating Rinks, Dance Halls: At least one hundred (100) off-street parking spaces plus one (1) additional space for each fifty (50) square feet over two thousand (2,000) square feet.
- (v) Manufacturing, Fabrication or Processing of a Product or Material: At least four (4) off-street parking spaces plus one (1) additional space for each eight hundred (800) square feet of building. One (1) additional off-street parking space shall be provided for each twenty-five hundred (2,500) square feet or fraction thereof of land devoted to outside storage.
- (w) Warehouse over 15,000 square feet of floor area, Storage Handling of Bulk Goods: At least one (1) for each two thousand (2,000) square feet of floor area.
- (x) Bed and Breakfast Establishments: At least one (1) off-street parking space for each two (2) beds plus one (1) for each two (2) employees or proprietors.

**(12) OFF-STREET LOADING.**

The regulations and requirements set forth in this Section shall apply both to the required loading and unloading facilities and to non-required loading and unloading facilities in all the districts. If, in the application of the requirements of this Section, a fractional number is obtained, one (1) loading space shall be provided for a fraction of one-half (1/2) or more and no loading space shall be required for a fraction of less than one-half (1/2).

- (a) Location: All loading berths shall be twenty-five (25) feet or more from the intersection of two (2) street right-of-way lines. Loading berths shall not occupy any yard requirement bordering a street.
- (b) Size: Unless otherwise specified, the first berth required shall not be less than twelve (12) feet in width and fifty (50) feet in length. Additional berths shall be not less than twelve (12) feet in width and twenty-five (25) feet in length. All loading berths shall maintain a height of fourteen (14) feet or more.
- (c) Access: Each loading berth shall be located with a means of access to a public street or alley in a manner which will least interfere with traffic.
- (d) Surfacing: All loading berths and access-ways shall be improved with a concrete or bituminous surface, or with a crushed rock or an equally durable surface which shall be maintained so as not to create a nuisance due to dust.
- (e) Accessory Uses: Any area allocated as a required loading berth or access drive so as to comply with the terms of this Zoning Ordinance shall not be used for the storage of goods or inoperable vehicles nor be included as a part of the area necessary to meet the off-street parking area requirements.
- (f) Number of required loading berths:
  1. Auditorium, Convention Hall, Public Buildings, Hospitals, Schools, Hotels, Sports Arena: At least one (1) loading berth twenty-five (25) feet in length for each building having one thousand (1,000) to ten thousand (10,000) square feet of floor area. For these buildings having ten thousand and one (10,001) square feet of floor space to one hundred thousand (100,000) square feet of floor are or fraction thereof, one (1) additional loading berth fifty (50) feet in length.
  2. Retail Sales and Service Stores, Offices: At least one (1) loading berth twenty-five (25) feet in length for each building having six thousand (6,000) square feet of floor area or more plus one (1) additional loading berth fifty (50) feet in length for each twenty-five thousand (25,000) square feet of floor area up to one hundred thousand (100,000) square feet.
  3. Manufacturing, Fabrication, Processing and Warehousing: At least one (1) loading berth twenty-five (25) feet in length for each building having three thousand (3,000) square feet or fraction thereof plus one (1) loading berth fifty (50) feet in length for each twenty-five thousand (25,000) square feet of floor area up to one hundred (100,000) square feet plus one (1) loading berth for each fifty

thousand (50,000) square feet of floor area over the first one hundred thousand (100,000) square feet of floor area. The operator of the business shall have the option to declare the length of the berth required for buildings over one hundred thousand (100,000) square feet of floor area, except that one-half or more of the total number of berths required shall be fifty (50) feet in length.

(4) Others: There shall be provided adequate off-street loading space in connection with any structure which requires receipt or distribution of materials by vehicles.

(g) Uses Not Specifically Noted Above Including Public Uses: Parking space requirements shall be determined by the Council upon advice from the Planning Commission.

**(13) JOINT FACILITIES.**

Required parking facilities serving two or more uses may be located on the same lot or in the same structure provided that the total number of parking spaces furnished shall be not less than the sum of the separate requirements for each use, during any peak hour parking period when the parking facility is utilized at the same time by two or more uses. Conditions required for joint use:

- (a) The proposed joint parking space is within five hundred (500) feet of all of the uses it will serve.
- (b) The applicant shall show that there is no substantial conflict in the principal operation hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- (c) A properly drawn legal instrument approved by the City Council executed by the parties concerned, for joint uses of off-street parking facilities shall be filed with the City Clerk. Said instrument may be a three-party agreement including the City and all private parties involved.

**400.09 EXCEPTIONS AND MODIFICATIONS TO STANDARDS AND REGULATIONS.**

**(1) SIDE AND REAR YARDS.**

Buildings may be excluded from side and rear yard requirements if party walls are used and if the adjacent buildings are constructed as an integral unit. All party walls, walls which separate vehicle garages from connected dwelling units and all walls in condominium units shall be built to the standards of the Wisconsin Dwelling Code and of any other applicable codes.

**(2) HEIGHT LIMITATIONS.**

Height limitations as set forth elsewhere in this Zoning Ordinance may be increased by fifty (50) percent when applied to the following:

Belfries	Smoke stacks	Elevators	Flag poles
Church spires	Water towers	Cooling towers	

Heights in excess of those allowed under this section shall be permitted only by a conditional use permit granted by the Common Council upon the Council's determination that such structure would not adversely affect the adjoining property.

**(3) USES WITHIN THE "C-DT" CENTRAL BUSINESS DISTRICT.**

Uses located within the Central Business District are exempt from yard, front set-back and lot coverage and off-street parking requirements, except as set forth in Chapter 408, but are subject to traffic visibility requirements.

**(4) REAR YARDS IN COMMERCIAL OR INDUSTRIAL DISTRICTS.**

In any "C-G", "C-DT" or "IP" District, rear yard requirements on properties abutting duly dedicated public alleys may be waived by the Building Inspector.

**(5) TRANSITIONAL USES IN "R" RESIDENTIAL DISTRICTS.**

In any "R-A", "R-1" or "R-2" Residential District, a transitional use is permitted on a lot which has a side lot line abutting a lot in any "C" or "I" District. The permitted transitional uses for any such lot are as follows:

- (a) For a lot in an "R-A" District: Any use permitted in the "R-1" District.
- (b) For a lot in an "R-1" District: Any use permitted in the "R-2" or "R-3/4" District.
- (c) Notwithstanding the foregoing, any transitional use authorized under this paragraph shall not extend beyond one (1) lot of record nor more than seventy-five (75) feet into an abutting lot, whichever is less.

**400.10 INSTALLATION OF ANTENNAS REGULATED.**

**(1) PERMIT REQUIRED.**

No person shall erect, install or place any antenna of any of the following types upon any land or building within the City of Richland Center except with a permit therefore and subject to all other conditions and restrictions set forth in this subchapter:

- (a) Any electromagnetic signal receive-only antenna, including but not limited to dish-style antennas;

- (b) Any antenna used or intended for transmitting electromagnetic signals of any description.

**(2) APPLICATION FOR PERMIT.**

Application for a permit to erect, install or place an antenna of any of the types described in (1) above shall be made in writing to the City Building Inspector, on such form as he or she may require. Each application shall include a complete set of plans and specifications for the antenna, mounting, and all connected wires, cables, conduits and conductors, and shall also include a plot plan showing the location of the proposed installation in relation to adjoining streets, alleys, lot lines and buildings. The fee for application for such a permit shall be the same as the fee for a building permit. Determination as to whether or not such permit shall issue shall be made by the same procedure as is utilized for building permit applications in the City of Richland Center.

**(3) LIMITATION TO REAR YARDS.**

It is specifically found that the installation of antennas where the same can be readily perceived from the public streets has a negative impact on the appearance and value of properties in residential areas and, in the case of transmitting antennas, may interfere with the peaceful use of property of neighboring landowners. Accordingly, in order to maintain the neighborhood esthetics in the several residential zoning districts, no permit shall issue and no antenna of any of the types described in (1) above shall be erected, installed or placed on any lot in an “R-1”, “R-2”, “R-3” or “R-O” District except in the rear yard of the premises, and not less than ten (10) feet from either side lot line and from the rear lot line.

**(4) LINES TO BE BURIED.**

All electrical lines, transmission cables, conduits and conductors running to or from any antenna of any of the types described in (1) above shall be buried under the earth between the antenna and the building or buildings which the antenna serves. If any such antenna serves more than one building, all interconnecting lines, cables, conduits and conductors shall also be buried under the ground. The location of all such underground lines, cables, conduits and conductors shall be shown on the application for permit.

**(5) WIND PRESSURE.**

Each antenna of any of the types described in (1) above shall be securely anchored to the ground or to a concrete slab or other substantial base sufficiently that it will withstand a wind pressure applied to any portion of the antenna from any direction of at least forty (40) miles per hour.

**(6) TEMPORARY PLACEMENT.**

An antenna of any of the types described in (1) above may be placed in a yard on a trial basis for a period not exceeding ten (10) days without the necessity for a permit, but any such antenna which remains so placed for a period in excess of ten (10) days shall constitute a

violation of this subchapter unless prior to the expiration of such ten (10) day period a permit therefore is issued by the City.

**(7) VARIANCE IN CASE OF HARDSHIP.**

Any land owner whose rear yard is insufficient in size, or where for other reasons not attributable to the act of the landowner the installation of an antenna of any of the types described in (1) above is not feasible, may apply for a variance from the provisions of this subchapter. No such variance shall be granted unless there is a finding made that no such antenna installation is feasible in the rear yard of the premises.

**400.11 SUPREMACY AND SEVERABILITY.**

(1) In the event of conflict between any provision of this Zoning Ordinance and any provision of any other ordinance of the City of Richland Center, it is intended that the provisions of this Zoning Ordinance shall take precedence over such other ordinance.

(2) If any section, subsection, sentence, clause, or phrase of this Zoning Ordinance is for any reason held to be invalid, illegal, unconstitutional or otherwise not legally enforceable, whether as to any specific property or as to all properties in a class or as to all properties within the City of Richland Center, such holding or decision shall not affect the validity of the remaining portions of this Zoning Ordinance, or the applicability of this Zoning Ordinance to any property outside of the class to which it has so been held invalid, it being specifically intended that the various provisions of this Zoning Ordinance be deemed severable.

**400.12 CONDITIONAL USE PERMITS FOR CIVIC SIGNS AND INFORMATION BOOTH.**

(1) Notwithstanding any provision herein to the contrary, any governmental unit, civic group, association of business persons or service club may apply for a conditional use permit which, if issued and approved, shall permit the placement of one or more signs at or near the city limits of the City of Richland Center which welcome visitors to the City, describe any attraction or service available in the City and/or give any other information beneficial to tourists, travelers, newcomers to or potential residents of the City, regardless of whether such sign is placed in a residential zoning district or any other zoning district. The Common Council may, in granting such a permit, specify the size, design and/or content of the message thereon. Any application for the placement of such a sign shall be joined in or assented to in writing by the legal owners of the lands upon which such sign or signs shall be placed.

(2) Notwithstanding any provision herein to the contrary, any governmental unit, civic group, association of business persons or service club may apply for a conditional use permit which, if issued and approved, shall permit the placement of one or more temporary information booths in designated locations within the city limits of the City of Richland Center, for purpose of disseminating information as to any attractions or services available in the City

and/or give any other information beneficial to tourists, travelers, newcomers to or potential residents of the City, regardless of whether such booth is placed in a residential zoning district or any other zoning district. The Common council may, in granting such a permit, specify the size or design of such booths. Any application for the placement of such a booth shall be joined in or assented to in writing by the legal owners of the lands upon which such booth or booths shall be placed.

(3) Notwithstanding any provision herein to the contrary, any governmental unit, civic group, association of business persons or service club may apply for a conditional use permit which, if issued and approved, shall permit the utilization of one or more designated locations in any Residential-Office, Commercial or Industrial zoning district within the city limits of the City of Richland Center, for the purpose of disseminating information as to any attraction or services available in the City and/or give any other information beneficial to tourists, travelers, newcomers to or potential residents of the City. The Common Council may, in granting such a permit, place any restrictions on the use of any location for said purposes as the Council deems appropriate. Any application for the use of a property for any of the aforesaid purposes shall be joined in or assented to in writing by the legal owners of the lands upon which such booth or booths shall be placed.

#### **400.13 EFFECTIVE DATE.**

Chapters 400 through 411 shall be in full force and effect from and after a public hearing, adoption by the City Council and publication or posting as required by law.

## CHAPTER 401

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN THE “R-A” RESIDENTIAL- AGRICULTURAL DISTRICT.

**401.01 APPLICABILITY OF CHAPTER 400 TO AN “R-A” RESIDENTIAL-  
AGRICULTURAL DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an “R-A” District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**401.02 PERMITTED USES IN AN “R-A” DISTRICT.** The following uses are in an "R-A" District:

- (1) Single Family Dwellings.
- (2) General crop farming consisting of the growing of field crops except farms operated in whole or in part for the disposal of garbage and rubbish, offal, or sewage. The keeping of farm livestock is not a permitted use in this District.
- (3) Stands for the sale of agricultural products provided said products are at least in part raised on the premises.
- (4) Public parks and playgrounds.
- (5) Commercial greenhouses and nurseries.
- (6) Family day care homes.

**401.03 PERMITTED ACCESSORY USES IN AN “R-A” DISTRICT.** No accessory structure or use of land shall be permitted in an "R-A" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.

(4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling located on the same site as such recreational use, and not for hire or held open to the public.

**401.04 CONDITIONAL USES IN AN “R-A” DISTRICT.** None of the following uses shall be permitted in an "RA'8 District except with a Conditional Use Permit:

- (1) Hospitals and clinics.
- (2) Public and parochial schools.
- (3) Municipal buildings.
- (4) Tourist camps.
- (5) Riding academies.
- (6) Golf courses.
- (7) Essential service structures.
- (8) Cemeteries
- (9) Churches, including those related structures located on the same site which are an integral part of the church proper, and parsonages, rectories, convents or homes for persons performing a religious function on the same site.
- (10) Day care center, provided that no more than eight (8) non-resident children are in attendance at any one time and that no non-resident children are present for more than ten (10) hours per day, and further provided the facility is licensed by the Wisconsin Dept. of Health & Social Services.
- (11) Creameries, milk condenseries, pea vineries, and cheese factories.
- (12) Professional offices, provided that when permitted in this district, a professional office shall be incidental to the residential occupancy; not more than forty per cent (40%) of the floor area of only one story of a dwelling unit shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

**401.05 LOT AREA, FLOOR AREA, BUILDING HEIGHT, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN “R-A" DISTRICT.**

(1) **HEIGHT:** No structure or building shall exceed a height of forty (40) feet except as provided for in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than fifty (50) feet in width. There shall be an aggregate side yard for every building used for human habitation of not less than fifty (50) feet and no single yard shall be less than twenty-five (25) feet.

(3) **SET BACK FROM STREET:** Unless otherwise permitted, the nearest point of any structure to a street right-of-way line shall be set back not less than fifty (50) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner Lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

(5) **REAR YARD:** There shall be a rear yard having a minimum depth of fifty (50) feet.

(6) **LOT AREA PER DWELLING:** Every building hereafter erected or structurally altered for human habitation shall provide a lot area of not less than one acre per family and no such lot shall be less than one hundred and fifty (150) feet in width.

(7) **FLOOR AREA PER DWELLING UNIT:** Every dwelling unit erected or structurally altered for human habitation shall provide minimum living area of eight hundred and fifty (850) square feet.

**(8) DISTANCE OF DETACNED ACCESSORY BUILDINGS FROM LOT**

**LINES:** A detached accessory structure shall be **no** closer than three feet (3') from the side or rear lot line, unless such side or rear lot line abuts a street, in which case the accessory building shall **be** subject to the same setback requirements from such street as apply to the primary structure.

## CHAPTER 402

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN THE “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT.

**402.01 APPLICABILITY OF CHAPTER 400 TO AN “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an “R-1” District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**402.02 PERMITTED USES IN AN “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT.** The following uses are permitted uses in an “R-1” District:

- (1) Single Family Dwellings. Ordinance 1993-15
- (2) Public parks and playgrounds.
- (3) Home occupations as defined and regulated by this Zoning Ordinance.
- (4) Family day care homes.

**402.03 PERMITTED ACCESSORY USES IN AN “R-1” DISTRICT.** No accessory structure or use of land shall be permitted in an "R-1" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.
- (4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling located on the same site as such recreational use, and not for hire or held open to the public.

**402.04 CONDITIONAL USES IN AN “R-1” DISTRICT.** None of the following uses shall be permitted in an "R-1" District except with a Conditional Use Permit:

- (1) Not more than one (1) additional dwelling unit located entirely within an existing residential structure on the lot, in addition to the primary dwelling unit within the structure, provided such additional dwelling unit is equipped with its own complete bath and toilet facilities and with its own kitchen facilities.
- (2) Churches, including those related structures located on the same site which are an integral part of the church proper, and parsonages, rectories, convents or homes for persons performing a religious function on the same site.
- (3) Public schools, parochial schools, colleges and universities.
- (4) Public Libraries, public museums and art galleries.
- (5) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.
- (6) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any such building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.
- (7) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

**402.05 LOT AREA, FLOOR AREA, BUILDING HEIGHT, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN "R-1" DISTRICT.**

- (1) **HEIGHT:** No structure or building shall exceed a height of thirty-five (35) feet except as provided for in paragraph 400.09 (2) of this Zoning Ordinance.
- (2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate of side yards for every building used for human habitation of not less than twenty (20) feet and no single yard shall be less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

(5) **REAR YARD:** There shall be a rear yard having a minimum depth of twenty-five (25) feet.

(6) **LOT AREA PER DWELLING:** Every building hereafter erected or structurally altered for human habitation shall provide a lot area of not less than 8,000 square feet and no such lot shall be less than sixty (60) feet in width.

(7) **FLOOR AREA PER DWELLING UNIT:** Every dwelling unit erected or structurally altered for human habitation shall provide minimum living area of eight hundred and fifty (850) square feet.

(8) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

(a) No portion of the foundation or wall shall be Located less than three feet (3') from the rear Lot Line, and no portion of the building (including any part of the roof,

eaves or eaves trough) shall be located Less than one and one-half (1.5) feet from the rear lot line.

- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be Located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.
- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

#### **402.06 PERFORMANCE STANDARDS APPLICABLE TO AN R-1 DISTRICT.**

**(1) Exterior Storage in Residential Districts.** All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties or from any public street, except for the following:

- (a) Laundry being dried.
- (b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.
- (c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers and trailers, less than twenty (20) feet in length, if stored in the rear yard and more than five (5) feet from any property Line.
- (d) Construction and Landscaping materials and equipment currently being used on the premises for improvements to the premises which may be stored for a period not more than forty-five (45) days, while work is actually in progress.
- (e) Off-street parking of an aggregate of not more than three (3) passenger automobiles and pick-up trucks owned by residents of the premises, all of which shall be in condition to be legally operated upon the highways of the state and shall display current registration.

(f) Heating wood intended for use on the premises but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

(Z) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to Lands in the R-1 District.

## **CHAPTER 403**

### **ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER**

#### **SPECIFIC REGULATIONS AFFECTING LANDS IN AN “R-2” ONE AND TWO FAMILY RESIDENTIAL DISTRICT.**

**403.01 APPLICABILITY OF CHAPTER 400 TO AN “R-2” ONE AND TWO FAMILY RESIDENTIAL DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an “R-2” District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**403.02 PERMITTED USES IN AN “R-2” ONE AND TWO FAMILY RESIDENTIAL DISTRICT.** The following uses are permitted uses in an "R-2" District:

- (1) Single Family Dwellings.
- (2) Duplex Dwellings. Ordinance 1993-15
- (3) Public parks and playgrounds.
- (4) Home occupations as defined and regulated by this Zoning Ordinance.
- (5) The renting of rooms or the furnishing of table board in a dwelling occupied as a private residence providing there are not more than three (3) boarders or lodgers not members of the family.
- (6) Family day care homes.
- (7) Bed and Breakfast having not more than two (2) guest rooms.

**403.03 PERMITTED ACCESSORY USES IN AN “R-2” DISTRICT.** No accessory structure or use of land shall be permitted in an "R-2" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.

- (4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling located on the same site as such recreational use, and not for hire or held open to the public.

**403.04 CONDITIONAL USES IN AN “R-2” DISTRICT.** None of the following uses shall be permitted in an “R-2” District except with a Conditional Use Permit:

- (1) Churches, including those related structures located on the same site which are an integral part of the church proper, and parsonages, rectories, convents or homes for persons performing a religious function on the same site.
- (2) Public schools, parochial schools, colleges and universities.
- (3) Public libraries, public museums and art galleries.
- (4) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.
- (5) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any such building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.
- (6) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

**403.05 LOT AREA, FLOOR AREA, BUILDING HEIGHT, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN "R-2" DISTRICT.**

- (1) **BUILDING HEIGHT:** No structure or building shall exceed a height of forty-five (45) feet or three stories in height, whichever is less, except as provided in paragraph 400.09 (2) of this Zoning Ordinance.
- (2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate of side yards for every building used for human habitation of not less than twenty (20) feet and no single side yard shall be less than eight (8) feet.

**(3) SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

**(4) TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

**(5) REAR YARD:** There shall be a rear yard having a minimum depth of twenty-five (25) feet.

**(6) LOT AREA PER DUELLING UNIT:** Every structure hereafter erected or structurally altered for human habitation which contains one dwelling unit shall provide a Lot area of not Less than 8,000 square feet and no such Lot shall be Less than sixty (60) feet in width. Any structure erected or structurally altered to contain two dwelling units shall provide a Lot area of not Less than 4,000 square feet per dwelling unit and no such Lot shall be Less than sixty (60) feet in width.

**(7) FLOOR AREA PER DUELLING UNIT:** Every dwelling unit erected or created by structural alteration or human habitation shall provide minimum living area of eight hundred and fifty (850) square feet.

**(8) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

- (a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.
- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.
- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

**403.06 PERFORMACE STANDARDS APPLICABLE TO AN R-2 DISTRICT.**

- (1) Exterior Storage in Residential Districts.** All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties or from any public street, except for the following:
- (a) Laundry being dried.
  - (b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.
  - (c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers and trailers, less than twenty (20) feet in length, if stored in the rear yard and more than five (5) feet from any property line.
  - (d) Construction and landscaping materials and equipment currently being used on the premises for improvements to the premises, which may be stored for a period not more than forty-five (45) days, while work is actually in progress.
  - (e) Off-street parking of an aggregate of not more than three (3) passenger automobiles and pick-up trucks owned by residents of the premises, all of which

shall be in condition to be legally operated upon the highways of the state and shall display current registration.

- (f) Heating wood intended for use on the premises, but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.
- (2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to Lands in the R-2 District.

## **CHAPTER 404**

### **ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER**

#### **SPECIFIC REGULATION AFFECTING LANDS IN AN “R-3/4” MULTIPLE FAMILY RESIDENTIAL DISTRICT.**

**404.01 APPLICABILITY OF CHAPTER 400 TO AN “R-3/4” MULTIPLE FAMILY RESIDENTIAL DISTRICT.** All of the provisions of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-3/4" District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**404.02 PERMITTED USES IN AN “R-3/4” DISTRICT.** The following are permitted uses in an "R-3/4" District:

- (1) Single Family Dwellings.
- (2) Duplex Dwellings. Ordinance 1993-15
- (3) Small multi-family residences containing three (3) or four (4) dwelling units.
- (4) Condominiums wherein all units are designed and used as dwellings.
- (5) Public parks and playgrounds.
- (6) Home occupations as defined and regulated by this Zoning Ordinance.
- (7) Boarding House.
- (8) Family day care homes.
- (9) Bed and Breakfast.

**404.03 PERMITTED ACCESSORY USES IN AN “R-3/4” DISTRICT.** No accessory structure or use of land shall be permitted in an "R-3/4" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.

(3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.

(4) Private swimming pools, tennis courts or similar recreational uses on the same site as such recreational use, and not for hire or held open to the public.

**404.04 CONDITIONAL USES IN AN “R-3/4” DISTRICT.** None of the following uses shall be permitted in an “R-3/4” District except with a Conditional Use Permit:

(1) Churches, public schools, parochial schools, colleges, public libraries, public museums and art galleries.

(2) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(3) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any such building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(4) Nursing homes, hospitals, and medical clinics, including necessary parking facilities appurtenant to such use. Ordinance 1997-9

(5) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

(6) Day Care Centers. Ordinance 1995-6

**404.05 LOT AREA, FLOOR AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN AN "R-3/4" DISTRICT.**

(1) **HEIGHT:** No structure or building shall exceed a height of forty-five (45) feet or three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate side yard requirement of not less than twenty (20) feet and no single side yard shall be less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

(5) **REAR YARD:** Unless otherwise permitted, there shall be a rear yard depth of twenty-five (25) feet.

(6) **LOT AREA PER DUELLING UNIT:**

- |    |                                            |                                                                   |
|----|--------------------------------------------|-------------------------------------------------------------------|
| 1. | One Family Structure                       | 8,000 Square Feet                                                 |
| 2. | Two Family Structure                       | 4,000 Square Feet                                                 |
| 3. | Multiple Dwelling with three or four units | 2,000 Square Feet with a minimum of lot size of 8,000 square feet |

(7) **FLOOR AREA PER DUELLING UNIT:**

- |    |                                  |                 |
|----|----------------------------------|-----------------|
| 1. | One Family Structure             | 850 Square Feet |
| 2. | Two Family Structure             | 800 Square Feet |
| 3. | Three or four family structures. |                 |
|    | Efficiency Units                 | 400 Square Feet |
|    | One Bedroom Units                | 540 Square Feet |
|    | Two Bedroom Units                | 720 Square Feet |
- An additional 120 square feet for each bedroom in excess of two bedrooms.

**(8) RECREATION AREA:** On lots containing three (3) or four (4) dwelling units, at least 300 square feet of lot area shall be preserved solely for recreational purposes.

**(9) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

- (a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.
- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.
- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

**404.06 PERFORMACE STANDARDS APPLICABLE TO AN R-3/4 DISTRICT.**

**(1) Exterior Storage in Residential Districts.** All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties or from any public street, except for the following:

- (a) Laundry being dried.
  - (b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.
  - (c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers and trailers, less than twenty (20) feet in length, if stored in the rear yard and more than five (5) feet from any property line.
  - (d) Construction and landscaping materials and equipment currently being used on the premises for improvements to the premises, which may be stored for a period not more than forty-five (45) days, while work is actually in progress.
  - (e) Off-street parking of an aggregate of not more than three (3) passenger automobiles and pick-up trucks owned by residents of the premises, all of which shall be in condition to be legally operated upon the highways of the state and shall display current registration.
  - (f) Heating wood intended for use on the premises, but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.
- (2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to Lands in the R-3/4 District.

## CHAPTER 405

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN AN “R-5” FIVE OR MORE UNIT MULTIPLE FAMILY RESIDENTIAL DISTRICT.

**405.01 APPLICABILITY OF CHAPTER 400 TO AN “R-5” MULTIPLE FAMILY RESIDENTIAL DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-5" District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**405.02 PERMITTED USES IN AN “R-5” DISTRICT.** The following are permitted uses in an "R-5" District:

- (1) Single Family Dwellings.
- (2) Duplex Dwellings. Ordinance 1993-15
- (3) Multi-family residences containing three (3) or more dwelling units.
- (4) Condominiums wherein all units are designed and used as dwellings.
- (5) Public parks and playgrounds.
- (6) Home occupations as defined and regulated by this Zoning Ordinance.
- (7) Boarding House.
- (8) Family day care homes.
- (9) Bed and Breakfast.

**405.03 PERMITTED ACCESSORY USES IN AN “R-5” DISTRICT.** No accessory structure or use of land shall be permitted in an "R-5" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.

(3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.

(4) Private swimming pools, tennis courts or similar recreational uses on the same site as such recreational use, and not for hire or held open to the public.

**405.04 CONDITIONAL USES IN AN “R-5” DISTRICT.** None of the following uses shall be permitted in an “R-5” District except with a Conditional Use Permit:

(1) Churches, public schools, parochial schools, colleges, public libraries, public museums and art galleries.

(2) Municipal buildings, excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(3) Buildings used exclusively for governmental purposes whether city, county, state or federal, provided that no vehicle or equipment storage or repair shall be permitted in or abutting any such building, and also excepting the following: sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards, and penal or correctional institutions and asylums.

(4) Nursing homes and retirement homes.

(5) Professional offices, provided that when permitted in this district, a professional office shall be incidental to a primary residential occupancy of the building; not more than forty per cent (40%) of the floor area of not more than one story of one building on the lot shall be occupied by such office; and only one (1) name plate not exceeding one (1) square foot in area, stating the name and profession of the occupant of the premises, may be exhibited.

(6) Day Care Centers. Ordinance 1995-6

(7) Self Storage Warehouse or Mini-warehouse, except that no conditional use permit for a Self Storage Warehouse or Mini Warehouse shall be granted for any site located in that portion of the City bounded on the North by 6<sup>th</sup> Street on the East by Park Street, on the South by Gage Street and on the West by the Pine River, All Self Storage Warehouses or Mini-Warehouses shall have painted exterior walls and side walls shall not exceed nine (9) feet. All driveways to Self Storage Warehouse or Mini-Warehouses shall be graveled or paved. The setback for Mini-warehouses shall be the same as that of a primary building. Ordinance 2001-17

**405.05 LOT AREA, FLOOR AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN AN "R-3/4" DISTRICT.**

(1) **HEIGHT:** No structure or building shall exceed a height of forty-five (45) feet or three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate side yard requirement of not less than twenty (20) feet and no single side yard shall be less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

(5) **REAR YARD:** Unless otherwise permitted, there shall be a rear yard depth of twenty-five (25) feet.

(6) **LOT AREA PER DUELLING UNIT:**

- |    |                      |                   |
|----|----------------------|-------------------|
| 1. | One Family Structure | 8,000 Square Feet |
| 2. | Two Family Structure | 4,000 Square Feet |

3. Multiple Dwelling with three or more units 2,000 Square Feet with a minimum of lot size of 8,000 square feet

**(7) FLOOR AREA PER DUELLING UNIT:**

1. One Family (One dwelling unit) Structure 850 Square Feet
2. Two Family (Two dwelling unit) Structure 800 Square Feet
3. Structures containing three of more dwelling units:
  - Efficiency Units 400 Square Feet
  - One Bedroom Units 540 Square Feet
  - Two Bedroom Units 720 Square Feet
 An additional 120 square feet for each bedroom in excess of two bedrooms.

**(8) RECREATION AREA:** On lots containing three (3) or more dwelling units, at least 300 square feet of lot area shall be preserved solely for recreational purposes.

**(9) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT**

**LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

- (a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.
- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.
- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

**405.06 PERFORMANCE STANDARDS APPLICABLE TO AN R-1 DISTRICT.**

**(1) Exterior Storage in Residential Districts.** All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties or from any public street, except for the following:

- (a) Laundry being dried.
- (b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.
- (c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers and trailers, less than twenty (20) feet in length, if stored in the rear yard and more than five (5) feet from any property line.
- (d) Construction and landscaping materials and equipment currently being used on the premises for improvements to the premises, which may be stored for a period not more than forty-five (45) days, while work is actually in progress.
- (e) Off-street parking of an aggregate of not more than three (3) passenger automobiles and pick-up trucks owned by residents of the premises, all of which shall be in condition to be legally operated upon the highways of the state and shall display current registration.
- (f) Heating wood intended for use on the premises, but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.

(2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to Lands in the R-5 District.

## CHAPTER 406

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN AN “R-O” RESIDENTIAL-OFFICE DISTRICT.

**406.01 APPLICABILITY OF CHAPTER 400 TO AN “R-O” RESIDENTIAL-OFFICE (R-O) DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "R-O" District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**406.02 PERMITTED USES IN AN “R-O” DISTRICT.** The following are permitted uses in an "R-O" District:

- (1) Single Family Dwellings.
- (2) Duplex Dwellings.
- (3) Greenways, open spaces and playgrounds.
- (4) Insurance agency offices.
- (5) Professional offices.
- (6) Real estate brokerage offices.
- (7) Stock and/or bond brokerage offices.

**406.03 PERMITTED ACCESSORY USES IN AN “R-O” DISTRICT.** No accessory structure or use of land shall be permitted in an "R-O" District except for one or more of the following:

- (1) Private garages, parking spaces and carports for passenger cars.
- (2) Decorative landscape features.
- (3) On-premises signs as regulated by this Zoning Ordinance and by any other ordinance or Chapter dealing with the regulation of signs.

- (4) Private swimming pools, tennis courts or similar recreational activity intended for the primary use of the dwelling or offices located on the same site as such recreational use, and not for hire or held open to the public.

**406.04 CONDITIONAL USES IN AN “R-O” DISTRICT.** None of the following uses shall be permitted in an "R-0" District except with a Conditional Use Permit:

- (1) Multiple family dwellings.
- (2) Banks and other financial institutions.
- (3) Barber shops and beauty salons.
- (4) Business service establishments.
- (5) Business schools.
- (6) Day Nursery.
- (7) Essential service structures.
- (8) Funeral homes and mortuaries.
- (9) Historic buildings.
- (10) Hospitals and clinics.
- (11) Medical and dental offices,
- (12) Museums, art institutes, and galleries.
- (13) Organization headquarters offices.
- (14) Personal service establishments.
- (15) Planned unit developments.
- (16) Private clubs and lodges not operated for a profit.

**406.06 LOT AREA, FLOOR AREA, HEIGHT, LOT WIDTH AND YARD REQUIREMENTS IN AN “R-O” DISTRICT.**

(1) **HEIGHT:** No structure or building shall exceed a height of forty-five (45) feet or three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

(2) **SIDE YARD:** A side yard abutting a street shall not be less than twenty (20) feet in width. There shall be an aggregate side yard requirement of not less than twenty (20) feet and no single side yard shall be less than eight (8) feet.

(3) **SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than twenty (20) feet from the right-of-way line of any public street.

(4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

(5) **REAR YARD:** Unless otherwise permitted, there shall be a rear yard depth of twenty-five (25) feet.

(6) **LOT AREA PER DUELLING UNIT:**

- |    |                                            |                                                 |
|----|--------------------------------------------|-------------------------------------------------|
| 1. | One Family Structure                       | 8,000 Square Feet                               |
| 2. | Two Family Structure                       | 4,000 Square Feet                               |
| 3. | Multiple Dwelling with three or more units | 2,000 Square Feet with a minimum of lot size of |

8,000 square feet

**(7) FLOOR AREA PER DUELLING UNIT:**

- |    |                                  |                 |
|----|----------------------------------|-----------------|
| 1. | One Family Structure             | 850 Square Feet |
| 2. | Two Family Structure             | 800 Square Feet |
| 3. | Three or four family structures. |                 |
|    | Efficiency Units                 | 400 Square Feet |
|    | One Bedroom Units                | 540 Square Feet |
|    | Two Bedroom Units                | 720 Square Feet |
- An additional 120 square feet for each bedroom in excess of two bedrooms.

**(8) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

- (a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.
- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.
- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

**405.06 PERFORMACE STANDARDS APPLICABLE TO AN R-O DISTRICT.**

- (1) Exterior Storage in Residential Districts.** All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties or from any public street, except for the following:

- (a) Laundry being dried.
  - (b) Recreational equipment, other than boats, canoes, snowmobiles and trailers.
  - (c) Boats, canoes, snowmobiles, trailers and unoccupied recreational-type campers and trailers, less than twenty (20) feet in length, if stored in the rear yard and more than five (5) feet from any property line.
  - (d) Construction and landscaping materials and equipment currently being used on the premises for improvements to the premises, which may be stored for a period not more than forty-five (45) days, while work is actually in progress.
  - (e) Off-street parking of an aggregate of not more than three (3) passenger automobiles and pick-up trucks owned by residents of the premises, all of which shall be in condition to be legally operated upon the highways of the state and shall display current registration.
  - (f) Heating wood intended for use on the premises, but not heating wood being held for sale. Any quantity of heating wood in excess of four (4) cords shall be presumed to be held for sale. All heating wood shall be stored in the rear yard and more than five (5) feet from any property line.
- (2) In addition to (1) above, all of the performance standards set forth in sec. 400.07 which are applicable to all zoning districts apply to Lands in the R-O District.

## CHAPTER 407

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN A “C-G” GENERAL BUSINESS DISTRICT.

**407.01 APPLICABILITY OF CHAPTER 400 TO A “C-G” GENERAL BUSINESS DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in a “C-G” General Business District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**407.02 PERMITTED USES IN A “C-G” GENERAL BUSINESS DISTRICT.** The following uses are permitted in a "C-G" District:

- (1) The following residential uses:
  - (a) Duplex Dwellings.
  - (b) Small multi-family residences containing three (3) or four (4) dwelling units.
  - (c) Dwelling units which are located in and which share a building with a permitted retail sales and/or service business, including professional offices, or a conditional use for which a conditional use permit has been issued.
  - (d) Condominiums in which the units are designed and used for residential purposes or for those commercial uses which are permitted uses in this district.
  - (e) Boarding House.
- (2) Municipal buildings of the City of Richland Center, and governmental offices of the United States, the State of Wisconsin, Richland County or any agency thereof, where the use conducted is generally for offices.
- (3) Universities, colleges and vocational schools.
- (4) The following retail sales and service businesses:
  1. Antique or gift shop.
  3. Appliance store.
  2. Art and school supply store.
  4. Art studio or gallery.

5. Auto parts store.
6. Bakery goods sales and baking of goods for retail sales on premises.
7. Bank, saving & loan institution or credit union.
8. Barber shop and/or beauty parlor.
9. Bed and Breakfast.
10. Bicycle sales and repair.
11. Book, office supply and/or stationery store.
12. Business offices, including professional practitioner's offices.
13. Candy, ice cream, popcorn, nuts, frozen dessert and/or soft drink shop but not of the drive-in type.
14. Camera and photographic supply and processing store.
15. Diaper or hand laundry service provided not more than ten (10) persons are employed.
16. Delicatessen and/or dairy store.
17. Department store.
18. Drug store.
19. Dry cleaning and laundry pickup stations including incidental pressing and repair.
20. Dry goods store.
21. Five and ten store.
22. Florist, but not including greenhouse or outside beds for growing flowers.
23. Furniture store.
24. Garden supply store, provided it is conducted entirely within an enclosed structure.
25. Gift or novelty store.
26. Grocery, meat, fruit or vegetable store.
27. Hardware store.
28. Hobby store including handicraft classes not to exceed ten (10) students.
29. Interior decorating studio.
30. Jewelry sales and repair store.
31. Laundromat of the self-service type.
32. Library.
33. Liquor store, provided the same is licensed to deal in alcohol beverages by the City of Richland Center or other appropriate municipality.
34. Locksmith.
35. Meat market but not including meat processing plant or locker plant.
36. Medical, dental, chiropractic and similar clinics, for human care.
37. Motels, motor hotels and hotels, provided the site shall contain not less than six hundred (600) square feet of area per unit.
38. Museums, art institutes, galleries, and playhouses.
39. Newspaper publishing office.
40. Office Building.

41. Optical and jewelry manufacturing provided the operation is not located within the front twenty (20) feet of the first floor.
42. Photographic supplies and processing of film and prints.
43. Picture framing.
44. Physical culture and health club or spa, dance studio or martial arts school.
45. Pipe and tobacco shop.
46. Post office or private parcel service.
47. Printing shop.
48. Professional offices.
49. Radio and television repair.
50. Record, tape, disk and/or music shop.
51. Restaurant, cafe or tea room, but not including a drive-in restaurant where customers are served in their vehicles.
52. Rugs and floor covering sales.
53. Seat cover, upholstery and/or drapery shop.
54. Shoe store and/or shoe repair establishment.
55. Small appliance repair shop.
56. Sporting goods store.
57. Supperclub, nightclub or restaurant which is licensed to serve alcohol beverages by the City of Richland Center, but not including fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, their meeting halls or clubhouses.
58. Variety store.
59. Wearing apparel store or shop and similar uses.
60. Wholesale office and showroom.

**407.03 ACCESSORY USES IN A “C-G” GENERAL BUSINESS DISTRICT.** No accessory structure or use of land shall be permitted in a “C-G” District except for one or more of the following:

- (1) Private garages, off-street parking and loading spaces as regulated by the provisions of this Ordinance.
- (2) Decorative landscape features.
- (3) Public telephone booths.
- (4) On-premises signs as regulated by this Zoning Ordinance or by any other ordinance or Chapter dealing with the regulation of signs.
- (5) Any incidental repair or processing necessary to conduct a permitted principal use, provided such incidental repair or processing shall not exceed thirty per cent (30%) of the floor space of the principal building.

(6) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time normally required for completion of such construction or similar construction.

**407.04 CONDITIONAL USES IN A “C-G” GENERAL BUSINESS DISTRICT.**

Within any “C-G” General Business District no structure or land shall be used for any of the following uses except with a Conditional Use Permit:

1. Animal hospital or clinic.
2. Animal boarding kennel.
3. Armory.
4. Auto Repair garage or facility.
5. Automobile or other vehicles of transportation sales whether new or used units.
6. Billiard or pool rooms, including video game and electronic game arcades
7. Boat and marine sales, whether new or used units.
8. Bowling alley.
9. Bus terminal.
10. Business trade or vocational school when conducted entirely within a building.
11. Car wash.
12. Commercial greenhouse, provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street.
13. Convention hall or convention center.
14. Dance hall or teen club.
15. Day care center, provided that the facility is licensed by the Wisconsin Dept. of Health & Social Services.
16. Drive-in restaurant serving customers in their vehicles.
17. Drive-in theater.
18. Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop.
19. Fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, and their meeting halls or clubhouses.
20. Lumber or building material yards, provided they are conducted entirely within an enclosed structure, which if a fence may be eight (8) feet in height when not abutting land located in an “R” District or land in a residential use.
21. Motor fuel stations, subject to all other regulations of this Zoning Ordinance.
22. Open sales lot or open storage.
21. Outdoor amusement facility.

24. Pet shop, provided the operation shall not include the boarding of pets on the site, the maintaining of pens or cages outside of the building or operating so as to cause an offensive odor or noise.
25. Skating rink.
26. Sports arena.
27. Stadium.
28. Stone or monument dealership.
29. Television and radio stations and/or transmitting towers.
30. Similar uses, provided the structure in which the use is carried out shall not be located within one hundred (100) feet of any "R" District.
31. Accessory structures other than accessory structures specifically permitted in this district.
32. Essential service structures, including but not limited to such uses as telephone exchange stations, booster or pressure sub-stations, lift stations, elevated tanks and electric power sub-stations.
33. Self storage warehouse or mini warehouse in which retail sales are not permitted.

**407.05 BUILDING HEIGHT, LOT WIDTH AND YARD REQUIRMENTS IN A "C-G" DISTRICT.**

**(1) BUILDING HEIGHT:** No structure or building shall exceed a height of forty-five (45) feet or three stories in height except as provided in paragraph 400.09 (2) of this Zoning Ordinance.

**(2) SIDE YARD:** A side yard abutting a street shall not be less than fifteen (15) feet in width. There shall be an aggregate side yard for every building of not less than fifteen (15) feet and no single side yard less than seven (7) feet. Side yards adjacent to residential lots shall be twelve (12) feet plus one (1) additional foot for each story of any building on the commercial lot in excess of two (2) stories.

**(3) SET BACK FROM STREET:** The nearest point of any structure to any street right-of-way line shall be set back not less than fifteen (15) feet from the right-of-way line of any public street.

**(4) TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way

limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

**(5) REAR YARD:** There shall be a minimum rear yard depth of twenty (20) feet for a one (1) story building and twenty-five (25) feet for a building having two (2) stories or more.

**(6) LOT WIDTH:** No lot shall have a frontage of less than fifty (50) feet in width.

**(7) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

- (a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.
- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.

- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

## CHAPTER 408

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN A “C-DT” CENTRAL BUSINESS DISTRICT.

**408.01 APPLICABILITY OF CHAPTER 400 TO A “C-DT” CENTRAL BUSINESS DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in a “C-DT” Central Business District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**408.02 PERMITTED USES IN A “C-DT” CENTRAL BUSINESS DISTRICT.** The following uses are permitted in a "C-DT" District:

- (1) **Permitted Residential Uses:** The following residential uses:
  - (a) One or more single-family residential units, provided such residential units are located entirely upon floors above the first or street level floor of the structure.  
Ordinance 1994-02
  - (b) Small multi-family residences containing three (3) or four (4) dwelling units.
  - (c) Dwelling units which are located in and which share a building with a permitted retail sales and/or service business, including professional offices, or a conditional use for which a conditional use permit has been issued.
  - (d) Condominiums in which the units are designed and used for residential purposes or for those commercial uses which are permitted uses in this district.
  - (e) Boarding House.
- (2) **Permitted Governmental Uses:** Municipal buildings of the City of Richland Center, and governmental offices of the United States, the State of Wisconsin, Richland County or any agency thereof, where the use conducted is generally for offices.  
Ordinance 1994-02
- (3) **Permitted Commercial Uses:** The following retail sales and service businesses:
  1. Antique or gift shop.
  3. Appliance store.
  2. Art and school supply store.

4. Art studio or gallery.
5. Auto parts store.
6. Bakery goods sales and baking of goods for retail sales on premises.
7. Bank, saving & loan institution or credit union.
8. Barber shop and/or beauty parlor.
9. Bed and Breakfast.
10. Bicycle sales and repair.
11. Book, office supply and/or stationery store.
12. Business offices, including professional practitioner's offices.
13. Candy, ice cream, popcorn, nuts, frozen dessert and/or soft drink shop but not of the drive-in type.
14. Camera and photographic supply and processing store.
15. Diaper or hand laundry service provided not more than ten (10) persons are employed.
16. Delicatessen and/or dairy store.
17. Department store.
18. Drug store.
19. Dry cleaning and laundry pickup stations including incidental pressing and repair.
20. Dry goods store.
21. Five and ten store.
22. Florist, but not including greenhouse or outside beds for growing flowers.
23. Furniture store.
24. Garden supply store, provided it is conducted entirely within an enclosed structure.
25. Gift or novelty store.
26. Grocery, meat, fruit or vegetable store.
27. Hardware store.
28. Hobby store including handicraft classes not to exceed ten (10) students.
29. Interior decorating studio.
30. Jewelry sales and repair store.
31. Laundromat of the self-service type.
32. Library.
33. Liquor store, provided the same is licensed to deal in alcohol beverages by the City of Richland Center or other appropriate municipality.
34. Locksmith.
35. Meat market but not including meat processing plant or locker plant.
36. Medical, dental, chiropractic and similar clinics, for human care.
37. Motels, motor hotels and hotels, provided the site shall contain not less than six hundred (600) square feet of area per unit.
38. Museums, art institutes, galleries, and playhouses.
39. Newspaper publishing office.
40. Office Building.

41. Optical and jewelry manufacturing provided the operation is not located within the front twenty (20) feet of the first floor.
42. Photographic supplies and processing of film and prints.
43. Picture framing.
44. Physical culture and health club or spa, dance studio or martial arts school.
45. Pipe and tobacco shop.
46. Post office or private parcel service.
47. Printing shop.
48. Professional offices.
49. Radio and television repair.
50. Record, tape, disk and/or music shop.
51. Restaurant, cafe or tea room, but not including a drive-in restaurant where customers are served in their vehicles.
52. Rugs and floor covering sales.
53. Seat cover, upholstery and/or drapery shop.
54. Shoe store and/or shoe repair establishment.
55. Small appliance repair shop.
56. Sporting goods store.
57. Supperclub, nightclub or restaurant which is licensed to serve alcohol beverages by the City of Richland Center, but not including fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, their meeting halls or clubhouses.
58. Variety store.
59. Wearing apparel store or shop and similar uses.
60. Wholesale office and showroom.

Ordinance 1994-02

**408.03 ACCESSORY USES IN A “C-DT” CENTRAL BUSINESS DISTRICT.** No accessory structure or use of land shall be permitted in a “C-DT” District except for one or more of the following:

- (1) Private garages, off-street parking and loading spaces as regulated by the provisions of this Ordinance.
- (2) Decorative landscape features.
- (3) Public telephone booths.
- (4) On-premises signs as regulated by this Zoning Ordinance or by any other ordinance or Chapter dealing with the regulation of signs.

(5) Any incidental repair or processing necessary to conduct a permitted principal use, provided such incidental repair or processing shall not exceed thirty per cent (30%) of the floor space of the principal building.

(6) Buildings temporarily located for purposes of construction on the premises for a period not to exceed the time normally required for completion of such construction or similar construction.

**408.04 CONDITIONAL USES IN A “C-DT” CENTRAL BUSINESS DISTRICT.**

Within any “C-DT” Central Business District no structure or land shall be used for any of the following uses except with a Conditional Use Permit:

1. Animal hospital or clinic.
2. Animal boarding kennel.
3. Armory.
4. Auto Repair garage or facility.
5. Automobile or other vehicles of transportation sales whether new or used units.
6. Billiard or pool rooms and similar recreational facilities, specifically including video game and/or electronic game arcades or facilities.
7. Boat and marine sales, whether new or used units.
8. Bowling alley.
9. Bus terminal.
10. Business trade or vocational school when conducted entirely within a building.
11. Car wash.
12. Commercial greenhouse, provided all outside storage is fenced in such a manner so as to screen the stored material from view when observed from the public street.
13. Convention hall or convention center.
14. Dance hall or teen club.
15. Day care center, provided that the facility is licensed by the Wisconsin Dept. of Health & Social Services.
16. Drive-in restaurant serving customers in their vehicles.
17. Drive-in theater.
18. Electrical service, heating, plumbing, appliances, upholstery or air conditioning service shop.
19. Fraternal lodges, veterans organizations, private clubs or similar non-profit organizations, and their meeting halls or clubhouses.
20. Lumber or building material yards, provided they are conducted entirely within an enclosed structure, which if a fence may be eight (8) feet in height when not abutting land located in an “R” District or land in a residential use.

21. Motor fuel stations, subject to all other regulations of this Zoning Ordinance.
22. Open sales lot or open storage.
21. Outdoor amusement facility.
24. Pet shop, provided the operation shall not include the boarding of pets on the site, the maintaining of pens or cages outside of the building or operating so as to cause an offensive odor or noise.
25. Skating rink.
26. Sports arena.
27. Stadium.
28. Stone or monument dealership.
29. Television and radio stations and/or transmitting towers.
30. Similar commercial uses, provided the structure in which the use is carried out shall not be located within one hundred (100) feet of any "R-1", "R-2", "R-3/4", "R-5" or "RO" District.
31. Accessory structures other than accessory structures specifically permitted in this district.
32. Essential service structures, including but not limited to such uses as telephone exchange stations, booster or pressure sub-stations, lift stations, elevated tanks and electric power sub-stations.
33. Duplex residences, containing or consisting of two (2) dwelling units.
34. Small multi-family residences containing three (3) or four (4) dwelling units.
35. Dwelling units which are located in and which share a building with a permitted retail sales and/or service business, including professional offices, or a conditional use for which a conditional use permit has been issued.
36. Condominiums in which the units are designed and used for residential purposes or fore those commercial uses which are permitted uses in this district.
37. Boarding House.

**408.05 STRUCTURE HEIGHT, LOT WIDTH AND YARD REQUIRMENTS IN A "C-DT" DISTRICT.**

**(1) TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way

limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

**(2) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

- (a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.
- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.
- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

**(3) OTHER RESTRICTIONS NOT APPLICABLE:** All uses located in the "C-DT" District are exempt from lot area, height, lot width and yard requirements except the traffic visibility triangle restriction above. No accessory off-street parking is required in

this district and all on-street parking will be controlled by the City with the goal of reducing congestion.

## CHAPTER 409

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN AN INDUSTRIAL DISTRICT.

**409.01 APPLICABILITY OF CHAPTER 400 TO AN "IND" INDUSTRIAL DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "IND" Industrial District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**409.02 PERMITTED USES IN AN "IND" INDUSTRIAL DISTRICT.** The following uses are permitted in an "IND" Industrial District:

- (1) Any non-residential use which is either a permitted use or a conditional use in a "C-I" District, except off-premises sign or billboard.
- (2) Any use which is a permitted use in an "IP" District, subject to all regulations applicable to such use in an "IP" District.
- (3) The manufacturing, compounding, assembly, packaging, treatment, or storage of the following products or materials not likely to meet all of the performance standards outlined in Section 479.15.
  1. Brewing.
  2. Brick manufacturing.
  3. Cement and/or concrete manufacturing.
  4. Ceramic product manufacturing.
  5. Coal or tar asphalt distillation.
  6. Commercial stockyards, slaughtering of animals and/or meat packing.
  7. Contractor's storage yard.
  8. Crude oil, gasoline, or other liquid storage tanks.
  9. Distillation of bones.
  10. Flour, feed and/or grain milling.
  11. Glass manufacturing.
  12. Glue, gypsum and/or plaster manufacturing.
  13. Kiln drying.
  14. Lime manufacturing.
  15. Metal casting, converting, polishing and/or plating.
  16. Mill working.
  17. Motor fuel stations subject to the requirements of this Chapter.
  18. Open sales lots.

19. Paint and/or pigment manufacturing.
20. Plastic manufacturing, molding or processing.
21. Rendering works.
22. Rubber and rubber product manufacturing.
23. Sawmill.
24. Stone cutting.
25. Textile manufacturing and/or dyeing.
26. Vinegar works.
27. Wood processing and the manufacture of products from wood.

**409.03 PERMITTED ACCESSORY USES IN AN “IND” INDUSTRIAL DISTRICT.** All accessory uses are permitted in an "IND" District.

**409.04 CONDITIONAL USES IN AN “IND” INDUSTRIAL DISTRICT.** None of the following uses shall be permitted in an "IND" Industrial District except with a Conditional Use Permit:

- (1) On-premises signs as regulated by this Chapter or by any other ordinance or Chapter dealing with the regulation of signs.
- (2) Acid and/or storage battery manufacturing.
- (3) Auto wrecking, junk yard, used auto parts stored in the open and similar uses.
- (3a) Creamery, cheese making or other processing of dairy products. Ordinance 2000-
- (4) Creosote plant.
- (5) Storage, utilization, or manufacture of materials or products capable of rapid decomposition by detonation, including but not limited to TNT, dynamite and similar nitrates and other substances commonly used as explosives or as projectile propellants.
- (6) Incineration or reduction of waste material other than customarily incidental to a principal use.
- (7) Kilns or other heat processes fired by combustion or by any means other than electricity or solar energy.
- (8) Manufacture and/or compounding of poison, fertilizer, fuel briquettes.
- (9) Open storage as the primary or secondary use.

- (10) Paper mill.
- (11) Refuse and garbage disposal.
- (12) Any use abutting or across the street from any lot not included in an "I-1" or "I-2" District, unless such use is a permitted use in the zoning District of such abutting lot.
- (13) Any activity which emits smoke darker than shade No. 3 on the Ringelmann Chart.
- (14) Any use which utilizes any radioactive materials.
- (15) Outdoor amusement facility.

**409.05 BUILDING HEIGHT, SETBACK, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN "IND" INDUSTRIAL DISTRICT.**

- (1) **BUILDING HEIGHT:** No structure or building shall exceed a height of six (6) stories nor more than seventy-five (75) feet in height except as provided for in paragraph 400.09 (2) of this Zoning Ordinance.
- (2) **SIDE YARD:** A side yard which abuts a public street shall be not less than, fifteen (15) feet.
- (3) **SET BACK FROM STREET:** The nearest point of any structure to such right-of-way line shall be set back not less than fifteen (15) feet from the right-of-way line of any public street.
- (4) **TRAFFIC VISIBILITY TRIANGLE:** No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of fifteen (15) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points fifteen (15) feet distant from each point of intersection to form the base of an isosceles triangle.

In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.

In the case of any lot or subdivision abutting a state trunk highway, the setback and traffic visibility requirements set forth in the Wisconsin Statutes and/or Wisconsin Administrative Code shall apply, provided that such requirements require a traffic visibility triangle not smaller than required above.

**(5) DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** No detached accessory structure shall be located closer than the following distances from the indicated lot lines of the lot or parcel upon which it is erected:

- (a) No portion of the foundation or wall shall be located less than three feet (3') from the rear lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the rear lot line.
- (b) Where the entire accessory building is located within a rear yard, no portion of the foundation or wall shall be located less than three feet (3') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than one and one-half (1.5) feet from the side lot line.
- (c) Where any portion of such accessory building is located in a side yard, no portion of the foundation or wall shall be located less than eight feet (8') from the side lot line, and no portion of the building (including any part of the roof, eaves or eaves trough) shall be located less than six and one-half (6.5) feet from the side lot line.
- (d) Notwithstanding the foregoing, where such side or rear lot line abuts a street, the accessory building shall be subject to the same setback requirements from such street as apply to a primary structure.
- (e) Additional limitations on detached accessory buildings set forth in sec. 400.04 (5) are applicable in this district.

**409.06 PERFORMANCE STANDARDS APPLICABLE TO AN "IND" INDUSTRIAL DISTRICT.**

**(1) Applicability of General Performance Standards.** All general performance standards made applicable by subchapter 400.07 shall apply to all uses in "IND" Industrial Districts.

**(2) Specific Standards Applicable to "IND" Industrial Districts.** In addition to the general performance standards set forth in subchapter 400.07, no use in any "IND" Industrial District shall fail to comply with the following performance standards:

- (a) Vibration. No use in any Industrial District shall produce, cause or generate any vibration discernible beyond the property line of the property upon which the use is, being carried out to the human sense of feeling for three minutes or more duration in any one hour and any vibration producing an acceleration of more than 0.1 grains or resulting in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure.
- (b) Screening. Any industrial use on a Lot abutting an "R" District shall provide and maintain a wall fence or planting so as to screen and reduce the noise and dust between the two uses and to inhibit eye level vision between the residential and industrial areas.
- (c) Glare and Heat. Any industrial use or operation producing intense glare or heat shall be per-formed within an enclosure so as not to be perceptible at the property line.
- (d) Noise. No use shall be carried on in any manner which produces noise perceptible at any lot line of the lot on which the use is conducted at a level which at any time exceeds fifty (50) decibels, measured at any point on or outside the lot line.
- (e) Industrial Waste Material. Industrial waste material shall not be washed or allowed to run off into the public streets, into any public storm sewer system, nor into the sanitary sewer system without first having received approval from the City Council. If said approval is not granted, a method of disposal shall be devised which will not require additional land for continued operation and will not cause a detrimental effect to the adjacent land. Should the industrial waste be of a solid form rather than fluid, the storage area shall be so located and fenced as to be removed from public view, and a maximum amount of accumulation determined along with a satisfactory method of disposal. Any violation of applicable Wisconsin Statute or duly promulgated administrative rule of the Wisconsin Department of Natural Resources in regard to the storage or disposal of industrial waste material shall also constitute a violation of this Zoning Ordinance.

## CHAPTER 410

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN AN "IP" INDUSTRIAL PARK DISTRICT.

**410.01 APPLICABILITY OF CHAPTER 400 TO AN "IP" INDUSTRIAL PARK DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "IP" Industrial Park District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**410.02 PERMITTED USES IN AN INDUSTRIAL PARK DISTRICT.** The following uses are permitted in an "IP" Industrial Park District:

- (1) Assembly of goods from parts fabricated at another location, whether assembly is of final products or of sub-systems or intermediate products, but not including fabrication of parts.
- (2) Automobile painting, upholstering, tire recapping and major repair when conducted within a completely enclosed building.
- (3) Bottling works.
- (4) Bus terminals and maintenance garages.
- (5) Cold storage plants.
- (6) Fabrication from wood, metal, plastics or other raw materials of parts or of finished products; this shall not include sawmills, steel mills, foundries, chemical plants or similar uses involving the actual manufacture or compounding of such raw materials.
- (7) Laundry - commercial, but not a laundromat or self-service facility.
- (8) Machine shops.
- (9) Paint mixing.
- (10) Paper products processing from paper previously manufactured at another location.
- (11) Pattern making.
- (12) Printing and/or publishing.
- (13) Radio and television broadcasting.
- (14) Research laboratories.
- (15) Tool and die making.
- (16) Trade school.
- (17) Warehousing and wholesaling conducted within a building.

**410.03 PERMITTED ACCESSORY USES IN AN INDUSTRIAL PARK DISTRICT.** No accessory structure or use of land shall be permitted in an "IP" Industrial Park District except for one or more of the following:

- (1) On-premises signs as regulated by this Chapter.
- (2) Off-street parking and loading as regulated by this Chapter.
- (3) Offices operated in conjunction with a permitted principal use operated on the same lot.
- (4) Detached accessory buildings, provided that all accessory buildings shall conform to the requirements of the main building and accessory buildings shall be permitted only when their use is necessary for and incidental to the primary use permitted on each lot. Accessory buildings shall conform to all the requirements of the main buildings with respect to developed lot area, side yards, front yards, rear yards and class of construction.

**410.04 CONDITIONAL USES IN AN INDUSTRIAL PARK DISTRICT.** None of the following uses shall be permitted in an "IP" Industrial Park District except with a Conditional Use Permit:

- (1) Factory outlet store.
- (2) Buildings of the City, County, State or Federal government.
- (3) Essential service structures.
- (4) Bakery, Cannery or other processing of foods for human consumption.
- (5) Contractor's yards when conducted within a building or a completely fenced area.
- (6) Creamery, cheese making or other processing of dairy products.
- (6a) Day Care Center. Ordinance 2000-07
- (7) Essential service structures.
- (8) Foundry, steel mill, chemical plant or similar facility for the manufacture, processing or compounding of raw materials.
- (9) Radio or television transmission towers.
- (10) Restaurant.
- (11) Storage, utilization, or manufacture of materials or products capable of rapid decomposition by detonation, including but not limited to TNT, dynamite and similar nitrates and other substances commonly used as explosives or as projectile propellants.
- (12) Open sales lot.
- (13) Open storage.
- (14) Offices not operated in conjunction with a permitted use conducted on the same lot.
- (15) Residential structures and related residential uses necessary for security and safety reasons in relation to a principal use, such as a guard shack.
- (16) Truck and freight terminals.
- (17) Accessory structures which are not permitted accessory uses.
- (18) Any other use for which the City Council grants a conditional use permit.

**410.05 BUILDING HEIGHT, SETBACK, LOT WIDTH AND OTHER YARD REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

- (1) **BUILDING HEIGHT:** No structure or building shall exceed a height of forty (40) feet except as provided for in Section 400.09 (2) of this Zoning Ordinance.
- (2) **SIDE YARD:** A side yard not abutting a street shall not be less than twenty (20) feet in width. A side yard which abuts a public street shall be not less than fifty (50) feet.
- (3) **SET BACK FROM STREET:** The nearest point of any structure to such right-of-way line shall be set back not less than fifty (50) feet from the right-of-way line of any public street.
- (4) **REAR YARD:** There shall be a rear yard having a minimum depth of twenty-five (25) feet from the Lot Line.

(5) **TRAFFIC VISIBILITY TRIANGLE:**

- (a) No fences, structures or plantings shall be permitted within any yard areas on a corner lot which shall obstruct or interfere with the visibility within the triangular area of the lot closest to the street intersection known as the traffic visibility triangle and described as follows:

Commencing at the point abutting the lot where the right-of-way limits of the streets forming the corner intersect; extending from such point of intersection a distance of twenty (20) feet along the respective lines where each right-of-way limit abuts the lot; and connected by a straight line joining the two such points twenty (20) feet distant from each point of intersection to form the base of an isosceles triangle.

- (b) In addition, no plantings shall be placed within any street right-of-way abutting a corner lot within the area encompassed by extending the base line of such traffic visibility triangle to the point where such extended base line meets the edge of the paved portion of any street.
- (c) No access drive or curb cut shall be located within such traffic visibility triangle.

(6) **DISTANCE OF DETACHED ACCESSORY BUILDINGS FROM LOT LINES:** A detached accessory structure shall be no closer than ten feet (10') from the side or rear lot line, unless such side or rear lot line abuts a street, in which case the accessory building shall be subject to the same setback requirements from such street as apply to the primary structure.

**410.06 CONSTRUCTION STANDARDS FOR BUILDINGS, PLANS AND BUILDING MATERIALS IN THE IP DISTRICT-**

(1) No improvements shall be erected, placed or altered on any building site or lot until the building and all other improvements, plans, specifications, including front elevations and/or architect's rendering, and a lot plat have been submitted to and approved by the City as part of the requirements for obtaining a building permit. Such submission and approval shall be condition precedent to the issuance of a building permit in an "IP" Industrial Park District.

(2) Any building erected within an "IP" Industrial Park District shall be of concrete masonry construction, steel, its equivalent, or better. The architectural treatment on the sides of buildings facing any public street shall be face brick, architectural stone, pre-finished metal panels, wood or glass. Exposed cement block shall not be used on any wall facing a street or public highway. Other materials which the City finds acceptable may be used when their use has been pre-approved by the City in writing.

(3) All building plans and improvements shall be approved the City of Richland Center and shall be in conformity with all administrative rules of the Wisconsin Department of Industry, Labor and Human Relations.

#### **410.07 LANDSCAPING, DRAINAGE AND ELEVATION REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

##### **(1) LANDSCAPING.**

(a) All sites occupied by a building shall be landscaped within the limits required herein. Such landscaping shall include maintenance of a grass lawn, planting of trees, shrubs, ground cover and other customary landscape treatment for all yards.

(b) Such landscaping shall include all front yards and all other yards abutting any public street or highway.

(c) Repealed 04/06/1999, see Chapter 301.

(d) The owner of vacant land shall be responsible for keeping such land free of noxious weeds. The owners of all lands, vacant or improved, shall keep all grasses growing on such lands mowed to a height less than eight inches (8") above ground level.

e) The plan for landscaping and drainage shall be submitted to the City for approval. All drainage of any one lot or site must conform to the requirements of and be approved by the City of Richland Center. However, the City of Richland Center shall not assume any liability for any harm caused by drainage plans approved by the City.

(2) **DRAINAGE.** No Land shall be privately developed and no private use shall be permitted which results in water run-off causing flooding or erosion on adjacent properties. Such run-off shall be properly channeled into a storm drain, water course, ponding area, street gutter or other public facility, in accordance with the overall drainage plan of the industrial park.

(3) **ELEVATIONS.** The City of Richland Center shall establish elevations for the streets located within an "IP" Industrial Park District. In addition the City will also establish a range of elevations for the main floor slab and parking lot areas of any given permitted use. The owner shall develop his property within such range of elevations. The City Council may grant a conditional use permit to allow construction which falls outside such range of elevations.

(4) **ADDITION OR REMOVAL OF FILL.** No person shall remove or add any fill to a lot in an "IP" Industrial Park District without first securing a permit there for from the City.

#### **410.08 PARKING AREA REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

(1) **REQUIRED NUMBER OF OFF-STREET PARKING SPACES.** Not fewer than one (1) off-street parking space or stall shall be provided for every three (3) employees. If a required parking area consists of more than 5 parking spaces or stalls, it shall be suitably marked as such parking area.

(2) **SURFACING AND DRAINAGE OF PARKING AREAS.** Off-street parking areas shall be improved with a concrete or bituminous surface, or with a crushed rock or an equally durable surface which shall be maintained so as not to create a nuisance due to dust. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area in accord with the overall drainage plan for the industrial park.

(3) **LOCATION OF PARKING AREAS.** All accessory off-street parking facilities required herein shall be located as follows:

- (a) Spaces shall be located within four hundred (400) feet of a main entrance to the principal building served.
- (b) There shall be no off-street parking space within three (3) feet of the right-of-way of any public street.

(4) **STREET ACCESS TO PARKING AREAS.** All off-street parking spaces shall have access off driveways and not directly off any public street. Each driveway opening

shall be not less than twenty-four (24) feet nor more than thirty-five (35) feet in width at the line where it joins the roadway of a public street.

**(5) PARKING AREA DIRECTIONAL SIGNS.** Every parking lot shall be laid out and suitably signed so as to provide for orderly movement of traffic within and upon entering or leaving such parking lot.

**(6) LIGHTING OF PARKING AREAS.** Off-street parking areas may be lighted, but the type and location of lighting used to illuminate off-street parking areas shall be such that it shall not pose a hazard or be an annoyance to persons using any public street occupied adjacent land.

**(7) REDUCTION OF PARKING AREAS.** Off-street parking spaces shall not be reduced in number unless the number of spaces or stalls remaining after such reduction meets or exceeds the required number as set forth herein.

**410.09 OFF-STREET LOADING REQUIREMENTS IN AN INDUSTRIAL PARK DISTRICT.**

**(1) REQUIRED NUMBER OF OFF-STREET LOADING SPACES.** The regulations and requirements set forth in this Section shall apply both to the required loading and unloading facilities and to non-required loading and unloading facilities in all the districts. If, in the application of the requirements of this Section, a fractional number is obtained, one (1) loading space shall be provided for a fraction of one-half ( $1/2$ ) or more and no Loading space shall be required for a fraction of less than one-half ( $1/2$ ).

**(2) LOCATION OF OFF-STREET LOADING.** All Loading berths shall be twenty-five (25) feet or more from the intersection of two (2) street right-of-way lines. Loading berths shall not occupy required yard area which borders a public street.

**(3) SIZE OF OFF-STREET LOADING AREAS.** Unless otherwise specified, the first berth required shall not be less than twelve (12) feet in width and sixty (60) feet in length. Additional berths shall be not less than twelve (12) feet in width and twenty-five (25) feet in length. All loading berths shall maintain a clear height of fourteen (14) feet or more.

**(4) ACCESS TO LOADING AREAS.** Each loading berth shall be located with approximate means of access to a public street or alley in a manner which will least interfere with traffic. Traffic into and out off-street loading areas shall in all cases be forward moving with no backing into streets. No access drive or curb cut serving an off-street loading area shall be located within twenty (20) feet of any two intersecting street right-of-way lines, nor shall it encroach upon the full radius of corner curbing. No

loading or unloading operations shall be carried on upon any public street under any circumstances

**(5) SURFACING OF LOADING AREAS.** All loading berths and accesses thereto shall be improved with a concrete or bituminous surface, or with a crushed rock or an equally durable surface which shall be maintained so as not to create a nuisance due to dust. Such areas shall be so graded and drained as to dispose of all surface water accumulation within the area in accord with the overall drainage plan for the industrial park.

**(6) USE OF OFF-STREET LOADING AREAS.** Any area allocated as a required off-street loading area or access drive thereto shall not be used for the storage of goods or vehicles except during actual loading or unloading operations, nor shall such an area be included as a part of the area necessary to meet the off-street parking area requirements.

**(7) NUMBER OF REQUIRED OFF-STREET LOADING BERTHS.** There shall be provided one (1) off-street loading berth for each 25,000 square feet of floor space or fraction thereof. Additional loading berths may be established at the option of the property owner.

#### **410.10 SIGN REGULATIONS APPLICABLE IN AN INDUSTRIAL PARK DISTRICT**

(1) Notwithstanding any other Chapter or ordinance, signs in an "IP" Industrial Park District shall be governed by the following regulations and all signs not specifically permitted herein are prohibited.

(2) Permitted signs shall be business signs wall signs only and shall only advertise or announce the identity of the business conducting a use within the building to which the sign is affixed.

(3) Flat wall signs or signs painted on the face of a marquee wall shall not be permitted. No sign shall extend above or beyond a building wall to a depth of more than one foot from the front of the structure, except that signs on a marquee shall be permitted more than one foot from the face of a building but not beyond the face of the marquee. No sign shall be painted upon any building wall; any permitted wall-mounted sign shall be a fixture sign.

(4) One sign shall be allowed on the front of any one building on the lot. One additional sign shall be allowed on either the side or back of the same building, at the owners option. No signs shall be allowed on any accessory building, except standard signs notifying of hazardous materials therein.

- (5) No off-premises sign shall be permitted in any Industrial Park District.
- (6) No sign of any description, including traffic direction signs, shall be permitted within the required 20 foot traffic visibility triangle.
- (7) Any sign located in the direct line of vision of any illuminated traffic control device shall be illuminated only by a clear white Light.
- (8) Signs may be illuminated for 24 hours daily.
- (9) Flashing or blinking signs or flashing or blinking sign lights shall not be permitted under any circumstances. Fluttering or undulating signs, pennants or streamers shall not be permitted under any circumstances.
- (10) No sign shall be permitted which in any way obstructs the clear view of any street intersection, driveway or walkway.
- (11) All electric signs shall be governed by an electrical permit and conform to the National Electrical Code.
- (12) No advertising device shall be erected, constructed, relocated or maintained if such advertising device because of its location, size, nature or type, constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles or creates a condition which endangers safety or property.
- (13) A maximum of one (1) unlighted sign advertising the fact that the site or a structure thereon is for sale or rent shall be allowed, with a maximum size of thirty-two (32) square feet.

#### **410.11 PERFORMANCE STANDARDS APPLICABLE IN AN INDUSTRIAL PARK DISTRICT.**

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

Before any building permit is approved, the Building Inspector shall determine whether the proposed use will conform to the performance standards. The developer shall supply data necessary to demonstrate such conformity. Such data may include description of equipment to be used, hours of operation, method of refuse disposal, type,

and location of exterior storage, etc. It may occasionally be necessary for a developer or business to employ specialized consultants to demonstrate that a given use will not exceed the performance standards.

(2) **REFUSE.** All waste material, debris, refuse, unused construction materials, or garbage shall be kept in an enclosed building or in an area visually screened from access streets and from adjacent occupied properties. The owner of vacant land shall be responsible for keeping such land free of visible refuse and noxious weeds.

(3) **EXPLOSIVES.** No activities involving the storage, utilization or manufacture of materials or products capable of rapid decomposition by detonation, including but not limited to TNT, dynamite and similar nitrates and other substances commonly used as explosives or as projectile propellants, shall be permitted except those for which the Common Council shall have granted a Conditional Use Permit allowing such activities. If such a Conditional Use Permit is issued, such materials shall be stored and utilized in conformity with all statutes, laws and regulations of Federal and State law. Any violation of Federal or State law in regard to the storage or utilization of such explosives shall also constitute a violation of this Zoning Ordinance.

(4) **FLAMMABLE OR HAZDOUS MATERIALS.** Any flammable liquids or hazardous materials shall be stored and utilized in conformity with all statutes, laws and regulations of Federal and State law. Any violation of Federal or State law in regard to the storage or utilization of flammable liquids or hazardous materials shall also constitute a violation of this Zoning Ordinance.

(5) **RADIATION AND ELECTRICAL EMISSIONS.** No activities shall be permitted that emit measurable radioactivity beyond enclosed structures. There shall be no electrical disturbance (except from domestic household appliances) adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.

(6) **VIBRATION.** No use shall produce, cause or generate any vibration discernible beyond the property line of the property upon which the use is being carried out to the human sense of feeling for three minutes or more duration in any one hour and any vibration producing an acceleration of more than 0.1 grains or resulting in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Effects of Quarry Blasting," on any structure.

(7) **TRASH BURNING.** No burning of trash, cardboard, waste paper, wood scraps or other refuse, either within or outside an incinerator, shall be carried on in any District at a location which is within three hundred feet (300') of any building or structure which is being occupied as a residence.

**(8) GLARE AND HEAT.** Any industrial use or operation producing intense glare or heat shall be performed within an enclosure so as not to be perceptible at the property line.

**(9) SMOKE AND PARTICULATE AIR CONTAMINANTS.** No smoke or other particulate air contaminants shall be released unless such release shall be permitted under all statutes, laws and regulations of Federal and State law. Any violation of Federal or State law in regard to the release of smoke or other particulate air contaminants shall also constitute a violation of this Zoning Ordinance.

**(10) MALODOROUS MATERIALS AND PROCESSES.** No use shall be carried on which produces any noxious, unpleasant or malodorous condition which is detectable at the lot line without the use of instruments.

**(11) NOISE.** No use shall be carried on in any manner which produces an aggregate sound intensity level which at any point on the lot line or boundary line of any individual parcel or on the boundary of the zoning district in which the use is carried on, an aggregate sound intensity level of any operation or of any plant, business or other operation (other than the operation of motor vehicles or other transportation facilities) exceeds the decibel levels in the designated octave bands shown in the following table:

**MAXIMUM PERMITTED SOUNDED LEVEL IN DECIBELS**

Octave Band [Frequency in cycles per second]	Along Lot Line or Parcel Boundaries	Along Industrial Park Boundaries
0 to 75 .....	72 .....	79
76 to 150 .....	67 .....	74
151 to 300 .....	59 .....	66
301 to 600 .....	52 .....	59
601 to 1200.....	46 .....	53
1201 to 2400 .....	40 .....	47
2401 to 4800 .....	34 .....	41
above 4800 .....	32 .....	39

Sound levels shall be measured with a sound level meter and associated octave band filter manufactured to standards prescribed by the American Standards Association or by any other method of measuring which is commonly used for such purpose and which is generally deemed to be scientifically reliable. Impulsive noises shall be subject to the performance standards hereinafter prescribed providing that such noises shall be capable of accurate measurement with the equipment utilized.

**(12) INDUSTRIAL WASTE MATERIAL.** Industrial waste material shall not be discharged onto the ground or washed nor deposited directly or indirectly onto any public street, into the public storm sewer system nor deposited, directly or indirectly, into the sanitary sewer system. Any violation of the Federal Clean Water Act, of any applicable Wisconsin Statute or of any duly promulgated provision of the Wisconsin Administrative Code in regard to the storage or disposal of industrial waste material shall also constitute a violation of this Zoning Ordinance. The foregoing shall not be deemed to prohibit the City of Richland Center from entering into agreements with users whereby industrial wastes are accepted into the public sewer system for treatment, or the deposition of such materials into the sewer system pursuant to such a specific agreement with the City.

**(13) MAINTENANCE OF STRUCTURES, LANDSCAPING AND FENCES.** All structures, required landscaping and fences, including trees, bushes and similar landscaping features, shall be maintained so as not to be unsightly or present harmful health or safety conditions. Any damage to or deterioration thereof, whether caused by act of man or by act of God shall be promptly repaired.

## CHAPTER 411

### ZONING ORDINANCE FOR THE CITY OF RICHLAND CENTER

#### SPECIFIC REGULATIONS AFFECTING LANDS IN THE "MHP" MOBILE HOME PARK DISTRICT.

**411.01 APPLICABILITY OF CHAPTER 400 TO AN "MHP" MOBILE HOME PARK DISTRICT.** All of the provisions of Chapter 400 of the Zoning Ordinance of the City of Richland Center apply to lands in an "MHP" District except where the provisions of this Chapter are inconsistent with the provisions of Chapter 400, in which case the provisions of this Chapter shall be deemed controlling.

**411.02 DEFINITIONS.** As used in this Chapter the following terms are defined as follows:

- (1) **City:** The City of Richland Center, Wisconsin.
- (2) **City Council:** The Common Council of the City of Richland Center.
- (3) **Complete Bath and Toilet Facilities:** A flush toilet attached to the public sewer system; a lavatory; a bath or shower and a kitchen sink, all of which are fully functional and supplied from outside with a continuous supply of water.
- (4) **Dependent Mobile Home:** A mobile home such as a camper trailer which is not equipped with year round living facilities and which is dependent upon sources to which it is not permanently connected for disposal of sewage, supply of fresh water and electricity. Ordinance 1993-15
- (5) **Interior Street:** A private street or private drive located within the boundaries of a mobile home park.
- (6) **Licensee:** Any person, firm or corporation licensed to operate and maintain a mobile home park under this Chapter.
- (7) **Lot** is synonymous with a Space as defined below.
- (8) **Mobile Home:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 45 feet. "Mobile Home" includes the structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles or

other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 U.S. Code secs. 5401 to 5406 but which is not permanently set on an enclosed foundation in the manner described in subpar. 400.03 (84)(a) shall be deemed to be a mobile home under this Zoning Ordinance. Ordinance 1993-15.

**(9) Mobile Home Owner:** The person in whose name the mobile home is titled by the Wisconsin Dept. of Transportation.

**(10) Mobile Home Park:** Any plot or plots of ground upon which 2 or more units, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation. As used in this Chapter mobile home park is limited to plots on which are located 2 or more nondependent mobile homes.

**(11) Mobile Home Stand:** That part of an individual mobile home space which has been reserved and improved for the placement of one mobile home unit, upon which the mobile home actually sits or is placed.

**(12) Nondependent Mobile Home:** A mobile home equipped with complete bath and toilet facilities, furniture, cooking facilities, heating, appliances and complete year round facilities, which is permanently connected or designed to be permanently connected to outside sewer disposal lines, outside water supply lines, outside electrical service and optionally outside heating fuel lines.

**(13) Occupied Area:** That portion of an individual mobile home space which is covered by a mobile home and its accessory structures.

**(14) Park:** A mobile home park.

**(15) Park Management:** The person, partnership, corporation or other legal entity who owns or has charge, care or control of the mobile home park.

**(16) Person:** Any natural person, firm, trust, partnership, association or corporation or other legal entity, and includes any agent, personal representative, heir or assign thereof.

**(17) Service Building:** A permanent structure in a mobile home park which is a part of or a permitted adjunct to the operations of the park, such as a pumphouse, laundromat or clubhouse (if permitted).

**(18) Space:** A plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

(19) **Stand:** is synonymous with a Mobile Home Space as defined above.

(20) **State:** The State of Wisconsin.

(21) **Unit:** One mobile home.

**411.021 PERMITTED USES IN THE “MHP” MOBILE HOME PARK DISTRICT.** The following uses are permitted in an “MHP” District:

(1) Mobile Home Parks designated, laid out and licensed in conformity with this Chapter.

(2) One Single Family Dwelling within a Mobile Home Park to be occupied by the resident manager or caretaker of such mobile home park.

(3) One building within a Mobile Home Park housing the offices of the mobile home park, and which may in addition house one dwelling unit to be occupied by the resident manager or caretaker of such mobile home park.

(4) Service buildings within a mobile home park housing facilities furnished for park residents.

Ordinance 1993-15.

**411.03 PARKING MOBILHOMES OUTSIDE LICENSED MOBILE HOME PARKS WITHIN AN MHP ZONING DISTRICT RESTRICTED.**

(1) **General Prohibition; Exceptions.** No person shall park, locate or place any mobile home outside of a licensed mobile home park within an MHP Zoning District in the City of Richland Center except as follows:

(a) Unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for purposes of sales display;

(b) Unoccupied mobile homes may be parked on the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs, for an aggregate period not to exceed ten (10) days;

(c) Unoccupied mobile homes may be parked on premises leased or owned by the owner of such mobile home or in an accessory private garage, building, or rear yard of the owner of such mobile home for purposes of sales display for an

aggregate period not exceeding 120 days, provided no business is carried on therein.

(2) **Parking Mobile Homes On Streets.** No person shall stop, stand, or park a mobile home on any street, alley, or highway within the City in violation of chs. 340 to 348 of the Wisconsin Statutes or in violation of any traffic ordinance or regulation of the City of Richland Center.

#### **411.04 MOBILE HOME OCCUPANCY PERMITS.**

(1) **Preexisting Mobile Homes Located Outside of Parks.** Mobile homes legally located and occupied on premises outside a licensed mobile home park prior to the enactment of this Chapter may be continued in such location, provided that the owner of the premises on which such unit is located shall apply to the City building inspector within 60 days after the effective date of this Chapter for a use permit showing the date on which such use and occupancy commenced, the names of the owner and occupants and that such use and occupancy is otherwise in conformity with the applicable laws and regulations of the state and City. Such nonconforming use shall be automatically terminated upon a discontinuance for any reason for six (6) consecutive months or if the mobile home is damaged to the extent that the total cost of structural repairs and alterations to the mobile home exceed 50% of the net value of the property immediately prior to the damage as determined under section 411.10 of this Chapter.

(2) **Mobile Homes Moved Onto Licensed Parks.** The owner or occupant of a mobile home shall within five (5) days after moving a mobile home onto a licensed mobile home park or removing a mobile home from one park to another park within the City obtain a permit from the City Clerk. Such permits shall be issued only for mobile homes which comply with sec. 218.12, Wisconsin Statutes, or which bear a seal, stamp, or certificate of the manufacturer guaranteeing that the mobile home is constructed in accordance with the standards of the American National Standards Institute Book A 119.1.

(3) **Compliance With Codes.** All mobile homes shall comply with all applicable State and City fire, health, building and plumbing codes and rules, in addition to all provisions of this Chapter. Before a mobile home unit may be occupied, the mobile home owner or the person or licensed dealer selling such mobile home shall secure an inspection by the City Building Inspector to ascertain compliance with all such codes and rules, including this Chapter. Upon satisfactorily passing such inspection, an occupancy permit shall be issued by the City. No person shall occupy or permit any person to occupy any mobile home without first securing such an occupancy permit. The fee for such inspection and permit shall be set by the Common Council by resolution.

#### **411.05 MOBILE HOME PARK DEVELOPER'S PERMIT.**

(1) **Developer's Permit Required.** No person shall construct, alter, modify, or extend any mobile home park or mobile home park building or facility within the limits of the City of Richland Center without first securing a mobile home park developer's permit from the City. Such permits shall be issued by the City Clerk upon approval by the City Council. Such permit shall be in addition to a building permit or permits for all building or structures to be erected within the park.

(2) **Application for Developer's Permit.** An application for a mobile home park developer's permit shall be filed with the City Clerk with sufficient copies for the Clerk to forward one each to the Building Inspector, the Health Officer and the Fire Chief. The Building Inspector, Health Officer and Fire Chief shall investigate and review said application to determine whether the applicant, the premises on which said park will be located and the proposed design and specifications thereof and all buildings proposed to be constructed thereon will comply with the applicable regulations, ordinances, and laws of the state and City and report their findings in writing to the City Council within 60 days. Such reports shall be considered by the City Council before any permit is issued hereunder. Failure of any officer or body to report within the allotted time shall be deemed a favorable recommendation.

(3) **Fee for Developer's Permit.** Applications for mobile home park developers' permits shall be accompanied by a fee of \$250.00 to cover the cost of investigation and processing, plus regular building permit fees for all buildings or structures to be erected within the proposed park.

(4) **Required Contents of Applications.** Applications shall be made on forms furnished by the City Clerk and shall include the following information:

- (a) Name and address of the applicant.
- (b) Location and legal description of the proposed park, addition, modification, or extension.
- (c) A complete plot plan showing compliance with all applicable provisions of this Chapter, and the City's building code and zoning and subdivision ordinances.
- (d) Complete preliminary engineering plans and specifications, including a scale drawing of the pro-posed park showing, but not limited to:
  - 1. Plans and specifications of all utilities, including: sewerage collection and disposal, storm water drainage, water and electrical distribution and supply, refuse storage and collection, lighting, telephone and TV antenna systems.

2. The location and width of all roadways and walkways, buffer strips, recreational, and other common areas within the park.
  3. The location and outside dimensions of all mobile home spaces.
  4. A drawing of a typical mobile home space showing the placement of the stand within the space, parking area, garage, setbacks, lighting and landscaping.
  5. A landscape plan showing all plantings in common areas and greenbelt areas.
  6. Plans and specifications of all park buildings and structures.
  7. The location and size of all public streets, highways and sidewalks abutting the mobile home park and all street and sidewalk accesses from such streets, highways and sidewalks into the mobile home park.
- (e) The interest of the applicant in the proposed mobile home park or extension thereof (such as owner, partner, manager etc). If the owner of the tract is a person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him to construct and maintain the proposed park, addition, modification or extension and make the application.
- (f) Written statements describing proposed park operations, management, and maintenance, including proposed fees and charges and other requirements to be imposed on park occupants by the park operator.

**(5) Optional Inclusion of Area for Motor homes and Similar Vehicles.** A proposed mobile home park plan may include an area for short term parking of recreational vehicles, motor homes, trailer campers or similar dependent mobile homes, provided the plan also includes adequate provision for sanitary waste disposal facilities and other services deemed by the City Council to be reasonable and appropriate for such an area. The Council may allow the inclusion and use of such a short term parking area in the mobile home park if it deems the proposed use of such designated area and the availability of services to such vehicles are adequate and will not degrade the balance of the mobile home park or the surrounding area outside the park. Ordinance 1993-15

**(6) Final Plan Submission.** Final engineering plans and specifications complying with the provisions of this Chapter and any modifications or conditions imposed by the City Council shall be submitted to the City Clerk and checked by the proper City officials for compliance before the license is issued.

**411.06 STANDARD REQUIREMENTS FOR MOBILE HOME PARKS, ADDITIONS OR EXTENSIONS.** All mobile home parks and modifications of or additions or extensions to existing parks shall comply with the following:

(1) **Administrative Code Provisions Adopted.** Chapters H62 and HSS 177 and PSC 184, Wisconsin Administrative Code, are hereby made a part of this Chapter and incorporated herein by reference as if fully set forth; except that such regulations shall not be deemed to modify any requirement of this Chapter or any other applicable law or ordinance of the state or City which is more restrictive.

(2) **Minimum Size of Parks and Additions to Parks.** Mobile home parks shall contain a minimum of ten (10) acres. Additions to or extensions of mobile home parks shall contain a minimum of five (5) acres.

(3) **Mini Space Sizes.** An individual space for a single-wide mobile home shall be not Less than 5,000 square feet in area.

(4) **Setbacks.** Each mobile home space shall afford the following setbacks, measured from the closest point of a unit placed on the space to the closest point of the object of the setback:

- (a) 50 feet from the nearest point on the right-of-way limit of every public street or highway;
  - (b) 25 feet from the nearest point on the surfaced portion of any internal park drive or common area, including common parking areas;
  - (c) 40 feet from the nearest point on any exterior boundary line of the mobile home park;
  - (d) 20 feet from the nearest point on any other unit, building, or structure;
  - (e) 10 feet from the lot line; except that such setback from the lot line may be eliminated with the approval of the city council in a provision in the developer's permit issued pursuant to section 411.05 at the request of the applicant therefore in favor of an alternative lot line setback scheme wherein the long rear sides of the mobile home units may be placed on the long lot lines so as to eliminate rear yard areas; provided, however, that such alternative lot line setback scheme shall be established uniformly in such mobile home park or separate section thereof, and no placement of any mobile home unit pursuant to such alternative lot line setback scheme shall violate any other setback provision of this ordinance.
- Ordinance 1994-11.

Accessory structures, such as awnings, cabanas, storage sheds, utility buildings, storage cabinets, car-ports, windbreaks, or attached porches shall be considered part of the unit for purposes of determining compliance with this provision.

**(5) Municipal Water and Sewer Required.** No mobile home park shall be laid out, constructed, or operated without City water supply and sanitary sewer service. All water or sanitary sewerage facilities in any unit not connected to City water or sewer systems by approved pipe connections shall be sealed and their use is hereby declared unlawful. Individual valved water service connections shall be provided for direct use of each unit, so constructed and installed that they will not be damaged by frost or by parking of the unit. Meters shall not be set in crawlspaces, but must be set in manholes outside the mobile home at a proper depth to prevent freezing, and with provision made for mounting remote registers. All additional regulations on file in the office of the Richland Center Utilities shall also apply to installations. Water systems shall be adequate to provide a pure, potable water supply of 6 gallons per minute at a minimum pressure of 20 psi and capable of furnishing a minimum of 150 gallons per unit per day. Fire hydrants shall be installed not less than 500 feet from every mobile home stand and from every park building.

**(6) Liquid Waste Disposal.** All liquid wastes originating at units, service, or other buildings shall be discharged into a sewerage system extended from and connected with the City sewerage system. Such systems shall comply with all provisions of the state code and City ordinances relating to plumbing and sanitation. Each individual space shall be provided with a 3-inch watertight sewer connection protected from damage by heaving and thawing or by parking of the unit, and located within the rear one-third (1/3) of the stand, with a continuous grade, which is not subject to surface drainage, so constructed that it can be closed when not in use and trapped in such a manner that it can be kept odor free.

**(7) Other Waste Disposal.** Adequate provision shall be made for the disposal of solid and liquid wastes in a manner approved by the City Health Officer and Fire Chief. Open burning of waste or refuse is prohibited.

**(8) Utility Distribution System Requirements.** All television antenna systems, electrical, and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state, and local codes. Each space shall be provided with a weatherproof electrical over current protection device, disconnect means and branch service of not less than 60 amperes for 220 volt service located adjacent to the water and sewerage outlets. Receptacles shall be of the 4-pole-4-wire grounding type and have a 4-prong attachment for 110-220 volts.

**(9) Off-Street Parking Requirements.** A minimum of two (2) off-street parking spaces having an area of not less than 360 square feet and surfaced with bituminous concrete or similar material capable of carrying a wheel load of 4000 pounds shall be provided for each mobile home space.

**(10) Topographical and Other Conditions.** Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property, health, or safety of occupants of mobile home spaces or living units. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.

**(11) Landscaping Requirements.** Every space shall have at least two (2) trees planted upon it, of a species that normally exceeds thirty (30) feet in height at maturity. All yards shall be sodded or planted in lawn grass. Trees, grass and landscape materials shall be properly maintained and/or replaced as necessary to conform to the initial landscaping requirements.

**(12) Ground Cover Requirements.** Exposed ground surfaces (other than streets, sidewalks or parking areas or as otherwise required by this Chapter) in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

**(13) Drainage Requirements.** The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, sanitary, and efficient manner.

**(14) Support and Tie-down Requirements.**

(a) Before a mobile home is located on a space a stand consisting of one of the following shall be installed:

1. A slab of 6-inch thick concrete (3500 psi), with the number of tie-downs required below spaced at regular intervals.
2. Either 8" x 16" x 4" concrete blocks with a double tier of alternately crossed 8" concrete blocks ascending or a 16" x 16" x 4" square solid concrete base. All concrete blocks shall be installed with the hollow core in a vertical position. No I-beam or other part of a mobile home shall rest directly on the concrete blocks; wood shims shall be used between the blocks and the mobile home. There shall be a 6-inch thick gravel base under the entire area of the stand.

(b) Tie-downs and anchors are required on all mobile homes. Every tie-down strap and anchoring equipment shall be capable of resisting a working load of not less than 3,150 pounds and capable of withstanding a 50% overload (4,725 pounds)

without failure (for example, Type 1 Finish B, Grade 1 steel strapping, 1 ¼ inch wide and 0.035 inch thick conforming with Federal specifications Q-QS781-H). All accessory storage buildings shall be anchored. Mobile home tie downs and anchors shall be installed as follows:

MOBILE HOME SIZE	NUMBER OF OVER-THE-ROOF TIES REQUIRED	NUMBER OF FRAME TIES REQUIRED		
		2' Pier	3' Pier	4' Pier
44' x 12'	2	4	5	5
52' x 12'	2	5	5	6
54' x 12'	2	5	6	7
60' x 12'	2	5	6	7
65' x 12'	2	6	7	8
70' x 12'	2	6	7	9
74' x 12'	2	6	8	9
54' x 14'	2	4	5	6
60' x 14'	2	5	5	6
65' x 14'	2	5	6	7
70' x 14'	2	6	7	8
76' x 14'	2	6	7	8
80' x 14'	2	7	7	8
80' x 16'	2	7	8	8

**(15) Lighting Requirements.** All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

- (a) All parts of the park street systems: 0.6 foot-candles, with a minimum of 0.1 foot candles.
- (b) Potentially hazardous locations, such as major park street intersections and steps or stepped ramps, individually illuminated with a minimum of 0.3 foot-candles.

**(16) Interior Street Access and Paving Requirements.** All mobile home spaces shall abut upon interior street. Minimum widths of interior streets within a mobile home park shall be as follows:

If no parking is allowed either side of the street: 18 feet

If no parking is allowed on one side of the street: 28 feet

If no parking is allowed on both sides of the street: 36 feet

All interior streets shall be paved with a smooth, hard, and dense surface such as hot mix asphalt or portland cement, which shall be will drained under normal use and weather conditions for the area. Pavement edges shall be curbed or protected to prevent raveling of the wearing surface and shifted of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than 8%, provided a maximum grade of 12% may be used if approved by the City Director of Public Works.

**(17) Sidewalk Requirements.** All mobile home parks shall be provided with pedestrian walks of not less than three (3) feet in width. Such walks shall connect each individual mobile home space with all recreational areas and other community facilities within the park and with either the public street or the park road at a location where school buses can pick up children. Grade and surfacing of walks shall be approved by the City Director of Public Works as safe and comparable to sidewalks in other areas of the City subject to similar usage.

**(18) Greenbelt Requirements.** All mobile home parks shall have a greenbelt or buffer strip not less than five (5) feet wide along all of the outside boundaries of the park. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth, a berm or a screen fence, except where the adjoining property is also a mobile home park screening is not required on the common boundary between the mobile home parks. Compliance with this requirement shall be made within one (1) year from the granting of the mobile home park developer's permit; failure to so comply shall be grounds for non-renewal of the mobile home park license. Permanent plantings shall be grown and maintained at a height of not less than six feet (6'). Screening or planting requirements may be waived or modified by the City Council if it finds that the exterior architectural appeal and functional plan of the park when completed will be materially enhanced by modification or elimination of such screen planting requirements.

**(19) Recreation Area Requirements.** In all mobile home parks there shall be one or more recreation areas easily accessible to all park residents. Such areas shall include a total minimum area of 4,000 square feet for each 12 lots or fraction of 12 lots in the park. No single recreation area shall contain less than 2,000 square feet, and shall be not less than 20 feet wide at the narrowest dimension. Recreation areas shall be so located as to be free of traffic hazards and convenient to mobile home spaces which they serve.

**(20) Uses: Permitted and Conditional.** Single family nondependent mobile homes and approved accessory structures included in the original plans and specifications or revisions thereof, parks, playgrounds, open space, off-street parking lots, one park office, and service buildings for exclusive use of park residents shall be the only permitted uses in mobile home parks. The following shall be conditional uses in mobile home parks, when designed and limited to exclusive use of park residents:

- (a) Laundromats.
- (b) Clubhouses and facilities for private, social, or recreation clubs.
- (c) Swimming pools.

**(21) Signs.** No signs shall be erected in mobile home parks except signs pertaining to the lease, hire, or sale of individual mobile homes not more than three (3) square feet in area and one mobile home park identification sign not more than sixteen (16) square feet in area at each park entrance.

**(22) Vehicular Access from Public Streets.** All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space. Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

**(23) Service Buildings.** Service buildings housing sanitation facilities or other facilities of a mobile home park shall be constructed of in the manner and with materials typical of a permanent, all weather structure.

**(24) Standards are Minimums.** The standards and requirements for mobile home park design, layout, and development contained in this section are intended to be minimum standards necessary to create a safe, sanitary, healthful, agreeable, and urbane environment in mobile homes and mobile home parks in the City of Richland Center. The express enumeration of such standards shall not preclude the City Council by resolution or bylaw or express written agreement with the mobile home park owner or developer from imposing additional requirements or modifying the requirements set forth in this Chapter whenever it shall determine that such modifications or additions are more likely to achieve the purposes of this section than those set forth herein and will not conflict with applicable laws of the state or City.

#### **411.07 MOBILE HOME PARK OPERATOR'S LICENSE.**

**(1) License Required.** No person shall operate, administer, or maintain a mobile home park within the City of Richland Center without a valid, unexpired mobile home park license issued by the City Clerk and approved by the City Council upon determination that the standards in this section have been met and payment of the required fee.

**(2) License Term.** A mobile home park licenses shall be issued for a ore (1) year term and shall expire on June 30 next succeeding the date of issue. Licenses may be issued after July 1 of any license year but no pro-ration, rebate or diminution of the fee shall be allowed for a short or part License year.

- (3) **License Fee.** The fee for a one year mobile home park license shall be \$100 for each 50 mobile home spaces or fraction thereof. Licenses may be transferred during a license year for a fee of \$10.
- (4) **License Revocation or Suspension.** Licenses granted under this section shall be subject to revocation or suspension by the City Council for cause in accordance with sec. 66.058 (2) (d), Wis. Stats. "Cause" as used in this subsection shall include, but not be limited to:
- (a) Failure to neglect to abide by the requirements of this Chapter or any other City ordinance or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.
  - (b) Conviction of any offense under the laws of the state or ordinances of the City relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease, or operation of park facilities.
  - (c) Operation or maintenance of the mobile home park in a manner inimical to the health, safety, or welfare of park occupants or the inhabitants of the City of Richland Center; including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards, morals, or nuisances.
  - (d) Transfer or sale of an ownership interest in any mobile home space or the underlying land to any person other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state and municipal subdivision control laws and regulations regardless of the size or number of Lots or spaces so transferred or sold.
- (5) **Conditions of Licensing.** Except as provided in paragraph (6) of this section, no mobile home park license shall be granted, issued or renewed for any premises or to any person not meeting the following standards and requirements:
- (a) All standards and requirements set forth in section 411.05 of this Chapter except as specifically waived or modified in writing by the City Council and endorsed on the mobile home park developer's permit. This requirement includes a valid certificate from the Wisconsin Department of Health and Social Services that the park complies with the provisions of chap. H 77, Wis. Admin. Code applicable thereto.
  - (b) Mobile home parks shall be used only for the parking and occupancy of single-family nondependent mobile homes and accessory structures and appurtenances and uses authorized and approved under sec. 411.05 of this Chapter.

- (c) The applicant shall file with the approving officer certificates of the building inspector and health officer certifying that all equipment, roads, sanitary facilities, water facilities, and other equipment and facilities, including roads, have been constructed, or installed in the park as requirements of operation at the time of said application.
- (d) Location and operation of the park shall comply with all zoning and land use ordinances of the state and City and no permit shall be issued until the proposed use has been certified by the building inspector as complying with such ordinances.
- (e) All of the conditions precedent set forth in Chapter 300 of the Code of Ordinances shall have been met.

**(6) Grandfather Clause: Preexisting Parks.**

- (a) Mobile home parks in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks located upon lands hereafter annexed the City, shall be exempt from the following requirements of this Chapter:

1. 411.06 (3) Minimum Space Sizes.
2. 411.06 (4) Setbacks.
3. 411.06 (16) Interior Street Access and Paving Requirements.
4. 411.06 (17) Sidewalk Requirements.
5. 411.06 (18) Greenbelt Requirements.
6. 411.06 (19) Recreation Area Requirements.

Provided the park complied with the applicable laws and ordinances in effect at the time of issuance of the original license.

- (b) The owner of any mobile home park in existence and operating under a valid mobile home park license upon the effective date of this Chapter, including parks located upon lands hereafter annexed to the City, shall file application for a mobile home park developer's nonconforming use permit and comply with all other provisions of this Chapter except those exempted herein within six (6) months after the effective date of this Paragraph.
- (c) An existing mobile home park having a density in excess of that provided in par. 411.05 (3) shall no increase its density and shall be operated in all other respects in accordance with this Chapter, except as specifically exempted under subpar. (a) above. The City Council may extend the time for compliance as herein required upon such conditions as it shall determine necessary to protect the health, safety,

and welfare of park occupants or inhabitants of the City. All extensions, modification, or additions to lawfully licensed existing parks or facilities or structures therein shall comply fully with this Chapter, and shall not be subject to the exemptions set forth in subpar. (a) above.

Ordinance 1993-15

**(7) License Bond Required.** Each applicant for an original or renewal license shall file with the City Clerk a bond in the sum of \$1,000.00 for each 50 mobile home spaces or fraction thereof guaranteeing the collection by the licensee of the monthly parking permit fees as provided in section 411.01 of this Chapter and the compliance of licensee and the park management with the provisions of this Chapter. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Chapter. Such bond may consist of the deposit of such amount in a deposit account in the name of the City with delivery of the certificate evidencing the account to the City Clerk, or a commercial bond.

#### **411.08 OPERATION OF MOBILE HOME PARKS: RESPONSIBILITIES OF PARK MANAGEMENT.**

**(1) Office Required.** In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall at all times be kept in said office.

**(2) Duties of Park Operator.** The attendant or person in charge of the park and the park licensee shall operate the park in compliance with this Chapter and regulations of the City and state and their agents or officers and shall have the following duties:

- (a) Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
1. Names and addresses of all owners and occupants of each mobile home.
  2. Number of children of school age.
  3. Occupants' State of legal residence.
  4. Dates of entrance and departure of each mobile home.
  5. Make, model, year, and serial number or license number of each mobile home and towing vehicle
  6. Place of employment of each occupant, if any.

- (b) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of law which may come to their attention.
- (c) Notify the City Health Officer immediately of any suspected communicable or contagious disease within the park.
- (d) Supervise the placement of each mobile home on its stand, which includes securing its stability and installing all utility connections and tie-downs.
- (e) Maintain park grounds, buildings, and structures free of insect and rodent haborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.
- (f) Maintain the park free from growth of noxious weeds.
- (g) Maintain the park free of litter, rubbish, and other flammable materials; provide portable fire extinguishers of a type approved by the Fire Chief in all locations designated by the Fire Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.
- (h) Provide every mobile home unit with a substantial, fly-tight, watertight, rodent-proof container for the deposit of garbage and refuse in accordance with the ordinances of the City and the regulations of the City Health Officer. The management shall provide stands for all refuse and garbage containers so designed as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
- (i) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the ordinances and regulations of the City, including regulations promulgated by the City's Health Officer and Fire Chief.
- (j) Collect the monthly parking permit fee and cash deposits for each occupied nonexempt mobile home within the park and remit such fees and deposits to the City Clerk as required by section 411.10 of this Chapter.
- (k) Allow inspections of park premises and facilities at reasonable times by City officials or their agents or employees as provided by par. 411.09 (2) of this Chapter.

#### **411.09 RESPONSIBILITIES AND DUTIES OF MOBILE HOME PARK OCCUPANTS.**

- (1) Compliance with Ordinance.** Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities, and equipment in good repair and in a clean and sanitary condition.
- (2) Placement on Stand; Utility Connections.** Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (3) Pets.** No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (4) Monthly Parking Fee.** Each owner or occupant of a nonexempt mobile home within a mobile park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee as required by section 10 of this Chapter.
- (5) Permitting Access for Regulatory Purposes.** It shall be the duty of every occupant of a park to give the park licensee or management, or his or its agents or employees, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or ordinance of the United States, State of Wisconsin or City of Richland or any lawful regulation or order adopted there under, it shall also be the duty of every occupant of a park to allow inspections at reasonable times by City officials or their agents or employees as provided by par. 411.09 (2) of this Chapter.
- (6) Parking Only on Stands.** Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.
- (7) Conducting Businesses in Mobile Homes.** No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted uses in single-family residential districts in the City.
- (8) Waste Water Discharge.** No person shall discharge any waste water on the surface of the ground within any mobile home park.

**(9) Placement of Structures.** No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

**411.10 ADDITIONAL REGULATIONS APPLICABLE TO MOBILE HOMES AND MOBILE HOME PARKS.**

**(1) Old, Dilapidated, Non-Certified or Undersize Mobile Homes Prohibited.**

- (a) No nondependent mobile home which does not meet the requirements for and display a certification and label by the US Department of Housing and Urban Development under 42 U.S. Code secs. 5401 to 5406 shall be kept or stored in a mobile home park or upon any premises in the City.
- (b) No nondependent mobile home less than fourteen feet (14') in width shall be kept or stored in a mobile home park or upon any premises in the City. Mobile homes less than 14 feet in width which were in place prior to the effective date of this Chapter may be maintained in place, but shall not be replaced with any mobile home less than 14 feet in width.
- (c) No wrecked, damaged, or dilapidated mobile home shall be kept or stored in a mobile home park or upon any premises in the City. Any existing mobile home which becomes wrecked, damaged or dilapidated shall be forthwith removed from the City.
- (d) The City Health Officer and Building Inspector shall jointly determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. A mobile home found unfit for human occupancy is hereby declared to be a public nuisance. Whenever the Health Officer and Building Inspector so determine, they shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary, and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days after giving such notice.

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**(2) City Inspection.** The City Health Officer, City Building Inspector, City Fire Chief, City Board of Health, or their lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every 12-month period to determine the condition of the park in regard to matters affecting the health, safety, and

welfare of the occupants of the park and inhabitants of the City as affected thereby and to further ascertain the compliance of structures and activities therein with the provisions of this Chapter and all other applicable laws of the State and ordinances of the City. Denial of access to such officials or their duly appointed deputies or employees shall be ipso facto grounds for suspension, revocation or non-renewal of the mobile home park license.

**(3) Use of Fire.** Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the fire chief.

**(4) Standards for Repairs.** All plumbing, building, electrical, oil or gas distribution, alterations, or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances, and regulations of the state and of the City and their authorized agents.

**(5) Skirting Required.** All mobile homes in mobile home parks shall be skirted unless the unit is placed within one foot vertically of the stand. Such skirting shall be soil or other material which completely closes the space between the surface of the stand and the bottom of the mobile home from view and from entry by rodents and vermin, and shall be maintained in a color and condition which generally enhances the appearance of the space. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.

**(6) Additions to Mobile Homes.** No person shall construct, add to or alter any structure, attachment, or building in a mobile home park or on a mobile home space without a building permit from the City building inspector. Construction on, or addition, or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to addition of awnings, antennae, or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback, side yard, and rear yard requirements for mobile home units.

**(7) Storage Under Mobile Homes Prohibited.** Storage under mobile homes is prohibited.

**(8) Conditional Use Permits for Dealership.**

(a) The City Council may issue a conditional use permit to authorize the owner of the mobile home park to become licensed by the State of Wisconsin as a dealer for mobile homes. The following restrictions will apply to sale and stocking of mobile homes in addition to any other conditions which might be imposed on the issuance of specific permits:

- a. Mobile Homes inventoried for sale by the owner/dealer shall be located on sites in the park rather than located in an open sales lot.
  - b. The number of homes for sale at any one time shall not exceed three (3) units.
  - c. The units shall have proper tie downs.
  - d. New units only
- (b) The initial permit issued pursuant to this sub-section shall be for no longer than one (1) year; subsequent renewals may be issued for such longer periods as the City Council may grant in such renewals.

**411.11 MONTHLY PARKING FEE.**

**(1) Fee Imposed.** There is hereby imposed on each owner of a nonexempt, occupied mobile home in the City, a monthly parking permit fee determined in accordance with sec. 66.058 (3), Wisconsin Statutes. It shall be the full and complete responsibility of the mobile home park licensee to collect the proper amount from each mobile home owner or occupant. Licensees and owners and occupants of mobile homes permitted to be located on land outside a mobile home park and owner of lands on which such homes are parked shall pay to the City Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this Chapter and such reasonable regulations as the Treasurer may promulgate.

**(2) Duty to Notify City.** Licensees of mobile home parks and the record titleholders of land upon which are parked any occupied, nonexempt mobile homes shall furnish information to the City Clerk and City Assessor on such homes added to their park or lands within five (5) days after entry of such homes into the City on forms furnished by the Clerk in accordance with sec. 66.058 (3) (c) and (e) of the Wisconsin Statutes.

**(3) Collection of Fees.** Owners of nonexempt occupied mobile homes, upon receipt of a notice from the City Clerk of their liability for the monthly parking permit fee, shall remit to the City Clerk a cash deposit of \$25 to guarantee payment of such fees when due to the City Treasurer. It shall be the full and complete responsibility of the licensee of a mobile home park or owner of land on which the occupied mobile home is parked to collect such cash deposits from each occupied, nonexempt mobile home therein and remit such deposits to the City Clerk. Upon receipt of a notice from the owner or licensee that the nonexempt occupied mobile home has been or is about to be removed from the City, the Clerk shall direct the City Treasurer to apply said cash deposit to the balance due or to become due for any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

**411.12 PENALTIES.**

(1) **Forfeiture.** In addition to the penalties imposed by section 411.06, any person violating any provisions of this Chapter or failing to perform any duty imposed hereunder or committing any act prohibited hereby shall upon conviction thereof forfeit not less than \$50 nor more than \$400 together with the costs of prosecution and all applicable assessments, and in default of payment of such forfeiture and costs shall, upon order of the Circuit Court, be imprisoned in the Richland County Jail until payment is made, but not exceeding 90 days for each violation, provided that the forfeiture for violation of section 411.10 (3) shall not exceed \$25 plus costs and assessments. Each day of violation of any provision of this Chapter shall be deemed to constitute a separate offense.

(2) **Other Remedies.** In addition to the imposition of a forfeiture, the City may in appropriate circumstances proceed against any violation of this Chapter by means of injunction or other remedy available to it. Such proceeding shall not be deemed waived by the imposition of a forfeiture for the same violation, nor shall the imposition of a forfeiture be deemed a waiver of any other available remedies.