

COMPREHENSIVE EXTRATERRITORIAL ZONING
ORDINANCE AND MAP FOR THE TOWN OF RUBICON

January 4, 2007

INTRODUCTION

AUTHORITY

This ordinance is adopted under the authority granted by Sections 62.23 (7) (a) of the Wisconsin Statutes as amended.

TITLE

This ordinance shall be known as, referred to, and cited as the "**COMPREHENSIVE EXTRATERRITORIAL ZONING ORDINANCE FOR THE TOWN OF RUBICON**", of the CITY OF HARTFORD, WISCONSIN and the TOWN OF RUBICON, WISCONSIN.

PURPOSE & INTENT

The purpose of this Ordinance is to promote the most appropriate use of land in the Town of Rubicon, Wisconsin within the extraterritorial jurisdiction of the City of Hartford, Wisconsin, that would minimize the competitive impact to the City.

It is the general intent that this Comprehensive Extraterritorial Zoning Ordinance for the Town of Rubicon be used in the regulation and mapping of zoning district classifications as set forth herein.

More specifically, it is the intent of this Ordinance and both its text and map components to regulate and restrict the use of all structures, lands, and waters; and to:

- a) Regulate Lot Coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;
- b) Regulate Population Density and Distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;
- c) Regulate Parking, Loading, and Access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- d) Secure Safety from fire, flooding, pollution, contamination, and other dangers;
- e) Stabilize and Protect property values;
- f) Preserve and Protect the natural as well as man-made aesthetic characteristics of the extraterritorial area;
- g) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- h) Provide for the administration and enforcement of this Ordinance; and to provide penalties for the violation of this Ordinance.

1.0101 ABROGATION AND GREATER RESTRICTIONS

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

1.0102 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Hartford.

1.0103 SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

If the Intermunicipal Agreement between the City of Hartford and the Town of Rubicon is declared void by a court of competent jurisdiction, the Common Council of the City of Hartford shall, within ninety (90) days, vote to nullify this Ordinance upon the request of the Town of Rubicon Board.

This Ordinance shall not go into effect unless and until an Intermunicipal Agreement between the City of Hartford and the Town of Rubicon has been approved by both the Hartford Common Council and the Rubicon Town Board

1.0104 TERM

This Ordinance shall be in effect for a period of twenty-five (25) years unless mutually extended by the Common Council of the City of Hartford and the Town of Rubicon Board.

1.0105 REPEAL

All other ordinances or parts of ordinances of the Town of Rubicon inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed

SECTION 1.0200--GENERAL PROVISIONS

1.0201 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within all of Sections 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36 of Town 10 North, Range 17, East, Town of Rubicon, Dodge County Wisconsin except that portion annexed to the corporate limits of the City of Hartford.

1.0202 COMPLIANCE

No structure, land, or water shall hereafter be used or developed and, no structure or part thereof shall hereafter be located, erected, moved, substantially improved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

1.0203 MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all required permits. State agencies are required to comply if Section 13.48 (13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when Section 30.12 (4) (a) of the Wisconsin Statutes applies.

1.0204 USE RESTRICTIONS AND REGULATIONS

The following use restrictions and regulations shall apply:

- a) Principal Uses: Only those principal uses specified for a district and their essential services shall be permitted in that district.
- b) Accessory Uses and structures are permitted in any district but not until their principal use and/or structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except for permitted home occupations and professional home offices, as defined in this Ordinance. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's quarters and watchmen's quarters not for rent; fences; private swimming pools; and private emergency shelters. Detached accessory uses in residential districts shall not be located in the street or side yards of a principal use structure.
- c) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the City of Hartford Plan Commission (*hereinafter the Plan Commission*) and when permitted, requiring special zoning district map delineation in accordance with Sections 1.0300 and 1.0400.
- d) Unclassified or Unspecified Uses may be permitted by the Plan Commission after review provided that such uses are similar in character to the uses permitted in the zoning district. If a decision on such uses can not be reached by the Plan Commission, the Extraterritorial Zoning Board of Appeals (*hereinafter the Zoning Board of Appeals*) may, after review, permit such uses.
- e) Temporary Uses, such as temporary offices, construction offices, and shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator for a maximum one (1) year period while sales or construction are in progress.
- f) Corner Lots shall include street yard setbacks on all street frontages but shall include no rear yard requirement.
- g) Conceptual Approval of planned unit developments (PUD'S), group housing, multiple-family, commercial, industrial or mixed-use projects may be granted by the Plan Commission. Such conceptual approval shall serve as a notice of intent to formally approve a project when detailed plans meeting the requirements of this Ordinance and conditions set by the Plan Commission are submitted in a formal application. Conceptual approval shall not, however, be binding on the Plan Commission or the Common Council. In such cases, the Plan Commission may require a public hearing conforming to the review procedures set forth in Sections 1.0300 and 1.0400 of this Ordinance.
- h) Permitted Obstructions in Required Yards. The following shall not be considered as obstructions when located within or over any yard: awnings or canopies; steps four feet or less above grade which are necessary for access to a permitted structure; bay windows, chimneys, flues, sills, eaves, belt courses, and ornaments projecting three (3) feet or less into the yard; arbors and trellises; flag poles; ornamental light standards; lawn furniture; sun dials; bird baths; landscaping; driveways as permitted by Section 1.0500; signs as permitted by Section 1.0600; fences as permitted by Section 1.0403.

The following shall not be considered as obstructions when located within or over any side or rear yard: open terraces and decks not more than two (2) feet above the adjacent ground level and no closer than five (5) feet to a property line; recreational equipment; laundry drying equipment; air conditioning condensers; accessory uses permitted by Section 1.0403.

1.0205 SITE RESTRICTIONS AND REGULATIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, and general welfare of this community. The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify, or withdraw its determination of unsuitability. In any event, the following requirements must be met:

- a) All lots or ownership parcels shall abut upon a public street, road, or highway and each lot shall have a minimum frontage of 90 feet.
- b) Except in an approved Planned Unit Development (PUD) all principal structures in single-family and two-family residential districts shall be located on a lot; and only one (1) principal structure shall be erected, or moved onto a lot. Construction of accessory uses on a lot under the same ownership of an abutting lot on which a principal use structure is located will not be permitted without a conditional use permit. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is either needed or suitable for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements or require a minimum separation distance between principal structures.
- c) No Zoning Permit shall be issued for a lot or parcel which abuts Public Street dedicated to only a portion of its proposed width and located on that side thereof from which required dedication has not been secured.
- d) Structures or plantings proposed to be located within the defined "Horizontal Area of Solar Detriment" of an existing use having an operational active solar system may not be placed either initially or at some future date so as to intrude into the defined "Vertical Area of Solar Detriment" of the existing use.

1.0300 ZONING DISTRICT TABLE

- a) For the purpose of this Ordinance, The portion of the Town of Rubicon, Wisconsin within the extraterritorial jurisdiction of the City of Hartford is hereby divided into seven (7) basic use districts:

R-1	Single-Family Residential
R-2	Two-Family Residential
C-1	General Commercial
C-2	Extensive Commercial
I-2	Industrial
A-2	General Agricultural
Inst-1	Institutional

- b) Boundaries of the above listed districts are hereby established as shown on the maps entitled "Zoning District Map No. 1 Town of Rubicon, Wisconsin within the extraterritorial

jurisdiction of the City of Hartford” which accompany and are thereby made a part of this Ordinance.

- c) The District boundaries in all districts shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended.
- d) Land Divisions within the extraterritorial jurisdiction of the City of Hartford are subject to the Town of Rubicon Land Division Code, the City of Hartford Subdivisions Ordinance, and the Dodge County Land Use Code.
- e) Use Tables are included below

RESIDENTIAL USES	R-1	R-2	C-1	C-2	I-2	A-2	Inst-1
Single Family Dwelling Unit (1 Unit per Lot)	P					P	
Single Family Dwelling Unit (2 Units per Lot)						C	
Two-Family Dwelling Unit		P				C	
Multi-Family Dwelling Unit			CA	CA			
Mobile Home Parks							
Group Living Facility							
Seasonal Housing for Farm Workers						C	
Residential Garage (Attached or Detached)	PA	PA	CA	CA		PA	
Shed	PA	PA				PA	
Pool	PA	PA				PA	

INSTITUTIONAL USES	R-1	R-2	C-1	C-2	I-2	A-2	Inst-1
Airports							
Cemeteries			C	C	C	C	P
Cultural Institutions			P	P			P
Hospitals							
Parks and Open Space (Public or Private):							
1. Golf Course/Driving Range			C	C	C	C	
2. Nature Preserves	P	P	P	P	P	P	
3. Parks, Trails, Playgrounds	P	P	P	P	P	P	P
Public Assembly Areas:							
1. Community Center			P	P			P
2. Convention Hall							P
3. Town Hall			P	P	P		P
Safety Services			P	P	P	P	P
Schools			P	P	P	P	P
Basic Utilities	P	P	P	P	P	P	P

KEY

R-1	Single-Family Residential
R-2	Two-Family Residential
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P	Permitted Use
C	Conditional Use
PA	Permitted Accessory Use
CA	Conditional Accessory Use
	Prohibited Use

COMMERCIAL USES	R-1	R-2	C-1	C-2	I-2	A-2	Inst-1
Adult Entertainment				C			
Animal Sales And Services:							
1. Animal Hospitals & Shelters			C	P		C	
2. Horse Boarding & Riding Facilities				C		P	
3. Kennels			C	P		C	
4. Pet Shops			P	P			
Day Care Facilities	P	P	P	P	P	C	
Eating & Drinking Establishments:							
1. Restaurants			P	P			
2. Restaurants with Bars			C	C			
3. Restaurants with Drive-Thru Service				C			
4. Taverns			C	C			
Financial Institutions			P	P			
Food & Beverage Sales:							
1. Beer & Liquor Stores			C	C			
2. Convenience Stores			P	P			
3. Fruit & Vegetable Markets			P	P			
4. Grocery Stores			P	P			
5. Roadside Stands			C	C		P	
Indoor Recreation & Entertainment			C	P			
Landscaping Businesses			C	C	P	C	
Lumber Yards & Building Supplies			C	C	P		
Office Businesses and Professional Uses:							
1. Home Occupations	P	P	P	P		P	
2. Medical and Dental Clinics			P	P			
3. Professional Offices & Studios			P	P			
4. Veterinary Clinics			P	P		C	
Retail Sales and Services:							
1. General Retail			P	P			
2. Auction Services				C	C	C	
3. Service & Repair			P	P	P	C	
Telecommunications:							
1. Offices			P	P			
2. Communication, Radio, Television Towers			C	C	C	C	
Vehicles & Equipment:							
1. Car Washes			C	P			
2. Fuel Stations			C	P			
3. Machinery & Equipment Sales & Storage				C			
4. Motor Vehicle Sales & Rental				P			
5. Vehicle Service & Repair				C	C		
Visitor Accommodations:							
1. Bed & Breakfasts			C	C			
2. Hostels			C	C			
3. Hotels, Motels, Resorts							

KEY

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	Prohibited Use

Industrial Uses	R-1	R-2	C-1	C-2	I-2	A-2	Inst-1
Industrial Services:							
1. Agricultural Services					C	C	
2. Machinery & Equipment Repair				C	P	C	
3. Printing & Publishing			P	P	P		
4. Propane Gas Distributors				C	C		
5. Sawmills					C		
Manufacturing & Production:							
1. Animal Feed Preparation					A		
2. Fertilizer Production					C		
3. Food Processing					C		
4. Power Generation & Transmission					C		
Resource Extraction & Processing:							
1. Mineral Resource Processing					C	C	
2. Quarrying & Mineral Extraction					C	C	
3. Soil & Peat Removal						C	
Warehousing & Transportation:							
1. Contractor's Offices & Storage Yards					P		
2. Feed Mills, Granaries, and Elevators					P	C	
3. Food Storage Warehouse					P		
4. Freight Yards					P		
5. Outdoor Storage Areas				C	C		
6. Road Maintenance Equipment Storage					P		P
7. Self-Service Storage				C	P		
8. Transportation Terminals					P		
9. Trucking Companies					P		
10. Warehousing					P		
Waste Related Uses:							
1. Disposal of Sewage, Rubbish, or Offal					C	C	
2. Incinerators					C		
3. Recyclables Collection					P		P
4. Recyclables Processing					P		P
5. Salvage & Junk Yards					C		
6. Sanitary Landfills					C		
7. Sewage Treatment Facilities					C		

Agricultural Uses	R-1	R-2	C-1	C-2	I-2	A-2	Inst-1
Animal Confinement Facilities:							
1. General Livestock						C	
2. Fur Farms						C	
3. Stockyards & Livestock Sales						C	
4. Agricultural Trucking Companies					P	C	
Aquatic Species Raising						P	
General Farming						P	
Harvesting of Wild Crops						P	
Horticulture:							
1. Greenhouses				P	C	P	
2. Plant Nurseries				P	C	P	
3. Tree Farming						P	

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1.0400 MEASUREMENTS AND EXCEPTIONS

1.0401 INTENSITY AND DIMENSIONAL STANDARDS TABLE

Table of Dimensional Standards

	R-1	R-2	C-1	C-2	I-2	A-2	Inst-1						
Minimum Lot Area (sq. ft)													
-Not served by public sewer	65,340	65,340	65,340	65,340	65,340	65,340	65,340						
-Served by public sewer	18,000	18,000	18,000	18,000	18,000	18,000	18,000						
Maximum Residential Lot Area (sq. ft)*	None	None	None	None	-	-	-						
Minimum Lot Width (feet)													
-Not served by public sewer	150	150	150	150	150	150	150						
-Served by public sewer	90	90	90	90	90	90	90						
Minimum Setbacks (feet)**	See Right-of-Way Setback Table												
-Street													
-Side								10	10	10	10	10	10
-Rear								25	25	25	25	25	25
Maximum Height (feet)	40	40	65	65	65	40	65						
Maximum Lot Coverage	20%	20%	70%	50%	50%	10%	50%						

***Note:** In the A-2 District, no more than 87,120 square feet of a lot can be used for residential purposes.

****Note:** Livestock Barns must be setback at least 100 feet from any residential structure.

1.0402 ADDITIONAL REGULATIONS

For lots not served by public sewer, soil and site evaluation may require larger lot areas. A lot shall contain sufficient area for a building site and sanitary system without encroaching on environmentally sensitive areas and access to the building site shall not cross an environmentally sensitive area.

Right-of-Way Setback Table

Type of Property & Abutting Roadway	From Right-of-Way
For Properties Served by Public Sewer: Streets and Town Roads Setback (feet)	27
For Properties Not Served by Public Sewer: Streets and Town Roads Setback (feet)	42
Federal, State, and County Trunk Highways Setback (feet)	67

1.0403 HEIGHT MEASUREMENT AND EXCEPTIONS

a) Exceptions

Zoning district height limits do not apply to:

- 1) Architectural projections, such as belfries, cupolas, spires, domes, monuments, chimneys, or chimney flues.
- 2) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, smoke stacks, and flag poles.

3) Essential services, including utilities, water towers, electric power and communication transmission lines.

b) Communication Structures

Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height 3 times their distance from the nearest lot line, or a height equal to the distance of the tower from any residential structure, whichever height is less. In addition, no tower or structure or any projecting aerial shall exceed 500 feet in height,

c) Power Generation and Transmission Structures

Windmills for power generation shall not exceed 125 feet in height.

d) Agricultural Structures

Agricultural structures, such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line and windmills for shall not exceed 125 feet in height.

e) Public or Semi-Public Facilities

Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanitariums, governmental offices and stations, may be erected to a height of 65 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height distance.

1.0404 ACCESSORY USES

a) Accessory Uses. Permitted accessory structures and uses include, but are not limited to, the following list of examples.

- 1) Private detached garages or carports, with the garage wall not to exceed 10 feet in height.
- 2) For all lots located within the R-1 or R-2 Residential Zoning Districts, no single accessory building shall exceed 1,500 square feet in area.
- 3) Private swimming pools and cabanas.
- 4) Fences, walls, and permanent barbecue stoves.
- 5) Satellite television antennas and conventional antennas.
- 6) In addition, dwellings for proprietors and employees of the use, barns, storage of grain, machinery storage, animal raising, feed preparation, and wholesale sales of products produced on-site are permitted accessory uses and structures in the A-2 Agricultural District.

b) Bulk Regulations. Except as otherwise provided by this Ordinance, all accessory structures and uses shall observe the bulk regulations of the district in which they are located, provided that:

- 1) Detached accessory structures in residential districts, except fences, and satellite and conventional antennas.

- a. Minimum side yard: 10 feet.
- b. Minimum rear yard: 10 feet.
- c. Minimum building separation: No detached accessory structure may be located less than ten (10) feet from any structure on the lot.

2) Swimming Pools.

- a. A fence or wall with no openings or breaks, except for gates, not less than four (4) feet in height must be placed around the pool or lot on which the pool is located, or the pool must be constructed with a self-contained fence and retractable ladder. If a pool is four (4) feet in height above surrounding grade, no fencing is required; however, a fold-up ladder which can be locked in the up position shall be required.
- b. Swimming pools shall not be located closer than four (4) feet to any wall, fence, or structure.

3) Fences and Walls.

In all districts where fences are constructed which have only one finished or decorative side, the finished or decorative side must face the neighboring parcels.

- a. Residential Districts/Residential Areas in Agricultural Districts. Decorative semi-open fences may be constructed and maintained in a required street yard setback to a maximum height of four (4') feet and shall be set back at least one (1') foot from the street side property line. Decorative, opaque fences up to six (6') feet in height may be allowed in a street yard provided that the fence complies with the minimum street yard building setback requirements. Fences up to six (6') feet in height shall be permitted in the interior side yard and rear yard provided that they are constructed within the lot boundaries.
- b. Industrial Districts. Fences are permitted in any required yard and shall not exceed a height of ten feet (10'). Barbed wire may be used, but not on any portion of the fence below eight feet (8').
- c. Business Districts. Fences are permitted in the required side yard or rear yard and shall not exceed a height of ten feet (10'). Barbed wire may be used, but not on any portion of the fence below eight feet (8').
- d. Institutional Districts. Fences are permitted in any required yard and shall not exceed a height of ten feet (10'). Barbed wire may be used, but not on any portion of the fence below eight feet (8').
- e. Agricultural Districts. Fences are permitted in any required yard and shall not exceed a height of ten feet (10'). Barbed wire and electrically charged wire may be used.
- f. Fences or walls constructed in whole or in part of electrically charged wire, barbed wire, spikes, glass, protruding nails, or other sharp or pointed material shall be prohibited unless specifically permitted herein.

1.0405 CORNER LOTS

All yards abutting a street shall be designated street yards and shall carry with such designation the required building and use setbacks. On corner lots all yards not abutting a street shall be designated side yards as allowed in the district but in no case less than 10 feet in width.

SECTION 1.0500 -- OFF-STREET PARKING AND LOADING REQUIREMENTS

1.0510 Applicability

1.0511 New Development

The off-street parking and loading standards of this section shall apply to any new building constructed and to any new use established. However, within the C-1 General Commercial District, there shall be no minimum parking requirements in existing platted areas that are, or previously have been, in commercial use.

1.0512 Expansions and Alterations

The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded or enlarged. Additional off-street parking and loading spaces shall be required to serve only the enlarged or expanded area, provided that in all cases the number of off-street parking and loading spaces provided for the entire use (pre-existing + expansion) must equal at least 75 percent of the minimum ratio established in the Off-Street Parking Schedules of this section.

1.0513 Change of Use

Off-street parking and loading must be provided for any change of use or manner of operation that would, based on the Off-Street Parking and Loading Requirements, result in a requirement for more parking or loading spaces than the existing use.

1.0514 Off-Street Parking Requirements

Activity	Number of Spaces Required
Office or administrative area	1 per 300 square feet
Indoor sales area	1 per 200 square feet
Outdoor sales or display area (3,000 square feet or less)	1 per 750 square feet
Outdoor sales or display area (over 3,000 square feet) - Motor vehicles/equipment sales - Other sales/display	1 per 2,000 square feet 1 per 1,000 square feet
Indoor storage/warehousing/vehicle service/manufacturing area - 1 - 3,000 square feet - 3,001 - 5,000 square feet - 5,001 - 10,000 square feet - 10,001 square feet +	1 per 250 square feet 1 per 500 square feet 1 per 750 square feet 1 per 1,250 square feet

SECTION 1.0600--CONDITIONAL USES

Conditional uses and their accessory uses, because of their unique characteristics, cannot be properly classified as a permitted principal or accessory use in a particular zoning district. Conditional uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission in accordance with Sections 1.5000 of this Ordinance.

1.0601 PERMITS

The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and related structures are in accordance with the purpose and intent of this ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

1.0602 APPLICATION

Applications for conditional use permits shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator.

1.0603 REVIEW AND APPROVAL

The Plan Commission shall not review a proposed Conditional Use Permit unless the proposed conditional use has received approval from the Town of Rubicon Board.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulations, drainage, sewerage and water systems, and proposed operation, and prior to Plan Commission action shall hold a public hearing as set forth in Section 1.5000.

Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction, commencement and completion dates, sureties, lighting, fencing, planting, screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

1.0604 PLAN COMMISSION ACTION

Following a public hearing and after careful consideration the Plan Commission may grant the Conditional Use Permit as applied for, grant the Conditional Use Permit with conditions deemed appropriate by both the City of Hartford and the Town of Rubicon, or deny the permit. Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in Section 1.4000 of this ordinance.

1.0700--SIGNS AND GRAPHICS

INTENT AND PURPOSE

- a) The purposes of these regulations are to encourage the effective use of signs as a means of communications in the Town of Rubicon, Wisconsin within the extraterritorial jurisdiction of

the City of Hartford; to maintain and enhance the aesthetic environment; to minimize the possible adverse effect of signs on nearby public and private properties; and to enable the fair and consistent enforcement of these regulations. This section is adopted in furtherance of the more general purposes set forth in the zoning ordinance.

- b) All signs not expressly permitted under this ordinance or exempt from regulation hereunder are prohibited signs. Such prohibited signs include, but are not limited to:
- Animated Signs;
 - Beacons;
 - Electronic Changeable Copy Signs
 - Festoon lighting and other strings of lights except holiday lights bearing no commercial message;
 - Signs attached to or painted on vehicles and visible from the public right-of-way, unless said vehicle is operable and used in the normal day-to-day operation of the business.
- c) Building in Joint Occupancy or Multiple Use. When a building is occupied by a single occupant who engages in more than one activity within the building, or the building contains two or more activities engaged in by separate occupants, only one projecting graphic and only one ground graphic shall be allowed per building and must be assigned by the building owner or agent. The signable area for a wall graphic may be divided among the building occupants by the building owner or agent for the owner. All other graphic regulations for an individual zoning district as set forth in this Chapter shall apply in all cases of joint or multiple building use or occupancy.

1.0702 SIGNS PERMITTED IN INDIVIDUAL ZONING DISTRICTS WITHOUT A PERMIT

Certain signs are permitted as accessory uses in individual zoning districts without a permit as set forth in the individual district regulations. In addition, the following signs may also be permitted without permit:

- a) Memorial Signs, Tablets, Name of Building and Date of Erection Signs when cut into any masonry surface or when constructed of cast metal and affixed flat against a structure and not illuminated.
- b) Any Official Signs such as traffic control, parking restrictions, information and notices. On-site, private traffic and parking control signs not exceeding three (3) square feet each in area and not exceeding ten (10) cumulative square feet in area per property.
- c) Construction signs, identifying the architects, engineers, contractors and other individuals or firms involved with the construction, but not including the advertisement of any product announcing the character of the building enterprise, or the purpose for which the building is intended, up to a maximum area of thirty-two (32) square feet. The sign shall be confined to the site of the construction, and shall be removed within three (3) days after the beginning of the intended use of the project.
- d) Metal or masonry nameplates attached to a building and not exceeding four (4) square feet in sign area.

- e) Temporary Real Estate Signs pertaining to the lease or sale of any building, land, farm equipment or animals provided such signs do not exceed thirty-two (32) square feet in sign area and are located not less than twenty-five (25) feet from the right-of-way of any street or highway and upon the property so offered for sale or lease. Such signs shall be removed no later than ten (10) days after closing of the sale.
- f) Election Campaign Signs. Election campaign signs may be permitted in any district without a permit provided that permission shall be obtained from the property owner, renter, or lessee. Such signs in residential zoning districts shall not exceed four (4) square feet in sign area per sign nor more than a total of 20 square feet per individual property (ownership). Such signs in all other zoning districts shall not exceed four (4) square feet in sign area per sign nor more than a total of 32 square feet in sign area per individual property (ownership or lease). Such signs must be located on private property.
- g) Window Signs shall be placed only on the inside of glass windows and doors on business buildings and shall not exceed fifty (50) percent of the glass area of the window or door upon which the sign is displayed. Illuminated window signs shall not be used as night lights.
- h) Flags of the state, city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by a public elected legislative body. All United States flags must be flown in accordance with protocol established by the Congress of the United States. Any flag not meeting these conditions shall be considered a banner (or permanent sign) requiring a permit and shall be subject to regulation as such.

1.0703 SIGNS PERMITTED IN AGRICULTURAL ZONING DISTRICTS WITH A PERMIT

The following signs are permitted in Agricultural Zoning Districts upon the granting of a permit and subject to the following regulations:

- a) Name, Occupation or Organization Signs not to exceed ten (10) square feet in sign area, and not exceeding two (2) in number per farm or premises.
- b) Off-premise Directional Sales Signs as set forth in Section 1.0705.
- c) Flags, Temporary Banners, and Pennants as defined herein may be used for on or off premise public service announcements on a temporary basis but the use of such public service announcements by an individual establishment shall be limited to no more than six (6) occasions within a calendar period of ten (10) days constituting an occasion and with each such occasion being separated by a minimal twenty (20) days during which the flags, banners, and/or pennants are removed.

1.0704 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in residential districts upon the granting of a permit and subject to the following regulations:

- a) Occupation Signs not exceeding two (2) square feet in area and located on the building.

- b) Permanent Subdivision or Residential Complex Identification Signs shall be constructed of wood, metal and/or masonry; and, of a design which will be compatible with the landscape and shall state only the name of the subdivision or residential complex. Such signs and their location shall be reviewed and approved by the Zoning Administrator prior to issuance of a permit.
- c) Subdivision Lot Sales Signs relating to the sale of land in a newly developed subdivision not exceeding thirty-two (32) square feet in sign area; not more than one (1) per street frontage; located not less than ten (10) feet from the property line, and, removed no later than the date on which all lots in the subdivision have been sold at least once.

1.0705 SIGNS PERMITTED IN C-1, C-2, AND INST-1 DISTRICTS WITH A PERMIT

- a) Wall Signs shall not project more than fourteen (14) inches from the wall's surface; shall not exceed in sign area two (2) square feet for each linear one (1) foot of building (store) frontage facing an access street. Wall signs shall not cover windows, doorways or architectural detail.
- b) Projecting Signs fastened to, suspended from or supported by structures on business buildings shall not exceed 50 square feet in sign area, or 100 percent of the setback from the property line as expressed in square feet, whichever is larger, for any one premise; shall not extend more than six (6) feet into any required yard for the district; shall not extend into (and/or above) any public right-of-way; shall not be less than ten (10) feet from all side lot lines, or beyond the building wall, whichever is less; shall not exceed a height of twenty-five (25) feet above the adjacent centerline street grade and shall not be less than ten (10) feet above the sidewalk or fifteen (15) feet above the driveway or an alley; and, shall not be located within 150 feet from a ground sign.
- c) Ground Signs, shall not exceed thirty-five (35) feet in height; shall not be placed closer than five (5) feet to any property line; shall not exceed seventy-five (75) square feet in area; one such sign shall be permitted for each three hundred (300) feet of public street frontage to a maximum of three (3) such signs; there shall be a minimum of two hundred (200) feet between such signs.
- d) Off-Premise Directional/Sales Signs as defined herein, shall meet the requirements of the type of sign as set forth in this section; shall not exceed two (2) in number per business; shall indicate the business name, direction and distance to the specific business, as well as the principal merchandise sold; shall not exceed in sign area 25 square feet on one side of the street property line but may be increased in size one (1) square foot for one (1) foot the sign is set back from the street property line to a maximum of 50 square feet on one side; and, shall be placed no closer than 150 feet from another off-premise or ground sign.
- e) Flags, Temporary Banners, and Pennants as defined herein may be used for on-premise advertising purposes or off-premise public service announcements on a temporary basis, but the use of such devices by an establishment shall be limited to no more than six (6) occasions within a calendar year with a maximum of ten (10) days constituting an occasion and with each such occasion being separated by a minimum of twenty (20) days during which time the flags, banners, and/or pennants are removed.

- f) Flags, Seasonal Banners, and Pennants as defined herein may be used for advertising purposes on-premise on a temporary basis, but the use of such advertising devices by an individual business shall be limited to no more than six (6) occasions per year with a combined total of no more than 90 days per calendar year. When multiple banners are displayed concurrently, each banner shall be counted towards this maximum (i.e., two banners, 45 day maximum; 3 banners, 30 day maximum).

1.0706 SIGNS PERMITTED IN THE I-2 DISTRICT WITH A PERMIT

- a) Wall Signs shall not project more than fourteen (14) inches from the wall's surface; shall not exceed in sign area two (2) square feet for each linear one (1) foot of building (store) frontage facing an access street. Wall signs shall not cover windows, doorways or architectural detail.
- b) Ground Signs shall not exceed thirty-five (35) feet in height; shall not be placed closer than five (5) feet to any property line; shall not exceed fifty (50) square feet in area but may be increased in sign area one (1) square foot for each one (1) foot the sign is set back from the five (5) foot setback line to a maximum of one hundred (100) square feet; one such sign shall be permitted for each three hundred (300) feet of public street frontage to a maximum of three (3) such signs; there shall be a minimum of two hundred (200) feet between such signs.

1.0707 FACING OF SIGNS

No illuminated signs, except those permitted in residential zoning districts, shall be permitted to face a Residential Zoning District when within 100 feet of such district boundary and no sign-related illuminating device shall be directed toward residential parcels in a predominantly residential district.

1.0708 SIGN DESIGN AND ILLUMINATION

- a) Traffic and Public Safety. Private advertising or message signs shall not resemble Department of Transportation traffic regulation signs, devices, or lights. Signs shall not obstruct or be designed to interfere with the visibility of traffic, official traffic signs, devices, or lights. Signs shall not obstruct emergency, street or building access or violate building or other public safety codes. Exterior lights and illuminated signs shall not create glare or direct light onto adjacent properties nor shall they direct light onto public rights-of-way at intensities exceeding the intensity of public streetlights.
- b) Size of Letters. Sign lettering and numbering on Wall and Ground Signs, shall be a minimum of six inches in height.
- c) Restrictions on Changeable Copy Signs. The changeable copy portion of a ground sign shall not exceed 33% of the total area of the ground sign for all business, institutional, and industrial districts. Changeable Copy Wall signs shall be subject to district restrictions on wall sign area.

- d) Clocks. Signs or portions of signs that display only time and change appearance only to indicate changes in time shall not be considered animated, but are subject to all other district sign requirements.

SECTION 1.0800 NONCONFORMING USE OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING YARDS, AND CHARACTERISTICS OF USE

1.0801 APPLICABILITY

The regulations of this section govern uses, structures, lots, and other situations that came into existence legally, but that do not comply with one or more requirements of this Code.

1.0802 PURPOSE AND INTENT

It is the general policy of this Ordinance to allow uses, structures, and lots that came into existence legally — in conformance with then-applicable requirements—to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible. The regulations of this chapter are intended to: Recognize the interests of property owners in continuing to use their property; Promote reuse and rehabilitation of existing buildings; and Place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

1.0803 DETERMINATION OF NONCONFORMING STATUS

The burden of establishing that any nonconformity is a legal nonconformity shall in all cases be upon the owner of such nonconformity.

1.0804 REPAIRS AND MAINTENANCE

Incidental repairs and normal maintenance of nonconforming situations shall be allowed unless such repairs increase the extent of nonconformity or are otherwise expressly prohibited by this Code. For purposes of this section, “incidental repairs” shall mean repairs that are subordinate and minor in significance, and include painting, decorating, paneling, re-roofing or re-shingling a roof, replacing siding, replacement of doors, windows and other non-structural components and the maintenance, repair or replacement of existing private onsite wastewater treatment systems (POWTS) or water supply systems or connections to public utilities. Incidental repairs and normal maintenance repairs are not considered a modification or addition and are not considered an increase in the extent of the nonconformity; Incidental repairs and ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. Nothing in this section shall be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure shall not be considered an extension, modification or addition. The roof of a structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

1.0805 CHANGE OF TENANCY OR OWNERSHIP

The status of nonconformity is not affected by changes of tenancy, ownership, or management.

1.0806 EXISTING NONCONFORMING USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Code may be continued although the use does not conform with the provisions of this Code. However, only the portion of the land or water in actual use may be so continued, and the structure, land, water or area within which the use is contained may not be extended, enlarged, modified, added to, repaired, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order, so as to comply with the provisions of this Code, or in accord with Sec. 10.2.4.

1.0807 CHANGE TO CONFORMING USE

A nonconforming use may be changed to any use that is allowed in the zoning district in which it is located, subject to all standards and requirements applicable to the new use. Once a nonconforming use is converted to a conforming use it may not be changed back to a nonconforming use.

1.0808 EXPANSION

Existing nonconforming uses may not be expanded if the expansion would increase the degree of nonconformity.

1.0809 ABOLISHMENT OR REPLACEMENT

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

1.0810 DAMAGES OR DESTRUCTION OF STRUCTURE, LAND OR WATER WHICH CONTAINS A NONCONFORMING USE

Except as provided for in s.10.1.4, when any structure, land or water which contains a nonconforming use is damaged by fire, explosion, flood, public enemy, or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Code.

1.0811 TOTAL LIFETIME REPAIRS

Except as provided for in s. 10.1.4, the total lifetime structural repairs, modifications, additions or alterations of the structure, land or water which contains a nonconforming use shall not exceed 50 percent of the County's current assessed value of the structure, land or water which contains the nonconforming use unless the use of said structure, land or water is permanently changed to conform to the use provisions of this Code.

1.0812 EXISTING NONCONFORMING STRUCTURES

Lawfully nonconforming structures existing at the time of the adoption or amendment of this Code may be continued, although their size or location does not conform with the provisions of this Code.

1.0813 ADDITIONS AND ENLARGEMENTS

Additions and enlargements to existing nonconforming structures are allowed so long as they do not increase the extent of the nonconformity. Additions and enlargements shall conform to the required provisions of this Code. Additions and enlargements that comply with the size and location provisions of the Code do not increase the extent of the nonconforming structure.

1.0814 MOVEMENT

Existing nonconforming structures may be moved on site, provided that the new location does not increase the extent of the nonconformity. Nonconforming structures moved to another site must conform to the provisions of this Code.

1.0815 RECONSTRUCTION OF DAMAGED NONCONFORMING STRUCTURES

If a nonconforming structure is destroyed by any means to the extent of more than 50 percent of the assessed valuation of the structure at the time the damage occurred, the structure shall not be reconstructed except in compliance with all regulations applicable to the zoning district in which it is located. No repairs, replacement or reconstruction shall be undertaken unless commenced within one year of the date of the partial destruction and diligently carried on to its completion.

SECTION 1.1000--ADMINISTRATION

1.101 PLAN COMMISSION

The City of Hartford Plan Commission shall have the duties of making reports and recommendations relating to the planning and development of the extraterritorial zoning area to public officials, agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys related to the planning of the City's extraterritorial zoning area. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote planning of the City's extraterritorial zoning area.

Consultation. Anyone seeking approval of a conditional use permit, preliminary and/or final plat, Certified Survey Map, conceptual plat, site plan review, or a zoning change shall be entitled to one consultation with the City Planning and Engineering Staffs in exchange for fee requirements listed in Chapter 42 of the City of Hartford Municipal Code. For all subsequent consultations and City Staff professional preparation time, the petitioner shall pay a fee based upon hourly rates as determined in Chapter 42 of the City of Hartford Municipal Code. Immediately following the first consultation, City Staff shall prepare an estimate of the projected cost for additional Staff consultations and preparation of the Staff review of the petitioner's proposal for submittal to the Plan Commission. The petitioner shall, prior to the City Staff proceeding with consultation and review and prior to placement of the matter on an agenda, submit a certified check to the City Planner, which shall be placed in an escrow account, and drawn upon as appropriate. An accounting shall be provided to the petitioner when accessing said escrow account. Unless City Staff provides a certificate to the petitioner at the end of the first consultation attesting that all aspects of the development have been completely addressed to Staff's satisfaction and that Staff time preparing the matter for review shall be minimal, it is a rebuttable presumption that, without an escrow amount, any application forwarded to the Plan Commission and/or Common Council shall be subject to rejection as incomplete. If the petitioner believes that the amount to be escrowed or the amount drawn down by the City is excessive, he/she may appeal to the Common Council. Upon final approval of the petitioner's proposal by the Common Council, the City shall promptly return any unused escrowed amount without interest.

1.102 ZONING ADMINISTRATOR DESIGNATED

The Director of Planning and Zoning of the City of Hartford is hereby designated as the Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance through the issuance of citations. The Zoning Administrator shall further:

- a) Maintain Records of all permits issued, inspections made, work approved, and other official actions.
- b) Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.
- c) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of the ordinance to the owner, resident, agent or occupant of the premises, and issue citations or seek court orders for correction of violations.
- d) Assist the City Attorney in the prosecution of ordinance violations.
- e) Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If the Zoning Administrator is refused entry after presentation of identification, a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes may be requested.
- f) Prohibit the use or erection of any structure, land or water until the Zoning Administrator has inspected and approved such use or erection.
- g) Request Assistance and cooperation from the City Attorney as deemed necessary.

1.1103 ZONING PERMIT REQUIRED

No building shall be erected, moved, placed, altered, or enlarged, unless otherwise excepted by this ordinance, and no change in zoning in commercial and manufacturing districts; and no building hereafter erected, altered or moved shall be occupied; and no nonconforming use shall be maintained, renewed, changed or extended until a zoning permit shall have been issued by the Zoning Administrator. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this ordinance. Such permit shall be applied for at the time of zoning of any land and/or building. Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator.

1.1104 USES NOT REQUIRING A ZONING/OCCUPANCY PERMIT

No zoning/occupancy permit shall be required in any of the following instances:

- a) For erecting or placing an accessory building less than 100 square feet in area.
- b) For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use.

- c) For repairs (not including repairs to supporting members of the structure).

Any work not requiring a permit shall comply with the applicable setback, yard, height, and other requirements of this ordinance.

SECTION 1.2000--SITE, BUILDING, AND OPERATIONS PLAN REVIEW

1.2100 INTENT AND PURPOSE

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property value, no person shall commence any use or erect any structure, with the exception of one and two-family dwelling, without first obtaining the approval of the Plan Commission of detailed site, architectural and in the case of commercial, industrial or institutional uses, operational plans as set forth in this section. The Plan Commission shall review the site, existing and proposed structures, architecture, neighboring uses, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, landscaping, sewerage and water systems, as well as plans for proposed operation. Operation plans for use of an existing structure only require review and approval of the Zoning Administrator.

1.2200 COMPLIANCE

Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading traffic, and highway access shall be required of all conditional uses. Variances may only be granted as provided in Section 1.4000. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, plating screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

1.2300 PRINCIPLES

To implement and define criteria for the purposes set forth above, the following principles are established:

- a) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surrounding as to be unsightly or offensive to generally accepted taste and community standards.
- b) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- c) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- d) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty and aesthetics of the area, particularly insofar as it would adversely affect values incident to ownership of land in that

area; or which would unnecessarily have an adverse affect on the beauty and general enjoyment of existing structures on adjoining properties.

1.2400 ADMINISTRATION

Applications for Site Plan Review shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator.

a) Site plan data to be submitted with all plan review applications shall include the following:

- Existing topography shown at a contour interval not less than two (2) feet.
- Proposed changes in topography.
- The type, size, location and dimensions of all structures including fences and walls.
- Location and number of parking, loading, and storage areas.
- Primary building materials used in construction of all structures.
- Height of building(s).
- Location of existing and proposed sanitary sewers, storm sewers, and water mains (including size).
- Location of existing or proposed storm water detention/retention areas.
- Location of proposed solid waste (refuse) storage area.
- Location of pedestrian sidewalks and walkways.
- Existing and proposed public right-of-way widths.
- Existing and proposed street names.
- Location, type, height, and intensity of proposed lighting.
- Location of existing trees and extent, and type of proposed plantings.
- Stormwater management plans.
- Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.

b) Operations plan data to be submitted for Plan Commission or staff review with all plan review applications shall include at least the following:

- Specific use of site and building(s).
- Hours of operations.
- Number of full and part time employees.
- Estimate of daily truck and auto trips to the site.
- Type of materials and equipment to be stored on site.
- Method of handling solid and liquid waste disposal (This requirement shall not apply to general agricultural animal operations).
- Method of exterior maintenance (site and buildings).
- Method of site and building security other than local police.
- Copies of all special use permits issued by state or county services.
- Any other information which will assist the Plan Commission in making a determination and recommendation of the proposal.

c) All landscape plans must be completed by a landscape architect or nursery person and shall contain:

- North Arrow and Scale.

- Topographic information and final grading adequate to identify areas needing slope protection.
- Location, size and surface materials of all structures and parking areas.
- The location, type, size, quantity and botanical name of all proposed landscape materials, drawn to reflect mature sizes.
- The location, size and common name of all existing plant materials to be retained, drawn to reflect mature sizes.

1.2500 REVIEW AND FINDINGS

Plan data which is required for Plan Commission review or staff review shall be submitted to the Zoning Administrator not less than twenty (20) business days prior to a meeting of the Plan Commission where consideration is requested. The Plan Commission shall not review any plans unless they have previously been approved by the Town of Rubicon Board.

The Plan Commission shall not approve any plans unless they find by a preponderance of the evidence after viewing the application that the structure, as planned, will not violate the intent and purpose of this ordinance. The Plan Commission will approve said plans only after determining that the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

1.2600 APPEALS

Any applicant or property owner directly adjacent to the property in question aggrieved by any decisions of the Plan Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the City Clerk within 30 days after filing of the decision with the Zoning Administrator.

SECTION 1.3000--CHANGES AND AMENDMENTS

1.3001 AUTHORITY

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Common Council may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this ordinance or amendments thereto. Such Change or Amendment shall be subject to the prior review and recommendation of the Plan Commission and the Town of Rubicon Town Board.

1.3002 INITIATION

A change or amendment of either this ordinance or to the district map boundaries may be initiated by the City of Hartford Common Council, the City of Hartford Plan Commission, The Town of Rubicon Town Board, or by a petition of one (1) or more of the owners of property within the area proposed to be changed in zoning classification.

1.3003 PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk, describing the premises to be rezoned or the regulations to be amended,

listing the reasons justifying the petition, and specifying the proposed use and have attached the following:

- a) Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its locations, and dimensions.
- b) Additional Information required by the City of Hartford Plan Commission, the City of Hartford Common Council, Town of Rubicon Town Board, Director of Planning and Zoning, or Zoning Administrator.

1.3004 RECOMMENDATIONS

The Plan Commission shall review all proposed changes and amendments within the City's extraterritorial zoning area and shall recommend that the petition be granted as requested, modified, or denied. In addition, the Town of Rubicon Town Board shall review all proposed changes and amendments within the City's extraterritorial zoning area and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to and within 60 days of the meeting at which the petition is first submitted to the Common Council and the recommendation shall be made in written form to the Common Council.

1.3005 HEARINGS

The Common Council shall hold a public hearing upon each petition after recommendation by the Plan Commission and the Town of Rubicon Town Board, and shall give notice of such hearings as specified in Section 1.5000 of this ordinance.

1.3006 COMMON COUNCIL'S ACTION

Following public hearing and after careful consideration of the Plan Commission's recommendations, the Common Council shall within 30 days from the date of the public hearing, approve or deny the request or petition for the proposed change or amendment. If the Plan Commission's recommendation is to deny the proposed request or petition, such request or petition may only be approved by the favorable vote of three-fourths (3/4) of the members of the Council present.

In addition, the Common Council shall not approve any request or petition for the proposed change or amendment that has not received a favorable recommendation from the Town of Rubicon Town Board.

1.3007 PROTEST

In case of a protest against such amendment, duly signed and acknowledged by the owners of 20% or more either of the area of the land included in such proposed amendment, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the Common Council voting on the proposed change.

SECTION 1.4000—ZONING BOARD OF APPEAL

1.4001 ESTABLISHMENT

There is hereby established an Extraterritorial Zoning Board of Appeals for the Town of Rubicon, Wisconsin within the extraterritorial jurisdiction of the City of Hartford for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

1.4002 MEMBERSHIP

The Extraterritorial Zoning Board of Appeals shall consist of the five (5) members of the existing Zoning Board of Appeals for the City of Hartford.

- a) Terms shall be for three year periods, and staggered to ensure continuity.
- b) The Chairman shall be designated by the Mayor.
- c) Two Alternate Members shall be appointed by the Mayor for a term of three (3) years and shall act only when a regular member is absent or declines to vote because of conflict of interest.
- d) The Secretary shall be the City Clerk but shall not be a voting member.
- e) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board but shall not be a voting member.
- f) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- g) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

1.4003 ORGANIZATIONS

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this ordinance and Chapter 62.23 of the Wisconsin State Statutes. Specifically:

- a) Meetings shall be held at the call of the chairman and shall be open to the public.
- b) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the Office of the Board and shall be of public record.
- c) The Concurring Vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

1.4004 POWERS

The Zoning Board of Appeals shall have the following powers:

- a) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Director of Planning and Zoning or Zoning Administrator.
- b) Variances. To hear and grant appeals for variances which are not contrary to the public interest but where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this ordinance shall be observed and the public, safety, welfare and justice secured. Land use variances shall not be granted.
- c) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
- d) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- e) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- f) Assistance. The Board may request assistance from other officers, departments, commissions, and boards of the City of Hartford or Town of Rubicon.
- g) Oaths. The chairman may administer oaths and compel the attendance of witnesses.

1.4005 APPEALS AND APPLICATIONS

Appeals from the decision of the Director of Planning and Zoning or Zoning Administrator concerning the literal enforcement of this ordinance may be made by any person aggrieved, or by any officer, department, board or bureau of the City. Such appeals shall be filed with the secretary within 30 days after the date or written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- a) Name and Address of the appellant or applicants.
- b) Plat of Survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 1.1103 for a zoning permit.
- c) Additional Information required by the Plan Commission, Zoning Board of Appeals, City Engineer, Director of Planning and Zoning, or Zoning Administrator.

1.4006 HEARINGS

The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Section 1.5000 of this ordinance. At the hearing the appellant or applicant may appear in person or may be represented by agent or attorney.

1.4007 FINDINGS

No variance to the provisions of this ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- a) Preservation of Intent. No variance shall be granted that is not consistent with the spirit, purpose and intent of the regulations for the district in which it is requested.
- b) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances of conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- c) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of the same substantial property rights possessed by other properties in the same district and same vicinity.
- d) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.
- e) Hardship:
 - 1) Dimensional Variance. Hardship; Dimensional Variance. In the case of a dimensional variance request, compliance with the code requirement from which the variance is requested would unreasonably prevent the property owner from using his or her property for a permitted purpose or would otherwise be unnecessarily burdensome.
 - 2) Use Variance. The alleged difficulty or hardship is not self-imposed, nor is it based solely on economic grounds.
- f) Conditions of Approval. Conditions of approval may be imposed by the board to prevent or minimize adverse impacts upon the public and to ensure compatibility of land uses and consistency with the purposes and intent of this chapter. Conditions of approval may include, but shall not be limited to: limitations on size, bulk and location; standards for landscaping, buffering and lighting; limitations on emissions of odors, dust, smoke, refuse matter, vibration, noise and other factors affecting the comfort, enjoyment, health or safety of residents, workers or visitors in the surrounding area; adequate ingress and egress; and other on-site improvements.

1.4008 DECISION

The Zoning Board of Appeals should decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and the Plan Commission. In addition:

- a) Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- b) Applicants Receiving Variances in Floodlands shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums and risk to life or property may result from the granting of the variance. The Board shall keep a record of the notification in its files.

1.4009 REVIEWS BY COURT OF RECORD

Any applicant or property owner directly adjacent to the property in question aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

SECTION 1.5000—PUBLIC HEARINGS

Notice of any public hearing which the Common Council, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this ordinance shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in an official City Newspaper at least once each week for two (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. The City Clerk shall also give at least ten (10) days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed action. In addition, the owners of property located within 200 feet of the proposed amendment or change to the Zoning District map boundaries shall be given written notice of such hearing(s) at least ten (10) days prior to the date of the hearing.

SECTION 1.6000—DEFINITIONS

1.6100 WORD CONSTRUCTION

1.6101 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “for example,” “including,” and “such as,” or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

1.6102 Technical and Nontechnical Terms

Words and phrases not otherwise defined in this Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Code that may have acquired a peculiar meaning in law shall be construed and understood according to such meaning.

1.6103 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Hartford, unless otherwise indicated.

1.6104 Mandatory and Discretionary Terms

The words “shall,” “will,” and “must,” are always mandatory. The words “may” and “should” are discretionary terms.

1.6105 Conjunctions

1.6105-A “and” indicates that all connected items, conditions, provisions or events apply; and

1.6105-B “or” indicates that one or more of the connected items, conditions, provisions or events apply.

1.6106 Tenses and Plurals

Words used in the past, present, or future tense include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

1.6107 Gender

The masculine shall include the feminine.

1.6200 TERMS DEFINED

Accessory Use or Structure

A use or detached structure subordinate to the principal use of structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the permitted principal use or the permitted principal structure.

Adult Entertainment

Any business engaged in the sale or display of books, videos, and other materials of a pornographic nature offensive to a significant segment of the population. Includes live performances and movie theater showings of a pornographic nature. Also includes gambling and wagering facilities. The provisions of this definition do not apply to the following establishments: theaters, performing art centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is not distinguished by an emphasis on, or the advertising or promotion of employees engaging in nude or semi-nude exotic dancing.

Advertising Street Signs or Graphics

Signs or graphics which direct attention to a business, commodity, service, not exclusively related to the premises at which the street sign or graphic is located, or to a business, commodity or service which is conducted, sold or offered elsewhere than on the premises at which the street sign or graphic is located. Advertising street signs and graphics include advertising structures and/or billboards.

Aggrieved Person

One whose application for a permit is denied, one whose permit is revoked, and in some instances, taxpayers. An adjacent property owner is not an aggrieved person unless they are suffering some specific ascertainable damages or is specifically injured by the actions of this neighbor.

Agricultural Services

Any business involved in agricultural chemical sales and services, dairy equipment sales, feed mills, grain elevators, fertilizer production and distribution, large animal veterinary services, and hay bailing, planting, and harvesting.

Airport

Any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft.

Alley

A public way affording only secondary access to abutting properties and not intended for general traffic circulation.

Animal Confinement Facilities

Any livestock or poultry operation with 500 or more animal units that are used in the production of food, fiber, or other animal products or that will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

Animal Hospitals and Shelters

Establishments where small animals receive medical and surgical treatment or where animals are confined while awaiting placement. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming of animals is included if incidental to the use.

Animal Unit

Animal Unit has the following meaning that was given in s. NR 243.03 (3) Wisconsin Administrative Code as of April 27, 2004: "Animal Unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, Wisconsin Administrative Code, which are fed, confined, maintained or stabled in an animal feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Animal Unit Calculation Table		
Number Equivalent to 1,000 Animal Units		
Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
Dairy Cattle:		
700	Milking and Dry Cows	1.4
910	Heifers (800 to 1200 lbs)	1.1
1670	Heifers (400 to 800 lbs)	0.6
5000	Calves (under 400 lbs)	0.2
Beef Cattle:		
1000	Steers or Cows (600 lbs to Mkt.)	1.0
2000	Calves (under 600 lbs)	0.5
700	Bulls	1.4
Swine:		
2500	Pigs (55lbs to Mkt.)	0.4
10000	Pigs (up to 55 lbs)	0.1
2500	Sows	0.4
2000	Boars	0.5
Sheep:		
10000	Per Animal	0.1
Horses:		
500	Per Animal	2.0
Ducks:		
5000	Per Bird (Wet Lot)	0.2
100000	Per Bird (Dry Lot)	0.01
Chickens:		
100000	Layers	0.01
200000	Broilers	0.005
100000	Broilers (continuous over flow watering)	0.01
30000	Layers or Broilers (Liquid Manure System)	0.033
Turkeys:		
55000	Per Bird	0.018
Combined Animal Units:		
1000	Calculated Total	

Animated Graphic

Any graphic that uses movement or change of lighting to depict action or create a special effect of scene.

Antenna

Any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes and omni-directional antennas, such as whip antennas.

Application for Site Plan

The application form and all accompanying documents required by ordinance for approval of a site plan.

Architectural Detail

Any projection, relief, change of material, window or door opening which was in the original design of the building.

Arterial Street

A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and public highways shall include freeways and expressways as well as arterial streets, highways, and parkways with access control, channelized intersections, and restricted parking.

Banner, Permanent

Any Sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at two or more edges.

Banner, Seasonal

An elongated fabric sign usually used for seasonal display (not more than ninety (90) days) for the special announcement of a common event.

Banner, Temporary

An elongated fabric sign usually used for temporary display (not more than ten (10) days) for the special announcement of a common event.

Basic Utilities

Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have employees at the site. This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, water, sewage, communication signals, or other similar services on a local level. Services may be public or privately provided. Examples include utility facilities that are necessary to support legally established uses and involve only minor structures such as electrical distribution lines, switch boxes, transformer boxes, cap banks, underground water, sewer lines, and storm sewer pipes and lift stations, natural gas distribution systems and television cables. Accessory uses may include control, monitoring, data, or transmission equipment.

Beacon

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoned lot as the light source; also, any light with one or more beams that rotate or move.

Building

See **Structure**

Building Area

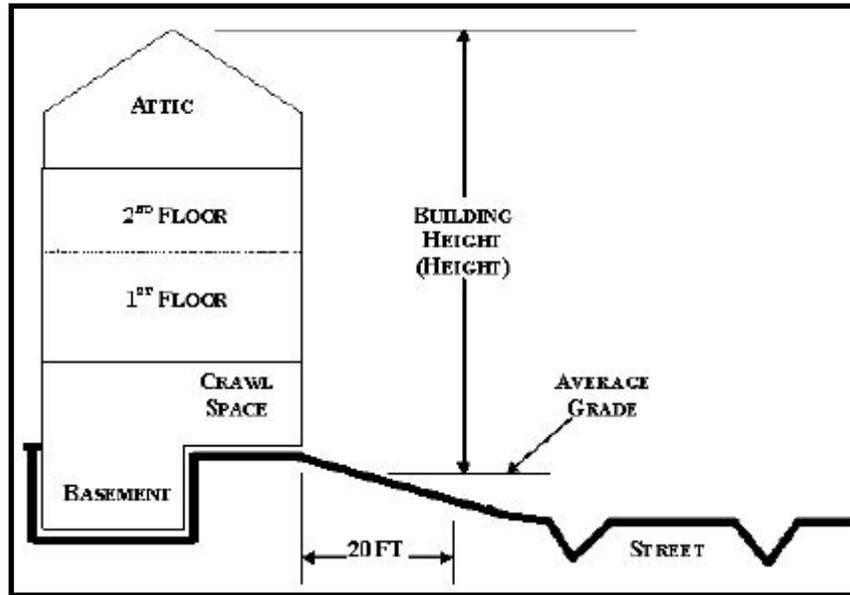
The total area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.

Building Coverage

The portion of a site covered by the principal and accessory buildings and structures, as measured from the outside of the building or structure at ground level. Expressed as a percentage of total site area.

Building Height

The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure along the street yard face of the structure to the highest point of the roof. On corner lots, the building height shall be enforced along both street yards.



Building Setback Line

A line parallel to a lot line and at a distance from the lot line to comply with the setback and yard requirements of this Code.

Carport

A structure or part thereof which is not wholly enclosed and is used for the parking or storage of vehicles.

Center Line

A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.

Commercial Message

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Community

A Town, Village, City, or group of adjacent Towns, Villages, or Cities having common social, economic or physical interests.

Conditional Uses

Uses of land or water which may have some characteristics which may be incompatible with adjacent uses which make their pre-determination as a principal use in a district impractical, but which may be allowed by a zoning ordinance on a case-by-case basis provided certain conditions stated in the Code are met.

Conventional Television or Radio Antenna

Any antenna other than a Satellite Television Antenna that is located outside of a principal or accessory building.

Corner Lot

A lot abutting two (2) or more streets or roads at their intersection or upon two (2) parts of the same street or road forming an interior angle of less than 135 degrees.

Cultural Institution

Cultural Institutions are public or nonprofit institutions displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences. Examples include libraries, museums, art galleries, and performing arts centers.

Deck

An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

Density

Number of dwelling units per acre allowable under the requirements of the district regulations.

Detached Accessory Structure

An accessory structure that is not connected to the principal structure by a common roof, wall, or floor.

Development

Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

Directional Street Graphics

An on-premises sign designed to guide or direct pedestrian or vehicular traffic, including parking lot directional graphics.

Direction Street Graphics, Off-Premises

An off-premises directional street graphic which indicates traffic movement, the route and distance to a point of scenic, historic, cultural or religious interest, or to a public building, at a specified location.

Drainage System

One or more artificial ditches, tile drains, or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Driveway

A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Dwelling

A detached building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, or tents.

Dwelling, Multi-Family

A dwelling containing three (3) or more dwelling units.

Dwelling, Single-Family

A dwelling containing one dwelling unit.

Dwelling, Two-Family

A dwelling containing two (2) dwelling units.

Dwelling Unit

One or more rooms, which are arranged, designed or used as living quarters for a family.

Efficiency Apartment

A dwelling unit having no specific bedroom but providing for a kitchen area, a dining area, sleeping area, and a bedroom.

Electric Street Signs or Graphics

Any street signs or graphic containing electrical wiring, material, or devices.

Entertainment and Recreation Businesses

Any business or operation that provides entertainment or recreational services including, but not limited to, legitimate theaters, video stores, campgrounds, golf courses, or sports facilities. Excludes adult entertainment.

Essential Services

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

Façade

The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

Family

A single person or group of persons who are related by blood, marriage, adoption or affinity and live together in a stable family relationship.

Fence

A structure which is used as a boundary or means of protection or confinement and which is made of manufactured material or natural growth.

Fence, Decorative

A fence constructed of high quality wood, stone, brick, or similar material. Corrugated metal, sheet metal, plywood, corrugated fiberglass, wire mesh and chain link shall not be considered decorative for purposes of this ordinance.

Fence, Semi-Open

A fence typically constructed to allow visual access and light penetration into a site. Examples include picket, wood lattice, and split rail fences. Board-on-board fences shall not be considered semi-open for purposes of this ordinance. Openings must be a minimum of two (2) inches wide and spaced at intervals not exceeding a 2:1 opaque-to-opening ratio (when viewed perpendicularly to the plane of the fence) excluding fence supports shall be considered semi-open for purposes of this ordinance. An opaque fence or portion of a fence three feet or less in height shall be considered semi-open for purposes of this ordinance.

Festoon Lighting

A group of two or more incandescent light bulbs hung or strung overhead, not on a building or structure, which are exposed to persons on a right-of-way, or which are not shaded or hooded to prevent the direct rays of light being visible from the property line and announcements.

Flag

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.

Flashing Street Sign or Graphic

A street sign or graphic, any part of which varies with time in brightness or color. Any graphic possessing visible moving parts shall be considered a flashing street sign or graphic.

Flood Insurance Rate Map (FIRM)

A map of a community on which the Federal Insurance Administration has delineated both special flood hazard area (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood Insurance Study Map

A map prepared by the U.S. Department of Housing and Urban Development, designating areas of special flood hazard and flood insurance rate zones for a given community. Flood hazards and insurance rate zones are designated as A-Zones. Said maps form the basis for the regulatory and/or the insurance aspects of the National Flood Insurance Programs.

Flood, or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of island waters,
- The rapid accumulation or runoff of surface waters from any source,
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a sever storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood Frequency

The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (1%) chance of occurring in any given year.

Floodfringe

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

Flood Hazard Boundary Map

A map designating approximately flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood Insurance Study

A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodlands

Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100 year recurrence interval flood or, where such data are not available, the maximum flood of record.

Floodplain

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

Floodplain Island

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

Floodplain Management

Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Flood Profile

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

Floodproofing

Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation

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

Flood Storage

Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway

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

Food and Beverage Store

Any business involved in the sale of food and beverages in a consumable form and for the direct consumption by the consumer. Includes fruit and vegetable markets.

Fraternalities and Lodges

Any structure used for the meeting place of a private club, group, or organization including sportsmen's clubs, private meeting halls, social clubs, and religious clubs.

Freeboard

A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Frontage

The smallest dimension of a lot abutting a public street measures along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the ordinary high water mark.

Fur Farm

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

Garage, Private Attached

A fully enclosed portion of the principal dwelling designed and used for the storage of vehicles and household equipment incidental to the residential occupancy of the attached dwelling, and attached by a common wall that is a minimum of forty percent (40%) of the length of the garage wall. Attached garages are considered a part of the principal structure for the purpose of determining setbacks.

Garage, Private Detached

A fully enclosed structure designed and used for the storage of vehicles and household equipment incidental to the residential occupancy on the same lot.

Garage, Public or Commercial

Any garage other than a private residential garage.

Garage Wall

The total width bounded by the exterior walls of a garage that contains the garage doors. Alternately, the total width bounded by the exterior walls of a garage where less than 15% of the exterior wall width is windows. Windows used to meet this standard must allow views from the building to the street. Glass block windows and garage door windows do not count towards meeting this requirement.

General Farming

General farming shall include dairying, egg production, livestock raising and grazing, poultry raising, beekeeping, floriculture, truck farming, forest and game management, grazing, orchards, raising of grain and grasses, seed production, raising of fruits, nuts and berries; vineyards, sod farming and vegetable raising. General farming shall not include Animal Confinement Facilities or farms operated for the purposes of disposal of sewage, rubbish or offal, fur farms, stock farms, or poultry farms.

The Zoning Administrator shall have the authority to assign unspecified livestock and poultry raising operations to the most appropriate animal or poultry category listed in the Animal Unit definition in order to determine its inclusion or exclusion as General Farming or Animal Confinement Facility.

General Farming shall not be considered the intended use of property unless a 10 or more acre parcel exists or is proposed and the owner earned not less than \$6,000 in gross farm profits in the previous year or not less than \$18,000 during the preceding three years. The amount of money received from the rental of agricultural land shall not be included as farm profit. Unless otherwise prohibited by district or general provisions regulations of this Code, existing parcels of less than 10 acres may be used for General Farming purposes.

Golf Course

Any parcel, area, or tract of land that is designed, maintained, intended, or used for the purpose of playing, or practicing the game of golf where a ball is driven with special clubs into a hole over an area with natural or artificial features and obstacles and which may include clubhouses, shelters, maintenance buildings, and storage facilities.

Ground Graphic

A street graphic supported by one or more uprights, poles, or braces placed in or upon the ground; or a street graphic supported by any structure erected primarily for the display or support of the street graphic.

Group Living Facility

Any residential facility where care and maintenance above the level of room and board, but not including nursing care, are provided in the residence to unrelated persons and the residence is the primary dwelling for the person being served.

Habitable Structure

Any structure or portion thereof used or designed for human habitation.

Height

Overall height of the top of a structure, or the top of any object of natural growth; when referring to a tower or other similar structure, the distance measured from ground level to the highest point on the tower or other similar structure, even if said highest point is an antenna.

High Flood Damage Potential

Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic Structure

Any structure that is:

- Listed nationally in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.

Home Occupation

An activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

Hotel

A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

Household

A domestic establishment including the members of a family and others who live in the same dwelling unit. See Family definition.

Identification Street Sign or Graphic

A sign which contains no advertising but is limited to the name, address, and number of a building, institution, or person and to the activity in the building or institution or the occupation of the person.

Illuminated Street Sign or Graphic

A graphic illuminated internally or externally and so shielded that no direct illumination from it is visible except upon the graphic.

Incidental Signs

A sign generally informational, that has a purpose secondary to the use of the zoned lot on which it is located such as “no parking”, “entrance”, “loading only”, “Telephone”, and other similar directives. No sign with a commercial message legible from a position off the zoned lot on which the sign is located shall be considered incidental.

Increase in Regional Flood Height

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

Junk or Salvage Yard

A parcel of land upon which wastes or used or secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials shall include, but not limited to scrap iron and other metals, paper, rage, rubber tires, vehicles, equipment, and bottles.

Kennel

The use of land, with related buildings or structures, for the breeding, rearing, grooming, training, selling, or boarding of more than four (4) dogs or other domesticated animals.

Landscaping Businesses

Commercial sale of plants and related lawn and garden materials that normally would include decorative structures and materials, packaged fertilizer, decorative stone, and related materials. Exceptions include tree and plant nurseries and greenhouses devoted primarily to raising plants rather than on-site retail sales are classified as horticulture.

Lot

A contiguous and continuous quantity of land in possession of, owned by, or recorded as property of the same claimant, person, persons, or company and having frontage on a public street, occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other space provisions of this Code. For zoning and subdivision purposes, tax parcel identification numbers shall not be used in defining a lot. No land dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this ordinance.

Lot or Property Line, Front (or Street)

The lot line describing the edge of the lot abutting the street right-of-way to which the lot has access and to which it is orientated for purposes of development. On a lot only one street shall be considered as a front line.

Lot or Property Line, Rear

A lot line, not a front or street lot line, which is parallel or approximately parallel to the front lot line. Where no lot line is within 45 degrees of being parallel to the front lot line, a line 10 feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

Lot or Property Line, Side

Any lot line other than a front (street) or rear lot line.

Lot Area

The area contained within the exterior boundaries of a lot excluding public streets and land under navigable bodies of water.

Lot, Corner

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot Coverage

That portion of a lot occupied by principal and accessory buildings and decks, but excluding at grade patios, walks, and driveways.

Lot Depth

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

Lot Width

The width of a parcel of land measured at the setback line.

Lumberyards and Building Supplies

This classification includes lumberyards and retailing, wholesaling, or rental of building supplies and equipment. This classification includes tool and equipment sales or rental establishments. Establishments may have indoor or outdoor storage areas. Examples include building supply yards and lumberyards. Exceptions include Establishments exclusively devoted to retail sales of paint and hardware are classified as Retail Sales and Services

Manufactured Home

A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle”.

Minor Structure

Any small, moveable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, flag poles, arbors, or walls and fences under four (4) feet in height.

Mobile Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two (2) or more mobile home sites for rent or sale for which the construction of facilities for servicing the site on which the site or which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed.

Mobile Recreational Vehicle

A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of “mobile recreational vehicles”.

Nonconforming Structure

Any structure lawfully used, occupied, or erected at the time of the effective date of this Code or amendments conforming in respect to use but not in respect to frontage, width height, area, yard, parking, loading, or distance requirements.

Nonconforming Use

Any land or water, lawfully used, occupied, or erected at the time of the effective date of this Code or amendments thereto, which does not conform to the regulations of this Code or amendments thereto.

Obstruction to Flow

Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Off-Street Parking Space

A parking space provided in a parking lot, parking structure, or private driveway.

On-Street Parking Space

A parking space located on a dedicated street right-of-way.

Ordinary Highwater Mark

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

Outdoor Storage Area

The place where materials, merchandise, vehicles, or equipment are stored in an unroofed area. The primary use of the property shall not be considered an outdoor storage area if the storage area is accessory to a principal structure located on the same lot.

Parapet

The portion of a wall that extends above the roofline.

Parcel

See **Lot** definition

Parking Lot

A structure or premises containing five (5) or more marked parking space. Such spaces may be for rent or a fee.

Parking Lot Regulation Sign or Graphic

A sign or graphic designating the conditions of use or identity of a parking area.

Parking Space, On-Street

A parking space that is located on a dedicated street right-of-way, or on the cartway of a private street.

Pedestrian Walkway

A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle.

Pennants

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permanent Window Street Sign or Graphic

A sign or graphic which is displayed in the window of a building other than a temporary sign.

Person

Any individual, group of individuals, firm, partnership, corporation, company, association, joint stock association, body politic, municipality, or state agency and includes any trustee, receiver, assignee, or other similar representative thereof.

Power Distribution System

Overhead and underground utility facilities including telephone, electrical, gas, cable television, and similar poles, lines, pipes, and necessary appurtenant equipment and structures used to serve only the immediate primary uses within the appropriate zoning district. Does not include high capacity power transmission facilities that do not directly serve the immediate primary area.

Power Generation and Transmission

Generating plants, electrical substations, aboveground electrical transmission lines, switching buildings, transportation or communication utilities, and similar facilities of commercial or public utilities. A structure that may have a significant effect on surrounding uses shall be regulated under this classification. Examples include windmills, major utility transmission lines and pipelines, including 115kV or larger electrical transmission lines, and gas compressor and transfer stations.

Power Transmission System

Utility facilities including high voltage electrical transmission lines and cables, substations, gas pipelines and necessary appurtenant equipment and structures either overhead or underground that do not directly serve the immediate primary use of the appropriate zoning district.

Preliminary Plat

A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

Private Sewage System

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

Professional Home Offices

Residence of clergyman, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions where the office does not exceed 20 percent of the area of only one (1) floor of the

residence; only one (1) nonresident persons is employed; and, where such use does not generate additional vehicular traffic to the immediate area of the residence.

Project Signs

A sign or graphic which identifies a construction project or development. Project signs are intended for temporary identification only when construction is in progress.

Projecting Graphics

Any sign affixed to a building or wall in such a manner that its leading edge extends more than fourteen (14) inches beyond the surface of such building or wall.

Public Utilities

Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Real Estate Street Sign or Graphic

A street sign or graphic pertaining to the sale, lease, or rental of the property upon which it is located.

Recreation and Entertainment, Indoor (except Adult)

Indoor Recreation and Entertainment Businesses provide indoor entertainment activities for consumers. Examples include bowling alleys, ice rinks, game arcades, pool halls, dance halls, indoor firing ranges, theaters, health clubs, gyms, membership clubs, and lodges. Exceptions include casinos and other gambling, gaming, and wagering establishments are classified as Adult Entertainment.

Retail Sales and Service

Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public. Examples include stores selling, leasing, or renting consumer, home and business goods such as art, art supplies, bicycles, cameras, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, indoor plants, printed material, stationery and videos; wineries; and auction services. Exceptions include the sale of animals is classified as Animal Sales and Service, the sale of food or beverages for consumption on the premises is classified as Eating and Drinking Establishments, the sale of food or beverages for consumption off premises is classified as Food and Beverage Sales, the sale of outdoor plantings and related accessory items is classified as Landscaping Businesses, lumber yards and other building material sales that sell to contractors as well as retail customers are classified as Lumberyards and Building Supplies, sales, rental, or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, recreational vehicles, and heavy trucks and equipment or manufactured housing units are classified as Vehicles and Equipment.

Right-of-way

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use.

Safety Services

Safety Services are uses that protect public safety and emergency response services. They often need to be located in or near the area where the service is provided. Employees are regularly

present on-site. Examples include fire stations, police stations, and emergency medical and ambulance stations.

Satellite Television Antenna

A dish-shaped antenna, three (3) square feet or larger, capable of receiving television broadcasts relayed by microwave signals from earth orbiting satellites.

Setback Lines

Lines established along road right-of-ways and waterbodies at specified at specified distances from the centerline, encroachment line, or right-of-way line, which prohibited buildings or structures within the setback area between the setback line and the road right-of-way or waterbody encroachment line.

Side Yard

A yard extending from the street yard to the rear of the lot, the width of which shall be the minimum horizontal distance between the nearest point of the principal structure and the property line.

Sidewalk (area)

A paved path provided for pedestrian use and usually located at the side of a road within the right-of-way.

Sign, Animated

Any sign that uses movement or changes of lighting to depict action, create a special effect or scene, the movement of text, or flashing more than once per half hour. Signs or portions of signs used as clocks displaying only time and change appearance only to indicate changes in time shall not be considered animated signs for purposes of this ordinance.

Sign Area

The area of any sign or graphic shall be determined an imaginary square or rectangular envelope so as to completely enclose the largest single display surface on the sign face excluding the support structure and architectural features. In the case of a graphic, with more than one exterior surface containing items and information, the area computed shall include only the largest surface which is visible from any one side or position.

Sign, Changeable Copy

Any sign or portion thereof with permanent background but with characters, letters, or illustrations that can be altered or rearranged either by mechanical, manual, or electronic means and which does not change appearance or message more than once per half hour.

Sign/Graphic

Any object, device display, or structure, or part thereof which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination, or projected images. The term "sign" includes but is not limited to every projecting sign, ground sign, pole sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, flashing sign, animated sign, temporary sign, portable sign, pennants, banners, streamers, or any other attention getting device, or other display whether fixed to a building or separate from any building.

Signable Area

The designated area of the façade of the building which is free of windows and door or major architectural detail on which street signs or graphics may be displayed.

Site Plan

An accurately scaled development plan that illustrates the existing conditions on a land parcel as well as depicting details of a proposed development.

Solar Detriment Areas, Horizontal

The area adjacent to a structure upon which has been constructed or placed an operational active solar system and which is inscribed by drawing a line 200 feet long from the easternmost corner (or side) of the structure at an angle of 15 degrees east of south measured at the point of beginning; then drawing a second line from the northernmost corner (or side) of the structure 200 feet due west, thence 200 feet due south, and thence east to an intersection with the end of the first line drawn. Such inscribed area shall include that part or portion of the roof surface(s) which slope to the southeast, south, southwest or west. Structures built above a certain height within this area may block sunlight during critical times of the day from radiating on the solar energy collectors.

Solar Detriment Area, Vertical

The area above a plane which extends outward from a structure over the entire horizontal area of solar detriment of such structure from a horizontal line on the structure measured ten (10) feet from the ground level at the southernmost corner (or side) of the structure and extended outward to the limits of the horizontal area of solar detriment and at an angle of 20 degrees above the horizontal measured from a point on or at the structure. Structures or plantings protruding above this plane may detrimentally block sunlight from the solar energy collectors or an operational active solar system.

Storage Shed

An accessory structure used exclusively for the storage of equipment incidental to a principal structure or use.

Street Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards.

Streets

A public right-of-way generally not less than 40 feet wide providing primary access to abutting properties.

Structure

Any mechanical erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

Subdivision

The division of a lot, outlot, parcel, or tract of land by the owner thereof, or his/her agent for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites initially or by successive division within a period of 5 years, whether done by the original owner or a successor owner.

Substantial Damage

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Substantial Improvement

Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvements or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include:

- Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which existed before the improvement began, was identified by a City official and are necessary to assure safe living conditions.
- Any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as a historical structure.
- Ordinary maintenance repairs or modifications including internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Swimming Pool

Any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent which is either above or below the ground in which water of more than 24 inches in depth is contained and which is used primarily for the purpose of bathing and swimming.

Temporary Street Graphic

Any street graphic, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, for use for a limited period of time.

Temporary Use

A use or building permitted by the Plan Commission to exist during periods of construction of the main building or use, or for special events.

Terrace, Open

A level and rather narrow plane, or platform, which for the purpose of this ordinance is located adjacent to one or more faces of the main structure, and which is constructed not more than two (2) feet in height above the average level of the adjoining ground.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower Site

The area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with said tower.

Trip

A single or one-way vehicle movement to or from a property or study area. “Trips” can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Unnecessary Hardship

When unique and extreme conditions affecting a particular property, which were not self-created or solely related to economic gain or loss, have made strict conformity with provisions of the Code governing dimensional standards such as areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Code. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

Utility Companies

Offices and/or equipment storage buildings for privately owned businesses for such utilities as telephones, natural or propane gas, cable, or electrical service. This classification includes propane gas distributors.

Utilities

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power and substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Variance

An authorization granted by the Board of Appeals to construct, alter, or use a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit a use of a property otherwise prohibited by the Ordinance or allow construction not protected to the flood protection elevation.

Vehicle Sales Facility

Any land upon which 2 or more vehicles (automobiles, trucks, vans, trailers, recreational vehicles, or others) are offered for sale for more than 30 days.

Vehicle Salvage and Storage Yard

Any land upon which 2 or more inoperable or unlicensed automobiles are stored for more than 30 days.

Wall Graphic

Any street graphic attached to, erected against, or painted on a wall of a building or structure with the exposed face of the street graphic in a place approximately parallel to the plane of said wall and not projecting more than fourteen (14) inches.

Window Graphic

Any sign, pictures, symbols, or combination thereof, designed to communicate information about an activity, business commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.